HOUSE BILL NO. 78

INTRODUCED BY CODY

IN THE HOUSE

	IN THE HOUSE
JANUARY 3, 1991	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	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	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
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4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT AN
5	EMERGENCY RULE MAY NOT BE ADOPTED WITH THE SAME OR
6	SUBSTANTIALLY THE SAME WORDING AS AN EMERGENCY RULE THAT HAS
7	JUST EXPIRED; AMENDING SECTION 2-4-303, MCA; AND PROVIDING
8	AN IMMEDIATE EFFECTIVE DATE."
9	
0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1	Section 1. Section 2-4-303, MCA, is amended to read:
2	"2-4-303. Emergency or temporary rules. (1) If an
.3	agency finds that an imminent peril to the public health,
4	safety, or welfare requires adoption of a rule upon fewer
.5	than 30 days' notice and states in writing its reasons for
.6	that finding, it may proceed, without prior notice or
.7	hearing or upon any abbreviated notice and hearing that it
.8	finds practicable, to adopt an emergency rule. The rule may
.9	be effective for a period not longer than 120 days, after
0	which a new emergency rule with the same or substantially
21	the same text may not be adopted, but the adoption of an
22	identical rule under 2-4-302 is not precluded. The
23	sufficiency of the reasons for a finding of imminent peril
2 4	to the public health, safety, or welfare is subject to
) 5	indicial review

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T	(2) A statute enacted of amended to be effective prior
2	to October 1 of the year of enactment or amendment may be
3	implemented by a temporary administrative rule, adopted
4	before October 1 of that year, upon any abbreviated notice
5	or hearing that the agency finds practicable, but the rule
6	may not be filed with the secretary of state until at least
7	30 days have passed since publication of the notice of
8	proposal to adopt the rule. The temporary rule is effective
9	until October 1 of the year of adoption. The adoption of an
10	identical rule under 2-4-302 is not precluded during the
11	period the temporary rule is effective."
12	NEW SECTION. Section 2. Effective date. [This act] is

-End-

effective on passage and approval.

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judicial review.

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1 (2) A statute enacted or amended to be effective prior 2 to October 1 of the year of enactment or amendment may be implemented by a temporary administrative rule, adopted before October 1 of that year, upon any abbreviated notice or hearing that the agency finds practicable, but the rule may not be filed with the secretary of state until at least 7 30 days have passed since publication of the notice of proposal to adopt the rule. The temporary rule is effective 9 until October 1 of the year of adoption. The adoption of an 10 identical rule under 2-4-302 is not precluded during the 11 period the temporary rule is effective." 12 NEW SECTION. Section 2. Effective date. [This act] is

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