

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 1.2.104 pertaining to) PROPOSED AMENDMENT
Administrative Rules Services Fees)

TO: All Concerned Persons

1. On May 18, 2017, at 10:00 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 9:30 a.m. on May 4, 2017, to advise us of the nature of the accommodation that you need. Please contact Jeffrey M. Hindoien, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-6197; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail Jeffrey.Hindoien@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

1.2.104 ADMINISTRATIVE RULES SERVICES FEES ~~(1) The Secretary of State is required by law (2-4-312 and 2-4-313, MCA) to distribute copies of the Administrative Rules of Montana and Montana Administrative Register and revisions thereto, free of charge, to certain federal, state, and county agencies. These agencies may opt to provide access to an electronic version of the current ARM and Register in lieu of receiving the print copy.~~

~~(2) The Secretary is also authorized to make available copies of the Administrative Rules of Montana, updates, and the Register to the public at prices fixed to cover publication and mailing costs.~~

(1) Printed copies of the Montana Administrative Register (Register) and/or the Administrative Rules of Montana (ARM) may be available for purchase.

(3) through (8) remain the same, but are renumbered (2) through (7).

AUTH: 2-15-401, 2-15-405, MCA

IMP: 2-4-311, 2-4-312, 2-4-313, 2-15-405, MCA

REASON: House Bill 81 (2017), which was signed by Montana Governor Steve Bullock on March 20, 2017, and contained an immediate effective date, eliminated the provisions in 2-4-312, MCA, and 2-4-313, MCA, requiring the Secretary of State to provide certain entities copies of the Montana Administrative Register (Register) and/or the Administrative Rules of Montana (ARM) free of charge. House Bill 81

also eliminated the provision in 2-4-313, MCA, requiring the Secretary of State to make printed or electronic copies of the Register and the ARM and its supplements available for purchase. The proposed changes to ARM 1.2.104 modify the rule to comport with the statutory changes effectuated by House Bill 81.

4. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Jeffrey M. Hindoién, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing Jeffrey.Hindoién@mt.gov, and must be received no later than 5:00 p.m., May 26, 2017.

5. Jeffrey M. Hindoién, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

6. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, e-mailed to sosarm@mt.gov, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

10. There is no fee change associated with this proposed rule amendment. However, 38 entities currently receive free yearly print copies of the MAR and ARM

updates. Five additional entities currently receive free print copies of the yearly ARM updates. If SOS continues to make print copies of the MAR and the ARM updates available for sale through a yearly subscription and all those entities choose to pay for the yearly subscription, the cumulative MAR cost to the entities will be \$13,300 and the cumulative ARM update cost will be \$12,900. Electronic copies of the MAR and ARM are accessible through the Secretary of State's website free of charge and the cumulative cost to the entities to access those copies is \$0.00.

/s/ JEFFREY M. HINDOIEN
Jeffrey M. Hindoien
Rule Reviewer

/s/ COREY STAPLETON
Corey Stapleton
Secretary of State

Dated this 17th day of April, 2017.