Adoption of an Administrative Rule

Three-Stage Process:

1. Proposals – Notice Section of Montana Administrative Register (MAR)
   - Administrative Agency
     - submits proposed rule changes to the Secretary of State and the agency's interested parties list
   - Secretary of State
     - reviews format
     - publishes proposed rules, amendments, transfers, and repeals in MAR
     - submits copies to Legislative Services
   - Montana Administrative Register (MAR)
     - proposed new, amended, transferred, or repealed rules are published in the notice section
     - Secretary of State publishes and distributes MAR twice monthly
   - Legislative Services
     - rules reviewed by Administrative Rule Review Committee
   - Public Input
     - public provides written and/or oral testimony

2. Adoptions – Rule Section of Montana Administrative Register (MAR)
   - Administrative Agency
     - formats new, amended, transferred, or repealed rules as a replacement page for the Administrative Rules of Montana (ARM)
     - submits replacement page(s) to the Secretary of State
   - Secretary of State
     - reviews format of replacement pages
     - publishes notices of adopted rules, amendments, transfers, or repeals in MAR
     - Legislative Services
     - rules reviewed by Administrative Rule Review Committee
   - Montana Administrative Register (MAR)
     - adopted rules, amendments, transfers, and repeals are published in the rule section
     - rule section includes comments and changes since proposal notice
     - rules are effective the day after publication in MAR unless otherwise stated
   - Administrative Agency
     - adopts proposed change 30 days after publication in MAR and within a six-month period
     - submits notices of adopted rules, amendments, transfers, or repeals to the Secretary of State

3. Replacement Pages – Administrative Rules of Montana (ARM)
   - Administrative Agency
     - formats new, amended, transferred, or repealed rules as a replacement page for the Administrative Rules of Montana (ARM)
     - submits replacement page(s) to the Secretary of State
   - Secretary of State
     - reviews format of replacement pages
     - published and distributed by the Secretary of State every quarter
     - may be reviewed at or purchased from the Secretary of State
     - subscriptions to full sets or single titles available
     - each county and each unit of the university system maintains one copy
   - Legislative Services
     - rules reviewed by Administrative Rule Review Committee
   - Montana Administrative Register (MAR)
     - adopted rules, amendments, transfers, and repeals are published in the rule section
     - rule section includes comments and changes since proposal notice
     - rules are effective the day after publication in MAR unless otherwise stated
   - Administrative Agency
     - adopts proposed change 30 days after publication in MAR and within a six-month period
     - submits notices of adopted rules, amendments, transfers, or repeals to the Secretary of State

Timetable:
- 20 days – minimum time between notice and hearing
- 28 days – minimum time to allow for submission of written comments
- 30 days – minimum time before proposed rule may be adopted
- 6 months – maximum time in which proposed rule may be adopted
- 120 days – emergency rule effective period

* an agency may adopt an emergency rule upon fewer than 30 days’ notice, effective for a period not longer than 120 days