

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 1.3.307, 1.3.309, and 1.3.312) PROPOSED AMENDMENT
pertaining to legislative oversight of)
administrative rules)

TO: All Concerned Persons

1. On October 28, 2021, at 8:30 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 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., October 21, 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 rules proposed to be amended are as follows, new matter underlined, deleted matter interlined:

1.3.307 RULEMAKING, INTRODUCTION (1) through (3) remain the same.

(4) Rulemaking under MAPA involves ~~four~~ five steps.

(a) and (b) remain the same.

(c) Notice to the appropriate administrative rule review committee pursuant to 2-4-302, MCA.

(c) and (d) remain the same but are renumbered (d) and (e).

(5) through (7) remain the same.

AUTH: 2-4-202, 2-15-401, MCA

IMP: 2-4-111, 2-4-202, 2-4-302, 2-4-303, 2-4-305, MCA

1.3.309 RULEMAKING, PROPOSAL NOTICE (1) Per 2-4-302, MCA, a notice of proposed rulemaking involves the following:

(a) remains the same.

(b) An agency shall ~~publish~~ file for publication with the secretary of state a notice of intent to adopt, amend, or repeal a rule. On the same day, the agency shall send each member of the staff of the appropriate administrative rule review committee an electronic copy of the notice in accordance with 2-4-302, MCA.

(c) through (4) remain the same.

AUTH: 2-4-202, MCA

IMP: 2-4-202, 2-4-302, 2-4-305, 2-4-307, MCA

1.3.312 RULEMAKING, AGENCY ACTION (1) through (5) remain the same.
(6) An agency may not adopt, amend, or repeal rules from October 1 to December 31 in the year that precedes the year in which the legislature meets in regular session, except as provided in 2-4-305, MCA.

(6) remains the same but is renumbered (7).

AUTH: 2-4-202, MCA

IMP: 2-4-202, 2-4-305, 2-4-307, MCA

REASONABLE NECESSITY: On May 14, 2021, the Governor of Montana signed into law House Bill (HB) 447. HB 447 revised laws related to legislative oversight of administrative rules. The Office of the Secretary of State is proposing changes to ARM 1.3.307, 1.3.309, and 1.3.312 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., November 5, 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. A 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 requirements of 2-4-302(2)(d), MCA, the primary bill sponsor, Representative Mercer, was contacted by mail and email on September 23, 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 rules 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 28th day of September, 2021.