



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee
FROM: K. Virginia Aldrich
DATE: May 4, 2016
RE: Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

MAR NOTICE NUMBER: 44-2-217

AGENCY/BOARD: Secretary of State

RULE CLASSIFICATION: (e.g. substantive/interpretive/emergency/temporary): Substantive

SUBJECT: Administrative Rule Services Fees

NOTICE DESCRIPTION: (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Amendment

SUMMARY OF RULE(S):

The Secretary of State proposes to amend one rule concerning the Administrative Rules of Montana and the Montana Administrative Register. The Montana Administrative Register is published biweekly and contains current rule proposals, recent adoptions, and other relevant notices. The Administrative Rules of Montana is a collection of all current administrative rules after adoption in the Montana Administrative Register, and the Administrative Rules are updated on a quarterly basis. Previously, the rule at issue provided that the Secretary of State would provide certain entities and individuals with copies of both the Administrative Rules of Montana and the Montana Administrative Register free of charge with an option to have access to an electronic copy. The rule proposal deleted references to the Administrative Rules of Montana because section "2-4-313, MCA, does not require the Secretary of State to distribute copies of the Administrative Rules of Montana and any supplements or revisions to those same entities and individuals without charge."

However, after review of the pertinent statutes with staff concerning whether the entities listed in section 2-4-313, MCA, are entitled to copies of the Administrative Rules of Montana without charge, the Secretary of State "believes there is some ambiguity as to whether the entities listed in 2-4-313(1), MCA, are entitled to receive copies of the ARM without charge. The Secretary of State has therefore decided not to proceed with the amendment of ARM 1.2.104 at this time."

As a result, the Secretary of State will no longer pursue the amendments under this notice at this time.

NOTES: A public hearing is scheduled for May 16, 2016, at 9:30 a.m. in Room 260, State Capitol Building, Helena, Montana. The public comment period ends on May 20, 2016.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at <http://www.mtrules.org/gateway/ShowNoticeFile.asp?TID=7127>.

CI0170 6125gafb.