

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 23.4.201, 23.4.212, 23.4.213,) PROPOSED AMENDMENT
23.4.214, 23.4.215, 23.4.216, 23.4.217,)
23.4.218, 23.4.219, 23.4.220, and)
23.4.225, pertaining to drug and)
alcohol analyses)

TO: All Concerned Persons

1. On May 4, 2012, at 2:30 p.m., the Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Justice 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 the Department of Justice no later than 5:00 p.m. on April 26, 2012, to advise us of the nature of the accommodation that you need. Please contact Kathy Stelling, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail kstelling@mt.gov.

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

23.4.201 DEFINITIONS Unless the context requires otherwise, the following definitions apply to this subchapter:

(1) remains the same.

(2) "Alcohol" means an organic hydrocarbon molecule which contains a hydroxyl (oxygen, hydrogen) as its primary functional group, such compounds to include such common alcohols as: methanol, ethanol, isopropanol, and all other compounds chemically ~~classed~~ classified as an alcohol.

(3) "Alcohol analyses" includes ~~all manipulations~~ any testing required to achieve a result demonstrating the presence and/or concentration of alcohol in breath, blood, or any other bodily substance.

(4) "Alveolar air" means that air which is located in the alveoli ~~region~~ of the lungs and is responsible for the exchange of gases between the blood and the lung. This is a the type of breath upon which the 2100:1 breath blood ratio is established.

~~(5) "Annual" means once every 365 days.~~

(6) remains the same but is renumbered (5).

~~(7) "Authorized designee" means a breath test specialist/operator selected by the breath test specialist/senior operator to perform the senior operator's duties.~~

~~(8)~~ (6) "Associated equipment" means:

(a) remains the same.

(b) any approved device ~~which is designed~~ capable of capturing and analyzing deep lung air to detect and verify the presence of alcohol ~~or provide an estimated value of alcohol concentration,~~ i.e., a PAST device.

(9) and (10) remain the same, but are renumbered (7) and (8).

(11) remains the same, but is renumbered (9).

(12) through (15) remain the same, but are renumbered (14) through (17).

(16) through (18) remain the same, but are renumbered (10) through (12).

(19) remains the same, but is renumbered (18).

~~(20)~~ (13) "Breath-test specialist" means a person qualified under these rules to use a breath analysis instrument or a preliminary alcohol screening device, i.e., PAST device. Depending on the person's degree of training as set forth in ARM 23.4.216, he/she may be certified as:

(a) ~~a breath test specialist/operator;~~

(b) ~~a breath test specialist/senior operator; and/or~~

(c) ~~a breath test specialist/technician.~~

(21) through (27) remain the same, but are renumbered (19) through (25).

(26) "Renewal materials" in ARM 23.3.217 means materials which relate to the field of breath alcohol testing, and may include an exam, a practical demonstration on the instrument, current legal decisions, or updates on instrument technology and operation.

(28) and (29) remain the same, but are renumbered (27) and (28).

~~(30)~~ (29) "Supply" means any item which is consumed during one or more test modes of the breath analysis instrument or associated equipment, i.e., simulator solution, and mouthpieces, ~~test record cards.~~

~~(31)~~ (30) "Test," in reference to a breath analysis, means a full and complete analysis of properly delivered breath sample or samples. Such analysis is to be considered complete when the breath analysis instrument has executed its prescribed program, a final result known as the reported alcohol concentration is obtained, and a printed record is produced by the breath ~~test~~ analysis instrument. All breath analysis analyses must be performed in accordance with the procedures set forth by the Forensic Science Division. In reference to other biological sample analysis, a test of the sample may consist of more than one analysis of the submitted sample or samples in accordance with the procedures set forth by the Forensic Science Division.

(32) remains the same, but is renumbered (31).

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The proposed amendments to ARM 23.4.201 are reasonable and necessary as follows: The changes in (2), (3), (4), (13), and (30) correct misspellings and clerical errors. The removal of (5) "annual" definition conforms with removing the word "annual" and designating laboratory certification valid for 365 days in ARM 23.4.214. The word "annual" is no longer used in ARM Title 23, chapter 4, subchapter 2; consequently, the definition is no longer needed. The proposed amendment to (6)(b) clarifies the definition of a PAST device for purposes of the proposed amendment to ARM 23.4.212(7) and brings the definition into

conformance with ARM 23.4.225(5) and (6). The removal of (7) "authorized designee" definition conforms with the removal of "authorized designee" from ARM 23.4.213(1) and (1)(d) and brings ARM 23.4.213(1) and (1)(d) into compliance with the requirement in ARM 23.4.218(1) that permit holders "shall perform only those functions designated by that permit." The amendments to (13) simplify the different categories of breath-test specialists for ease of identification and clarity in the rules. The amendment to (26) defines "renewal materials" as used in ARM 23.4.217 as revised. "Test record cards" was removed in (29) because modern breath analysis instruments no longer use these cards.

23.4.212 BREATH ANALYSIS INSTRUMENTATION AND ASSOCIATED EQUIPMENT (1) through (5)(c) remain the same.

(d) The manufacturer/vendor shall, if requested to do so, send at least one representative knowledgeable in the technology and electronic configurations of the breath analysis instrument and capable of providing training for the personnel in the breath analysis section of the division. The manufacturer/vendor shall, if requested to do so, send at least one representative knowledgeable in the technology and electronic configurations of the associated equipment.

(e) remains the same.

(f) Failure to comply with these or any subsequent manufacturer/vendor related regulations may negate the ~~manufacturers~~ manufacturer's approval to market additional breath analysis instrumentation, associated equipment accessories, and/or supplies in the state of Montana.

(6) remains the same.

(7) Breath samples of deep lung air shall be analyzed using only the breath analysis instrumentation or PAST devices approved under this rule. ~~Breath analyses will be performed according to an operational checklist for the breath analysis instrument being used.~~

(8) remains the same.

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The amendments to ARM 23.4.212 are reasonable and necessary as follows: The amendment in (5)(d) makes the presence of a manufacturer/vendor discretionary consistent with the rest of (5)(d). Proposed amendments in (5)(f) are clerical corrections. The amendments in (7) include use of only approved PAST devices as they were inadvertently not named here and are currently used by officers in the field to analyze a subject's deep lung air for presence of alcohol. The final sentence in (7) constitutes superfluous and confusing language, and therefore requires removal. A "check list requirement" is unnecessary because the breath analysis instrument provides its own individual operational check list at the actual time of the subject breath test and will not perform a breath analysis of a subject's breath unless the breath-test specialist operating the instrument complies with that check list. The PAST device, on the other hand, does not have or need an operational check list. The PAST device only analyzes a subject's breath test for the

presence of alcohol which may then be used for probable cause, and is not used as proof or quantification of blood alcohol content.

23.4.213 FIELD CERTIFICATION OF BREATH ANALYSIS INSTRUMENTS AND ASSOCIATED EQUIPMENT (1) Breath analysis instruments shall be field certified for accuracy at least once every 31 days by a ~~breath test specialist/senior operator, or his/her authorized designee,~~ using an ethyl alcohol water standard or an ethyl alcohol gas standard which has been approved by the division and using the field certification report form for the breath analysis instrument being certified.

(a) A field certification shall consist of a series of no less than two analyses obtained using an approved alcohol standard.

(b) A field certification is valid when the results of the approved standard are at plus or minus 10% of target value. The results of the field certification shall be reported to the third decimal (0.000) and recorded on the field certification report form. If a test record card or tape is used, it shall be affixed to the field certification report which is to be kept at the testing location, and a copy of the field certification report will be prepared for the division. All field certification reports will be sent to the division on a monthly basis.

(c) remains the same.

(d) Results of a field certification analysis outside the range specified in this rule shall be confirmed by the ~~breath test specialist/senior operator, or his/her authorized designee.~~ If the test results are still out of the specified range, the breath analysis instrument will be removed from service and the division shall be notified.

(e) through (h) remain the same.

(i) A ~~proper~~ field certification prior to any subject test, and a ~~proper~~ either calibration checks with approved alcohol standards performed during the subject test or a field certification following a subject test, shall create the inference that the breath analysis instrument was in proper working order at the time of the subject test.

(j) remains the same.

(2) All devices meeting the definition of "associated equipment" contained in ARM 23.4.201(8)(6)(b) shall be field certified for accuracy at least once every 31 days by a breath test specialist who has received training approved by the division in the proper methods for conducting such analyses.

(a) and (b) remain the same.

(c) Results of a field certification analysis outside the range specified in (2)(b) shall be confirmed/adjusted by the ~~breath test specialist/senior operator, or his/her authorized designee.~~ If the test results are still out of the specified range, the PAST will be removed from service.

(d) through (f) remain the same.

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The proposed amendments to ARM 23.4.213 are reasonable and necessary as follows: The amendment to (1) and (2)(c) clarifies that only a "senior operator" shall make these confirmations in compliance with ARM 23.4.218's

requirements that permit holders "shall perform only those functions designated by that permit." The amendments to (1)(i) remove the word "proper" as superfluous language. Adding language for calibration checks during a breath test complies with the current procedure for each and every subject test in that, during a subject test, a breath analysis instrument is designed to perform its own internal calibration checks prior to allowing the subject to provide a breath sample. If the breath analysis instrument finds itself not working as designed, the breath analysis instrument prohibits the subject from providing a breath sample. Section (2) is amended to refer to the revised definition section.

23.4.214 LABORATORY CERTIFICATION (1) All breath analysis instruments shall be returned to the division ~~on an annual basis~~ for a laboratory certification. A laboratory certification shall be considered valid for 365 days from the date of a laboratory certification. Such certification shall at a minimum consist of:

(a) remains the same.

(b) a series of controlled ethyl alcohol water/gas standards shall be analyzed with an accuracy requirement of +/- 5% or .005, whichever is greater, on all target values;

(c) remains the same.

(d) a review of the breath analysis instrument's sensitivity for the detection of ~~any~~ interfering substances.

(2) and (3) remain the same.

(4) All breath analysis instruments received from the division either after the laboratory certification, preventive maintenance, or after repair, must have a field certification performed by the ~~breath test specialist/senior operator or his/her authorized designee~~, as set forth in ARM 23.4.213, prior to analysis of any subject's breath.

(5) remains the same.

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The amendments to ARM 23.4.214 are reasonable and necessary as follows: Section (1) is amended to clarify the specific length of time that a certification is valid, and correspondingly when a certification expires. The 365-day time period was chosen to reflect current practice and clarify that the time starts at, and runs from, renewal. The amendment to (4) clarifies that only a "senior operator" shall perform these certifications in compliance with ARM 23.4.218's requirements that permit holders "shall perform only those functions designated by that permit."

23.4.215 QUALIFICATION OF BREATH ANALYSIS LOCATION (1) All locations performing breath analysis must have one or more ~~breath test specialist/senior operator~~(s) responsible for the care, maintenance, and field certification of the ~~unit~~ breath analysis instrument. The ~~specialist/senior operator~~ does not have to be a member of the department which has the physical placement of the ~~unit~~ breath analysis instrument.

(2) All locations must have a sufficient number of breath-test specialists to warrant placement. The number of breath-test specialists for any location will be based on the total number of ~~specialist/operators~~ and ~~specialist/senior operators~~ within the county.

(3) remains the same.

(4) All locations are required to submit copies of all field certification reports and all breath analysis reports on a monthly basis. Failure to maintain this reporting schedule may result in the revocation of a testing location's certification and revocation of the ~~breath test specialist/senior operator's~~ certification. Failure to file the above reports does not invalidate any subject analysis or field certification performed at that location.

(5) through (8) remain the same.

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The amendment to ARM 23.4.215(1) and (4) clarifies that only a "senior operator" shall perform these certifications in compliance with ARM 23.4.218's requirements that permit holders "shall perform only those functions designated by that permit," and clarifies that "unit" means "breath analysis instrument." In (4), including "or field certification" in the final sentence provides consistency with the first sentence.

23.4.216 QUALIFICATIONS OF PERSONNEL INITIAL CERTIFICATION OF BREATH-TEST SPECIALISTS (1) An individual meets the qualifications for an breath test specialist/operator permit by:

(a) through (c) remain the same.

(2) ~~A The division shall issue an operator's permit shall be issued to a persons successfully completing the training complying with (1)(a) through (c).~~

(3) ~~If a breath test specialist an operator candidate fails the certification examination, he/she may retake the examination within 30 days of notification of failure. After a second test failure, all An operator candidates for failing the operator certification examination a second time, must retake the appropriate breath test specialist operator initial certification training course and examination.~~

(4) An individual meets the qualifications for a ~~breath test specialist/senior operator~~ permit by:

(a) holding a valid ~~breath test specialist operator~~ permit ~~for at least one year.~~ A special exemption for this requirement may be obtained through the division;

(b) attending an approved ~~breath test specialist/senior operator~~ training course conducted by personnel from the division;

(c) satisfactorily demonstrating knowledge of the principles of breath-test analysis through discussion and ~~examination~~ completion of the senior operator training course;

(d) and (e) remain the same.

(5) ~~A The division shall issue a senior operator's permit shall be issued to a person an operator successfully completing the training complying with (4)(a) through (e).~~

- (6) A person meets the qualifications for ~~breath test specialist/technician~~ by:
- (a) holding a valid ~~breath test specialist/senior operator~~ permit for at least one year. A special exemption for this requirement may be obtained through the division;
 - (b) attending an approved ~~breath test specialist/technician~~ training course conducted by personnel from the division, or an approved manufacturer's course in technical repair and maintenance;
 - (c) and (d) remain the same.
- (7) The ~~breath test specialist/technician~~ permit is held in addition to the ~~breath test specialist/senior operator~~ permit. An individual holding a ~~breath test specialist/technician~~ permit is required to continue the duties and responsibilities of a ~~breath test specialist/senior operator~~.

AUTH: 61-8-405, MCA
IMP: 61-8-405, MCA

REASON: The amendments to ARM 23.4.216 are reasonable and necessary to make this rule succinct and less confusing. The proposed amendments clearly identify "operator," "senior operator," or "technician" for each pertinent subsection and change the passive language to active language for clarity. The proposed language uses consistent names for each certification requirement, as follows:

The amendments to (3) change "test" to "examination" for consistency and clearly delineate the procedures for failing the examination a second time to prevent future misinterpretation. Section (4)(a) no longer requires a one-year wait period due to the advanced technology and ease of operation of the breath analysis instrument. Section (4) also deletes "examination," because examinations will not be given by the division. Instead, completion of the training course itself is deemed sufficient to meet this requirement.

23.4.217 RECERTIFICATION RENEWAL OF BREATH-TEST PERSONNEL SPECIALIST PERMITS (1) ~~The division must approve~~ will develop and provide any breath-test specialist permit renewal course materials to a senior operator for each department necessary for the recertification of the breath test specialist/operator. The division shall place a copy of the recertification exam in the custody of the breath test specialist/senior operator.

(2) ~~The breath test specialist/s-~~ Senior operators shall have the responsibility of presenting provide the approved permit renewal recertification course and monitoring the examination of materials to all personnel breath-test specialists within the senior operators' department seeking recertification. The division may, if it determines that the circumstances warrant, give recertification training to any individual(s) seeking recertification directly from the division. A senior operator from another department may provide the permit renewal materials to departments with no senior operator.

(3) All breath-test specialists shall review the permit renewal materials and acknowledge review as required by the division.

~~(3) (4) All examinations~~ The senior operators shall be sent send all acknowledgment forms to the division for grading unless digital acknowledgment is requested by the division.

~~(4) (5) Permits shall be issued to~~ The division shall renew permits for all individuals breath-test specialists complying with (3). ~~successfully completing the breath test specialist recertification training. The permit expires the last day of the month, in the following year in which the specialist was certified.~~

~~(5) All breath test specialist/operators shall be recertified on a regular basis by attending a recertification course approved by the division.~~

~~(6) In addition to the regular recertification, all breath test specialist/senior operators may be recertified by a representative of the division once every two years on a schedule to be determined by the division.~~

~~(7) Training may include, but is not limited to, the following subjects:~~

~~(a) toxicology and pharmacology of alcohol in the human system;~~

~~(b) breath analysis instrument theory;~~

~~(c) breath analysis instrument operation;~~

~~(d) current legal decisions;~~

~~(e) training techniques; and~~

~~(f) any area deemed appropriate by the division.~~

~~(8) The breath test specialist/senior operator is still required to submit an annual examination based on the material he/she is presenting to the breath test specialist/operators, in addition to the biannual recertification which may be conducted by the division.~~

~~(9) A permit will be issued to all individuals successfully completing the senior operator's recertification training. Certification expires the last day of the month, in the following year in which the specialist was certified.~~

~~(10) The breath test specialist/technician is only required to fulfill the recertification requirements of a breath test specialist/senior operator. The technician's proficiency will be assessed through monitoring of his/her performance.~~

~~(11) All breath test specialists must successfully pass a recertification course within 90 days after his/her expiration date.~~

~~(12) (6) If a A breath-test specialist fails to recertify within the specified time frame, he/she~~ failing to comply with (3) prior to expiration of her/his current permit, shall not perform any analysis of a person's breath for alcohol until the breath-test specialist's permit is renewed. All breath-test specialists who fail to comply with (3) within 90 days of the expiration date of her/his current permit must either attend complete an initial certification course or file a written request, in writing, with the division for an exemption. Exemption requests will be reviewed and approved for good cause by the division. Good cause may include, but is not limited to, lapse in law enforcement service due to military duty, illness, death in the family, or injury. If approved, the breath-test specialist must then comply with (3) within 30 days of the division's approval date.

~~(13) If a breath test specialist fails the recertification examination, he/she may retake the examination within 30 days of notification of failure. After a second test failure, all candidates for recertification must retake the appropriate breath test specialist course.~~

(7) The division may directly provide the approved permit renewal materials to, and accept acknowledgment forms from, any breath-test specialist at the division's discretion.

AUTH: 61-8-405, MCA
IMP: 61-8-405, MCA

REASON: As written, this rule was somewhat confusing, resulting in recent legal opinions prohibiting the use of subject breath tests at trial. The amendments to ARM 23.4.217 are reasonable and necessary to address these problems by removing redundant and confusing language, changing passive language to active language for clarity, and providing consistency in language throughout these rules. Any change not specifically addressed below is for clarification or clerical purposes only and is not intended to have a substantive effect.

In the title, "Renewal" is proposed for "Recertification" and "Personnel" for "breath-test specialist" to conform to the changes in the renewal procedure as implemented by this rule change. Section (1) clarifies the procedure the division will use to develop each year's permit renewal materials.

For (2), the proposed amendments simplify the language to just "senior operator" for ease of identification and to prevent confusion. The division has determined that an "examination" and "monitoring" for permit renewal will not be needed each year. The division will follow permit renewal procedures in other states, such as Missouri, which requires that operators show practical competence on the breath analysis instruments; or in Iowa, where the operators are notified of changes in procedure or the instrument's manual by participating in an interactive web site. The addition of the sentence, "A senior operator from another department may provide the permit renewal materials to departments with no senior operator" recognizes that small law enforcement divisions may not have a senior operator but still have operators who need their permits renewed. A senior operator from another division may renew permits in compliance with ARM 23.4.215(1), which provides that the senior operator who maintains and conducts field certifications on the breath analysis instrument does not have to be a member of the department that physically possesses the breath analysis instrument.

The amendments to (3) clarify the division's intent that all breath-test specialists complete the same materials for permit renewal.

Section (4) provides clear direction to senior operators as to the new permit renewal procedures, whether the materials are written or digital. The time limit requirements for expiration of permits and renewal requirements have been removed because ARM 23.4.218 independently provides these time requirements.

The repeal of old (5), (6), (8), (9), (10), and (11) is necessary because these sections are redundant and confusing and have been rewritten concisely in (3), (5), and (6). Old (7) is now defined at ARM 23.4.201(26).

Because the changes to this rule implement a different renewal process, and do away with the recertification course and examination, new (6) is necessary to clarify the applicable procedures and timelines if a permit is not renewed on time, including defining "good cause" for an exemption.

23.4.218 PERMITS (1) ~~The division shall issue permits to perform analysis of a person's breath for alcohol to individuals who qualify under these rules. No individual may perform a breath analysis for alcohol pursuant to 61-8-402 , MCA, without a current permit. Individuals holding permits issued by the division shall perform only those functions designated by that permit.~~

(2) ~~Permits issued shall expire the last day of the month, on January 31 in the following year following of which the specialist was certified, initial certification or permit renewal. unless revoked prior to that date. Individuals seeking renewal or upgrading of a permit must demonstrate to the satisfaction of the division such competency and ability to warrant renewal or upgrade of the permit. The division has the right to deny or delay the issuance or renewal of any permit for good cause.~~

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The amendments are reasonable and necessary to remove redundant language already provided in ARM 23.4.216 and 23.4.217, and clarify the expiration date of permits. January 31 was chosen to establish a uniform date of expiration that conforms with the division's schedule.

23.4.219 REVOCATION OF PERMITS (1) and (1)(a) remain the same.

(b) fails to comply with any section of the rules; or

(c) ~~as a breath test specialist/operator, fails to demonstrate that he/she can properly carry out the duties and responsibilities of the issued permit;~~ or

(d) ~~as a breath test specialist/senior operator and/or breath test specialist/technician, fails to carry out the responsibilities incumbent of that permit.~~

(2) remains the same.

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The proposed amendments are reasonable and necessary to remove redundant language.

23.4.220 COLLECTION OF BLOOD SAMPLES FOR DRUG AND/OR ALCOHOL ANALYSIS (1) through (3) remain the same.

(4) All blood samples must be of sufficient volume to provide accurate and repeatable analyses. Required volumes will be ~~dependant~~ dependent on the current technology employed by the division. Any submitted sample not meeting the required sample volume will not be analyzed.

(5) through (7) remain the same.

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The clerical amendment corrects a misspelled word.

23.4.225 PRELIMINARY ALCOHOL SCREENING TESTS (PASTs) (1) All models and/or types of PASTs devices used for testing must be approved by the division. A list of approved PASTs devices will be maintained at the division.

(2) Individuals conducting PASTs as authorized by statute must be certified as breath_test specialists.

(3) Individuals certified as breath_test specialists pursuant to ARM 23.4.216 on or before July 1, 1995, are deemed to be PAST-certified after attending a PAST operation course approved by the division. Individuals certified as breath_test specialists after July 1, 1995, are deemed to be PAST-certified.

(4) through (6) remain the same.

AUTH: 61-8-405, MCA

IMP: 61-8-405, MCA

REASON: The amendments are reasonable and necessary to correctly identify PAST devices.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: J. Stuart Segrest, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail ssegrest@mt.gov, and must be received no later than May 10, 2012.

5. J. Stuart Segrest, Department of Justice, has been designated to preside over and conduct this hearing.

6. 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 list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. 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.

7. 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.

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

/s/ J. Stuart Segrest
J. Stuart Segrest
Rule Reviewer

/s/ Steve Bullock
Steve Bullock
Attorney General
Department of Justice

Certified to the Secretary of State April 2, 2012.