



**Montana Legislative Services Division**  
**Legal Services Office**

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** October 22, 2021

**RE:** Legislative Administrative Rule Review Report

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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:** 44-2-249

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Legislative Oversight of Administrative Rules

**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 three administrative rules related to the rulemaking process to align current rules with the statutory changes made by the Legislature in Chapter 519, L. 2021. The Secretary of State proposes to amend one rule providing an overview of the steps involved in rulemaking to include the requirement that notice must be sent to the appropriate administrative rule review committee.

The Secretary of State proposes to amend one rule concerning rulemaking proposal notices by providing that an agency must send each member of the staff of the appropriate administrative rule review committee an electronic copy of the notice on the day that the agency files a notice of intent to adopt, amend, or repeal a rule with the Secretary of State.

The Secretary of State proposes to amend a rule concerning the rulemaking process requirements that occur after the publication of the proposal notice by providing that 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 otherwise provided by statute.

**NOTES:** A public hearing will be held on October 28, 2021, at 8:30 a.m., Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana. The public comment period ends on November 5, 2021.

**FULL TEXT OF NOTICE:** The full text of the proposal notice and the amended proposal may be found online at [https://rules.mt.gov/gateway/Cycle\\_Home.asp?CID=3344](https://rules.mt.gov/gateway/Cycle_Home.asp?CID=3344).