

HOUSE BILL 250

IN THE HOUSE

January 18, 1979	Introduced and referred to Committee on Judiciary.
January 25, 1979	Committee recommend bill, do pass.
January 26, 1979	Printed and placed on members' desks.
January 27, 1979	Second reading, pass consideration.
January 29, 1979	Second reading, do pass.
January 30, 1979	Considered correctly engrossed.
January 31, 1979	Third reading, passed.

IN THE SENATE

February 1, 1979	Introduced and referred to Committee on Judiciary.
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HOUSE BILL NO. 250

INTRODUCED BY

*Stalin Pappas, Paul
Hayne Ellis, John Smith, Dennis J. Spitzer
BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
Harris
NATHAN Zurlin*

A BILL FOR AN ACT ENTITLED: "AN ACT TO LENGTHEN NOTICE REQUIREMENTS FOR THE ADOPTION, AMENDMENT, OR REPEAL OF AN ADMINISTRATIVE RULE AND TO REQUIRE THAT A RULE BE RENOTICED UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 2-4-302 AND 2-4-303, MCA."

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

Section 1. Section 2-4-302, MCA, is amended to read:

"2-4-302. Notice, hearing, and submission of views.

(1) Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, rationale for the intended action, and the time when, place where, and manner in which interested persons may present their views thereon.

(2) The notice shall be filed with the secretary of state for publication in the register as provided in 2-4-312 and mailed to persons who have made timely requests to the agency for advance notice of its rulemaking proceedings. The notice shall be published and mailed at least 30 60 days in

advance of the agency's intended action.

(3) If any statute provides for a different method of publication, the affected agency shall comply with the statute in addition to the requirements contained herein. However, in no case may the notice period be less than 30 60 days or more than 6 months.

(4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested persons at least 20 30 days' notice of a hearing and 20 40 days to submit data, views, or arguments, orally or in writing. In the case of substantive rules, opportunity for oral hearing shall be granted if requested by either 10% or 25 of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, or by an association having not less than 25 members who will be directly affected.

(5) An agency may continue a hearing date for cause. Contested case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise required by statute, nothing herein alters that requirement.

~~(6) An agency shall again give notice of a rule in the manner prescribed in this section if, in response to comments received, the rule is so altered or amended as to affect any person unaffected by the rule under the previous notice; or~~

1 (b) put the rule outside the purpose or scope of the
2 rule as such purpose or scope may be reasonably understood
3 from a reading of the previous notice."

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

5 "2-4-303. Emergency rules. (1) If an agency finds that
6 an imminent peril to the public health, safety, or welfare
7 requires adoption of a rule upon fewer than ~~20~~ 20 days'
8 notice and states in writing its reasons for that finding,
9 it may proceed, without prior notice or hearing or upon any
10 abbreviated notice and hearing that it finds practicable, to
11 adopt an emergency rule. The rule may be effective for a
12 period not longer than 120 days, but the adoption of an
13 identical rule under 2-4-302 and 2-4-305(1) is not
14 precluded.

15 (2) The sufficiency of the reasons for a finding of
16 imminent peril to the public health, safety, or welfare is
17 subject to judicial review."

-End-

HOUSE BILL NO. 250

INTRODUCED BY Stalin Popovich
Hayne Ellis BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
Huowitz Repsel NATHE Zurber

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HOUSE BILL NO. *250*

INTRODUCED BY *Stalin Popoche, Kelly*
Hayne Ellis, Tom Kelly, Smith, Thomas, Spitzer
BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
Stewart *Reger* *James* *NATHE* *Zurbrugg*

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