

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment)
of ARM 44.6.201 and)
adoption of new rules) NOTICE OF AMENDMENT
regarding Uniform Commercial) AND ADOPTION
Code filings (UCC))

TO: All Concerned Persons

1. On March 28, 2002, the Secretary of State published notice of the proposed amendment of ARM 44.6.201 and adoption of new rules at page 898 of the 2002 Montana Administrative Register, issue number 6.

2. The Secretary of State has amended ARM 44.6.201 as proposed, and adopted new rules I and II (44.6.202 and 44.6.203) with the following changes:

RULE I (44.6.202) EFFECTIVE DATE AND TIME (1) and (2) same as proposed.

AUTH: Sec. ~~30-9-539~~ 30-9A-526, MCA
IMP: Sec. ~~30-9-539~~ 30-9A-519, MCA

RULE II (44.6.203) REQUIREMENTS FOR FILING UCC AMENDMENTS (1) through (2) same as proposed.

AUTH: Sec. ~~30-9-546~~ 30-9A-526, MCA
IMP: Sec. ~~30-9-539~~ 30-9A-519, MCA

3. Two comments were received.

COMMENT 1: The first comment was from Christopher Herriges that items received via postal delivery to the Secretary of State should not get preference over hand-delivered items that are received before mailed items.

RESPONSE: Items delivered by mail are collected at central mail at 6:00 a.m. on the day after they are received. They are then transferred to the Secretary of State and given a stamp of 8:00 a.m. of the day they are received by the Secretary of State. This is one day after the Helena Post Office has received them. An item that is hand-delivered will get the date and time stamp of receipt by the Secretary of State. Given the way the mail is delivered to the Secretary of State, items delivered by the postal service will not get a date and time preference over items hand-delivered to the Secretary of State.

COMMENT 2: The second comment was received from Legislative Services recommending that for the two new rules 30-9A-526, MCA should be the cite for authority and 30-9A-519, MCA should be the cite for implementation.

RESPONSE: This comment has been incorporated into the final rules.

/s/ Bob Brown
BOB BROWN
Secretary of State

/s/ Janice Doggett
JANICE DOGGETT
Rule Reviewer

Dated this 30th day of May, 2002