

PENDING FEE RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
Senate State Affairs Committee
63rd Idaho Legislature
Second Regular Session



Prepared by:

*Office of the Administrative Rules Coordinator
Department of Administration*

January 2016

SENATE STATE AFFAIRS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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IDAPA 34 - SECRETARY OF STATE

34.05.01 - RULES GOVERNING FARM PRODUCTS CENTRAL FILING SYSTEM

DOCKET NO. 34-0501-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 67-903(9), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee rule and a statement of any change between the text of the proposed rule and the text of the pending fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 237 - 244](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-910, Idaho Code.

The fees for PML subscriptions were set in 1986. Upon review of the changes in technology and the cost to produce the various PMLs, it became apparent that a fee reduction is in order. To simplify the fee schedule for both the customer and the state, the changes create a flat fee that is lower than all previous fees. No new fees are being imposed, and there are no fee increases. The reduced flat fee for internet download of PML subscriptions will be \$30, \$40 for CD-ROM, and \$200 for a hard-copy paper version. These fees are imposed pursuant to Section 67-910, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Jeff Harvey at (208) 332-2849.

DATED this 24th day of September, 2015.

Jeff Harvey
UCC Supervisor
Office of Secretary of State
700 W. Jefferson St., Rm. E205
P. O. Box 83720
Boise, ID 83720-0080
Phone: (208) 332-2849
Facsimile: (208) 334-2847

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is August 6, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-903(9), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The fees for PML subscriptions were set in 1986. Upon review of the changes in technology and the cost to produce the various PMLs, it became apparent that a fee reduction is in order. To simplify the fee schedule for both the customer and the state, the changes create a flat fee that is lower than all previous fees. Secondly, the changes add County Code 00 -- All Idaho Counties.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Adopting the temporary rule will allow the Secretary of State to begin the fee change at the start of the fiscal year. Furthermore, the reduced fees are beneficial to the public.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No new fees are being imposed, and there are no fee increases.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact of the fee change is less than \$10,000.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jeff Harvey at (208) 332-2849.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 4th Day of August, 2015.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 34-0501-1501

200. COLLATERAL INFORMATION CODES.

Codes are used to describe farm product collateral on the Farm Products Financing Statements and amendments, on the master list maintained by the SOS, and on the PMLs distributed to registered buyers, commission merchants, and selling agents. Assignment of farm product codes and PML Groupings, county codes, and farm product unit codes shall be done by the SOS. The SOS will provide a list of the established codes upon request. (3-29-12)

01. PML Groupings and Farm Product Codes. The table of PML Groupings, farm products, and their codes is as follows:

PML No.	PML Grouping	FP Code	FP Name
01	Wheat and Buckwheat	010	Wheat
		011	Buckwheat
02	Feed and Oil Grains	020	Barley
		021	Rye (including Triticale)
		022	Oats
		023	Sorghum Grain
		024	Flaxseed
		025	Safflower
		026	Rape (including Canola)
		027	Field Corn
		028	Millet
03	Hay	030	Hay
04	Ensilage	040	Ensilage
05	Potatoes	050	Potatoes
06	Sugar Beets	060	Sugar Beets
07	Dry Beans	070	Dry Beans
08	Dry Peas, Lentils and Garbanzos	080	Dry Peas

PML No.	PML Grouping	FP Code	FP Name
		081	Lentils
		082	Garbanzos (Chick Peas)
09	Sweet Corn	090	Sweet Corn
10	Onions and Garlic	100	Onions
		101	Onion Seed
		102	Garlic
11	Mint	110	Mint
12	Hops	120	Hops
13	Popcorn & Sunflower Seeds	130	Popcorn
		131	Sunflower Seeds
14	Soybeans	140	Soybeans
15	Rice	150	Rice
16	Seeds	160	Grass for Seed
		161	Alfalfa for Seed
		162	Other Hay Legumes for Seed
		163	Garden Vegetables and Flower Seeds
		164	Seed Potatoes
		165	Row Crops for Seed
17	Vegetables & Melons	170	Green Peas
		171	Tomatoes
		172	Lettuce
		173	Cucumbers
		174	Broccoli
		175	Cauliflower
		176	Lima Beans

PML No.	PML Grouping	FP Code	FP Name
		177	Green Beans
		178	Melons
		179	Carrots
		180	Turnips
		181	Asparagus
		182	Spinach and Collards
		183	Pumpkins and Squash
		184	Radishes
		185	Peppers
		186	Herbs
19	Fruits	190	Apples
		191	Apricots
		192	Cherries
		193	Nectarines
		194	Peaches
		195	Pears
		196	Plums
20	Berries	200	Strawberries
		201	Raspberries
21	Nursery Products	210	Sod
		211	Nursery Stock (Trees and Shrubs)
		212	Christmas Trees
		213	Flowers and Potted Plants
22	Mushrooms	220	Mushrooms
23	Grapes	230	Grapes
50	Beef Animals	500	Beef Cattle and Calves
		501	Beefalo
		502	Bison

PML No.	PML Grouping	FP Code	FP Name
51	Sheep, Wool	510	Sheep and Lambs Goats and Llamas
		511	Wool
		512	Goats
		513	Llamas
52	Hogs	520	Hogs
53	Dairy	530	Dairy Cattle
		531	Milk
54	Equines	540	Horses
		541	Mules
		542	Donkeys and Burros
55	Chickens and Eggs	550	Chickens
		551	Eggs
56	Other Fowl	560	Turkeys
		561	Ducks
		562	Geese
		563	Game Birds
		564	Ostriches, Emus, and Rheas
57	Mink, Rabbits and Fox	570	Mink and Pelts
		571	Rabbits
		572	Fox and Pelts
58	Apiary Products	580	Bees
		581	Honey
		582	Bees Wax
59	Fish and Other Aquaculture	590	Fish and Other Aquaculture

PML No.	PML Grouping	FP Code	FP Name
60	Big Game Animals (Deer and Elk)	600	Big Game Animals (Deer and Elk)
61	Worms	610	Worms
62	Semen	620	Cattle Semen
		621	Horse Semen

(3-29-12)

02. County Codes. The table of county codes is as follows. Unless otherwise indicated, counties are in Idaho.

00	All Idaho Counties				
01	Ada	16	Cassia	31	Lewis
02	Adams	17	Clark	32	Lincoln
03	Bannock	18	Clearwater	33	Madison
04	Bear Lake	19	Custer	34	Minidoka
05	Benewah	20	Elmore	35	Nez Perce
06	Bingham	21	Franklin	36	Oneida
07	Blaine	22	Fremont	37	Owyhee
08	Boise	23	Gem	38	Payette
09	Bonner	24	Gooding	39	Power
10	Bonneville	25	Idaho	40	Shoshone
11	Boundary	26	Jefferson	41	Teton
12	Butte	27	Jerome	42	Twin Falls
13	Camas	28	Kootenai	43	Valley
14	Canyon	29	Latah	44	Washington
15	Caribou	30	Lemhi	45	Asotin, Wa.
				46	Garfield, Wa.
				47	Pend Orielle, Wa.
				48	Spokane, Wa.
				49	Whitman, Wa.
				50	Malheur, Or.
				51	Elko, Nv.
				52	Box Elder, Ut.
				53	Cache, Ut.
				54	Rich, Ut.
				55	Lincoln, Wv.
				56	Teton, Wv.
				57	Beaverhead, Mt.
				58	Lincoln, Mt.
				59	Sanders, Mt.
				99	Not in Table

(3-29-12)()

03. Unit Codes. The table for codes for units used to indicate the amount of a FP covered is as follows:

A - acres	G - gallons	T - tons
B - bushels	H - head	V - hives
C - hundred weight	L - pounds	W - lugs
E - cases	N - bins	X - boxes
F - flats	S - sacks	Z - stubs

(3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

303. FEES.

01. Farm Products Financing Statement. Farm Products Financing Statement and changes thereto (UCC-1F, UCC-2F and UCC-3F). (4-7-11)

a. The fee for filing either a UCC-1F or a UCC-3F is provided in IDAPA 34.05.06, “Administrative Rules Governing Lien Filings Under the UCC - Farm Product Liens,” Section 606. (4-7-11)

b. There is no charge for filing a complete termination of a Farm Products Financing Statement. (4-7-11)

02. Registration of Buyers, Commission Merchants, and Selling Agents. (4-7-11)

a. The fee for the annual registration of each buyer, commission merchant, or selling agent is thirty dollars (\$30). (4-7-11)

b. The registration fee must be paid at the time of registration. (7-1-93)

c. There is no fee for filing notice of a registrant’s change of name or address. (7-1-93)

03. Subscription to PMLs by Buyers, Commission Merchants, and Selling Agents. (4-7-11)

a. The fee for subscribing ~~for each to one (1) PML is determined by the size of the PML. For the purpose of computing the fee, each PML Grouping is placed into a fee category based on the highest number of items on the PML during the prior calendar for one (1) year. In December of each year the SOS will publish an index of the PML Groupings in each fee category to be used for the new year. Those fee categories are as follow~~ is:

<i>Category</i>	<i>No. of items on PML</i>
X	More than 7500
A	2501 – 7500
B	1001 – 2500
C	101 – 1000
D	26 – 100
E	0 – 25

<u>Internet Download (DL)</u>	<u>CD-ROM (CD)</u>	<u>Paper</u>
<u>\$30</u>	<u>\$40</u>	<u>\$200</u>

~~(4-7-11)~~ ()

b. ~~The fees for each fee category are as follows:~~ New subscriptions purchased at any time after the beginning of a registration period will be prorated to the current or next fiscal quarter, such that the end of the new subscription coincides with the end of the customer's registration period.

Fee Category

<i>Configuration of PML</i>	<i>Period</i>	<i>X</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
<i>All Counties, Electronic Media</i>	<i>Quarter</i>	<i>\$25</i>	<i>\$23</i>	<i>\$15</i>	<i>\$13</i>	<i>\$13</i>	<i>\$13</i>
	<i>Annual</i>	<i>\$100</i>	<i>\$90</i>	<i>\$60</i>	<i>\$50</i>	<i>\$50</i>	<i>\$50</i>
<i>All Counties, Paper</i>	<i>Quarter</i>	<i>\$330</i>	<i>\$261</i>	<i>\$95</i>	<i>\$45</i>	<i>\$18</i>	<i>\$13</i>
	<i>Annual</i>	<i>\$1,320</i>	<i>\$1,040</i>	<i>\$380</i>	<i>\$180</i>	<i>\$703</i>	<i>\$50</i>

~~(4-7-11)~~ ()

c. The subscription fee must be paid at the time the subscription is made. (4-7-11)

04. Ad Hoc Lists. (7-1-93)

a. The fee for generating an ad hoc list as provided in Section 301 of these rules, is thirty-five dollars (\$35) per hour for programming and analysis and eighty-five dollars (\$85) per hour of computer time required to produce the list. In addition thereto, there is a fee of one dollar (\$1) per printed page of the list so generated. (4-7-11)

b. The fee for the generation of the list must be paid prior to or upon receipt of the list. (7-1-93)

05. Fees for Requests for Information. The fees for requests for information on Farm Products Financing Statements, both written and verbal, and for copies of Farm Products Financing Statements reported on the certificate, are provided in IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees." (4-7-11)