

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 Secretary of State:

IDAPA 34.05.01 – Secretary of State–Rules Governing Farm Products Central Filing System (Docket No. 34-0501-1001);

IDAPA 34.05.02 – Secretary of State–Rules Governing Liens in Crops, for Seed, and Farm Labor (Docket No. 34-0502-1001).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen 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 9-15-10. 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 10-13-10.

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: August 26, 2010

SUBJECT: Secretary of State

I. IDAPA 34.05.01 – Secretary of State--Rules Governing Farm Products Central Filing System (Docket No. 34-0501-1001)

The Office of the Secretary of State submits notice of proposed rulemaking at IDAPA 34.05.01 – Rules Governing Farm Products Central Filing System. The proposed rule reflects the Office of the Secretary of State's decision to no longer request social security numbers and/or tax identification numbers on certain records. Instead, the Office will use a unique identifier number (Rule 020). The Office notes that it has requested an amendment to its central filing status with the United States Department of Agriculture to allow for the use of a unique identifier numbering system in lieu of the use of social security numbers or tax identification numbers. (NOTE: As of the date of this memo, the Office of the Secretary of State is awaiting formal approval from the USDA regarding this proposed change. However, the Office indicates that it expects approval of its requested amendment from the USDA in the near future.)

In addition to reflecting the aforementioned change, the proposed rule also updates certain standard information, e.g., office hours, mailing addresses, etc.; provides for renumbering of certain rules, e.g., Rule 004 has been renumbered to Rule 010; and deletes obsolete language.

The Office of the Secretary of State notes that negotiated rulemaking was not conducted because of the noncontroversial nature of providing for a unique identifier numbering system.

The proposed rule appears to be authorized pursuant to Sections 67-903 9., Idaho Code.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

II. IDAPA 34.05.02 – Secretary of State--Rules Governing Liens in Crops, for Seed, and Farm Labor (Docket No. 34-0502-1001)

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.05.02 – Rules Governing Liens in Crops, for Seed, and Farm Labor (Docket No. 34-0502-1001). The Office of the Secretary explains that the proposed rule updates the current rule for the first time in 17 years. The proposed changes revise provisions relating to: requirements for notice of claim of liens (Rule 100); amendment, assignment, extension and release of claim of liens (Rule (101); and the registration and subscription for list of liens (Rule 200). The proposed rule also updates provisions regarding office hours, mailing address, certain definitions, incorporation of various statutes by reference, and deletes obsolete language, i.e., references to microfiche.

The proposed rule appears to be authorized pursuant to Sections 67-903 9., Idaho Code.

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

IDAPA 34 - SECRETARY OF STATE

34.05.01 - RULES GOVERNING FARM PRODUCTS CENTRAL FILING SYSTEM

DOCKET NO. 34-0501-1001

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 September 15, 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:

In the interest of personal privacy, the Office of the Secretary of State will no longer request social security numbers and tax identification numbers on effective financing statements. To this end, the Office of the Secretary of State has requested amendment to its central filing status with the USDA to allow for the use of a unique identifier numbering system. The proposed changes include the new rules regarding the unique identifier system, update old information, and make corrections to previous errors.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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:

The fees that have been removed from Paragraph 303.03.b. are for services that, due to technological improvements over the last 20 years, are no longer requested or provided. There will be no expected fiscal impact on the state general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the noncontroversial nature of providing for a unique identifier numbering system.

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 September 22, 2010.

DATED this 28th day of July 2010.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 34-0501-1001

000. LEGAL AUTHORITY ~~AND REFERENCES.~~

In accordance with Sections 67-903(9), 28-9-523(g), and 28-9-524, Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office of the Secretary of State. This authority includes rules to implement and maintain the USDA certified Idaho Central Filing System, in accordance with P.L. 99-198, Section 1324 of the Federal Food Security Act (1985) and Title 9, CFR Part 205 (2010). ()

~~01. Public Law. P.L. 99-198, Section 1324. (7-1-93)~~

~~02. CFR. Title 9, C.F.R., Part 205 (1986). (7-1-93)~~

~~03. Sessions Laws. Session Laws 1986, Chapter 338. (7-1-93)~~

~~04. Idaho Code. Title 67, chapter 52, Idaho Code. (7-1-93)~~

~~05. USDA. USDA certification of the Idaho Central Filing System, and all amendments thereto. The certification and amendments are available for inspection and copying in the office of the Secretary of State. Copies will be provided on request. (7-1-93)~~

~~06. Rules of the Secretary of State. IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC 4 -- Fees," Office of the Secretary of State. (7-1-93)~~

~~001. -- 003. (RESERVED).~~

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.05.01, "Rules Governing Farm Products Central Filing System," IDAPA 34, Title 05, Chapter 01. ()

02. Scope. These rules shall govern the requirements for the filing of Farm Products Financing Statements, for the filing of amendments to Farm Products Financing Statements, and for the compilation and distribution of a master list of Farm Products Financing Statements, and portions of the master list. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, documents relating to the interpretation of these rules, or to the documentation of compliance with the rules of this chapter, are available for public inspection and copying at the Office of the Secretary of State. ()

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal. ()

Codified Section 004 has been moved and renumbered to proposed Section 010

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business for the Office of the Secretary of State is located at 700 W. Jefferson, Room E205, Boise, Idaho 83720-0080. The Commercial Division is located at 450 N. 4th Street, Boise, Idaho 83720-0080. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except for legal holidays. The mailing address for the office is P. O. Box 83720, Boise, Idaho 83720-0080. The telephone number for the office is (208) 334-2300. The telephone number for lien inquiries is (208) 334-3191. The facsimile number for the office is (208) 334-2847. The office's website address is <http://www.sos.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

007. -- 009. (RESERVED).

Codified Section 004 has been moved and renumbered to proposed Section 010

00410. DEFINITIONS AND ABBREVIATIONS.

The definitions set forth in Section 28-9-102, Idaho Code, apply with full force and effect to all provisions and sections of these rules. Where terms used in this rule are not explicitly or completely defined herein, definitions and usage of terms from the *references* Legal Authority in Section 000 of these rules are applicable. (7-1-93)()

- 051. Crop Year.** (7-1-93)
- a. For a plant or plant product, the calendar year in which it is harvested or to be harvested. (7-1-93)
 - b. For mammals, the calendar year in which they are born or acquired. (7-1-93)
 - c. For bees and worms, the calendar year in which they are alive in adult form. (7-1-93)
 - d. For poultry and the products of mammals, poultry, and bees (i.e., milk, eggs, and honey), the calendar year in which they are sold or to be sold. (7-1-93)()
 - e. For fish and other aquaculture, the calendar year in which they are harvested or to be harvested. (7-1-93)
- ~~012. **EF** Farm Products Financing Statement.~~ *An effective financing statement relating to covering farm products.* (7-1-93)()
- ~~02. **FP.** A farm product produced in the state of Idaho.~~ (7-1-93)
- ~~03. **SSN.** Social security account number of an individual debtor listed on EFS.~~ (7-1-93)
- ~~04. **TIN.** The IRS taxpayer identification number assigned to a business entity debtor other than an individual.~~ (7-1-93)
- ~~103. **Item on a ML Master List or PML Portion of a Master List.** An entry on a ML master list or PML portion of a master list relating to one (1) EF Farm Products Financing Statement and one (1) debtor listed thereon; *there will be a separate item for each debtor name on an EFS; items on a PML will be numbered sequentially.* (7-1-93)()~~
- 094. PML Grouping.** That related group of FP's farm products which will appear on one (1) PML. (7-1-93)()
- ~~06. **SP.** A secured party indicated on an EFS.~~ (7-1-93)
- ~~07. **ML.** Master list of EFS's compiled by the Secretary of State.~~ (7-1-93)
- ~~08. **PML.** A portion of the master list which covers EFS's relating to a particular FP or group of FP's.~~ (7-1-93)
- ~~10. **CS.** A cumulative supplement to a PML which contains all additions to, changes to, and deletions from the PML which have been filed since the most recent publication of the complete PML.~~ (7-1-93)
- ~~12. **CM.** Commission merchant.~~ (7-1-93)

- ~~13.~~ ~~SA. Selling agent.~~ (7-1-93)
- ~~14.~~ ~~SOS. Secretary of State.~~ (7-1-93)
- ~~15.~~ ~~Debtor. For purposes of this rule, the term "debtor" shall mean any person subjecting a farm product to a security interest, whether or not such person is an actual debtor.~~ (7-1-93)
- ~~16.~~ ~~USDA. The United States Department of Agriculture.~~ (7-1-93)
- ~~005. -- 010.~~ ~~(RESERVED).~~

Codified Sections 011 through 021 have been moved and renumbered to proposed Sections 100 through 303, respectively.

011. ABBREVIATIONS.

Where abbreviations used in these rules are not explicitly or completely defined herein, definitions and usage of abbreviations from the Legal Authority in Section 000 of these rules are applicable. ()

01. CS. A cumulative supplement to a PML which contains all additions to, changes to, and deletions from the PML which have been filed since the most recent publication of the complete PML. ()

02. PML. A portion of the master list, which covers Farm Products Financing Statements relating to a particular farm product or group of farm products. ()

03. SOS. Idaho Secretary of State. ()

04. USDA. United States Department of Agriculture. ()

012. -- 019. (RESERVED).

020. UNIQUE IDENTIFIER NUMBER (UIN).

01. UIN System. The Secretary of State's Office shall use a UIN system that has been approved and certified by the USDA for the Idaho Central Filing System in place of the former use of complete social security numbers as a means of debtor identification. ()

02. Social Security Numbers and Tax Identification Numbers. With the use of UINs, as approved by the USDA, the SOS will no longer require or accept social security numbers or tax identification numbers, in total, on Farm Products Financing Statements. Only the last four (4) digits shall be required and used. The SOS will not provide social security numbers or tax identification numbers, in total, to any person or business entity, in any format, from Farm Products Financing Statements. ()

021. -- 099. (RESERVED).

Codified Sections 011 through 021 have been moved and renumbered to proposed Sections 100 through 303, respectively.

~~01100.~~ ~~EFS~~ FARM PRODUCTS FINANCING STATEMENT REQUIREMENTS.

01. Form. ~~An EFS Farm Products Financing Statement must meet the requirements of Section 28-9-502, Idaho Code, and must be filed on a form prescribed and approved by the SOS. The form shall be designated "UCC-1F."~~ (7-1-93)()

02. Debtor Name. ~~The debtor name or names must be entered completely and precisely.~~ **Completion of Form.** Form UCC-1F must be completed in accordance with instructions provided by the SOS. (7-1-93)()

- ~~a.~~ *The names of individuals must be entered in order of last name (surname), first name, and middle initial or name, if any.* (7-1-93)
- ~~b.~~ *Assumed business names and corporate names must be entered in full, without abbreviation.* (7-1-93)
- ~~03.~~ *SSN/TIN. The SSN or TIN for each debtor must be entered beside each debtor's name. If the debtor is a sole proprietorship which has adopted an assumed business name which is listed on the EFS, the SSN of the debtor should be entered beside the assumed business name; if both a husband and wife are liable on the debt, then both SSN's should be entered beside the assumed business name.* (7-1-93)
- ~~04.~~ *Debtor Address. The address of the debtor(s) must be entered. If there are multiple debtors and addresses, the respective debtors and addresses must be clearly tied together.* (7-1-93)
- ~~05.~~ *SP. The name and address of the SP must be entered.* (7-1-93)
- ~~06.~~ *Assignee. The name and address of the assignee, if any, must be entered.* (7-1-93)
- ~~07.~~ *FP. The three (3) digit product code for each FP subject to the security interest must be entered. A table of product codes appears on the back of the UCC-1F. Entry of the FP name following the FP code is permissible but not required. The SOS will consider and record only the FP code, and will not be responsible for discrepancies between the FP code and any FP name which may be entered by the filing party.* (7-1-93)
- ~~08.~~ *County. Within each FP so indicated, the two-digit county code for each county where the FP is growing, is to be grown, is located or is foreseen to be located while in possession of the debtor. A table of county codes appears on the back of the UCC-1F. If a county which is not in the table must be entered, code "99" should be entered, and the county name entered on an attached page.* (7-1-93)
- ~~09.~~ *Crop Year. If fewer than all crop years of a FP are covered by the EFS, the crop year(s) of the FP which is (are) covered must be entered. Only the last two (2) digits of the year are used.* (7-1-93)
- ~~10.~~ *Amount. If less than all of a particular FP for the specified crop year(s) is covered by the EFS, the amount which is covered must be entered, along with the code for the appropriate unit of measurement. A table of unit codes appears on the back of the UCC-1F. If all of the particular FP for the specified crop year(s) is covered by the EFS, no amount information should be entered.* (7-1-93)
- ~~11.~~ *Narrative. If less than all of a FP for the specified crop year(s) is covered, and if the coded information does not adequately identify that which is covered, such additional information as is necessary to identify the covered amount must be entered in narrative form on an attached supplement form prescribed and approved by the SOS. The supplement form shall be designated "UCC-2F." Each entry of additional collateral description on the UCC-2F must be tied to the item on the UCC-1F to which it relates by reference to the pre-numbered line of collateral information on the UCC-1F. The additional collateral description for each item must be limited to not more than a total of one hundred fifty (150) characters and spaces.* (7-1-93)
- ~~12.~~ *Signatures. The signatures of the debtor(s) and SP must be affixed to the UCC-1F. All debtors whose names appear in the debtor block of the UCC-1F must sign.* (7-1-93)
- ~~13.~~ *Legibility. All information other than the signatures must be typed or legibly printed.* (7-1-93)
- ~~14.~~ *Attachments. All attached pages must be printed on only one (1) side and must not exceed eight and one half by eleven inches (8 1/2" x 11") in size.* (7-1-93)

012101. AMENDMENT, ASSIGNMENT, CONTINUATION, AND TERMINATION OF ~~EFS~~ A FARM PRODUCTS FINANCING STATEMENT.

- 01. Form.** An amendment, assignment, or continuation of ~~an EFS~~ Farm Products Financing Statement

must be filed on a form prescribed and approved by the SOS. The form shall be designated "UCC-3F." A termination of an EFS may be filed on either the original UCC-1F termination block or on a UCC-3F. (7-1-93)()

02. EFS Number. The document number assigned by the SOS to the EFS to which the action pertains must be entered. **Completion of Form.** Form UCC-3F must be completed in accordance with instructions provided by the SOS. (7-1-93)()

03. Parties. The requirements for identification and signatures of the parties are the same as for an EFS. (7-1-93)

04. Coded Information. Amendment of coded collateral information on the EFS will be done by entry of action codes "A" for addition of a new line of coded information and "D" for deletion of an existing line of coded information. Following the action code, the coded information for FP, county, crop year and amount will be entered in the same manner as on an EFS. Amendment of a particular line of coded information will be done by deleting the existing line, followed by adding a new line to reflect the information as amended. Such an amendment must refer by number to the pre-numbered line of collateral information on the UCC-1F. When necessary, the UCC-2F will be used in the same manner as described in Subsection 011.11, supra. A release of collateral will be deemed to be an amendment. (7-1-93)

05. Uncoded Information. Amendment of uncoded information on the EFS will be entered in the appropriate space on the UCC-3F. (7-1-93)

06. Assignment. Assignment of a security interest covered by an EFS will be done by entry of the assignee's name and address in the assignee space on the UCC-3F. (7-1-93)

07. Continuation. Continuation of an EFS will be done by checking the continuation box on the UCC-3F. (7-1-93)

083. Termination. Termination of an EFS Farm Products Financing Statement will be done either by the SP's secured party's signature on the termination signature line on the original of the UCC-1F or by checking the termination box on the UCC-3F. (7-1-93)()

09. Obligation to Terminate. The secured party is required to file a termination of an EFS with the SOS within one (1) month from the date on which the secured party no longer has a claim to a security interest under the EFS. If the secured party fails to file the termination statement within one (1) month from the date on which there is no longer an outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, he shall be liable to the debtor for one hundred dollars (\$100) in addition to any loss suffered by the debtor by the failure to file the termination statement. (7-1-93)

102. FARM PRODUCTS FINANCING STATEMENTS UNDER THE UNIFORM COMMERCIAL CODE.

Unless otherwise provided for in this chapter, Farm Products Financing Statements shall be governed by IDAPA 34.05.06, "Administrative Rules Governing Lien Filings Under the UCC," with the following exceptions: ()

01. IDAPA 34.05.06.101.05 "File Number." Subsection 101.05 only applies in that a unique number shall be assigned. For Farm Products Financing Statements, the filing type shall be designated as "F" followed by a number that is assigned sequentially. The filing number bears no relation to the time of filing and is not an indicator of priority. ()

02. IDAPA 34.05.06.108 "Acceptable Forms." Section 108 does not apply to Farm Products Financing Statements. ()

03. IDAPA 34.05.06.111 "Filing Fees." Section 111 does not apply to Farm Products Financing Statements. ()

04. IDAPA 34.05.06.115.01 "Individually Identified Documents." Subsection 115.01 does not apply to Farm Products Financing Statements. Copies of Farm Products Financing Statements shall be made available

either from a computer terminal in the reception area in the filing office or through any medium otherwise accepted by the filing office. There is a charge of one dollar (\$1) per page for copies of Farm Products Financing Statements pursuant to Section 28-9-523(k), Idaho Code. ()

05. IDAPA 34.05.06.202.02 “Additional Debtor Identification.” Subsection 202.02 does not apply to Farm Products Financing Statements. ()

06. IDAPA 34.05.06.301.01 “Identification Numbers.” Subsection 301.01 applies, however, each Farm Products Financing Statement is identified by its file number as described in Subsection 102.01 of these rules. ()

07. IDAPA 34.05.06.301.05 “Status of Financing Statement.” Subsection 301.05 does not apply to Farm Products Financing Statements. ()

08. IDAPA 34.05.06.302.01 “Individual Name Fields.” Subsection 302.01 applies, however, no indicator is used to distinguish the name as that of an individual. ()

09. IDAPA 34.05.06.302.05 “No Assumed Business Names.” Subsection 302.05 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. ()

10. IDAPA 34.05.06.303.01 “Single Field.” Subsection 303.01 applies, however, no indicator is used to distinguish the name as that of an organization. ()

11. IDAPA 34.05.06.303.03 “No Assumed Business Name.” Subsection 303.03 does not apply to Farm Products Financing Statements. However, if an assumed business name is used as the debtor name, the required information shall be as indicated in Subsection 020.02 of these rules. ()

12. IDAPA 34.05.06.306.02 “Status of Debtor.” Subsection 306.02 does not apply to Farm Products Financing Statements. ()

13. IDAPA 34.05.06.306.03 “Status of Financing Statement.” Subsection 306.03 does not apply to Farm Products Financing Statements. ()

14. IDAPA 34.05.06.310 “Termination.” Section 310 does not apply to Farm Products Financing Statements. ()

15. IDAPA 34.05.06.312 “Procedure Upon Lapse.” Section 312 only applies to Farm Products Financing Statements in that a Farm Products Financing Statement lapses on its lapse date. Upon lapse of a Farm Products Financing Statement, the information management system shall cause the Farm Products Financing Statement to no longer be made available to the searcher. ()

16. IDAPA 34.05.06.407 “Data Entry of Names - Designated Fields.” Section 407 applies to Farm Products Financing Statements, however, the filer is not required to designate whether a name is an individual or an organization. ()

17. IDAPA 34.05.06.408 “Data Entry of Names - No Designated Fields.” Section 408 does not apply to Farm Products Financing Statements. ()

18. IDAPA 34.05.06.410.02 “Name and Address of Each Debtor.” Subsection 410.02 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or termination. ()

19. IDAPA 34.05.06.411.03 “Amendment Financing Statement Lapses.” Subsection 411.03 applies to Farm Products Financing Statements, however, each debtor name is removed from the searchable index upon lapse or termination. ()

20. ~~IDAPA 34.05.06.413 through IDAPA 34.05.06.504.~~ Sections 413 through 504 do not apply to Farm Products Financing Statements. ()

~~013103.~~ -- **199.** (RESERVED).

014200. COLLATERAL INFORMATION CODES.

01. ~~Use of Codes.~~ The ~~e~~Codes in Section 014 are used to describe ~~FP~~ farm product collateral on the ~~EPS~~ Farm Products Financing Statements and ~~ancillary statements~~ amendments, on the ~~ML~~ master list maintained by the SOS, and on the PML's distributed to registered buyers, ~~CM's~~ commission merchants, and ~~SA's~~ selling agents. (7-1-93)

02. ~~FP Codes.~~ ~~FP's covered by this rule shall be those certified by USDA. The FP's in the following table have been certified. FP's may be added by certification by USDA.~~ Assignment of ~~FP~~ farm product codes and PML ~~g~~Groupings, county codes, and farm product unit codes shall be done by the ~~Secretary of State as a matter of internal management~~ SOS. The SOS will provide a list of the established codes upon request. The table of PML ~~g~~Groupings, ~~FP's~~ 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
03	Hay	028	Millet
		030	Hay
04	Ensilage	040	Ensilage
05	Potatoes	050	Potatoes
06	Sugar Beets	060	Sugar Beets
07	Dry Beans	070	Dry Beans

PML No.	PML Grouping	FP Code	FP Name
08	Dry Peas, Lentils and Garbanzos	080	Dry Peas
		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
		<u>164</u>	<u>Seed Potatoes</u>
		<u>165</u>	<u>Row Crops for Seed</u>
17	Vegetables & Melons	170	Green Peas
		171	Tomatoes
		172	Lettuce
		173	Cucumbers
		174	Broccoli
		175	Cauliflower

PML No.	PML Grouping	FP Code	FP Name
		176	Lima Beans
		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

PML No.	PML Grouping	FP Code	FP Name
		502	Bison
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	<u>Ostriches, Emus, and Rheas</u>
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)	590600	Big Game Animals (Deer and Elk)
61	Worms	610	Worms
62	Semen	620	Cattle Semen
		621	Horse Semen

(7-1-93)()

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

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

(7-1-93)

04. Crop Year. The crop year code is the last two digits of the calendar year. If no crop year code is entered, all crop years are deemed to be covered.

(7-1-93)

05. 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

(7-1-93)

015201. REGISTRATION OF BUYERS, ~~CM'S~~ COMMISSION MERCHANTS, AND ~~SA'S~~ SELLING AGENTS -- SUBSCRIPTION TO A PML'S.

01. Form. Registration of buyers, ~~CM's commission merchants,~~ and ~~SA's selling agents~~ must be on ~~a form prescribed and approved by the SOS. The form shall be designated~~ "UCC-5F." (7-1-93)()

02. Right to Subscribe - Number. Registration entitles the registrant to subscribe for PMLs. Each registrant will be assigned a permanent registration number by the SOS. (7-1-93)

03. Duration. Registration is effective for a period of one (1) year. Renewal of registration may be filed at any time after ninety (90) days prior to expiration of a current registration period. The registrant must indicate his registration number on the renewal registration form. (7-1-93)

04. Change of Name or Address. Notice of a registrant's change of name or address must be made in writing to the SOS. (7-1-93)

05. Initial Subscription. Subscriptions for PMLs may be made at the time of registration or at any time during the period for which the registrant is registered, provided that no subscription for a PML will run beyond the calendar quarter in which the registration period expires. Subscriptions made at the time of registration ~~will~~ must be made on the UCC-5F. (7-1-93)()

06. Other Subscription. Subscriptions made other than at the time of registration must be made on ~~a form prescribed and approved by the SOS. The form shall be designated~~ "UCC-6F." The registrant must indicate his registration number on the subscription form. (7-1-93)()

07. Period of Subscription. A subscription for any PML may be annual or by calendar quarter or quarters, which quarter or quarters may be at a specified time in the future. (7-1-93)

08. Initial Distribution. If a subscription starts at any time other than the start of a calendar quarter, the registrant will receive the most recent complete compilation of the PML, ~~the most recent CS,~~ and all distributions of PMLs ~~and CS's~~ for the remainder of the calendar quarter. (7-1-93)()

09. Special Subscription. If the registrant subscribes for a PML for fewer than all counties or crop years, ~~he~~ the registrant must indicate the county codes of the desired counties ~~and/or~~ the desired crop years ~~(s), or both.~~ If no county codes or crop years are indicated, the PML will cover all counties and crop years. (7-1-93)()

~~10.~~ Medium. ~~For each PML for which there is a choice of media, the registrant must indicate "M" for microfiche or "P" for paper. A choice of media is available for PML's which cover all counties and crop years.~~ (7-1-93)

~~110.~~ Copy of Rules. At the time of registration, each registrant will be ~~issued~~ provided with a copy of these rules. (7-1-93)()

~~016202.~~ -- 299. (RESERVED).

017300. FORM AND DISTRIBUTION OF A PML'S AND CS'S.

01. Content of List. Each PML includes data from all ~~EFS's~~ Farm Products Financing Statements which cover a particular ~~FP or one (1) or more of a group of related FP's (PML g~~Grouping). (7-1-93)()

~~02.~~ Alphabetical Organization. ~~Within each PML, EFS data are organized alphabetically by surname of individual debtors and the first word other than an article of speech in the names of non-individual debtors or in assumed business names. Items in a PML are numbered sequentially.~~ (7-1-93)

~~03.~~ Content of Each Item. ~~For each item, the PML includes current information reflecting any~~

- ~~changes by amendment, continuation or assignment concerning:~~ (7-1-93)
- ~~a. The address of the debtor;~~ (7-1-93)
 - ~~b. The document number of the EFS;~~ (7-1-93)
 - ~~c. The date and time of filing of the EFS;~~ (7-1-93)
 - ~~d. The SSN or TIN of the debtor;~~ (7-1-93)
 - ~~e. The name and address of the secured party;~~ (7-1-93)
 - ~~f. Each FP from the relevant PML grouping which is covered by the EFS; and~~ (7-1-93)
 - ~~g. For each FP, all crop year, location information, amount information, and other identifying information indicated on the EFS.~~ (7-1-93)
- 04. Cross Index.** ~~At the end of the PML, there is a cross index organized in order of SSN and TIN, keyed to the item number in the PML.~~ (7-1-93)
- 05. Medium.** ~~For PML's covering all counties and crop years, there is a choice of media between microfiche and paper. PML's covering fewer than all counties or crop years are available only on paper.~~ (7-1-93)
- 062. PML Publication Dates.** Each PML is published in complete form on the first regularly scheduled bi-weekly publication date in each calendar quarter. A PML may at other times be published in complete form at the discretion of the SOS when that appears to be more economical than to publish a CS. (7-1-93)
- 073. Supplementation.** At bi-weekly intervals following the publication of each PML, the SOS publishes a CS for each PML. The CS includes all additions, deletions and changes which have occurred since the publication of the last complete PML. Additions are in the same form and cross-indexed in the same way as items on the PML. Deletions and changes need only refer to the affected item in either the PML or the "addition" section of the CS, and state what action has been taken or what change has been made to that item. (7-1-93)
- 084. Cut-Off Date.** In order to be included on a PML or CS, ~~an EFS Farm Products Financing Statement~~ must be received by the SOS ~~not later than 8:00 a.m. on the~~ at least one (1) business day prior to publication; ~~i.e. an EFS received on Thursday will not be included on a PML published on Friday.~~ (7-1-93)()
- 09. Staggered Dates.** ~~The SOS may stagger the publication dates of the various PML's and CS's at his discretion.~~ (7-1-93)
- 105. Schedule.** At the beginning of each calendar quarter, the SOS distributes to each registrant ~~with the quarterly PML's~~ a schedule of proposed publication dates for that calendar quarter ~~and for the next quarterly PML's.~~ The SOS may, for good cause, deviate from the schedule, but every PML and CS will be clearly marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of PMLs and associated CSs. (7-1-93)()

018301. GENERATION OF AD HOC INFORMATION REPORTS.

- 01. Options.** Upon the request of any person, the SOS will provide a list organized or limited according to: (7-1-93)
- a. An individual ~~FP farm product~~ or a PML ~~g~~Grouping; (7-1-93)()
 - b. Alphabetical order by debtor name; (7-1-93)
 - c. ~~Numerical~~ By order ~~by SSN and TIN of UIN;~~ (7-1-93)()

- d. County; or (7-1-93)
- e. Crop year. (7-1-93)

02. Internal Organization. When the request is for organization or limitation on the criteria specified in *Subsections Paragraphs 018301.01.a., 018301.01.d., and 018301.01.e., supra* of these rules, the list will be organized alphabetically within each resulting group unless the request specifies otherwise. (7-1-93)(____)

03. Additional Criteria. The request may specify additional criteria for further organization or limitation within the first grouping. (7-1-93)

~~019~~302. REQUESTS FOR INFORMATION.

Requests for information on ~~EFSS~~ Farm Products Financing Statements will comply with IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees;" ~~Office of the Secretary of State.~~ (7-1-93)(____)

~~020.~~ VERBAL REQUESTS FOR INFORMATION.

~~Verbal requests for information on EFSS's will comply with IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees," Office of the Secretary of State.~~ (7-1-93)

~~021~~303. FEES.

01. EFSS Farm Products Financing Statement. EFSS Farm Products Financing Statement and changes thereto (UCC-1F, UCC-2F and UCC-3F). (7-1-93)(____)

a. The fee for filing either a UCC-1F or a UCC-3F is ~~ten dollars (\$10) if the form is typed or machine printed, and otherwise is fourteen dollars (\$14)~~ provided in IDAPA 34.05.06, "Administrative Rules Governing Lien Filings Under the UCC - Farm Product Liens," Section 606. (7-1-93)(____)

~~b. For each page of information attached to a form, there is an additional fee of one dollar (\$1). The UCC-2F is not counted as a page of attached information.~~ (7-1-93)

~~eb.~~ There is no charge for filing a complete termination of ~~an~~ EFSS Farm Products Financing Statement. (7-1-93)(____)

~~d.~~ ~~The fee for filing an EFSS or change thereto must be paid at the time of filing.~~ (7-1-93)

02. Registration of Buyers, CM's Commission Merchants, and SA's Selling Agents. (7-1-93)(____)

a. The fee for the annual registration of each buyer, CM commission merchant, or SA selling agent is thirty dollars (\$30). (7-1-93)(____)

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, CM's Commission Merchants, and SA's Selling Agents. (7-1-93)(____)

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

Category	No. of items on PML
X	More than 7500

Category	No. of items on PML
A	2501 - 7500
B	1001 - 2500
C	101 - 1000
D	26 - 100
E	0 - 25

(7-1-93)()

b. The fees *in dollars* for each fee category, ~~by media, configuration, and period~~ are as follows:

Fee Category

Configuration of PML	Period	X	A	B	C	D	E
All Counties, Microfiche Electronic Media	Quarter	\$25	\$23	\$15	\$13	\$13	\$13
	Annual	\$100	\$90	\$60	\$50	\$50	\$50
All Counties, Paper	Quarter	\$330	\$261	\$95	\$45	\$18	\$13
	Annual	\$1,320	\$1,040	\$380	\$180	\$703	\$50
First county when fewer than all, Paper**	Q	158	148	123	113	110	110
	A	630	590	490	450	440	440
Each additional** county	Q	40	33	10	5	4	4
	A	160	130	40	20	2	2
Fewer than all crop years	Q	485	400	208	150	115	110
	A	1940	1600	830	600	460	440

* Q = cost per quarter

A = cost for an annual subscription.

** If a PML is to include fewer than all counties and fewer than all crop years, these schedules apply:
(7-1-93)()

c. The subscription fee must be paid at the time the subscription is made. ~~If, due to a recent recategorization of a PML grouping, the fee submitted is insufficient, the SOS may bill the registrant for a balance owing of up to fifty percent (50%) of the subscription fee.~~
(7-1-93)()

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

a. The fee for generating an ad hoc list as provided in Section ~~018, supra~~ 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.
(7-1-93)()

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 ~~EFFS's~~ Farm Products Financing Statements, both written and verbal, and for copies of ~~EFFS's~~ Farm Products Financing Statements reported on the certificate, are provided in IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees;" ~~Office of the Secretary of State.~~
(7-1-93)()

~~022304.~~ -- 999. (RESERVED).

IDAPA 34 - SECRETARY OF STATE

34.05.02 - RULES GOVERNING LIENS IN CROPS, FOR SEED, AND FARM LABOR

DOCKET NO. 34-0502-1001

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 September 15, 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 proposed changes are necessary to bring a 17-year-old set of administrative rules up-to-date. The proposed changes revise the duration and extension information regarding Claim of Lien for Farm Labor, and Claim of Lien for Seed, to make consistent with statute; remove references to microfiche (no longer used); and make other minor corrections.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the changes to update the rules.

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 September 22, 2010.

DATED this 28th day of July, 2010.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 34-0502-1001

000. LEGAL AUTHORITY AND REFERENCES.

In accordance with Sections 67-903(9), 45-313(3), and 45-316, Idaho Code, the Secretary of State has authority to promulgate administrative rules in order to execute the duties of the Office of the Secretary of State. ()

~~01. Title 45, Chapter 3, Idaho Code. (7-1-93)~~

~~02. Title 67, Chapter 52, Idaho Code. (7-1-93)~~

~~03. IDAPA 34, Title 05, Chapter 01. (7-1-93)~~

~~04. IDAPA 34, Title 05, Chapter 03. (7-1-93)~~

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 34.05.02, "Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor," IDAPA 34, Title 05, Chapter 02. ()

02. Scope. These rules shall govern the requirements for the filing, amendment, or termination of liens in crops for seed or liens in crops for farm labor, as well as the creation and distribution of a master list of liens in crops for seed or liens in crops for farm labor. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, documents relating to the interpretation of these rules, or to the documentation of compliance with the rules of this chapter, are available for public inspection and copying at the Office of the Secretary of State. ()

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal. ()

Codified Section 004 has been moved and renumbered to proposed Section 010

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business for the Office of the Secretary of State is located at 700 W. Jefferson, Room E205, Boise, Idaho 83720-0080. The Commercial Division is located at 450 N. 4th Street, Boise, Idaho 83720-0080. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except for legal holidays. The mailing address for the office is P. O. Box 83720, Boise, Idaho 83720-0080. The telephone number for the office is (208) 334-2300. The telephone number for lien inquiries is (208) 334-3191. The facsimile number for the office is (208) 334-2847. The office's website address is <http://www.sos.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ()

~~007. -- 009. (RESERVED).~~

0010. DEFINITIONS AND ABBREVIATIONS.

The definitions set forth in Section 45-302, Idaho Code, apply with full force and effect to all provisions and sections of these rules. ()

~~01- Incorporation by Reference.~~ Where terms used in this rule are not defined herein, definitions and usage of terms from the ~~references~~ Legal Authority in Section 000 of these rules are applicable. (7-1-93)()

~~02- Claimant.~~ A provider of seed or a farm laborer who files a notice of claim of lien in the crop or crops which are produced from the seed or with the aid of the labor. A claimant may be an individual, corporation, partnership, or unincorporated association. (7-1-93)

~~03- Producer.~~ A farm operator to whom a claimant has provided seed or farm labor used in the production of crops. A producer may be an individual, corporation, partnership, or unincorporated association. (7-1-93)

~~0501.~~ **Family.** A group of related persons living together as one economic unit, comprised of parents and children, including step-children. (7-1-93)

~~0402.~~ **Farm Laborer.** Anyone who provides farm labor used in the production of crops. When a business entity contracts for and provides such labor, e.g., aerial spraying or custom harvesting, the entity and not its individual employees shall be deemed to be the farm laborer. When individuals provide such labor directly to a producer, each individual is a farm laborer, whether or not they have been organized as a work crew or are members of a family which works as a unit. (7-1-93)

~~0703.~~ **Notice of Claim of Lien.** A written notice on the public record of a claimant's lien in the crops of a producer. ~~It must be filed on a form prescribed by the Secretary of State.~~ (7-1-93)()

~~0604.~~ **SOS.** Idaho Secretary of State. (7-1-93)()

~~005011.~~ -- ~~04099.~~ (RESERVED).

Codified Sections 011 through 018 have been moved and renumbered to proposed Sections 100 through 301, respectively.

~~04100.~~ **REQUIREMENTS FOR NOTICE OF CLAIM OF LIEN.**

~~01.~~ **Form.** A notice of claim of lien must be filed on a form prescribed and approved by the SOS. The form for a notice of claim of lien shall be designated "SL-1." (7-1-93)()

~~a.~~ Form SL-1 must be completed in accordance with instructions provided by the SOS. ()

~~b.~~ Collateral information codes shall be used to indicate the crop and the county where the crop is grown. The collateral information codes shall be assigned by the SOS. The SOS will provide a list of the established codes upon request. ()

~~02- Nature of Lien.~~ The nature of the lien (farm laborer's or seed) must be indicated. (7-1-93)

~~03- Producer.~~ The producer's name or names must be entered completely and precisely. (7-1-93)

~~a- The names of individuals must be entered in order of last name (surname), first name, and middle name or initial, if any.~~ (7-1-93)

~~b- Corporate names and assumed business names must be entered in full, without abbreviation.~~ (7-1-93)

~~04- Address.~~ The address of the producer(s) must be entered, to include Zip Code, if known. (7-1-93)

~~05- Claimant.~~ The name and address of the claimant(s) must be entered, to include Zip Code, if known. (7-1-93)

~~06. **Crop.** The crop or crops in which the lien is claimed must be identified either by entering the three (3) digit code listed in the form's instructions or by entering the name of the crop in narrative form. The assignment of codes to crops shall be done by the SOS as a matter of internal management. (7-1-93)~~

~~07. **Crop Year.** If the crop year of the crop(s) is other than the calendar year in which the notice is filed, the crop year must be entered. (7-1-93)~~

~~08. **County.** The county or counties in which the crop(s) subject to the lien are growing or to be grown must be identified either by entering the two (2) digit code listed in the form's instructions or by entering the county name in narrative form. The assignment of codes to counties shall be done by the SOS as a matter of internal management. (7-1-93)~~

~~09. **Signature.** The notice of claim of lien shall be signed by or on behalf of the claimant(s) in any combination of the following ways, so long as all claimants are accounted for: (7-1-93)~~

~~a. The notice is signed by each individual, corporate or partnership claimant; corporations will sign by an officer and partnerships by a general partner. (7-1-93)~~

~~b. The notice is signed by an agent or attorney in fact for the claimant(s). (7-1-93)~~

~~c. If all or some of the claimants are members of the same family, any adult member of the family may sign as agent for all the members of the family. (7-1-93)~~

~~d. Any person who signs on behalf of any person other than himself or herself shall indicate the capacity in which he or she signs. (7-1-93)~~

~~10. **Certification.** Signature constitutes certification of the truth of the claim. (7-1-93)~~

~~102. **Supplement.** If there is insufficient space on the form SL-1 for all producer and claimant information, the excess will be entered on a supplement form designated "SL-2." (7-1-93)~~

012101. DURATION AMENDMENT, ASSIGNMENT, EXTENSION, AND RELEASE OF CLAIM OF LIEN.

~~01. **Duration of Farm Labor Lien.** A notice of claim of lien for farm labor is effective for six (6) months from the date of filing. It may not be extended. **Form.** The form for amendment, assignment, extension, and release of claim of lien shall be designated "SL-3." (7-1-93)()~~

~~a. Form SL-3 must be completed in accordance with instructions provided by the SOS. ()~~

~~b. Collateral information codes shall be used to indicate the crop and the county where the crop is grown. The collateral information codes shall be assigned by the SOS. The SOS will provide a list of the established codes upon request. ()~~

~~02. **Duration of Seed Lien.** A notice of claim of lien for seed is effective for sixteen (16) months from the date of filing. It may be extended one (1) time for an additional six (6) months, provided: (7-1-93)~~

~~a. That the crop subject to the lien is not harvested within ten (10) months after the date of filing; and (7-1-93)~~

~~b. That the notice of extension is filed within sixty (60) days prior to the lapse of the original sixteen (16) month effective period. (7-1-93)~~

~~03. **Release.** When a lien has been satisfied by payment of the amount due to the claimant(s), the claimant(s) must within thirty (30) days thereafter file with the SOS a notice of release of lien, unless the period of effectiveness of the notice of claim of lien would lapse earlier than the end of thirty (30) days. (7-1-93)~~

~~04.~~ **Notice of Extension or Release.** A notice of extension or release of claim of lien will be filed on a form prescribed and approved by the SOS, and shall refer to the original notice of claim of lien by the SOS file number. The form prescribed for notice of extension or release shall be designated "SL-3." It shall be signed in the same manner as the notice of claim of lien, SL-1. (7-1-93)

~~0502.~~ **Supplement.** If there is insufficient space on the first page of the form SL-3 for all information, the excess shall be entered on an attached second page SL-3. (7-1-93)

~~013102. -- 199.~~ (RESERVED).

014200. REGISTRATION AND SUBSCRIPTION FOR LIST OF LIENS IN CROPS FOR SEED OR LIENS IN CROPS FOR FARM LABOR.

~~01.~~ **Registration and Subscription.** Any person may register and subscribe for regular distribution of lists of all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor which have been filed under this rule. Unless otherwise set forth in this chapter, the registration and subscription for the list of liens in crops for seed or liens in crops for farm labor shall be administered by the rules as set forth in IDAPA 34.05.01, "Rules Governing Farm Products Central Filing System," Section 201. (7-1-93)()

~~02.~~ **Forms.** The registration and subscription forms for the lists are the forms UCC 5F and UCC 6F, which are described in IDAPA 34.05.01, Section 015, "Rules Governing Farm Products Central Filing System," Office of the Secretary of State. (7-1-93)

~~03.~~ **Eligibility to Subscribe.** Registration by filing a UCC 5F entitles the registrant to subscribe for the list of notices of claim of lien under this rule as well as the PML's described in IDAPA 34.05.01, Section 015, "Rules Governing Farm Products Central Filing System," Office of the Secretary of State. A person who is registered under IDAPA 34.05.01 to receive PML's need not re-register under this rule in order to subscribe to the list of notices of claim of lien. Each registrant will be assigned a permanent registration number by the SOS. (7-1-93)

~~04.~~ **Renewal.** Registration is effective for a period of one (1) year. Renewal of registration may be filed at any time after ninety (90) days prior to expiration of a current registration period. The registrant must indicate his registration number on the renewal registration form. (7-1-93)

~~05.~~ **Change of Name or Address.** Notice of registrant's change of name or address must be made in writing to the SOS. (7-1-93)

~~06.~~ **Subscription with Registration.** Subscriptions for the list of notices of claim of lien may be made at the time of registration or at any time during the period for which the registrant is registered; provided that no subscription for a list of notices will run beyond the calendar quarter in which the registration period expires. Subscriptions made at the time of registration will be made on the UCC 5F. (7-1-93)

~~07.~~ **Other Subscriptions.** Subscriptions made other than at the time of registration must be made on a form UCC 6F. The registrant must indicate his registration number on the subscription form. (7-1-93)

~~08.~~ **Coding.** A subscription for the list of notices of claim of lien will be made by entering the number "30" in the "PML No." column or by entering "Seed and farm labor liens" in the "PML Grouping" column. (7-1-93)

~~09.~~ **Duration.** A subscription may be annual or by calendar quarter or quarters, which quarter or quarters may be at a specified time in the future. (7-1-93)

~~10.~~ **Initial Distribution.** If a subscription starts at any time other than the start of a calendar quarter, the registrant will receive the most recent complete compilation of the list of notices, the most recent cumulative supplement, and all subsequent lists for the period of the subscription. (7-1-93)

~~11.~~ **Medium.** The registrant must choose the medium on which the list will be printed by entering either "M" for microfiche or "P" for paper. (7-1-93)

~~12. Copy of Rules. At the time of registration, each registrant will be issued a copy of these rules. (7-1-93)~~

015201. LIST OF NOTICES OF CLAIM OF LIEN (LIST).

01. Compilation and Distribution. The SOS shall compile and distribute to subscribers therefore, a list which shall include all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor, both written and verbal, will comply with IDAPA 34.05.03, "Rule Governing Requests For Information -- Form UCC-4 -- Fees;" (7-1-93)(____)

~~02. Separate Entries. There will be a separate entry on the list for each notice filed against each producer; e.g. each producer named on a notice will constitute a separate item on the list. (7-1-93)~~

~~03. Alphabetical Order. The list will be arranged alphabetically by producer name, using the surnames of individuals and the first word other than "the" in the names of producers other than individuals. (7-1-93)~~

~~04. Content. Each item on the list will include: (7-1-93)~~

~~a. The producer's name and address; (7-1-93)~~

~~b. The date and time of filing; (7-1-93)~~

~~c. The document number assigned by the SOS; (7-1-93)~~

~~d. The type of lien (seed or farm labor); (7-1-93)~~

~~e. The name and address of each claimant; (7-1-93)~~

~~f. The name of each crop in which a lien is claimed; (7-1-93)~~

~~g. For each crop, the county(ies) in which it is growing or to be grown; and (7-1-93)~~

~~h. If the crop year is other than the calendar year of filing, the crop year. (7-1-93)~~

~~05. Medium. Subscribers may request distribution on either paper or microfiche. (7-1-93)~~

~~0602. Schedule. The list will be published ~~or supplemented~~ on a bi-weekly schedule to be established by the SOS. (7-1-93)(____)~~

~~07. Supplementation. The list will be published in complete form at least on the first bi-weekly publication date in each calendar quarter and on such other bi-weekly publication dates as the SOS deems necessary. On the remaining bi-weekly publication dates, the SOS will publish a cumulative supplement relating to the most recent complete list. (7-1-93)~~

~~0803. Cut-Off Time. In order to be included on a list, a notice of claim of lien must be received by the SOS no later than eight o'clock (8:00) a.m. on the at least one (1) business day prior to publication. (7-1-93)(____)~~

~~0904. Notice of Schedule. At the beginning of each quarter, the SOS will distribute to each registrant a schedule of proposed publication dates for that calendar quarter. The SOS may, for good cause, deviate from the schedule, but every list will be marked with the actual date of publication. In no case will there be more than eighteen (18) days between publications of lists. (7-1-93)(____)~~

~~016202. -- 299. (RESERVED).~~

017300. REQUEST FOR INFORMATION.

Requests for information on notices of claim of liens in crops for seed or liens in crops for farm labor, both written and verbal, will comply with IDAPA 34.05.03, "Rule Governing Requests For Information -- Form UCC-4 -- Fees;"

Office of the Secretary of State.

(7-1-93)()

~~019~~301. FEES.

01. Notice of Claim of Lien ~~and Notice of Extension.~~

(7-1-93)()

a. The fee is four dollars (\$4) if the form is typed or machine printed, and ~~otherwise~~ is eight dollars (\$8) if hand written.

(7-1-93)()

b. The fee shall be paid at the time of filing.

(7-1-93)

02. Notice of Amendment, Assignment, or Extension.

(7-1-93)()

a. The fee is four dollars (\$4) if the form is typed or machine printed, and ~~otherwise~~ is eight dollars (\$8) if hand written.

(7-1-93)()

b. The fee shall be paid at the time of filing.

(7-1-93)

03. Notice of Release. No fee charged.

(7-1-93)

04. Registration and Subscription for List of Notices. The fees for registration and subscription shall be as set forth in IDAPA 34.05.01, "Rules Governing Farm Products Central Filing System." Subsections 303.02 and 303.03.

(7-1-93)()

~~**a.** If a person has not registered in the Farm Products Central Filing System, pursuant of IDAPA 34.05.01, Section 015, "Rules Governing Farm Products Central Filing System," Office of the Secretary of State, the annual registration fee is thirty dollars (\$30).~~

(7-1-93)

~~**b.** The subscription fee for the list of notices of claim of lien is ninety dollars (\$90) per year or twenty-three dollars (\$23) per calendar quarter if on microfiche, and one thousand forty dollars (\$1,040) per year or two hundred sixty-one dollars (\$261) per calendar quarter if on paper.~~

(7-1-93)

~~**c.** Fees are payable at the time of registration or subscription.~~

(7-1-93)

05. Fees for Requests for Information. The fees for requests for information on notices of claim of liens in crops for seed or liens in crops for farm labor, both written and verbal, and for copies of notices of claim of liens in crops for seed or liens in crops for farm labor reported on the certificate, are provided in IDAPA 34.05.03, "Rules Governing Requests For Information -- Form UCC-4 -- Fees." *Office of the Secretary of State.*(7-1-93)()

~~019~~302. -- 999. (RESERVED).