HOUSE BILL NO. 15

INTRODUCED BY CODY BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE HOUSE

	IN IND HOUSE
DECEMBER 27, 1990	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 7, 1991	FIRST READING.
JANUARY 11, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
JANUARY 12, 1991	PRINTING REPORT.
	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
JANUARY 14, 1991	THIRD READING, PASSED. AYES, 100; NOES, 0.
	TRANSMITTED TO SENATE.
	IN THE SENATE
JANUARY 15, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 18, 1991	POSTED ON CONSENT CALENDAR.
JANUARY 19, 1991	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
JANUARY 22, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.
	IN THE HOUSE
JANUARY 23, 1991	RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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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

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*	apportrement.
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 o
13	sections implemented;
14	(b) whether the proper statutory authority for the rul-
15	is cited;
16	(c) whether the citation of the code section o
17	sections implemented is correct; and
18	(d) whether the intended action is contrary to the cod
19	section or sections implemented or to other law.
20	(3) The person appointed under subsection (1) shal
21	sign each notice for which this section requires a review
22	The act of signing is an affirmation that the revie
23	required by this section has been performed to the best o

the reviewer's ability. The secretary of state may not

accept for filing a notice that does not have the signature

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required by this section."

-End-

25

1	HOUSE BILL NO. 15	1	appointment.
2	INTRODUCED BY CODY	2	(2) The person appointed under subsection (1) shall
3	BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE	3	review each notice by any division, bureau, or other unit of
4		4	the department, including units attached to the department
5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EXECUTIVE	5	for administrative purposes only under 2-15-121, for
6	BRANCH DEPARTMENT REVIEWERS OF ADMINISTRATIVE RULE PROPOSAL,	6	compliance with this chapter before the notice is filed with
7	ADOPTION, AND OTHER NOTICES TO SIGN EACH NOTICE; PROVIDING	7	the secretary of state. The reviewer shall pay particular
8	THAT SIGNING CONSTITUTES AN AFFIRMATION THAT THE REQUIRED	8	attention to 2-4-302 and 2-4-305. The review must include
9	REVIEW WAS PERFORMED TO THE BEST OF THE REVIEWER'S ABILITY;	9	but is not limited to consideration of:
10	PROHIBITING THE SECRETARY OF STATE FROM ACCEPTING AN	10	(a) the adequacy of the rationale for the intended
11	UNSIGNED NOTICE; REQUIRING EACH DEPARTMENT TO INFORM THE	11	action and whether the intended action is reasonably
12	SECRETARY OF STATE AND ADMINISTRATIVE CODE COMMITTEE OF THE	12	necessary to effectuate the purpose of the code section or
13	NAME OF ITS REVIEWER; AND AMENDING SECTION 2-4-110, MCA."	13	sections implemented;
14		14	(b) whether the proper statutory authority for the rule
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	is cited;
16	Section 1. Section 2-4-110, MCA, is amended to read:	16	(c) whether the citation of the code section or
17	*2-4-110. Departmental review of rule notices. (1) The	17	sections implemented is correct; and
18	head of each department of the executive branch shall	18	(d) whether the intended action is contrary to the code
19	appoint an existing attorney, paralegal, or other qualified	19	section or sections implemented or to other law.
20	person from that department to review each departmental rule	20	(3) The person appointed under subsection (1) shall
21	proposal notice, adoption notice, or other notice relating	21	sign each notice for which this section requires a review.
22	to administrative rulemaking. Notice of the name of the	22	The act of signing is an affirmation that the review
23	person appointed under this subsection and of any successor	23	required by this section has been performed to the best of
24	must be given to the secretary of state and the	24	the reviewer's ability. The secretary of state may not

administrative code committee within 10 days of the

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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
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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

appointment.

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-End-

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