

Rulemaking Process

Three-Stage Process:

Proposals – Notice Section of Montana Administrative Register (MAR)
Adoptions – Rule Section of Montana Administrative Register (MAR)
Replacement Pages – Administrative Rules of Montana (ARM)

Timetable:

20 days – minimum time between notice and hearing
28 days – minimum time to allow for submission of written comments
30 days – minimum time before proposed rule may be adopted
6 months – maximum time in which proposed rule may be adopted
120 days – emergency rule effective period

Administrative Agency

Submits proposed rule changes to the Secretary of State and the agency's interested parties list

Secretary of State

Reviews format
Publishes proposed rules, amendments, transfers, and repeals in MAR
Submits copies to Legislative Services

Montana Administrative Register (MAR)

Proposed new, amended, transferred, or repealed rules are published in the notice section
Secretary of State publishes and distributes MAR twice monthly
20 days – minimum time between notice and hearing

Legislative Services

rules reviewed by Administrative Rule Review Committee

Public Hearing Scheduled

Public provides written and/or oral testimony
28 days – minimum time to allow for submission of written comments

Public Input

Public submits written data, views or arguments
Hearing may be requested if none was scheduled
30 days – minimum time before proposed rule may be adopted
6 months – maximum time in which proposed rule may be adopted

Administrative Agency

Adopts proposed change 30 days after publication in MAR and within a six-month period

Submits notices of adopted rules, amendments, transfers, or repeals to the Secretary of State

Secretary of State

Reviews format

Publishes notices of adopted rules, amendments, transfers, or repeals in MAR

Submits copies to Legislative Services

rules reviewed by Administrative Rule Review Committee

Montana Administrative Register (MAR)

Adopted rules, amendments, transfers, and repeals are published in the rule section

Rule section includes comments and changes since proposal notice

Rules are effective the day after publication in MAR unless otherwise stated

Administrative Agency

Formats new, amended, transferred, or repealed rules as a replacement page for the Administrative Rules of Montana (ARM)

Submits replacement page(s) to the Secretary of State

Secretary of State

Reviews format of replacement pages

Administrative Rules of Montana (ARM)

Published and distributed by the Secretary of State every quarter

May be reviewed at or purchased from the Secretary of State

Subscriptions to full sets or single titles available

Each county and each unit of the university system maintains one copy

Emergency Rulemaking

An agency may adopt an emergency rule upon fewer than 30 days' notice, effective for a period not longer than 120 days

Montana Register

Montana Administrative Procedure Act