

Dear Senators McKENZIE, Pearce & Stennett, and  
Representatives LOERTSCHER, Anderson & Mary Lou Shepherd:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Office of the Secretary of State:

- I. IDAPA 34.01.01 – Rules of the Secretary of State – Fees for Automated Data Retrieval – FEE RULE (Docket No. 34-0101-1001) (Chapter Repeal);
- II. IDAPA 34.01.02 – Rules of the Secretary of State – Rules Governing Facsimile Services and Fees – FEE RULE (Docket No. 34-0102-1001) (Chapter Repeal);
- III. IDAPA 34.01.03 – Rules of the Secretary of State – Rules Governing the Public Access Information System (PAIS) – FEE RULE (Docket No. 34-0103-1001) (Chapter Repeal);
- IV. IDAPA 34.01.04 – Rules of the Secretary of State – Rules Governing the Electronic Bulletin Board Service – FEE RULE (Docket No. 34-0104- 1001) (Chapter Repeal);
- V. IDAPA 34.05.04 – Rules of the Secretary of State – Rules Governing Public Access to UCC Files – FEE RULE (Docket No. 34-0504-1001) (Chapter Repeal).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the co-chairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10-21-10. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11-19-10.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX number indicated on the memorandum attached.



# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

Jeff Youtz  
Director

## MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee

FROM: Research & Legislation Staff - Eric Milstead **EBM**

DATE: October 1, 2010

SUBJECT: Rules of the Secretary of State

The Office of the Secretary of State submits notice of the following proposed rules:

I. IDAPA 34.01.01 – Rules of the Secretary of State -- Fees for Automated Data Retrieval – FEE RULE (Docket No. 34-0101-1001) (Chapter Repeal)

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.01.01 - Rules of the Secretary of State -- Fees for Automated Data Retrieval. The proposed rule repeals Title 34, Chapter 01, of the administrative rules which relate to ad hoc reports and associated fees imposed on such reports. The agency notes that the services, to which the chapter applies, including related fees, have become obsolete.

The agency states that negotiated rulemaking was not conducted because the chapter is being repealed due to the rules being obsolete. Also, the agency states that no fiscal impact is anticipated from repealing the current provisions providing for fees because the rules are obsolete.

The proposed rule appears to be authorized pursuant to Sections 67-9039, Idaho Code.

II. IDAPA 34.01.02 – Rules of the Secretary of State – Rules Governing Facsimile Services and Fees – FEE RULE (Docket No. 34-0102-1001) (Chapter Repeal)

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.01.02 - Rules Governing Facsimile Services and Fees. The proposed rule repeals Title 34, Chapter 02, of the administrative rules which govern facsimile services and associated fees. The agency notes that the services, to which the chapter applies, including related fees, have become obsolete and, consequently, the proposed rule repeals the chapter, including the provision for fees.

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Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

Don H. Berg, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The agency states that negotiated rulemaking was not conducted because the chapter is being repealed due to the rules being obsolete. The agency also notes that the fiscal impact is likely to be minimal as the fees imposed by the current rule are only charged sporadically.

The proposed rule appears to be authorized pursuant to Sections 67-9039, Idaho Code.

III. IDAPA 34.01.03 – Rules of the Secretary of State – Rules Governing the Public Access Information System (PAIS) – FEE RULE (Docket No. 34-0103-1001) (Chapter Repeal)

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.01.03 - Rules Governing the Public Access Information System (PAIS). Consistent with the two dockets discussed above, the proposed rule repeals Title 34, Chapter 03, of the administrative rules which govern the PAIS and associated fees. The agency notes that the services, to which the chapter applies, including related fees, have become obsolete and, consequently, the proposed rule repeals the chapter including the provision for fees.

The agency states that negotiated rulemaking was not conducted because the chapter is being repealed due to the rules being obsolete. The agency also notes that no fiscal impact is expected as the PAIS system has not been used in many years.

The proposed rule appears to be authorized pursuant to Sections 67-9039, Idaho Code.

IV. IDAPA 34.01.04 – Rules of the Secretary of State – Rules Governing the Electronic Bulletin Board Service – FEE RULE (Docket No. 34-0104- 1001) (Chapter Repeal)

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.01.04 - Rules Governing the Electronic Bulletin Board Service. This is another docket in which the agency's proposed rule repeals an entire chapter. In this docket, the proposed rule repeals Title 34, Chapter 4 of the administrative rules. Consistent with the other proposed rules discussed above, the agency notes that the services, to which Title 34, Chapter 4 applies, including the related fees, have become obsolete.

The agency states that negotiated rulemaking was not conducted because the chapter is being repealed due to the rules being obsolete. The agency also notes that no fiscal impact is expected because the Electronic Bulletin Board has not been used in many years.

The proposed rule appears to be authorized pursuant to Sections 67-9039, Idaho Code.

V. IDAPA 34.05.04 – Rules of the Secretary of State – Rules Governing Public Access to UCC Files – FEE RULE (Docket No. 34-0504-1001) (Chapter Repeal)

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.05.04 - Rules Governing Public Access to UCC Files. Consistent with the other dockets discussed above, the proposed rule repeals an entire chapter of rules. In this docket the proposed rule repeals Title 34, Chapter 04 of the administrative rules which govern public access to UCC files and associated fees. The agency notes that the services, to which the chapter applies, including related fees, have become obsolete and, consequently, the proposed rule repeals the chapter, including the provision for fees.

The agency states that negotiated rulemaking was not conducted because the chapter is being repealed due to the rules being obsolete. The agency also notes that no fiscal impact is expected because the fees that are being repealed have not been charged in many years.

The proposed rule appears to be authorized pursuant to Sections 67-9039, Idaho Code.

cc: Office of the Secretary of State  
Jeff Harvey, UCC Supervisor

**IDAPA 34 - SECRETARY OF STATE**  
**34.01.01 - FEES FOR AUTOMATED DATA RETRIEVAL**  
**DOCKET NO. 34-0101-1001 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. 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 October 20, 2010.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Secretary of State's Office wishes to repeal this chapter of administrative rules, as the services to which this chapter applies, and the subsequent fees have become obsolete. Ad hoc reports and fees are also referenced in IDAPA 34.05.01, making these rules redundant.

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

**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 resulting from this rulemaking:

No fiscal impact is expected as a result of this repeal, as these rules have become obsolete.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the chapter is being repealed because the rules are obsolete.

**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: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August 2010.

Jeff Harvey, UCC Supervisor  
Office of the Secretary of State  
450 N. 4<sup>th</sup> St.  
P. O. Box 83720  
Boise, ID 83720-0080  
Phone: (208) 332-2849  
Facsimile: (208)334-2847

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**IDAPA 34.01.01 IS BEING REPEALED IN ITS ENTIRETY**

## **IDAPA 34 - SECRETARY OF STATE**

### **34.01.02 - RULES GOVERNING FACSIMILE SERVICES AND FEES**

#### **DOCKET NO. 34-0102-1001 (CHAPTER REPEAL)**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. 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 October 20, 2010.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Secretary of State's Office wishes to repeal this chapter of administrative rules, as the services to which this chapter applies, and the subsequent fees have become obsolete.

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

**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 resulting from this rulemaking:

Minimal fiscal impact is expected, as these fees are only charged sporadically.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the chapter is being repealed because the rules are obsolete.

**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: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August 2010.

Jeff Harvey, UCC Supervisor  
Office of the Secretary of State  
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**IDAPA 34.01.02 IS BEING REPEALED IN ITS ENTIRETY**

## **IDAPA 34 - SECRETARY OF STATE**

### **34.01.03 - RULES GOVERNING THE PUBLIC ACCESS INFORMATION SYSTEM (PAIS)**

#### **DOCKET NO. 34-0103-1001 (CHAPTER REPEAL)**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. 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 October 20, 2010.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Secretary of State's Office wishes to repeal this chapter of administrative rules, as the services to which this chapter applies, and the subsequent fees have become obsolete.

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

**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 resulting from this rulemaking:

No fiscal impact is expected as the PAIS system has not been used in many years.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the chapter is being repealed because the rules are obsolete.

**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: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

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**IDAPA 34.01.03 IS BEING REPEALED IN ITS ENTIRETY**

## **IDAPA 34 - SECRETARY OF STATE**

### **34.01.04 - RULES GOVERNING THE ELECTRONIC BULLETIN BOARD SERVICE**

#### **DOCKET NO. 34-0104-1001 (CHAPTER REPEAL)**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. 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 October 20, 2010.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Secretary of State's Office wishes to repeal this chapter of administrative rules, as the services to which this chapter applies, and the subsequent fees have become obsolete.

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

**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 resulting from this rulemaking:

No fiscal impact is expected as the Electronic Bulletin Board Service has not been used in many years.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the chapter is being repealed because the rules are obsolete.

**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: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

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**IDAPA 34.01.04 IS BEING REPEALED IN ITS ENTIRETY**



**IDAPA 34 - SECRETARY OF STATE**  
**34.05.04 - RULES GOVERNING PUBLIC ACCESS TO UCC FILES**  
**DOCKET NO. 34-0504-1001 (CHAPTER REPEAL)**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. 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 October 20, 2010.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Secretary of State's Office wishes to repeal this chapter of administrative rules, as the services to which this chapter applies, and the subsequent fees have become obsolete. The majority of this chapter addresses internal management issues. The fees referenced in this chapter have not been enforced, nor charged for many years.

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

**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 resulting from this rulemaking:

No fiscal impact is expected, as the fees referenced in this chapter have not been charged in many years.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the chapter is being repealed because the rules are obsolete.

**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: N/A

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

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**IDAPA 34.05.04 IS BEING REPEALED IN ITS ENTIRETY**