

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 44.2.302, 44.5.301, and)
44.5.302 pertaining to online filing of)
annual reports)

TO: All Concerned Persons

1. On August 4, 2017, the Secretary of State published MAR Notice No. 44-2-227 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1290 of the 2017 Montana Administrative Register, Issue Number 15.

2. The Secretary of State has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

44.2.302 SECRETARY OF STATE'S STATEWIDE ELECTRONIC FILING SYSTEM (1) through (3) remain as proposed.

(4) System users are required to set up an account through ePass (the state of Montana's online access portal), which identifies them for the purpose of authentication, unless the Secretary of State is granted an exception from complying with ePass policies or standards.

(4) through (7) remain as proposed, but are renumbered (5) through (8).

44.5.301 REQUIREMENTS FOR ANNUAL REPORT ONLINE FILING (1) through (10) remain as proposed.

AUTH: 2-15-401, 2-15-404, 35-1-1307, 35-1-1308, 35-1-1315, MCA
IMP: 2-15-404, 35-1-1104, ~~35-1-1308, 35-1-1315~~, 35-2-904, 35-8-208, MCA

44.5.302 FORM OF ANNUAL REPORT (1) remains as proposed.

AUTH: 2-15-401, 2-15-404, 35-1-1307, 35-1-1308, 35-1-1315, MCA
IMP: 2-15-404, 35-1-217, 35-1-1104, ~~35-1-1308, 35-1-1315~~, 35-2-904, 35-8-208, MCA

3. The Secretary of State's office received comments from the State Administration and Veterans Affairs (SAVA) Committee counsel and has thoroughly considered the comments received. A summary of the comments received and the Secretary of State's responses are as follows:

COMMENT # 1: SAVA counsel expressed concern over the proposed deletion of the language formerly contained in ARM 44.2.302(6) regarding the establishment of

an ePass account for use of the system and its connection to the identification requirement referenced in 2-15-404, MCA.

RESPONSE # 1: The proposed deletion of ARM 44.2.302(6) was broader than intended, and the final rule retains the reference to ePass.

COMMENT # 2: SAVA counsel made recommendations concerning the placement of certain statutory provisions in the authority and implementation sections for both ARM 44.5.301 and 44.5.302.

RESPONSE # 2: The recommendations of SAVA counsel have been accepted and incorporated into the final rule.

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

/s/ COREY STAPLETON
Corey Stapleton
Secretary of State

Dated this 11th day of September, 2017.