

HOUSE BILL 42

Introduced by Cobb

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

1 HOUSE BILL NO. 42

2 INTRODUCED BY COBB

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING FROM MANDATORY
5 TO DISCRETIONARY THE PROVISION FOR INCLUDING A STATEMENT OF
6 INTENT WITH A BILL THAT GRANTS AUTHORITY TO ADOPT RULES;
7 AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY
9 PROVISION."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 5-4-402, MCA, is amended to read:

13 "5-4-402. Purpose. (1) The legislature finds that it
14 must accept the ultimate responsibility for the increase in
15 the discretionary authority of state executive branch
16 agencies, as evidenced by proliferating rules, forms,
17 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

1 joint rules shall provide a procedure by which a statement
2 of legislative intent ~~shall~~ may be included with each bill
3 ~~containing a delegation of authority and may be included~~
4 ~~with all bills.~~ A statement of intent ~~shall~~ must be placed
5 before each component of the legislature ~~which~~ that
6 sequentially considers the subject bill and may be amended
7 in the same manner as the bill."

8 NEW SECTION. **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-



APPROVED BY COMMITTEE
ON JUDICIARY

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SECOND READING

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