



HOUSE BILL NO. 78

INTRODUCED BY CODY

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT AN EMERGENCY RULE MAY NOT BE ADOPTED WITH THE SAME OR SUBSTANTIALLY THE SAME WORDING AS AN EMERGENCY RULE THAT HAS JUST EXPIRED; AMENDING SECTION 2-4-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 2-4-303, MCA, is amended to read:

"2-4-303. Emergency or temporary rules. (1) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed, without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period not longer than 120 days, after which a new emergency rule with the same or substantially the same text may not be adopted, but the adoption of an identical rule under 2-4-302 is not precluded. The sufficiency of the reasons for a finding of imminent peril to the public health, safety, or welfare is subject to judicial review.

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(2) A statute enacted or amended to be effective prior 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 30 days have passed since publication of the notice of proposal to adopt the rule. The temporary rule is effective until October 1 of the year of adoption. The adoption of an identical rule under 2-4-302 is not precluded during the period the temporary rule is effective."

NEW SECTION. **Section 2.** Effective date. [This act] is effective on passage and approval.

-End-

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