



Certification Page Regular and Emergency Rules

1. General Information

a. Agency/Board Name <i>See attached list for references</i>			
b. Agency/Board Address		c. Agency/Board City	d. Agency/Board Zip Code
e. Name of Contact Person		f. Contact Telephone Number	
g. Contact Email Address		h. Adoption Date:	
i. Program(s) <i>See attached list for references</i>			

2. Rule Type and Information

a. These rules are: **Emergency Rules** *(After completing all of Section 2, proceed to Section 5 below)* **Regular Rules**

b. Choose all that apply: **New Rules*** **Amended Rules** **Repealed Rules**
** "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.*

If "New," provide the Enrolled Act number and year enacted:

c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed <i>(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)</i>	
Chapter Number:	Short Title:

d. The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:

b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the **Legislative Service Office**:

c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the **Attorney General**:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A

b. A public hearing was held on the proposed rules. Yes No

If "Yes:"	Date:	Time:	City:	Location:
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5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature:**

b. Date on which final rules were sent to the **Legislative Service Office:**

c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State:**

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

<i>Signature of Authorized Individual</i>	
<i>Printed Name of Signatory</i>	
<i>Signatory Title</i>	
<i>Date of Signature</i>	

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

<i>Governor's Signature</i>	
<i>Date of Signature</i>	

Distribution List:

Attorney General

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF REASONS

The Secretary of State is promulgating these rules to amend its Central Filing Rules regarding how agricultural buyers receive lists of agricultural products. Currently, the Secretary of State's Office is required to provide this list in a variety of media, including outdated technology like diskettes, modem and magnetic tape. The Office intends to eliminate these outdated technological forms and upgrade to email and CD. Email lists will be provided to customers free of charge. These rules were filed as emergency rules during the pendency of the permanent rule adoption.

Specifically, the Office is amending Chapter 1, General Provisions, by repealing outdated language in Section 3 (f)(i)-(iv).

CHAPTER I

GENERAL PROVISIONS

Emergency rules are no longer in effect 120 days after filing with the Secretary of State

Section 1. **Authority.** Pursuant to W.S. 34-21-1102, the Secretary of State is authorized to promulgate rules and regulations concerning the Wyoming Central Filing System - Agricultural Products.

Section 2. **Purpose.** These rules are adopted to promote the uniform administration of the Wyoming Central Filing System.

Section 3. **Fees.**

(a) The fee is \$5 for filing a termination statement which terminates an effective financing statement filed prior to July 1, 2001.

(b) The fee is \$20 for an initial effective financing statement and a termination statement filed on or after July 1, 2001. The initial fee of \$20 includes \$15 for the effective financing statement and \$5 for the termination statement. The fee is \$35 if there are more than two pages.

(c) The fee is \$15 for filing an amendment, continuation, assignment or partial release of one or two pages. The fee is \$30 if there are more than two pages.

(d) The fee is \$10 per debtor name for an EFS search.

(e) The fee is 50 cents per page for a copy of an EFS record.

(f) Yearly registration fees:

(i) For either a crop list or livestock list by E-mail: no charge.

(ii) For either a crop list or livestock list on CD-ROM, or other medium made in conformity with section 1324 of the Food Security Act of 1985, Public Law 99-198, 7 U.S.C. 1631 (Supp. 1988) and with the rules promulgated under it: \$50.00.

Section 4. **Cut-off Dates for Effective Financing Statements.** The fourth Thursday after 5:00 p.m. of each month will be the cut-off date. If the fourth Thursday falls on a holiday the list will be produced on the next state working day. If Thanksgiving or Christmas fall on the fourth Thursday of the month, the list will be produced on the following Monday. The mailing date is the next working day after the cut off date. Any effective financing statement received before the cut-off date for the current monthly cycle shall be included on the list. Any products which are listed on the effective financing statement which is filed after the cut off date that are sold during the following

month come with clear title to a buyer of the farm products unless the buyer has direct computer access to live data. Direct computer access to live data binds the buyer to all information on file in the Central Filing System; not just the information contained on the latest produced list.

If any buyer does not receive the list by noon of the fifth day after the mailing date, the buyer should call the Secretary of State immediately because the list binds the buyer on that fifth date pursuant to the regulations of the Packers and Stockyards administration, Section 205.208 (c). If a registered buyer does not receive the list by noon of the fifth day, the buyer may call the Secretary of State and may obtain specific effective financing statement information orally at no extra charge.

Section 5. **Buyer Registration Cut-off Date.** Any buyer may register with the Secretary of State at any time during the year. The same monthly cycle shall apply to buyer registrations. Any buyer which registers after the cut-off date will be sent the latest produced microfiche or diskette.

Section 6. **Telephone Inquires.** A person may call the Secretary of State to determine if a particular name is on the Central Filing System. Information provided pursuant to an inquiry from a nonregistrant is only valid and correct as of the day and time the information is provided.

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(ii) For either a crop list or livestock list on CD-ROM, ~~personal computer diskette, paper~~ or other medium made in conformity with section 1324 of the Food Security Act of 1985, Public Law 99-198, 7 U.S.C. 1631 (Supp. 1988) and with the rules promulgated under it: \$50.00.

~~(iii) Either a crop or livestock list on magnetic tape: \$100.00.~~

~~(iv) Yearly direct computer access via modem: \$50.00 plus actual costs of accessing the computer which will vary month to month depending upon the nature and time of the computer queries.~~

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