HOUSE BILL 42

Introduced by Cobb

12/29	Introduced
12/29	Referred to Judiciary
1/07	First Reading
1/10	Hearing
1/11	Committee ReportBill Passed
1/15	2nd Reading Passed
1/17	3rd Reading Failed

HB 0042/01

HB 0042/01

INTRODUCED BILL

HB 42

HOUSE	BILL	NO.	42
INTRO	DUCED	BY	COBB

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING FROM MANDATORY
TO DISCRETIONARY THE PROVISION FOR INCLUDING A STATEMENT OF
INTENT WITH A BILL THAT GRANTS AUTHORITY TO ADOPT RULES;
AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY
PROVISION."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-4-402, MCA, is amended to read: "5-4-402. Purpose. (1) The legislature finds that it must accept the ultimate responsibility for the increase in the discretionary authority of state executive branch agencies, as evidenced by proliferating rules, forms, orders, and licensing proceedings before state agencies.

18 (2) The purpose of this Legislative History Act is to
19 assure provide that statutes henceforth enacted to grant
20 additional discretionary authority to state agencies are may
21 be accompanied by a clear indication of the legislature's
22 intent as to how such discretion is to be exercised and the
23 legislature's purpose for delegating the authority."

24 Section 2. Section 5-4-404, MCA, is amended to read:
25 "5-4-404. Statement of intent. The legislature by its



joint rules shall provide a procedure by which a statement of legislative intent shall may be included with each bill containing-a-delegation-of-authority-and-may-be--included with--all--bills. A statement of intent shall must be placed before each component of the legislature which that sequentially considers the subject bill and may be amended in the same manner as the bill." 8 NEW SECTION. Section 3. Effective date -- retroactive

8 <u>NEW SECTION.</u> Section 3. Effective date -- retroactive 9 applicability. [This act] is effective on passage and 10 approval and applies retroactively, within the meaning of 11 1-2-109, to any bill introduced in the regular session of 12 the 52nd legislature.

-End-

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52nd Legislature

HB 0042/01

APPROVED BY COMMITTEE ON JUDICIARY

HOUSE BILL NO. 42
INTRODUCED BY COBB
A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING FROM MANDATORY
TO DISCRETIONARY THE PROVISION FOR INCLUDING A STATEMENT OF

INTENT WITH A BILL THAT GRANTS AUTHORITY TO ADOPT RULES; 6 AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA; AND PROVIDING AN 7 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY 8 PROVISION." 9

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-End-

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HB 0042/01

SECOND READING HB 42

HB 0042/01

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HOUSE BILL NO. 42 1 INTRODUCED BY COBB 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING FROM MANDATORY 4 TO DISCRETIONARY THE PROVISION FOR INCLUDING A STATEMENT OF 5 INTENT WITH A BILL THAT GRANTS AUTHORITY TO ADOPT RULES; 6 AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA; AND PROVIDING AN 7 8 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY PROVISION." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 5-4-402, MCA, is amended to read: 12 13 *5-4-402. Purpose. (1) The legislature finds that it must accept the ultimate responsibility for the increase in 14 the discretionary authority of state executive branch 15 agencies, as evidenced by proliferating rules, forms, 16 orders, and licensing proceedings before state agencies. 17 (2) The purpose of this Legislative History Act is to 18 assure provide that statutes henceforth enacted to grant 19 additional discretionary authority to state agencies are may 20 be accompanied by a clear indication of the legislature's 21 intent as to how such discretion is to be exercised and the 22 legislature's purpose for delegating the authority." 23 Section 2. Section 5-4-404, MCA, is anended to read: 24 "5-4-404. Statement of intent. The legislature by its 25



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HB 0042/01

THIRD READING HB42