

HOUSE BILL 119

IN THE HOUSE

January 11, 1979	Introduced and referred to Committee on Judiciary.
January 18, 1979	Committee recommend bill, do pass.
January 19, 1979	Printed and placed on members' desks.
January 20, 1979	Second reading, pass consideration.
	On motion, taken from second reading and referred to Committee on Judiciary.
January 22, 1979	Committee recommend bill, as amended.
January 23, 1979	Printed and placed on members' desks.
January 24, 1979	Second reading, do pass.
January 25, 1979	Considered correctly engrossed.
January 26, 1979	Third reading, not passed.
January 27, 1979	On motion, previous action considered.
	On motion, taken from third reading and referred to second reading.
January 29, 1979	Second reading, as amended.
January 30, 1979	Considered Correctly engrossed.
January 31, 1979	Third reading, passed.

IN THE SENATE

February 1, 1979	Introduced and referred to Committee on State Administration.
------------------	---

March 2, 1979

Committee recommend bill,
not concurred.

IN THE HOUSE

March 3, 1979

Returned from Senate,
not concurred.

1 *House* BILL NO. *119*
 2 INTRODUCED BY *Roth, Lindstedt, Curtiss, Seibert, [Signature], [Signature]*
 3 *[Signature], [Signature], [Signature], [Signature]*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
 5 STATEMENT OF INTENT ACCOMPANY BILLS ENACTED BY REQUEST OF A
 6 STATE EXECUTIVE BRANCH AGENCY; AMENDING SECTIONS 5-4-402 AND
 7 5-4-404, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "5-4-402. Purpose. The legislature finds that it must
 12 accept the ultimate responsibility for the increase in the
 13 discretionary authority of state executive branch agencies,
 14 as evidenced by proliferating rules, forms, orders, and
 15 licensing proceedings before state agencies. The purpose of
 16 this Legislative History Act is to assure that:

17 (1) statutes henceforth enacted to grant additional
 18 discretionary authority to state agencies are accompanied by
 19 a clear indication of the legislature's intent as to how
 20 such discretion is to be exercised and the legislature's
 21 purpose for delegating the authority; and

22 (2) statutes enacted at the request of a state
 23 executive branch agency are accompanied by a clear
 24 indication of the legislature's intent as to the purpose of
 25 the statute, its limitations, and the manner of achieving

1 this purpose."

2 Section 2. Section 5-4-404, MCA, is amended to read:

3 "5-4-404. Statement of intent. (1) The legislature by
 4 its joint rules shall provide a procedure by which a
 5 statement of legislative intent shall be included with each
 6 bill containing a delegation of authority or requested by a
 7 state executive branch agency and may be included with all
 8 bills. A statement of intent shall be placed before each
 9 component of the legislature which sequentially considers
 10 the subject bill and may be amended in the same manner as
 11 the bill.

12 (2) All bills requested by a state executive branch
 13 agency are to be accompanied by a statement of intent
 14 prepared by the agency and meeting the requirements of
 15 5-4-402. The statement shall accompany the draft bill when
 16 the draft is given to the legislative council for review.
 17 The statement prepared by the agency may be utilized by the
 18 legislature, or in meeting the requirements of this part,
 19 the legislature may prepare its own statement.

20 (3) Whenever a bill contains a delegation of authority
 21 and is requested by a state executive branch agency, a
 22 single statement of intent suffices to meet the requirements
 23 of this part."

-End-

Approved by Committee on Judiciary

House BILL NO. 119

INTRODUCED BY *Roth, Lindstedt, Curtis, Seibert, Johnson, Ernst, Fuller, Schultz, Christensen, Horowitz, Tuckson*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A STATEMENT OF INTENT ACCOMPANY BILLS ENACTED BY REQUEST OF A STATE EXECUTIVE BRANCH AGENCY; AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA."

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. 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. The purpose of this Legislative History Act is to assure that:

(1) statutes henceforth enacted to grant additional discretionary authority to state agencies are accompanied by a clear indication of the legislature's intent as to how such discretion is to be exercised and the legislature's purpose for delegating the authority; and

(2) statutes enacted at the request of a state executive branch agency are accompanied by a clear indication of the legislature's intent as to the purpose of the statute, its limitations, and the manner of achieving

this purpose."

Section 2. Section 5-4-404, MCA, is amended to read:

"5-4-404. Statement of intent. (1) The legislature by its joint rules shall provide a procedure by which a statement of legislative intent shall be included with each bill containing a delegation of authority or requested by a state executive branch agency and may be included with all bills. A statement of intent shall be placed before each component of the legislature which sequentially considers the subject bill and may be amended in the same manner as the bill.

(2) All bills requested by a state executive branch agency are to be accompanied by a statement of intent prepared by the agency and meeting the requirements of 5-4-402. The statement shall accompany the draft bill when the draft is given to the legislative council for review. The statement prepared by the agency may be utilized by the legislature, or in meeting the requirements of this part, the legislature may prepare its own statement.

(3) Whenever a bill contains a delegation of authority and is requested by a state executive branch agency, a single statement of intent suffices to meet the requirements of this part."

-End-

Approved by Committee
on Judiciary

1 HOUSE BILL NO. 119
 2 INTRODUCED BY ROTH, NORDTVEDT, CURTISS, SEIFERT,
 3 JOHNSTON, ERNST, KESSLER, SCHULTZ, STOBIE, MURWITZ, IVERSON
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
 6 STATEMENT OF INTENT ACCOMPANY BILLS ENACTED ~~INTRODUCED~~ BY
 7 REQUEST OF A STATE EXECUTIVE BRANCH AGENCY; AMENDING
 8 SECTIONS 5-4-402 AND 5-4-404, MCA."
 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 "5-4-402. Purpose. The legislature finds that it must
 13 accept the ultimate responsibility for the increase in the
 14 discretionary authority of state executive branch agencies,
 15 as evidenced by proliferating rules, forms, orders, and
 16 licensing proceedings before state agencies. The purpose of
 17 this Legislative History Act is to assure that:
 18 (1) statutes henceforth enacted to grant additional
 19 discretionary authority to state agencies are accompanied by
 20 a clear indication of the legislature's intent as to how
 21 such discretion is to be exercised and the legislature's
 22 purpose for delegating the authority; and
 23 (2) ~~statutes enacted~~ BILLS INTRODUCED at the request
 24 of a state executive branch agency are accompanied by a
 25 clear indication of the legislature's AGENCY'S intent as to

1 ~~the purpose of the statute BILL, its limitations, and the~~
 2 ~~manner of achieving this purpose."~~
 3 Section 2. Section 5-4-404, MCA, is amended to read:
 4 "5-4-404. Statement of intent. (1) The legislature by
 5 its joint rules shall provide a procedure by which a
 6 statement of legislative intent shall be included with each
 7 bill containing a delegation of authority ~~or requested by a~~
 8 ~~state executive branch agency~~ and may be included with all
 9 bills. A statement of intent shall be placed before each
 10 component of the legislature which sequentially considers
 11 the subject bill and may be amended in the same manner as
 12 the bill.
 13 (2) ~~All bills requested by a state executive branch~~
 14 ~~agency are to be accompanied by a statement of intent~~
 15 ~~prepared by the agency and meeting the requirements of~~
 16 ~~5-4-402. The statement shall accompany the draft bill when~~
 17 ~~the draft is given to the legislative council for review.~~
 18 ~~The statement prepared by the agency may be utilized by the~~
 19 ~~legislature, or in meeting the requirements of this part,~~
 20 ~~the legislature may prepare its own statement.~~
 21 (3) ~~Whenever a bill contains a delegation of authority~~
 22 ~~and is requested by a state executive branch agency, a~~
 23 ~~single statement of intent suffices to meet the requirements~~
 24 ~~of this part."~~

-End-

HOUSE BILL NO. 119

INTRODUCED BY ROTH, NORDTVEDT, CURTISS, SEIFERT,

JOHNSTON, ERNST, KESSLER, SCHULTZ, STOBIE, HURWITZ, IVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A STATEMENT OF INTENT ACCOMPANY BILLS ENACTED INTRODUCED BY REQUEST OF A STATE EXECUTIVE BRANCH AGENCY; AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA."

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. 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. The purpose of this Legislative History Act is to assure that:

(1) statutes henceforth enacted to grant additional discretionary authority to state agencies are accompanied by a clear indication of the legislature's intent as to how such discretion is to be exercised and the legislature's purpose for delegating the authority; and

(2) ~~statutes enacted~~ BILLS INTRODUCED at the request of a state executive branch agency are accompanied by a clear indication of the legislature's AGENCY'S intent as to

~~the purpose of the statute Bill, its limitations, and the manner of achieving this purpose."~~

Section 2. Section 5-4-404, MCA, is amended to read:

"5-4-404. Statement of intent. (1) The legislature by its joint rules shall provide a procedure by which a statement of legislative intent shall be included with each bill containing a delegation of authority ~~or requested by a state executive branch agency~~ and may be included with all bills. A statement of intent shall be placed before each component of the legislature which sequentially considers the subject bill and may be amended in the same manner as the bill.

~~(2) All bills requested by a state executive branch agency are to be accompanied by a statement of intent prepared by the agency and meeting the requirements of 5-4-402. The statement shall accompany the draft bill when the draft is given to the legislative council for review. The statement prepared by the agency may be utilized by the legislature, or in meeting the requirements of this part, the legislature may prepare its own statement.~~

~~(3) Whenever a bill contains a delegation of authority and is requested by a state executive branch agency, a single statement of intent suffices to meet the requirements of this part."~~

-End-

HOUSE BILL NO. 119

INTRODUCED BY ROTH, NORDTVEDT, CURTISS, SEIFERT,
JOHNSTON, ERNST, KESSLER, SCHULTZ, STOBIE, HURWITZ, IVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
STATEMENT OF INTENT ACCOMPANY BILLS ENACTED INTRODUCED BY
REQUEST OF A STATE EXECUTIVE BRANCH AGENCY; AMENDING
SECTIONS 5-4-402 AND 5-4-404, MCA."

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. 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. The purpose of
this Legislative History Act is to assure that:

(1) statutes henceforth enacted to grant additional
discretionary authority to state agencies are accompanied by
a clear indication of the legislature's intent as to how
such discretion is to be exercised and the legislature's
purpose for delegating the authority; and

(2) ~~statutes enacted~~ BILLS INTRODUCED DRAFTED BY THE
LEGISLATIVE COUNCIL at the request of a state executive
branch agency are TO BE accompanied by a clear indication of

~~the legislature's~~ AGENCY'S intent as to the purpose of the
~~statute~~ BILL, its limitations, and the manner of achieving
this purpose."

Section 2. Section 5-4-404, MCA, is amended to read:

"5-4-404. Statement of intent. (1) The legislature by
its joint rules shall provide a procedure by which a
statement of legislative intent shall be included with each
bill containing a delegation of authority ~~or requested by a~~
~~state executive branch agency~~ and may be included with all
bills. A statement of intent shall be placed before each
component of the legislature which sequentially considers
the subject bill and may be amended in the same manner as
the bill.

(2) ~~All bills requested by a state executive branch~~
~~agency are to be accompanied by a statement of intent~~
~~prepared by the agency and meeting the requirements of~~
~~5-4-402. The statement shall accompany the draft bill when~~
~~the draft is given to the legislative council for review.~~

The statement prepared by the agency SHALL BE PRINTED FOR
AND may be utilized by the legislature, or in meeting the
requirements of this part, the legislature may prepare its
OWN statement. A STATEMENT SHALL NOT BE CONSTRUED TO BE
LEGISLATIVE INTENT UNLESS THE STATEMENT IS ACTED ON BY THE
LEGISLATURE.

(3) ~~Whenever a bill contains a delegation of authority~~

1 ~~and is requested by a state executive branch agency, a~~
2 ~~single statement of intent suffices to meet the requirements~~
3 ~~of this part."~~

-End-