

1 HJR JOINT RESOLUTION NO. 5
 2 INTRODUCED BY Long (By Request of Adm. Code Comm.) Sully
 3
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
 6 ATTORNEY GENERAL TO REVISE AND UPDATE THE MODEL RULES OF
 7 ADMINISTRATIVE PRACTICE AND PROCEDURE.
 8
 9 WHEREAS, the Attorney General is directed by the
 10 Montana Administrative Procedure Act to prepare model rules
 11 of practice for state agencies to use as a guide in
 12 conducting administrative proceedings and to revise or amend
 13 such model rules from time to time as he considers necessary
 14 for the proper guidance of agencies; and
 15 WHEREAS, the Attorney General adopted these model rules
 16 in 1972 and has made no revision or amendment to such rules
 17 since that time, with the exception of two minor changes
 18 proposed by the Administrative Code Committee; and
 19 WHEREAS, experience under the Montana Administrative
 20 Procedure Act has indicated numerous aspects of
 21 administrative practice not covered by the model rules; and
 22 WHEREAS, the model rules have not been amended to
 23 reflect amendments to the Montana Administrative Procedure
 24 Act enacted by previous legislatures, and many more
 25 amendments to the act are pending before this legislature.

1
 2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 3 OF REPRESENTATIVES OF THE STATE OF MONTANA:
 4 That following adjournment of this legislative session,
 5 the Attorney General is requested to review the form and
 6 content of the model rules of administrative practice and to
 7 adopt such revisions to the rules as appear to be necessary
 8 for the guidance of state agencies and the orderly conduct
 9 of administrative proceedings.

-End-

STATE OF MONTANA

REQUEST NO. 33-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 10, 1977, there is hereby submitted a Fiscal Note for House Joint Resolution 5 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

A Joint Resolution requesting the Attorney General to revise and update the model rules of the Montana Administrative Procedure Act.

FISCAL IMPACT:

None. The Attorney General can, without additional resources, review the form and content of the model rules of administrative practice.

Richard L. Young
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-14-77

Approved by Committee
on Judiciary

1 HJR JOINT RESOLUTION NO. 5
2 INTRODUCED BY Legl. By Request of Adm. Code Comm. Sully

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
6 ATTORNEY GENERAL TO REVISE AND UPDATE THE MODEL RULES OF
7 ADMINISTRATIVE PRACTICE AND PROCEDURE.

8
9 WHEREAS, the Attorney General is directed by the
10 Montana Administrative Procedure Act to prepare model rules
11 of practice for state agencies to use as a guide in
12 conducting administrative proceedings and to revise or amend
13 such model rules from time to time as he considers necessary
14 for the proper guidance of agencies; and

15 WHEREAS, the Attorney General adopted these model rules
16 in 1972 and has made no revision or amendment to such rules
17 since that time, with the exception of two minor changes
18 proposed by the Administrative Code Committee; and

19 WHEREAS, experience under the Montana Administrative
20 Procedure Act has indicated numerous aspects of
21 administrative practice not covered by the model rules; and

22 WHEREAS, the model rules have not been amended to
23 reflect amendments to the Montana Administrative Procedure
24 Act enacted by previous legislatures, and many more
25 amendments to the act are pending before this legislature.

1
2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
3 OF REPRESENTATIVES OF THE STATE OF MONTANA:

4 That following adjournment of this legislative session,
5 the Attorney General is requested to review the form and
6 content of the model rules of administrative practice and to
7 adopt such revisions to the rules as appear to be necessary
8 for the guidance of state agencies and the orderly conduct
9 of administrative proceedings.

-End-

HJR5

1 HJR JOINT RESOLUTION NO. 5
 2 INTRODUCED BY Leg. (B, Request of Adm. Code Comm.) Sully
 3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
 6 ATTORNEY GENERAL TO REVISE AND UPDATE THE MODEL RULES OF
 7 ADMINISTRATIVE PRACTICE AND PROCEDURE.

8
 9 WHEREAS, the Attorney General is directed by the
 10 Montana Administrative Procedure Act to prepare model rules
 11 of practice for state agencies to use as a guide in
 12 conducting administrative proceedings and to revise or amend
 13 such model rules from time to time as he considers necessary
 14 for the proper guidance of agencies; and

15 WHEREAS, the Attorney General adopted these model rules
 16 in 1972 and has made no revision or amendment to such rules
 17 since that time, with the exception of two minor changes
 18 proposed by the Administrative Code Committee; and

19 WHEREAS, experience under the Montana Administrative
 20 Procedure Act has indicated numerous aspects of
 21 administrative practice not covered by the model rules; and

22 WHEREAS, the model rules have not been amended to
 23 reflect amendments to the Montana Administrative Procedure
 24 Act enacted by previous legislatures, and many more
 25 amendments to the act are pending before this legislature.

1
 2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 3 OF REPRESENTATIVES OF THE STATE OF MONTANA:

4 That following adjournment of this legislative session,
 5 the Attorney General is requested to review the form and
 6 content of the model rules of administrative practice and to
 7 adopt such revisions to the rules as appear to be necessary
 8 for the guidance of state agencies and the orderly conduct
 9 of administrative proceedings.

-End-

HJR 5