

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PROPOSED  
2.2.101 pertaining to procedural rules ) AMENDMENT  
)  
) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. On February 23, 2018, the Department of Administration proposes to amend the above-stated rule.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Administration no later than 5:00 p.m. on January 26, 2018, to advise us of the nature of the accommodation that you need. Please contact Gretchen Bingman, Department of Administration, 125 N. Roberts, Room 155, P.O. Box 200101, Helena, Montana 59620-0101; telephone (406) 444-3308; fax (406) 444-6194; Montana Relay Service 711; or e-mail [gbingman@mt.gov](mailto:gbingman@mt.gov).

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

2.2.101 MODEL PROCEDURAL RULES (1) The Department of Administration adopts and incorporates by reference the following model rules, which may be found at <http://sos.mt.gov/>:

(a) the Attorney General's model procedural rules ARM ~~1.3.101, 1.3.102, and 1.3.201, 1.3.202, 1.3.210~~ 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233, including the appendix of sample forms in effect ~~October 16, 2009~~ January 2, 2018. These rules provide model rules of practice for contested case hearings and declaratory rulings; and

(b) the Secretary of State's model rules ARM 1.3.101, 1.3.102, 1.3.301, 1.3.302, 1.3.304, 1.3.305, 1.3.307 through 1.3.309, and 1.3.311 through 1.3.313 in effect ~~October 16, 2009~~ January 2, 2018. These rules define model requirements for rulemaking under the Montana Administrative Procedure Act.

AUTH: 2-4-201, MCA  
IMP: 2-4-201, MCA

STATEMENT OF REASONABLE NECESSITY: The department is proposing to amend the above-stated rule to ensure its compliance with current Attorney General's and Secretary of State's Model Rules.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Gretchen Bingman, Department of Administration, 125 N. Roberts, Room 155, P.O. Box 200101, Helena, Montana 59620-0101; telephone (406) 444-3308; fax (406) 444-6194; Montana Relay Service 711; or e-mail [gbingman@mt.gov](mailto:gbingman@mt.gov), and must be received no later than 5:00 p.m., February 9, 2018.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., February 9, 2018.

6. If the department receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those has been determined to be 25 based on the number of individuals interested in rulemaking by the department.

7. The department 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 mailing list shall make a written request which includes the name and mailing address or e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding department rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the department's web site at <http://doa.mt.gov/administrativerules>. The department strives to make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department 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. The department has determined that under 2-4-111, MCA, the proposed amendment will not significantly and directly affect small businesses.

By: /s/ John Lewis  
John Lewis, Director  
Department of Administration

By: /s/ Michael P. Manion  
Michael P. Manion, Rule Reviewer  
Department of Administration

Certified to the Secretary of State January 2, 2018.