

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 1.2.104 pertaining to ) PROPOSED AMENDMENT  
administrative rules services fees )

TO: All Concerned Persons

1. On May 16, 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 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 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 April 28, 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](mailto:jquintana@mt.gov).

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

1.2.104 ADMINISTRATIVE RULES SERVICES FEES (1) The Secretary of State is required by law ~~(2-4-312 and 2-4-313, MCA)~~, to distribute copies of the ~~Administrative Rules of Montana and Montana Administrative Register and revisions thereto~~, free of charge, to certain ~~federal, state, and county agencies~~ entities and individuals. ~~These agencies may opt to provide access to an electronic version of the current ARM and Register in lieu of receiving the print copy.~~

(2) through (9) remain the same.

AUTH: 2-15-401, 2-15-405, MCA

IMP: ~~2-4-305~~, 2-4-311, 2-4-312, 2-4-313, 2-15-405, MCA

REASON: The amendment to (1) is necessary because 2-4-312, MCA, requires the Secretary of State to send the Montana Administrative Register to certain entities and individuals free of charge, but 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. The authority and implementation statutes were reviewed and updated.

4. Pursuant to 2-4-302, MCA, the Secretary of State is unable to include an estimate of the cumulative dollar amount for all persons of the proposed fees to be charged in (1). The number of persons affected is approximately 47 based on the

entities and individuals that currently receive the Administrative Rules of Montana supplements and revisions free of charge. Under the current fee schedule, if the entities and individuals have to pay for a year's worth of quarterly ARM supplements and revisions, the cost would be \$300 per year for each subscriber. If an entity or individual wants an initial ARM set plus quarterly supplements and revisions, the cost would be \$800 the first year and \$300 per year thereafter. Until the number of entities and individuals that want to continue their ARM subscription can be determined, the cumulative dollar amount cannot accurately be calculated.

5. 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](mailto:jquintana@mt.gov), and must be received no later than 5:00 p.m., May 20, 2016.

6. 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.

7. 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.

8. 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.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that amendment 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 11th day of April, 2016.