

1 HOUSE BILL NO. 81

2 INTRODUCED BY W. CURDY

3 BY REQUEST OF THE SECRETARY OF STATE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE DISTRIBUTION AND
6 PUBLICATION OF THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE
7 REGISTER; REQUIRING THAT THE SECRETARY OF STATE PUBLISH THESE PUBLICATIONS IN AN
8 ELECTRONIC FORMAT AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE; ELIMINATING THE
9 REQUIREMENTS THAT CERTAIN ENTITIES ARE PROVIDED WITH COPIES OF THESE PUBLICATIONS
10 WITHOUT CHARGE AND THAT CERTAIN ENTITIES MAINTAIN COPIES OF THESE PUBLICATIONS;
11 AMENDING SECTIONS 2-4-311, 2-4-312, AND 2-4-313, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
12 DATE."

13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 **Section 1.** Section 2-4-311, MCA, is amended to read:

17 **"2-4-311. Publication and arrangement of ARM.** (1) The secretary of state shall compile, index,
18 arrange, rearrange, correct errors or inconsistencies without changing the meaning, intent, or effect of any rule,
19 and publish ~~in the appropriate format~~ all rules filed pursuant to this chapter in the ARM. The secretary of state
20 shall supplement, revise, and publish the ARM or any part of the ARM as often as the secretary of state considers
21 necessary. The secretary of state may include editorial notes, cross-references, and other matter that the
22 secretary of state considers desirable or advantageous. The secretary of state shall publish supplements to the
23 ARM at the times and in the form that the secretary of state considers appropriate.

24 (2) The secretary of state shall publish the ARM, including supplements or revisions to the ARM, in an
25 electronic format and make the electronic version of the ARM available through the secretary of state's website.

26 ~~(2)(3)~~ (3) The ARM must be arranged, indexed, and published or duplicated in a manner that permits
27 separate publication of portions relating to individual agencies. An agency may make arrangements with the
28 secretary of state for the printing or electronic distribution of as many copies of the separate publications as it may
29 require. The secretary of state may charge a fee for any separate printed or electronic publications. The fee must
30 be set and deposited in accordance with 2-15-405 and must be paid by the agency."

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2 **Section 2.** Section 2-4-312, MCA, is amended to read:

3 **"2-4-312. Publication and arrangement of register.** (1) The secretary of state shall publish in the
4 register all notices, rules, and interpretations filed with the secretary of state at least once a month but not more
5 often than twice a month.

6 (2) ~~The secretary of state shall send the register without charge to each person listed in 2-4-313(1) and~~
7 ~~to each member of the legislature requesting the register.~~ The secretary of state shall ~~send~~ publish the register
8 ~~to any other person who pays a subscription fee, which must be established and deposited in accordance with~~
9 ~~2-15-405. The register must be sent in electronic format unless a hard copy is requested~~ in an electronic format
10 and make each issue of the register available through the secretary of state's website. The secretary of state shall
11 maintain a permanent archive of the register.

12 (3) The register must contain three sections, including a rules section, a notice section, and an
13 interpretation section, as follows:

14 (a) The rules section of the register must contain all rules filed since the compilation and publication of
15 the preceding issue of the register, together with the statements required under 2-4-305(1).

16 (b) The notice section of the register must contain all rulemaking notices filed with the secretary of state
17 pursuant to 2-4-302 since the compilation and publication of the preceding register.

18 (c) The interpretation section of the register must contain all opinions of the attorney general and all
19 declaratory rulings of agencies issued since the publication of the preceding register.

20 (4) Each issue of the register must contain the issue number and date of the register and a table of
21 contents. Each page of the register must contain the issue number and date of the register of which it is a part.
22 The secretary of state may include with the register information to help the user in relating the register to the
23 ARM."

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25 **Section 3.** Section 2-4-313, MCA, is amended to read:

26 **"2-4-313. Distribution, costs, maintenance, and fees Fees.** (1) ~~The secretary of state shall distribute~~
27 ~~copies of the ARM and supplements or revisions to the ARM to the following in an electronic format unless a hard~~
28 ~~copy is requested:~~

29 ~~— (a) attorney general, one copy;~~

30 ~~— (b) clerk of United States district court for the district of Montana, one copy;~~

- 1 ~~_____ (c) clerk of United States court of appeals for the ninth circuit, one copy;~~
 2 ~~_____ (d) county commissioners or governing body of each county of this state, for use of county officials and~~
 3 ~~the public, at least one but not more than two copies, which may be maintained in a public library in the county~~
 4 ~~seat or in the county offices as the county commissioners or governing body of the county may determine;~~
 5 ~~_____ (e) state law library, one copy;~~
 6 ~~_____ (f) state historical society, one copy;~~
 7 ~~_____ (g) each unit of the Montana university system, one copy;~~
 8 ~~_____ (h) law library of the university of Montana-Missoula, one copy;~~
 9 ~~_____ (i) legislative services division, two copies;~~
 10 ~~_____ (j) library of congress, one copy;~~
 11 ~~_____ (k) state library, one copy.~~

12 ~~_____ (2) The secretary of state, each county in the state, and the librarians for the state law library and the~~
 13 ~~university of Montana-Missoula law library shall maintain a complete, current set of the ARM, including~~
 14 ~~supplements or revisions to the ARM. The designated persons shall also maintain the register issues published~~
 15 ~~during the preceding 2 years. The secretary of state shall maintain a permanent set of the registers. An entity~~
 16 ~~required by this section to maintain a copy or set of the ARM and supplements or revisions to it and a copy of the~~
 17 ~~register complies with this section if it provides access to an electronic version of the current ARM and the current~~
 18 ~~year's issues of the register or the current year's issue and register archives for the prescribed period of time.~~

19 ~~(3)(1) The secretary of state shall may make printed or electronic copies₁ of and subscriptions₁ to the~~
 20 ~~ARM and supplements₁ or revisions to the ARM and or the register available to any person for a fee set in~~
 21 ~~accordance with subsection (6) (4). Fees are not refundable.~~

22 ~~(4)(2) The secretary of state may charge agencies a filing fee for all material to be published in the ARM~~
 23 ~~or the register.~~

24 ~~(5)(3) In addition to the fees authorized by 2-4-311 and 2-4-312 and other fees authorized by this section,~~
 25 ~~the secretary of state may charge fees for internet or other computer-based services requested by state agencies,~~
 26 ~~groups, or individuals.~~

27 ~~(6)(4) The secretary of state shall set and deposit the fees authorized in this section in accordance with~~
 28 ~~2-15-405."~~

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30 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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