

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF PUBLIC HEARING ON
Rule I pertaining to the rotation of) PROPOSED ADOPTION
executive branch agencies on the)
State Records Committee)

TO: All Concerned Persons

1. On September 22, 2016, 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 adoption of the above-stated rule.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing 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 September 15, 2016, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 431-7718; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail jquintana@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I STATE RECORDS COMMITTEE MEMBERSHIP ROTATION

(1) Per 2-6-1107, MCA, the following membership rotation is established for those executive branch agencies (including those that are administratively attached/allocated) that are not designated as permanent representatives of the state records committee:

- (a) First rotation (October 1, 2017, through September 30, 2019):
 - (i) Department of Commerce;
 - (ii) State Board of Education;
 - (iii) Department of Corrections;
 - (iv) Department of Environmental Quality; and
 - (v) Department of Labor and Industry.
- (b) Second rotation (October 1, 2019, through September 30, 2021):
 - (i) Department of Natural Resources and Conservation;
 - (ii) Department of Public Health and Human Services;
 - (iii) Department of Military Affairs;
 - (iv) Department of Fish, Wildlife and Parks; and
 - (v) Department of Livestock.
- (c) Third rotation (October 1, 2021, through September 30, 2023):
 - (i) Department of Transportation;
 - (ii) Department of Revenue;
 - (iii) Office of Public Instruction;

- (iv) Department of Public Service Regulation; and
- (v) State Auditor.
- (d) Fourth rotation (October 1, 2023, through September 30, 2025):
 - (i) Department of Agriculture;
 - (ii) Department of Commerce;
 - (iii) State Board of Education;
 - (iv) Department of Corrections; and
 - (v) Department of Environmental Quality.

(2) The fifth rotation will begin with the Department of Labor and Industry, and, as with all future rotations of the executive branch agencies not designated as permanent members of the state records committee, will follow the order set out above in the first, second, third, and fourth rotations and be for a two-year period beginning on October 1 and ending September 30 two years later.

AUTH: 2-6-1101, MCA
IMP: 2-6-1107, MCA

REASON: House Bill 123 passed by the 2016 Montana Legislature enacted 2-6-1107, MCA, which sets out the composition of the State Records Committee, including providing for a rotation of five executive branch agencies to serve two-year terms on the committee. This rule is proposed to comply with the requirement that the rotation of executive branch agencies be set forth in administrative rule.

4. 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 Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing jquintana@mt.gov, and must be received no later than 5:00 p.m., September 30, 2016.

5. Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, 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, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

7. 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.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by letter on August 2, 2016.

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

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 22nd day of August, 2016.