

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
OFFICE OF THE MONTANA STATE AUDITOR

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 6.10.303 pertaining to the	)	AMENDMENT
Supervision, Rehabilitation and	)	
Liquidation of Self-Funded Multiple	)	NO PUBLIC HEARING
Employer Welfare Arrangements	)	CONTEMPLATED

TO: All Concerned Persons

1. The Commissioner of Securities and Insurance, Office of the Montana State Auditor (CSI) proposes to amend the above-stated rules.

2. CSI 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 CSI no later than 5:00 p.m. on August 16, 2022, to advise us of the nature of the accommodation that you need. Please contact Sam Loveridge, Communications Director, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-332-6148; fax (406) 444-3497; TDD (406) 444-3246; or e-mail [csi@mt.gov](mailto:csi@mt.gov).

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

6.10.303 SECOND TIER LIMITED OFFERING EXEMPTION (1) through (2) will remain the same:

- (a) will remain the same;
- ~~(b) a filing fee of \$50;~~
- ~~(c)~~(b) a consent to service of process which is attached to and made part of the second tier limited offering exemption form; and
- ~~(d)~~(c) such other information as the Commissioner of Securities may require.
- (3) will remain the same.

AUTH: 33-10-105, MCA  
IMP: 33-10-105, MCA

4. REASON: As part of the biannual review of CSI's rules as required by 2-4-314, MCA, Montana State Auditor Troy Downing (Commissioner) identified the above-rule for revision to eliminate reference to a reduced filing fee (\$50) that conflicts with the applicable statutory requirements of 30-10-209(4), MCA, specifying a \$100 fee for exempt transaction requests at issue in the above rule.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Sam Loveridge, CSI Communications Director, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-

332-6148; fax (406) 444-3497; TDD (406) 444-3246; or e-mail [CSI@mt.gov](mailto:CSI@mt.gov), and must be received no later than 5:00 p.m., September 2, 2022.

6. If persons who are directly affected by the proposed actions 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 Sam Loveridge at the above address no later than 5:00 p.m., September 2, 2022.

7. If the agency receives requests for a public hearing on the proposed actions from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed actions; 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 directly affected has been determined to be far in excess of 25 persons based on the number of second tier limited offering exemptions filed with the Commissioner per year.

8. CSI 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 must 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 ¶5 above or may be made by completing a request form at any rules hearing held by CSI.

9. An electronic copy of this proposal notice is available through the Secretary of State's website at <http://sosmt.gov/ARM/Register>.

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

11. With regard to the requirements of 2-4-111, MCA, CSI has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Kirsten Madsen  
Kirsten Madsen  
Rule Reviewer

/s/ Ole Olson  
Ole Olson  
Chief Legal Counsel  
Commissioner of Securities and Insurance,  
Office of the Montana State Auditor

Certified to the Secretary of State July 26, 2022.