

1 HOUSE BILL NO. 15
 2 INTRODUCED BY CODY
 3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EXECUTIVE
 6 BRANCH DEPARTMENT REVIEWERS OF ADMINISTRATIVE RULE PROPOSAL,
 7 ADOPTION, AND OTHER NOTICES TO SIGN EACH NOTICE; PROVIDING
 8 THAT SIGNING CONSTITUTES AN AFFIRMATION THAT THE REQUIRED
 9 REVIEW WAS PERFORMED TO THE BEST OF THE REVIEWER'S ABILITY;
 10 PROHIBITING THE SECRETARY OF STATE FROM ACCEPTING AN
 11 UNSIGNED NOTICE; REQUIRING EACH DEPARTMENT TO INFORM THE
 12 SECRETARY OF STATE AND ADMINISTRATIVE CODE COMMITTEE OF THE
 13 NAME OF ITS REVIEWER; AND AMENDING SECTION 2-4-110, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 2-4-110, MCA, is amended to read:
 17 "2-4-110. Departmental review of rule notices. (1) The
 18 head of each department of the executive branch shall
 19 appoint an existing attorney, paralegal, or other qualified
 20 person from that department to review each departmental rule
 21 proposal notice, adoption notice, or other notice relating
 22 to administrative rulemaking. Notice of the name of the
 23 person appointed under this subsection and of any successor
 24 must be given to the secretary of state and the
 25 administrative code committee within 10 days of the

1 appointment.

2 (2) The person appointed under subsection (1) shall
 3 review each notice by any division, bureau, or other unit of
 4 the department, including units attached to the department
 5 for administrative purposes only under 2-15-121, for
 6 compliance with this chapter before the notice is filed with
 7 the secretary of state. The reviewer shall pay particular
 8 attention to 2-4-302 and 2-4-305. The review must include
 9 but is not limited to consideration of:

10 (a) the adequacy of the rationale for the intended
 11 action and whether the intended action is reasonably
 12 necessary to effectuate the purpose of the code section or
 13 sections implemented;

14 (b) whether the proper statutory authority for the rule
 15 is cited;

16 (c) whether the citation of the code section or
 17 sections implemented is correct; and

18 (d) whether the intended action is contrary to the code
 19 section or sections implemented or to other law.

20 (3) The person appointed under subsection (1) shall
 21 sign each notice for which this section requires a review.
 22 The act of signing is an affirmation that the review
 23 required by this section has been performed to the best of
 24 the reviewer's ability. The secretary of state may not
 25 accept for filing a notice that does not have the signature



-2- INTRODUCED BILL
 HB 15

HB 0015/01

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-End-

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