

Topic: Reporting to the Governor

Question By: Dennis Hankins

Jurisdiction: Illinois

Date: 14 December 2011

Jurisdiction	Question 1	Question 2	Question 3	Question 4	Question 5	Question 6
	Does your UCC filing office have a Statutory obligation to report to your Governor annually regarding deviations from the Revised Article 9 Model Rules?	Does your filing office try to find ways to become uniform to the Revised Article 9 Model Rules?	If you report, what format do you submit your report on?	Do any jurisdictions report more often or less often than annually?	Has your jurisdiction adopted the amended National UCC forms for 2013?	If your jurisdiction did adopt the amended National UCC forms, did you present the legislation, or did it come from an outside source such as ULC or another National Committee?
Alabama	No.	We stay current with the IACA information.	n/a	n/a	Not yet, but we probably will.	Our current legislation allows us to follow updates proposed by IACA.
Alaska	No reporting required.	Yes, though we have not yet amended to the most recent version.	N/A	N/A	In Alaska, the regulation states that the UCC forms available on our website are the proper forms. When we adopt new forms, we notify our users and place the new forms online.	N/A
Arizona						
Arkansas						

California	Pursuant to California Uniform Commercial Code section 9527, we must report annually on or before January 31st, the filing office rules that are not in harmony with other jurisdictions that enact similar legislation and why we are not in harmony. In addition, we must report any rules that are not in harmony with the IACA Model Rules and why we are not in harmony.		The report is a simple word document addressing those two points.		Since the images of the UCC filing forms are in our statute and California has not had the new forms introduced into legislation yet, we have not formally adopted the revised forms, though there is no reason for us to reject it if a filer submitted one.	
Colorado						
Connecticut						
Delaware						
District of Columbia						
Florida						
Georgia						
Hawaii						
Idaho	No reporting required.	Yes, though we have not yet amended to the most recent version.	N/A	N/A	Not yet, but the amendment is expected to be presented to the Legislature in 2012.	The presentation will come from Idaho's ULC, with our office testifying if necessary.
Illinois						

Indiana						
Iowa						
Kansas						
Kentucky	Yes.	Whenever possible, we follow closely to the Model Rules. We are currently awaiting an amendment in legislation to be introduced and passed in 2012. Once this bill has passed, our office will be updating our Regs to be in more uniform with the model rules as well as adopting the revised forms.	Our office submits the report in letter format.	N/A	Kentucky is currently awaiting amendment to legislation prior to adopting the amended forms.	N/A
Louisiana	No	Yes	N/A	N/A	Legislation to be presented in 2012.	The legislation will be presented by the UCC Committee of the Louisiana Law Institute. This committee consists of lawyers, bankers and representatives of the Secretary of State's office.
Maine						
Maryland						
Massachusetts						

Michigan	No.	Yes.	N/A	N/A	Not at this time. They will become available after the new legislation is enacted.	
Minnesota	NO	Yes	N/A	N/A	We will accept forms adopted by NCCUSL or IACA pursuant to 336.9-521.	We will accept forms adopted by NCCUSL or IACA pursuant to 336.9-521.
Mississippi						
Missouri	Yes	Yes. In the upgrade of our processing system, we have focused on making sure we are following the model rules wherever possible.	It is a letter signed by the Secretary.	Missouri does not.	No	
Montana	MT is required to report to the Legislature if we deviate from RA9.	MT did not adopt the model Rules but we try to not vary too much.	The past few sessions, the report has been part of a budget note, because the agency reports on its programs during the hearings. Same for MT.	MT reports only if we deviate from RA9.	No, because we don't have the amendments yet. We believe the amendments will be passed in February 2012, and then we will adopt the forms for 2013. Same for MT.	
Nebraska						
Nevada	Yes/bi-annually	Yes	Word Document	Only odd years	Not yet	n/a
New Hampshire	No	Yes	N/A	N/A	No	N/A
New Jersey						
New Mexico						
New York						

North Carolina						
North Dakota						
Ohio	No	Yes	N/A	N/A	No	N/A
Oklahoma	Yes, by December 31st.	Yes, we revise based on IACA Administrative Rules.	Currently we deliver a paper copy to Governor's office and the Legislature.	No.	No, because we don't have the amendments yet. We believe the amendments will be passed in February 2012, and then we will adopt the forms for 2013.	Oklahoma will adopt based on what IACA adopts.
Oregon	We have a statutory obligation to report to the Legislature biennially.	We adopt each version of the model rules as they come out, adhering as closely as possible to the text. We don't stray much, if at all.	The past few sessions, the report has been part of a budget note, because the agency reports on its programs during the hearings.	Biennially, odd years.	No, because we don't have the amendments yet. We believe the amendments will be passed in February 2012, and then we will adopt the forms for 2013.	We are part of the task force that the Oregon Law Commission (state version of ULC) has put together, and the OLC will present the legislation to the Legislature.
Pennsylvania						
Rhode Island						
South Carolina						
South Dakota						
Tennessee						
Texas	Yes 9.527 states that The Secretary of State shall report before January 1 or each odd-numbered year to the Legislature on any Uniform	Yes	Have not submitted		Yes	Outside group of bankers and lawyers. Our office participated in the conference calls, primarily as a listening party.

	deviations.					
Utah						
Vermont						
Virginia						
Washington	Yes	Yes, we even convinced our code reviser to number our rules so they would more closely reflect the model rules.	We created a WORD document.	No	Yes.	The proposal came from the ULC.
West Virginia						
Wisconsin						
Wyoming						

Additional Comments:

Wed 12/14/2011 4:14 PM

Illinois has a situation in which the new forms will change online applications and inhouse browser data entry systems, as well as mainframe formats. Our IT staff cannot complete jobs on demand due to heavy workloads, so timing is of the essence. If we program for the new form changes then we will be absent of the appropriate data entry fields for the old forms, therefore we will not be able to keep both sets of data entry fields to accept all designs of forms. There will also need to be a public awareness period to allow for the crossover to the amended National forms. Does anyone else have these same obstacles?

Dennis

Tue 12/20/2011 12:30 PM

Does anyone know when we get the 2011 Administrative Rules?

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Mon 01/09/2012 11:05 AM

Sherri,

I have provided my answers below.

Kelly L. Kopyt, Esq.

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-----Original Message-----

From: DeMarco, Sherri [mailto:DeMarcoS@michigan.gov]
Sent: Monday, January 09, 2012 10:26 AM
To: Robert Lindsey; Kopyt, Kelly (SEC)
Subject: FW: Reports to the Governor

Hello Robert and Kelly:

While putting together the PDF for "Reporting to the Governor" on the IACA List Serve, I noticed that no one had addressed Kerrie's question. Your answers to the following questions are appreciated.

Whose responsibility is it to develop and propose Administrative Rules in the jurisdictions? (In Michigan, a group of now retired individuals wrote our current Rules.) It will depend. For MA, we draft our own Administrative Rules and use the IACA Model Rules as a guide. When the amendments to Article 9 are approved, we will need to modify them a bit to accommodate the new forms, etc.

Does the STS group need to draft new Model Administrative Rules as a guide for the jurisdictions? IACA already has the Model Administrative Rules, at: <http://www.iaca.org/node/46>, but they will also need a revision to accommodate the amendments. It would be best if we have a draft for distribution to the group at the 2012 conference in May so that each jurisdiction can take the model back home to align their own administrative rules in advance of the amendment's universal effective date in 2013. Otherwise, if we wait until the 2013 conference, it may be too late for some jurisdictions depending upon their requirements to adopt and change rules and the time frames they are subject to.

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Full Text of Original Email:

Wednesday, December 14, 2011 8:06 AM

Dear Friends,

I am researching and collecting information on the subject of reporting Uniform deviations to the Office of the Governor in your state.

Please respond to the following interrogatories:

- 1) Does your UCC filing office have a Statutory obligation to report to your Governor annually regarding deviations from the Revised Article 9 Model Rules?
- 2) Does your filing office try to find ways to become uniform to the Revised Article 9 Model Rules?
- 3) If you report, what format do you submit your report on?
- 4) Do any jurisdictions report more often or less often than annually?
- 5) Has your jurisdiction adopted the amended National UCC forms for 2013?
- 6) If your jurisdiction did adopt the amended National UCC forms, did you present the legislation, or did it come from an outside source such as ULC or another National Committee?

Thank you for your responses in advance.

Merry Christmas and Happy Holidays,

*Dennis L. Hankins
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