

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 1.3.313 pertaining to notification) PROPOSED AMENDMENT
requirements for emergency rules)
under the Montana Administrative)
Procedure Act)

TO: All Concerned Persons

1. On October 14, 2021, at 10:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office conference room, Room 260, State Capitol, 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 5:00 p.m., October 7, 2021, to advise us of the nature of the accommodation that you need. Please contact Ray Dagnall, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-9009; fax (406) 444-3976; TDD/Montana Relay Service (406) 444-9068; or e-mail RDagnall@mt.gov.

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

1.3.313 RULEMAKING, TEMPORARY EMERGENCY RULES AND TEMPORARY RULES (1) If an agency finds that circumstances exist that truly and clearly constitute an imminent peril to the public health, safety, or welfare, that the circumstances cannot be averted or remedied by any other administrative act, and that the circumstances require a rulemaking action upon fewer than 30 days' notice, it may adopt a temporary emergency rule without prior notice or hearing or, as illustrated by template 313a (<https://sosmt.gov/arm/templates>), upon any abbreviated notice and hearing that it finds practicable, per 2-4-303(1), MCA.

(a) To adopt an emergency rule the agency must:

(i) provide special notice of its intent to the members and staff of the appropriate administrative rule review committee prior to adoption of an emergency rule pursuant to 2-4-303, MCA;

~~(i)~~ (ii) file with the Secretary of State a copy of an adoption notice for the emergency rule containing a statement in writing of its reasons for finding that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice, per 2-4-306(4), MCA, and details of the special notice provided in (i), per 2-4-303(1)(c)(ii), MCA; and

~~(ii) provide special notice of its intent to the appropriate administrative rule review committee, which is accomplished by the Secretary of State's office providing a copy of the notice to the Legislative Services Division;~~

(iii) through (2) remain the same.

AUTH: 2-4-202, MCA

IMP: 2-4-202, 2-4-303, 2-4-306, MCA

REASONABLE NECESSITY: On April 16, 2021, the Governor of Montana signed into law House Bill (HB) 47. HB 47 modified notification requirements for emergency rules under the Montana Administrative Procedure Act. The Office of the Secretary of State is proposing changes to ARM 1.3.313 to reflect the changes in statute.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Angela Nunn, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing angela.nunn@mt.gov, and must be received no later than 5:00 p.m., October 22, 2021.

5. Austin James, Secretary of State's Office, 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 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 combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1301 E. 6th Avenue, P.O. Box 202801, Helena, MT 59620-2801, or emailed to the office at sosarm@mt.gov.

7. With regard to the bill sponsor contact requirements of 2-4-302, MCA, the primary bill sponsor, Representative McKamey, was contacted by mail, email, and phone on September 14, 2021.

8. 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.

/s/ AUSTIN JAMES
Austin James
Rule Reviewer

/s/ CHRISTI JACOBSEN
Christi Jacobsen
Secretary of State

Dated this 14th day of September, 2021.