

HOUSE BILL 358

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on State Administration.
January 31, 1979	Committee recommend bill, do pass.
February 1, 1979	Printed and placed on members' desks.
February 2, 1979	Second reading, do pass.
February 3, 1979	Considered correctly engrossed.
February 5, 1979	Third reading, passed.

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on State Administration.
March 3, 1979	Committee recommend bill, concurred.
March 6, 1979	Second reading, indefinitely postponed.

IN THE HOUSE

March 7, 1979	Returned from Senate, indefinitely postponed.
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1 HOWE BILL NO. 358
 2 INTRODUCED BY Curtis Conway Wyrwick Seditz
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE AGENCIES TO
 5 GIVE NOTICE BY MAIL TO CERTAIN LEGISLATORS REGARDING CERTAIN
 6 RULEMAKING HEARINGS; AMENDING SECTION 2-4-302, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

10 "2-4-302. Notice, hearing, and submission of views.

11 (1) Prior to the adoption, amendment, or repeal of any rule,
 12 the agency shall give written notice of its intended action.

13 The notice shall include a statement of either the terms or
 14 substance of the intended action or a description of the
 15 subjects and issues involved, rationale for the intended
 16 action, and the time when, place where, and manner in which
 17 interested persons may present their views thereon.

18 (2) The notice shall be filed with the secretary of
 19 state for publication in the register as provided in 2-4-312
 20 and mailed to persons who have made timely requests to the
 21 agency for advance notice of its rulemaking proceedings. The
 22 notice shall be published and mailed at least 30 days in
 23 advance of the agency's intended action.

24 (3) If any statute provides for a different method of
 25 publication, the affected agency shall comply with the

1 statute in addition to the requirements contained herein.
 2 However, in no case may the notice period be less than 30
 3 days or more than 6 months.

4 (4) Prior to the adoption, amendment, or repeal of any
 5 rule, the agency shall afford interested persons at least 20
 6 days' notice of a hearing and 28 days to submit data, views,
 7 or arguments, orally or in writing. In the case of
 8 substantive rules, opportunity for oral hearing shall be
 9 granted if requested by either 10% or 25 of the persons who
 10 will be directly affected by the proposed rule, by a
 11 governmental subdivision or agency, or by an association
 12 having not less than 25 members who will be directly
 13 affected.

14 ~~(5) When a hearing is held regarding the adoption,~~
 15 ~~amendment, or repeal of a rule pursuant to authority granted~~
 16 ~~during the last preceding legislative session, the agency~~
 17 ~~shall give 20 days' prior notice of the hearing by mail to~~
 18 ~~each member of each standing committee and conference~~
 19 ~~committee that heard and considered the bill enacting the~~
 20 ~~law granting such authority.~~

21 (5)(6) An agency may continue a hearing date for
 22 cause. Contested case procedures need not be followed in
 23 hearings held pursuant to this section. If a hearing is
 24 otherwise required by statute, nothing herein alters that
 25 requirement."

Approved by Committee on State Administration

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INTRODUCED BY Curtis Conway Wynick Schalte
Ellard

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(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 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 days' notice of a hearing and 28 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.

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