NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE OFFICE OF THE GEORGIA SECRETARY OF STATE, CHAPTER 590-7, COMMISSIONER OF CORPORATIONS, RULE 590-7-1-.09 *EXPEDITED PROCESSING*, RULE 590-7-3-.03 *EXPEDITED PROCESSING,* RULE 590-7-3-.07 *FEES*, RULE 590-7-6-.01 *CERTIFICATES*, RULE 590-7-10-.09 *EXPEDITED PROCESSING*, RULE 590-7-12-.03 *EXPEDITED PROCESSING,* RULE 590-7-12-.06 *FEES*, AND RULE 590-7-15-.01 *CERTIFICATES.*

(Notice CORP-2013-01)

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Assistant Corporation Commissioner of the Office of the Georgia Secretary of State, (hereinafter "Commissioner") proposes amendments to Commissioner of Corporations, Rule 590-7-1-.09 *Expedited Processing*, Rule 590-7-3-.03 *Expedited Processing*, Rule 590-7-3-.07 *Fees*, Rule 590-7-6-.01 *Certificates*, Rule 590-7-10-.09 *Expedited Processing*, Rule 590-7-12-.03 *Expedited Processing*, Rule 590-7-12-.06 *Fees*, and Rule 590-7-15-.01 *Certificates* (hereinafter "proposed rule amendments").

The Commissioner will consider the adoption of these proposed rule amendments at 10:00 a.m. on September 30, 2013 at the office of the Corporations Division, 2 Martin Luther King, Jr. Drive, S.E., 313 West Tower, Atlanta, Georgia 30334. The Commissioner has the authority to amend these rules pursuant to authority contained in O.C.G.A. §§ 14-2-130, 14-3-130, 14-5-23, 14-9-1102, and 14-9-1103.

This notice, together with exact copies of the proposed rule amendments and a synopsis of the proposed rule amendments, is being distributed to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, the exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Corporations Division, 2 Martin Luther King, Jr. Drive, S.E., 313 West Tower, Atlanta, Georgia 30334. These documents will also be available for review on the Corporation Division's web page at http://www.sos.ga.gov. Copies may also be requested by contacting the Corporations Division at 404-656-2817.

Interested persons may submit data, views, or arguments in writing to the Commissioner. Such written comments must be legible and signed, and should contain contact information from the maker (i.e. name, address, email address, telephone and/or fax number, etc.). To ensure their consideration, written comments must be received no later than 5:00 p.m. on September 23, 2013. Written comments may be sent to: Julie Fisher, Senior Corporations Attorney, Corporations Division, 2 Martin Luther King, Jr. Drive, S.E., 313 West Tower, Atlanta, Georgia 30334. Written comments may be sent via facsimile to 404-657-6380, or submitted electronically to jfisher@sos.ga.gov. Please reference "Notice CORP-2013-01" on all comments.

On August 28, 2013, the Assistant Corporation Commissioner determined that the formulation and adoption of these amended rules does not impose excessive regulatory cost on any registrant and any cost to comply with the proposed rule amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 14-2-130, 14-3-130, 14-5-23, 14-9-1102, and 14-9-1103.

On August 28, 2013, the Assistant Corporation Commissioner determined that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 14-2-130, 14-3-130, 14-5-23, 14-9-1102, and 14-9-1103 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(a)(3)(A),(B),(C) and (D). The formulation and adoption of these rules will impact every registrant in the same manner.

For further information, please contact Julie Fisher at 404-656-6454.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 28th day of August, 2013.

Shawnzia Thomas
Assistant Corporation Commissioner

Posted: August 28, 2013

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-1-.09 *EXPEDITED PROCESSING.*

Purpose: The purpose of the amendment is to update the requirements and provisions related to expedited processing requests.

Main Features: The amendment eliminates the requirement of an applicant explaining why expedited process is necessary and appropriate, it sets payment guidelines for expedited processing fees, and it clarifies when an expedited processing request is completed.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-1-.09 *EXPEDITED PROCESSING.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-1-.09 Expedited Processing.

(1) Counter pickups of documents and certificates shall not be allowed unless expedited processing is requested and approved.
(2) Expedited processing of filings and the issuance of certificates will be provided if the applicant provides the Commissioner a request ~~explaining why~~ for expedited processing ~~is necessary and appropriate~~ and the request is accompanied by the payment of charges listed in the fee schedule published and maintained by the Commissioner.
(3) For filings submitted to the Division by mail, the expedited processing fee shall be paid by money order, certified check, or cashier's check. For filings hand-delivered to the Division, the expedited processing fee shall be paid by money order, certified check, or cashier's check, or by a credit card accepted by the Division. For filings electronically transmitted to the Division, the expedited processing fee shall be paid by a credit card accepted by the Division.
~~(3)~~ (4) The Commissioner will provide expedited processing if he or she determines the request to be valid and in proper form. ~~Whenever possible, the processing will be completed and the certificate furnished immediately to the applicant.~~ An expedited request will be considered to have been completed when the filing has been accepted or rejected for filing and supporting documentation has been forwarded to the filer.

Authority O.C.G.A. Secs. 14-2-130, 14-3-130, 14-5-23.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-3-.03 *EXPEDITED PROCESSING.*

Purpose: The purpose of the amendment is to eliminate a redundant rule. Rule 590-7-3-.03 is unnecessary as it is similar to, and repetitive of, provisions found in Rule 590-7-1-.09.

Main Features: The amendment repeals the rule in its entirety.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-3-.03 *EXPEDITED PROCESSING.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-3-.03 ~~Expedited Processing. Amended~~ <u>Repealed</u>.

~~(1) Expedited processing of a filing of articles of incorporation may be requested by submitting to the Commissioner a request explaining why expedited processing is necessary and appropriate.~~
~~(2) The request for expedited processing shall be accompanied by the payment of the charges set forth in the fee scheduled published and maintained by the Commissioner.~~
~~(3) The Commissioner will provide expedited processing if he determines the request to be valid and in proper form. Whenever possible, the processing will be completed and the certificate furnished immediately to the applicant.~~

Authority O.C.G.A. Secs. 14-5-23, 14-2-130, 14-3-130.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-3-.07 *FEES.*

Purpose: The purpose of the amendment is to repeal an outdated rule. The rule is outdated as fees may be paid by various means, including check, cashier's check, money order, and credit cards, and Rule 590-7-1-.13 provides for a process of requesting refunds.

Main Features: The amendment repeals the rule in its entirety.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-3-.07 *FEES.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-3-.07 ~~Fees~~ <u>Repealed</u>.

~~All fees, whenever possible, shall be paid by check. Each check shall have the name of the proposed corporation written on it. Fees are non-refundable once the documents are filed with the Commissioner unless refunds are provided by law.~~

Authority O.C.G.A. Secs. 14-2-130, 14-3-130, 14-5-23.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-6-.01 *CERTIFICATES.*

Purpose: The purpose of the amendment is to update the requirements and provisions related to expedited processing requests.

Main Features: The amendment modifies subsection (4) of the rule by eliminating the requirement of an applicant explaining why expedited process is necessary and appropriate, setting payment guidelines for expedited processing fees, and clarifying when an expedited processing request is completed.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-6-.01 *CERTIFICATES.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-6-.01 Certificates.

(1) The Commissioner shall provide certified copies of any document, instrument, data, or paper relating to a corporation as available on the automated database, microfilm files or other records maintained by the Commissioner.
(2) The Commissioner is authorized to establish and impose minimum fees for the production and mailing of documents requested herein.
(3) The Commissioner shall publish and maintain a schedule of all fees and charges for documents and services provided. Service charges may only be changed by the posting by the Commissioner of such changes in the public access area of the Division offices for a minimum of thirty (30) days prior to such changes being effective.
(4) Expedited processing of certificates may be obtained by submitting a request for expedited processing. ~~explaining why such expedited processing is necessary and appropriate.~~ The request for expedited processing must be accompanied by the payment of the fee published in the fee schedule maintained by the Commissioner. For expedited processing requests submitted to the Division by mail, the expedited processing fee shall be paid by money order, certified check, or cashier's check. For expedited processing requests hand-delivered to the Division, the expedited processing fee shall be paid by money order, certified check, or cashier's check, or by a credit card accepted by the Division. For expedited processing requests electronically transmitted to the Division, the expedited processing fee shall be paid by a credit card accepted by the Division. In the event expedited service is authorized, the documents, if available, and the certificate will be prepared and furnished immediately to the person making such request.

Authority O.C.G.A. Secs. 14-5-23, 14-2-130, 14-3-130.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-10-.09 *EXPEDITED PROCESSING.*

Purpose: The purpose of the amendment is to update the requirements and provisions related to expedited processing requests.

Main Features: The amendment eliminates the requirement of an applicant explaining why expedited process is necessary and appropriate, it sets payment guidelines for expedited processing fees, and it clarifies when an expedited processing request is completed. The amendment also corrects a typo in the rule's number.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-10-.09 *EXPEDITED PROCESSING.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-10-.~~09~~ 08 Expedited Processing.

(1) Counter pickups of documents and certificates shall not be allowed unless expedited processing is requested and approved.
(2) Expedited processing of filings and the issuance of certificates will be provided if the applicant provides the Secretary of State a ~~written~~ request for expedited processing ~~explaining why expedited processing is necessary and appropriate~~ and the request ~~for expedited processing~~ is accompanied by the payment of charges set forth in the fee schedule published and maintained by the Secretary of State.
(3) For filings submitted to the Division by mail, the expedited processing fee shall be paid by money order, certified check, or cashier's check. For filings hand-delivered to the Division, the expedited processing fee shall be paid by money order, certified check, or cashier's check, or by a credit card accepted by the Division. For filings electronically transmitted to the Division, the expedited processing fee shall be paid by a credit card accepted by the Division.
~~(3)~~ (4) The Secretary of State will provide expedited processing if he determines the request to be valid and in proper form. ~~Whenever possible, the processing will be completed and the certificate furnished immediately to the applicant.~~ An expedited request will be considered to have been completed when the filing has been accepted or rejected for filing and supporting documentation has been forwarded to the filer.

Authority O.C.G.A. Secs.14-5-23, 14-9-1102, 14-9-1103.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-12-.03 *EXPEDITED PROCESSING.*

Purpose: The purpose of the amendment is to eliminate a redundant rule. Rule 590-7-12-.03 is unnecessary as it is similar to and repetitive of provisions found in Rule 590-7-10-.08.

Main Features: The amendment repeals the rule in its entirety.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-12-.03 *EXPEDITED PROCESSING.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-12-.03 ~~Expedited Processing~~ <u>Repealed</u>.

~~(1) Expedited processing of a filing of a certificate of limited partnership may be requested by submitting to the Secretary of State a written request explaining why expedited processing is necessary and appropriate.~~
~~(2) The request for expedited processing must be accompanied by the payment of the charges set forth in the fee schedule published and maintained by the Secretary of State.~~
~~(3) The Secretary of State will provide expedited processing if he determines the request to be valid and in proper form. Whenever possible, the processing will be completed and the certificate furnished immediately to the applicant.~~

Authority O.C.G.A. Secs. 14-9-1102, 14-9-1103.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-12-.06 *FEES.*

Purpose: The purpose of the amendment is to repeal an outdated rule. The rule is outdated as fees may be paid by various means, including check, cashier's check, money order, and credit cards, and Rule 590-7-1-.13 provides for a process of requesting refunds.

Main Features: The amendment repeals the rule in its entirety.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-12-.06 *FEES.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-12-.06 ~~Fees~~ <u>Repealed</u>.

~~All fees, whenever possible, shall be paid by check. Each check shall have the name of the proposed limited partnership written on it. Fees are non-refundable once the documents are filed with the Secretary of State unless refunds are provided by law and requested in writing.~~

Authority O.C.G.A. Secs. 14-9-1102, 14-9-1103.

SYNOPSIS OF THE PROPOSED RULE AMENDMENT TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-15-.01 *CERTIFICATES.*

Purpose: The purpose of the amendment is to update the requirements and provisions related to expedited processing requests.

Main Features: The amendment modifies subsection (4) of the rule by eliminating the requirement of an applicant explaining why expedited process is necessary and appropriate, setting payment guidelines for expedited processing fees, and clarifying when an expedited processing request is completed.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE COMMISSIONER OF CORPORATIONS, RULE 590-7-15-.01 *CERTIFICATES.*

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

590-7-15-.01 Certificates.

(1) The Secretary of State shall provide certified copies of any document, instrument, data, or paper relating to a limited partnership as available on the automated database, microfilm files or other records maintained by the Secretary of State.
(2) The Secretary of State is authorized to establish and impose minimum fees for the production and mailing of requested documents.
(3) The Secretary of State shall publish and maintain a schedule of all fees and charges for documents and services provided. Service charges may only be changed by the posting by the Secretary of State of such changes in the public access area of the Division offices for a minimum of thirty (30) days prior to such changes being effective.
(4) Expedited processing certificates may be obtained by submitting a ~~written~~ request ~~explaining why~~ for such expedited processing ~~is necessary and appropriate~~. The request for expedited processing must be accompanied by the payment of the fee published in the fee schedule maintained by the Secretary of State For expedited processing requests submitted to the Division by mail, the expedited processing fee shall be paid by money order, certified check, or cashier's check. For expedited processing requests hand-delivered to the Division, the expedited processing fee shall be paid by money order, certified check, or cashier's check, or by a credit card accepted by the Division. For expedited processing requests electronically transmitted to the Division, the expedited processing fee shall be paid by a credit card accepted by the Division. In the event expedited service is authorized, the documents, if available, and the certificate will be prepared and furnished immediately to the person making such request.

Authority O.C.G.A. Secs. 14-5-23, 14-9-1102, 14-9-1103.