

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 1.2.102 and repeal of ARM) PROPOSED AMENDMENT AND
1.2.105 pertaining to official versions) REPEAL
of the ARM and Register)

TO: All Concerned Persons

1. On June 15, 2017, at 9:30 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 and repeal of the above-stated rules.

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 5:00 p.m. on June 8, 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:

1.2.102 OFFICIAL VERSIONS OF THE ADMINISTRATIVE RULES OF MONTANA (1) ~~The Administrative Rules of Montana, printed and published by the Secretary of State, in accordance with ARM Title 1, chapter 2, is the official version of the Administrative Rules of Montana. The printed version of the Administrative Rules of Montana (ARM) is the official version.~~

(2) ~~Changes to the ARM must first be published in the register (refer to subchapter 4).~~ The electronic version of the ARM is available at <http://www.mtrules.org>.

(3) ~~Finalized rule changes do not appear in the ARM until the quarter following their adoption. The text of the ARM must be read together with any rule changes made in the current and previous quarters of the register to ensure the complete and correct language of the rule is being read. As of July 7, 2017, the electronic version of the Register is the official version. Prior to July 7, 2017, the printed version of the Register was the official version.~~

(4) An electronic version of issues of the Register is available at <http://sos.mt.gov/arm/register>.

(4) (5) ~~If there is a discrepancy between the rule text in the ARM and the text of the register proposal and adoption notices, the text of the register notices prevails as the correct text. If the rule text in the ARM differs from the rule text in~~

corresponding official Register notices, the rule text in the Register notices is the official rule text.

AUTH: 2-4-306, ~~2-4-311~~, ~~2-4-312~~, 2-15-401, ~~2-15-404~~, MCA
IMP: 2-4-306, 2-4-311, 2-4-312, 2-4-313, MCA

REASON: The proposed changes to this rule, in combination with the proposed repeal of ARM 1.2.105, are intended to clarify the official versions of the ARM and Register and their online availability in light of recent legislation. The 2017 Montana Legislature amended 2-4-312 and 2-4-313, MCA, to eliminate the requirements that the Secretary of State publish paper copies of the ARM and Register and make them available to certain entities free of charge and to other people for purchase. Under the amended statutes, the Secretary of State will continue to publish the ARM and Register in an electronic format and make them available free of charge. Subscriptions to the printed Register have significantly declined in recent years, with many subscribers reporting that they are canceling their subscriptions because they can access the Register free of charge online. Accordingly, the Secretary of State proposes to discontinue publication of the Register on paper. If this rule is amended as proposed, 2017 Register subscribers will be offered refunds on a pro rata basis. The proposed changes to ARM 1.2.102 modify the rule to comport with the above-mentioned statutory changes effectuated by House Bill 81, which was signed by Governor Steve Bullock on March 20, 2017, and bore an immediate effective date. The authority and implementation statutes were reviewed and updated. The proposed effective date of this amendment is July 7, 2017.

4. The Secretary of State proposes to repeal the following rule:

1.2.105 INTERNET AVAILABILITY

AUTH: 2-4-311, 2-4-312, 2-4-313, 2-15-401, MCA
IMP: 2-4-311, 2-4-312, 2-4-313, MCA

REASON: In light of the proposed amendments to ARM 1.2.102, this rule is no longer necessary.

5. 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. Hindoien, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing Jeffrey.Hindoien@mt.gov, and must be received no later than 5:00 p.m., June 23, 2017.

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

7. 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.

8. 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.

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

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

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

/s/ COREY STAPLETON
Corey Stapleton
Secretary of State

Dated this 15th day of May, 2017.