

Dear Senators Guthrie, Bernt, Ruchti, and
Representatives Crane, Scott, Church:

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

IDAPA 34.05.02 - Rules Governing Liens in Crops for Seed or Liens in Crops for Farm
Labor-Proposed Rule (Docket No. 34-0502-2601).

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 10/19/2026. 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 11/16/2026.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee
FROM: Legislative Drafting Attorney - Monica Harrington
DATE: October 02, 2026
SUBJECT: Secretary of State

IDAPA 34.05.02 - Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor-Proposed Rule (Docket No. 34-0502-2601)

Summary and Stated Reasons for the Rule

The Secretary of State submits notice of proposed rulemaking at IDAPA 34.05.02 - Rules Governing Liens in Crops for Seed or Liens in Crops for Farm Labor (Docket No. 34-0502-2601). The Secretary states that the proposed rule updates outdated language and Idaho Code references as well as eliminates outdated sections that are no longer used by the agency.

Negotiated Rulemaking / Fiscal Impact

The Secretary states that negotiated rulemaking was conducted and that notice was published in the June 3, 2026, Idaho Administrative Bulletin, Volume 26-6, page 32. There is no fiscal impact anticipated with this rulemaking.

Statutory Authority

The proposed rulemaking appears to be within the statutory authority granted to the Secretary of State pursuant to Chapter 9, Title 67 and Chapter 3, Title 45, Idaho Code.

cc: Secretary of State
Rob McQuade

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 34 – IDAHO SECRETARY OF STATE
34.05.02 – RULES GOVERNING LIENS IN CROPS FOR SEED
OR LIENS IN CROPS FOR FARM LABOR

DOCKET NO. 34-0502-2601

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 [Title 67, Chapter 9](#), and [Title 45, Chapter 3](#), 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 August 19, 2026.

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:

These changes update outdated language and code references, as well as eliminate outdated sections that are no longer used by the agency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: The fees established in this chapter have remained unchanged and been consolidated under IDAPA 34.05.06.600.

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\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2026 Idaho Administrative Bulletin, [Vol. 26-6, page 32](#).

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:

Not applicable. There are no documents incorporated by reference affected by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matthew Reiber at 208-334-2830.

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 August 26, 2026.

DATED this July 8, 2026.

Matthew Reiber, Deputy Secretary of State
Idaho Secretary of State
700 W. Jefferson St., EW205, Boise, ID, 83702
208-334-2300
mreiber@sos.idaho.gov
sos.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 34-0502-2601
(Only Those Sections With Amendments Are Shown.)

34.05.02 – RULES GOVERNING LIENS IN CROPS FOR SEED
OR LIENS IN CROPS FOR FARM LABOR

000. LEGAL AUTHORITY.

~~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. (3-25-22)()~~

001. SCOPE.

These rules 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~~ and the creation and distribution of a master list of liens in crops for seed or liens in crops for farm labor for the Idaho Secretary of State (SOS). (3-25-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

The definitions set forth in Section 45-302, Idaho Code, and the following terms apply to these rules. (3-25-22)

01. Family. A group of related persons living together as one economic unit, comprised of parents and children, including step-children. (3-25-22)

02. 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.~~ (3-25-22)()

03. Notice of Claim of Lien. A written notice ~~on the public record~~ of a claimant's lien in the crops of a producer. (3-25-22)()

04. SOS. ~~Idaho Secretary of State.~~ (3-25-22)

011. -- 099. (RESERVED)

100. REQUIREMENTS FOR NOTICE OF CLAIM OF LIEN.

01. Form. The form for a notice of claim of lien shall be designated "SL-1," ~~and must be completed in accordance with instructions provided by the SOS. If there is insufficient space for all producer and claimant information, the excess will be entered on a supplement form designated "SL-2."~~ (3-25-22)()

a. Collateral information codes assigned by the SOS shall be used to indicate the crop and the county where the crop is grown. ~~The SOS will provide a list of the established codes upon request.~~ (3-25-22)()

02. 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."~~ (3-25-22)

101. AMENDMENT, ASSIGNMENT, EXTENSION, AND RELEASE OF CLAIM OF LIEN.

01. Form. The form for amendment, assignment, extension, and release of claim of lien is designated

“SL-3.” ~~and must be completed in accordance with instructions provided by the SOS.~~ (3-25-22)()

a. Collateral information codes assigned by the SOS shall be used to indicate the crop and the county where the crop is grown. ~~The SOS will provide a list of the established codes upon request.~~ (3-25-22)()

~~02. Supplement.~~ If there is insufficient space on the first page of the form SL-3 for all information, the excess will be entered on an attached second page SL-3. (3-25-22)

102. -- 199. (RESERVED)

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

Any person may register and ~~subscribe for regular distribution of~~ download 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.~~ (3-25-22)()

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

01. Compilation and Distribution. The SOS shall compile and make available ~~to subscribers~~ a list that includes all presently effective notices of claim of liens in crops for seed or liens in crops for farm labor, published on a bi-weekly schedule. A notice of claim of lien must be received by the SOS at least one (1) business day prior to publication. (3-25-22)()

~~02. Schedule.~~ The list will be published on a bi-weekly schedule to be established by the SOS. (3-25-22)

~~03. Cut-Off.~~ In order to be included on a list, a notice of claim of lien must be received by the SOS at least one (1) business day prior to publication. (3-25-22)

~~04. Schedule.~~ At the beginning of each quarter, the SOS will make available 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. (3-25-22)

202. -- 299. (RESERVED)

300. SEARCH REQUESTS ~~FOR INFORMATION.~~

Search R 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 34.05.036.501, ~~“Rule Governing Requests For Information—Form UCC 4—Fees.”~~ (3-25-22)()

301. FEES.

All fees are provided in IDAPA 34.05.06.600. ()

~~01. Notice of Claim of Lien, Notice of Amendment, Assignment, or Extension.~~ (3-25-22)

~~a.~~ The fee is four dollars (\$4) if the form is filed online, and is eight dollars (\$8) in any other form, to be paid at the time of filing. (3-25-22)

~~02. Notice of Release.~~ No fee charged. (3-25-22)

~~03. Registration and Subscription for List of Notices.~~ The fees for registration and subscription are set forth in IDAPA 34.05.01, “Rules Governing Farm Products Central Filing System,” Subsections 303.02 and 303.03. (3-25-22)

~~04. Fees for Requests for Information. The fees for requests for information on notices of claim are provided in IDAPA 34.05.03, "Rules Governing Requests For Information — Form UCC 4 — Fees." (3-25-22)~~

302. -- 999. (RESERVED)