



Montana Legislative Services Division

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TO: State Administration and Veterans' Affairs Interim Committee

FROM: Andria Hardin, Legislative Attorney

DATE: July 19, 2024

RE: Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, 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).

SECRETARY OF STATE

MAR NOTICE NUMBER: 44-2-276

AGENCY/BOARD: Secretary of State

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

SUBJECT: Business Services Annual Report Filing Fee Waiver in 2025

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

SUMMARY OF RULE(S): On May 30, 2023, the Secretary of State adopted ARM 44.5.303 waiving the annual report filing fee in 2024 for corporations and limited liability companies, due to the adoption of a new online filing system reducing processing times and record growth in business filings in Montana. These conditions remain the same, and based on [2-15-405, MCA](#) allowing the Secretary of State to establish fees in line with the Office's overall costs, the Office seeks to amend ARM 44.5.303 to extend the fee waiver for annual report filings through 2025. The Office estimates the impact of the waiver to be \$5,460,000 in savings for Montana corporations and limited liability companies.

NOTES: A public hearing will be held on June 28, 2024 at 10:00 a.m. in the Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana. The public comment period ends on July 5, 2024 at 5:00 p.m.

STAFF COMMENT: This rule review report was initially provided separately via email on June 14, 2024 to provide adequate notice for participation in the public hearing and public comment period.

FULL TEXT OF NOTICE: The Secretary of State recently changed the website for searching MAR notices and the direct citations provided in previous rule reports are no longer available.

MAR Notice Number 44-2-276 can be found on page 1,384 of MAR Issue No. 11 here <https://rules.mt.gov/browse/collections/5e1173a6-33c7-4df8-b426-5e0077cfc430/policies/9ab7b7c5-7f5b-42d6-a9e0-2f86cffbf6b8>.

DEPARTMENT OF ADMINISTRATION (and administratively attached entities, including public employee retirement plans*):

Proposal and Adoption Notices are available at: <https://doa.mt.gov/administrativerules>.

*SAVA reviews rules for the Department of Administration except for (1) the State Compensation Insurance Fund provided for in 39-71-2313, MCA; (2) the Office of the State Public Defender; (3) the Montana Tax Appeal Board; and (4) the Division of Banking and Financial Institutions. Oversight for those entities is statutorily delegated to other interim committees.

MAR NOTICE NUMBER: 2-43-649

AGENCY/BOARD: Public Employees' Retirement Board

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

SUBJECT: Distribution to Participant and Distribution Upon Death of Participant

NOTICE DESCRIPTION (e.g., proposal notice/adoption notice): Notice of Proposed Amendment; No Public Hearing Contemplated

SUMMARY OF RULE(S): The Board proposes to amend two rules regarding required distributions of retirement benefits.

Federal laws passed in 2022 extended required minimum distribution ages depending on when a participant was born and the amendments to ARM 2.43.3545 and ARM 2.43.3546 seek to comply with these new laws. The amendments incorporate the extended, phased-in increases to the age at which a retired plan participant must begin receiving payments from a retirement plan.

NOTES: A public hearing is not contemplated, and the public comment period ends on August 2, 2024 at 5:00 p.m.

STAFF COMMENT: Sections 19-2-1007 and 19-3-2124, MCA contain references to specific ages and birthdates that will no longer coincide with the phased-in increases to the ages in the proposed amendments and federal law. However, the rule amendments provide plan participants with more rights and the flexibility to delay required distributions if desired. Therefore, amending the referenced statutes to reflect the new required minimum distribution ages may be preferable.

FULL TEXT OF NOTICE: The Secretary of State recently changed the website for searching MAR notices and the direct citations provided in previous rule reports are no longer available. MAR Notice Number 2-43-649 can be found on page 1,498 of MAR Issue No. 13 here https://sosmt.gov/wp-admin/admin-ajax.php?juwpfisadmin=false&action=wpfd&task=file.download&wpfd_category_id=118&wpfd_file_id=64965&token=&preview=1.