

CHAPTER NO. 600

SENATE BILL NO. 164

INTRODUCED BY PETERSON

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Judiciary.
January 19, 1979	Fiscal note requested.
January 24, 1979	Fiscal note returned.
January 31, 1979	Committee recommend bill do pass as amended. Report adopted.
February 2, 1979	Printed and placed on members' desks.
February 3, 1979	Second reading, do pass.
February 5, 1979	Considered correctly engrossed.
February 6, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 7, 1979	Introduced and referred to Committee on Judiciary.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in. On motion taken from third reading and referred to Appropriations.
April 7, 1979	Committee recommend bill be concurred in. Report adopted.
April 9, 1979	Second reading, concurred in.
April 12, 1979	Third reading, concurred in.

IN THE SENATE

April 12, 1979

Returned from second house.
Concurred in. Sent to enrolling.

Reported correctly enrolled.

1 Spauld BILL NO. 164
 2 INTRODUCED BY Peters
 3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AGENCIES TO
 6 RECODIFY ADMINISTRATIVE RULES OF MONTANA, TO CHANGE
 7 REFERENCES TO THE REVISED CODES OF MONTANA, 1947, TO THE
 8 MONTANA CODE ANNOTATED, AND TO BIENNIALY REVIEW ITS RULES;
 9 AMENDING SECTION 2-4-314, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 NEW SECTION. Section 1. Definitions. As used in [this
 13 act], the following definitions apply:

- 14 (1) "MCA" means Montana Code Annotated.
- 15 (2) "R.C.M." means Revised Codes of Montana, 1947.
- 16 (3) "ARM" means Administrative Rules of Montana.
- 17 (4) "Recodify" means to compile, rearrange, and
 18 prepare for publication. It includes without changing the
 19 meaning, effect, or intent of any rule:
 20 (a) correcting or changing punctuation,
 21 capitalization, spelling, or grammatical construction and
 22 numbering as required by uniform literary and rule-drafting
 23 practice;
 24 (b) substituting the appropriate MCA reference for
 25 reference to a section of, to a chapter of, or to an entire

- 1 division of the R.C.M.;
- 2 (c) substituting the calendar date for "effective
 3 date", "hereafter", and similar terms;
- 4 (d) creating new titles, chapters, subchapters,
 5 sections, or other divisions of ARM;
- 6 (e) changing or creating catchlines to clearly reflect
 7 the content of the section;
- 8 (f) changing or inserting language made necessary
 9 because of rearrangement;
- 10 (g) eliminating redundant words;
- 11 (h) when given direction or authority by a statute or
 12 another ARM section, correcting inaccurate or obsolete
 13 references to:
 14 (i) titles of officers or agencies, such as those
 15 changed by executive reorganization statutes or subsequent
 16 interagency reorganizations;
- 17 (ii) other ARM or R.C.M. sections, such as those which
 18 have been repealed or repealed and replaced;
- 19 (i) changing inaccurate terminology to comply with
 20 statutory or rule definitions or short-form amendments.
- 21 NEW SECTION. Section 2. Agency duties. (1) Prior to
 22 January 1, 1980, agencies shall recodify all the rules of a
 23 general and permanent nature appearing in ARM, prepare them
 24 for publication, and file them, in correct format and style,
 25 with the secretary of state. Rules not refiled are invalid.

1 (2) Prior to January 1, 1980, each agency shall
 2 prepare and submit to the secretary of state a report, which
 3 must be certified by the agency as the Official Report of
 4 the Recodification of Title, together with replacement
 5 pages for that title. The report must explain and indicate,
 6 in tabular or other form, all changes made during
 7 recodification, other than the changes listed in subsections
 8 (4)(a) through (4)(e) of [section 1], to clearly indicate
 9 the character of and rationale for each change. A summary of
 10 the report must be noticed pursuant to rules adopted by the
 11 secretary of state.

12 (3) The effective date of the recodification is the
 13 date the replacement pages are distributed.

14 Section 3. Section 2-4-314, MCA, is amended to read:

15 *2-4-314. ~~Annual~~ Biennial review by agencies. (1) Each
 16 agency shall at least ~~annually~~ biennially review its rules
 17 to determine if any new rule should be adopted or any
 18 existing rule should be modified or repealed. If necessary
 19 subsequent to January 1, 1980, an agency may recodify all or
 20 part of a title or chapter during biennial review. A report
 21 shall be filed pursuant to [section 2].

22 (2) Prior to October 1, 1980, and prior to October 1
 23 of each even-numbered year thereafter, each agency shall
 24 prepare and submit a report, in tabular or other form,
 25 indicating the agency's recommendations for legislation

1 which will clarify existing grants of rulemaking authority
 2 and grant or eliminate rulemaking authority as necessary."

-End-

STATE OF MONTANA

Request No. 45-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 22, 1979, there is hereby submitted a Fiscal Note for Senate Bill 164 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:

An act requiring agencies to recodify Administrative Rules of Montana, to change references to Revised Codes of Montana, 1947, to the Montana Code Annotated; to provide procedures for the accomplishment of recodification; and to biennially review its rules; amending Section 2-4-214, MCA and providing an immediate effective date.

ASSUMPTIONS:

1. Every page (8,000) currently filed in the Administrative Rules of Montana would have to be reprinted, of which approximately 3,000 would be reprinted even without the change in law.
2. State agencies will absorb the additional costs due to Section 2 of the proposed legislation from current level budgets.

FISCAL IMPACT:

Printing of replacement pages	\$32,500
Instructions	300
Postage	2,800
Supplies, mailing cartons, tape, etc.	300
Total	<u>\$35,900</u>

The additional cost must be funded with General Fund monies.

LOCAL IMPACT:

None.

LONG-RANGE EFFECTS:

None. This is a single time reprint due to recodification of the Montana Code Annotated.

TECHNICAL NOTES:

January 1, 1980 may be technically an impossible deadline for all agencies to complete recodification, since they may not start until after session is over. However, if the Secretary of State's amendment to Senate Bill No. 164 passes, a schedule will require an agency to have at least 1/4 of the pages of its title recodified and refiled by March 31, 1979, or 1/3 of its title in by the June 30, 1979, scheduled replacement date, depending on date of passage and approval of this act.

Richard L. Deary
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 1/24/79

STATE OF MONTANA

Request No. 45-79

FISCAL NOTE

Revised
Form BD-15

In compliance with a written request received January 22, 1979, there is hereby submitted a Fiscal Note for Senate Bill 164 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.

This revision is submitted to correct an incorrect assumption (Assumption 2) made on the original fiscal note. It has been determined that state agencies will incur considerable costs conforming to Section 2 of the proposed legislation.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring agencies to recodify Administrative Rules of Montana, to change references to Revised Codes of Montana, 1947, to the Montana Code Annotated; to provide procedures for the accomplishment of recodification; and to biennially review its rules; amending Section 2-4-214, MCA and providing an immediate effective date.

ASSUMPTIONS:

1. Every page (8,000) currently filed in the Administrative Rules of Montana would have to be reprinted, of which approximately 3,000 would be reprinted even without the change in law.
2. State agencies will incur considerable, yet undeterminable, costs due to Section 2 of the proposed legislation. This was determined by sending questionnaires to selected agencies.

FISCAL IMPACT:

The Secretary of State will incur an additional \$35,900 in printing and mailing costs. Each state agency will incur up to \$25,000 in legal, clerical, and review costs.

For the most part, the additional costs must be funded from the State General Fund.

TECHNICAL NOTE:

January 1, 1980 may be technically an impossible deadline for all agencies to complete recodification, since they may not start until after session is over. However, if the Secretary of State's amendment to Senate Bill No. 164 passes, a schedule will require an agency to have at least 1/4 of the pages of its title recodified and refiled by March 31, 1979, or 1/3 of its title in by the June 30, 1979, scheduled replacement date, depending on date of passage and approval of this act.

Richard L. Drury for
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/16/79

Approved by Committee
on Judiciary

SENATE BILL NO. 164

INTRODUCED BY PETERSON

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AGENCIES TO RECODIFY ADMINISTRATIVE RULES OF MONTANA, TO CHANGE REFERENCES TO THE REVISED CODES OF MONTANA, 1947, TO THE MONTANA CODE ANNOTATED, TO PROVIDE PROCEDURES FOR THE ACCOMPLISHMENT OF RECODIFICATION, AND TO BIENNIALY REVIEW ITS RULES; AMENDING SECTION 2-4-314, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Definitions. As used in [this act], the following definitions apply:

- (1) "MCA" means Montana Code Annotated.
- (2) "R.C.M." means Revised Codes of Montana, 1947.
- (3) "ARM" means Administrative Rules of Montana.
- (4) "Recodify" means to compile, rearrange, and prepare for publication. It includes without changing the meaning, effect, or intent of any rule:
 - (a) correcting or changing punctuation, capitalization, spelling, or grammatical construction and numbering as required by uniform literary and rule-drafting practice;

(b) substituting the appropriate MCA reference for reference to a section of, to a chapter of, or to an entire division of the R.C.M.;

(c) substituting the calendar date for "effective date", "hereafter", and similar terms;

(d) creating new titles, chapters, subchapters, sections, or other divisions of ARM;

(e) changing or creating catchlines to clearly reflect the content of the section;

(f) changing or inserting language AS made necessary because of rearrangement;

(g) eliminating redundant words;

(h) when given direction or authority by a statute or another ARM section, correcting inaccurate or obsolete references to:

(i) titles of officers or agencies, such as those changed by executive reorganization statutes or subsequent interagency reorganizations;

(ii) other ARM or R.C.M. sections, such as those which have been repealed or repealed and replaced;

(i) changing inaccurate terminology to comply with statutory or rule definitions or short-form amendments;

(j) RENUMBERING ALL ARM RULES IN THE NEW THREE-PART NUMBERING SYSTEM;

(k) ELIMINATING UNNECESSARY INFORMATION IN THE HISTORY

1 OF ARM RULES:

2 (L) RESERVING BLOCKS OF PAGE NUMBERS IN ARM WHERE
 3 GROWTH HAS BEEN CONSISTENT IN THE PAST OR FUTURE GROWTH IS
 4 ANTICIPATED;

5 (M) PROVIDING THE SECRETARY OF STATE WITH AN "OLD TO
 6 NEW" NUMBERING TABLE TO BE FILED IN FRONT OF EACH TITLE;

7 (N) REMOVING ALL REPEALED RULES FROM ARM AND LISTING
 8 THEM ON THE "OLD TO NEW" NUMBERING TABLE;

9 (O) PROVIDING THE SECRETARY OF STATE WITH A SCHEDULE
 10 OF PROSPECTIVE CHAPTER NUMBERS AND PROSPECTIVE PAGE NUMBERS,
 11 INDICATING THE BLOCKS OF PAGE NUMBERS TO BE RESERVED IN THE
 12 AGENCY'S TITLE, FOR THE PURPOSE OF ASSISTING THE SECRETARY
 13 OF STATE IN PROVIDING TO ARM SUBSCRIBERS INSTRUCTIONS FOR
 14 PAGE REMOVAL AND INSERTION OF REPLACEMENT PAGES.

15 NEW SECTION. Section 2. Agency duties. (1) Prior to
 16 January JULY 1, 1980, agencies shall recodify all the rules
 17 of a general and permanent nature appearing in ARM, prepare
 18 them for publication, and file REFILE them, in correct
 19 format and style, with the secretary of state. Rules-not
 20 refiled-are-invalid.

21 (2) THE SECRETARY OF STATE MAY SET A SCHEDULE
 22 REQUIRING AN AGENCY TO RECODIFY AND REFILE ITS RULES IN
 23 CHAPTER INCREMENTS AND PRESCRIBING THE NUMBER OF RECODIFIED
 24 PAGES TO BE SUBMITTED BY EACH AGENCY TO THE SECRETARY OF
 25 STATE AT EACH SCHEDULED DATE FOR REPLACEMENT PAGES DURING

1 THE PERIOD BEGINNING ON [THE EFFECTIVE DATE OF THE ACT] AND
 2 ENDING ON JULY 1, 1980.

3 (3) EACH AGENCY SHALL SUBMIT A SCHEDULE TO THE
 4 SECRETARY OF STATE LISTING THE CHAPTER NAMES, CHAPTER
 5 NUMBERS, AND PAGES IN ITS TITLE THAT WILL BE RECODIFIED AND
 6 REFILED TO MEET THE REQUIREMENTS OF SUBSECTION (2). THE
 7 VALIDITY OF THE RULES THAT ARE NOT REFILED BY THE SCHEDULED
 8 DATE IS SUSPENDED ON THAT DATE.

9 (4) SUCH SUSPENDED RULES MAY BE RECODIFIED AND REFILED
 10 WITH THE SECRETARY OF STATE BY THE NEXT SCHEDULED
 11 REPLACEMENT PAGE DATE, AND IF SO RECODIFIED AND REFILED,
 12 THEY BECOME VALID AND EFFECTIVE ON THAT DATE. IF SUCH
 13 SUSPENDED RULES ARE NOT SO RECODIFIED AND REFILED BY THAT
 14 DATE, THEY ARE PERMANENTLY INVALID AND MAY BE REVIVED ONLY
 15 BY FULFILLING ALL REQUIREMENTS OF THE MONTANA ADMINISTRATIVE
 16 PROCEDURE ACT RELATING TO RULEMAKING IN THE SAME MANNER AS
 17 NEW RULES PROPOSED FOR ADOPTION.

18 (2)(2) Prior to January SEPTEMBER 1, 1980, each agency
 19 shall prepare and submit to the secretary of state a report,
 20 which must be certified by the agency as the Official Report
 21 of the Recodification of Title-together-with
 22 replacement-pages-for-that-title. The report must explain
 23 and indicate, in tabular or other form, all changes made
 24 during recodification, other than the changes listed in
 25 subsections (4)(a) through (4)(e) AND (4)(J) THROUGH (4)(O)

1 of [section 1], to clearly indicate the character of and
 2 rationale for each change. ~~A summary of the report must be~~
 3 ~~noticed pursuant to rules adopted by the secretary of state~~
 4 THE REPORT MUST BE MADE AVAILABLE BY THE SECRETARY OF STATE
 5 ON REQUEST AND AT A FEE SET BY 2-6-103.

6 ~~(3)(6)~~ The effective date of the recodification is the
 7 date ~~of~~ the replacement ~~pages are distributed~~ PAGE ISSUE.

8 SECTION 3. THERE IS A NEW MCA SECTION THAT READS:

9 Effect of recodification and refiling. The rules in ARM
 10 that are recodified and refiled pursuant to [section 2]
 11 shall be given effect as a continuation of the rules in ARM
 12 as they exist on [the effective date of this act] and not as
 13 a new adoption. A rule that is invalid, in whole or in part,
 14 on [the effective date of this act] is not rendered valid by
 15 the process of recodification and refiling.

16 Section 4. Section 2-4-314, MCA, is amended to read:

17 "2-4-314. ~~Annual~~ Biennial review by agencies. (1) Each
 18 agency shall at least ~~annually~~ biennially review its rules
 19 to determine if any new rule should be adopted or any
 20 existing rule should be modified or repealed. ~~if necessary~~
 21 ~~subsequent to January 1, 1980, an agency may recodify all or~~
 22 ~~part of a title or chapter during biennial review. A report~~
 23 ~~shall be filed pursuant to [section 2].~~

24 (2) Prior to October 1, 1980, and prior to October 1
 25 of each even-numbered year thereafter, each agency shall

1 prepare and submit a report TO THE ADMINISTRATIVE CODE
 2 COMMIITEE, in tabular or other form, indicating the agency's
 3 recommendations for legislation which will clarify existing
 4 grants of rulemaking authority and grant or eliminate
 5 rulemaking authority as necessary."

6 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
 7 PASSAGE AND APPROVAL.

-End-

1 SENATE BILL NO. 164

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10 ITS RULES; AMENDING SECTION 2-4-314, MCA; AND PROVIDING AN
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20 prepare for publication. It includes without changing the
21 meaning, effect, or intent of any rule:
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23 capitalization, spelling, or grammatical construction and
24 numbering as required by uniform literary and rule-drafting
25 practice;

1 (b) substituting the appropriate MCA reference for
2 reference to a section of, to a chapter of, or to an entire
3 division of the R.C.M.;

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5 date", "hereafter", and similar terms;

6 (d) creating new titles, chapters, subchapters,
7 sections, or other divisions of ARM;

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9 the content of the section;

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11 because of rearrangement;

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20 have been repealed or repealed and replaced;

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22 statutory or rule definitions or short-form amendments;

23 (J) REMEMBERING ALL ARM RULES IN THE NEW THREE-PART
24 NUMBERING SYSTEM;

25 (K) ELIMINATING UNNECESSARY INFORMATION IN THE HISTORY

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 3 GROWTH HAS BEEN CONSISTENT IN THE PAST OR FUTURE GROWTH IS
 4 ANTICIPATED:

5 (M) PROVIDING THE SECRETARY OF STATE WITH AN "OLD TO
 6 NEW" NUMBERING TABLE TO BE FILED IN FRONT OF EACH TITLE:

7 (N) REMOVING ALL REPEALED RULES FROM ARM AND LISTING
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 10 OF PROSPECTIVE CHAPTER NUMBERS AND PROSPECTIVE PAGE NUMBERS,
 11 INDICATING THE BLOCKS OF PAGE NUMBERS TO BE RESERVED IN THE
 12 AGENCY'S TITLE, FOR THE PURPOSE OF ASSISTING THE SECRETARY
 13 OF STATE IN PROVIDING TO ARM SUBSCRIBERS INSTRUCTIONS FOR
 14 PAGE REMOVAL AND INSERTION OF REPLACEMENT PAGES.

15 NEW SECTION. Section 2. Agency duties. (1) Prior to
 16 January JULY 1, 1980, agencies shall recodify all the rules
 17 of a general and permanent nature appearing in ARM, prepare
 18 them for publication, and ~~file~~ REFILE them, in correct
 19 format and style, with the secretary of state. Rules not
 20 ~~refiled are invalid.~~

21 (2) THE SECRETARY OF STATE MAY SET A SCHEDULE
 22 REQUIRING AN AGENCY TO RECODIFY AND REFILE ITS RULES IN
 23 CHAPTER INCREMENTS AND PRESCRIBING THE NUMBER OF RECODIFIED
 24 PAGES TO BE SUBMITTED BY EACH AGENCY TO THE SECRETARY OF
 25 STATE AT EACH SCHEDULED DATE FOR REPLACEMENT PAGES DURING

1 THE PERIOD BEGINNING ON [THE EFFECTIVE DATE OF THE ACT] AND
 2 ENDING ON JULY 1, 1980.

3 (3) EACH AGENCY SHALL SUBMIT A SCHEDULE TO THE
 4 SECRETARY OF STATE LISTING THE CHAPTER NAMES, CHAPTER
 5 NUMBERS, AND PAGES IN ITS TITLE THAT WILL BE RECODIFIED AND
 6 REFILED TO MEET THE REQUIREMENTS OF SUBSECTION (2). THE
 7 VALIDITY OF THE RULES THAT ARE NOT REFILED BY THE SCHEDULED
 8 DATE IS SUSPENDED ON THAT DATE.

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 11 REPLACEMENT PAGE DATE, AND IF SO RECODIFIED AND REFILED,
 12 THEY BECOME VALID AND EFFECTIVE ON THAT DATE. IF SUCH
 13 SUSPENDED RULES ARE NOT SO RECODIFIED AND REFILED BY THAT
 14 DATE, THEY ARE PERMANENTLY INVALID AND MAY BE REVIVED ONLY
 15 BY FULFILLING ALL REQUIREMENTS OF THE MONTANA ADMINISTRATIVE
 16 PROCEDURE ACT RELATING TO RULEMAKING IN THE SAME MANNER AS
 17 NEW RULES PROPOSED FOR ADOPTION.

18 ~~(2)(5)~~ Prior to January SEPTEMBER 1, 1980, each agency
 19 shall prepare and submit to the secretary of state a report,
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 21 of the Recodification of Title ~~....v--together--with~~
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 23 and indicate, in tabular or other form, all changes made
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 14 on [the effective date of this act] is not rendered valid by
 15 the process of recodification and refileing.

16 Section 4. Section 2-4-314, MCA, is amended to read:

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 19 to determine if any new rule should be adopted or any
 20 existing rule should be modified or repealed. ~~if necessary~~
 21 ~~subsequent to January 1, 1980, an agency may recodify all or~~
 22 ~~part of a title or chapter during biennial review. A report~~
 23 ~~shall be filed pursuant to [section 2].~~

24 (2) Prior to October 1, 1980, and prior to October 1
 25 of each even-numbered year thereafter, each agency shall

1 prepare and submit a report TO THE ADMINISTRATIVE CODE
 2 COMMITTEE, in tabular or other forms indicating the agency's
 3 recommendations for legislation which will clarify existing
 4 grants of rulemaking authority and grant or eliminate
 5 rulemaking authority as necessary."

6 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
 7 PASSAGE AND APPROVAL.

-End-

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2 INTRODUCED BY PETERSON

3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AGENCIES TO
6 RECODIFY ADMINISTRATIVE RULES OF MONTANA, TO CHANGE
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17 changed by executive reorganization statutes or subsequent
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2 (L) RESERVING BLOCKS OF PAGE NUMBERS IN ARM WHERE
 3 GROWTH HAS BEEN CONSISTENT IN THE PAST OR FUTURE GROWTH IS
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3 (3) EACH AGENCY SHALL SUBMIT A SCHEDULE TO THE
 4 SECRETARY OF STATE LISTING THE CHAPTER NAMES, CHAPTER
 5 NUMBERS, AND PAGES IN ITS TITLE THAT WILL BE RECODIFIED AND
 6 REFILED TO MEET THE REQUIREMENTS OF SUBSECTION (2). THE
 7 VALIDITY OF THE RULES THAT ARE NOT REFILED BY THE SCHEDULED
 8 DATE IS SUSPENDED ON THAT DATE.

9 (4) SUCH SUSPENDED RULES MAY BE RECODIFIED AND REFILED
 10 WITH THE SECRETARY OF STATE BY THE NEXT SCHEDULED
 11 REPLACEMENT PAGE DATE, AND IF SO RECODIFIED AND REFILED,
 12 THEY BECOME VALID AND EFFECTIVE ON THAT DATE. IF SUCH
 13 SUSPENDED RULES ARE NOT SO RECODIFIED AND REFILED BY THAT
 14 DATE, THEY ARE PERMANENTLY INVALID AND MAY BE REVIVED ONLY
 15 BY FULFILLING ALL REQUIREMENTS OF THE MONTANA ADMINISTRATIVE
 16 PROCEDURE ACT RELATING TO RULEMAKING IN THE SAME MANNER AS
 17 NEW RULES PROPOSED FOR ADOPTION.

18 ~~(2)(5)~~ Prior to January SEPTEMBER 1, 1980, each agency
 19 shall prepare and submit to the secretary of state a report,
 20 which must be certified by the agency as the Official Report
 21 of the Recodification of Title--together--with
 22 replacement-pages-for-that-title. The report must explain
 23 and indicate, in tabular or other form, all changes made
 24 during recodification, other than the changes listed in
 25 subsections (4)(a) through (4)(e) AND (4)(J) THROUGH (4)(O)

1 of [section 1], to clearly indicate the character of and
 2 rationale for each change. ~~A summary of the report must be~~
 3 ~~noticed pursuant to rules adopted by the secretary of state.~~
 4 THE REPORT MUST BE MADE AVAILABLE BY THE SECRETARY OF STATE
 5 ON REQUEST AND AT A FEE SET BY 2-6 (4).

6 ~~(3)(6)~~ The effective date of the recodification is the
 7 date ~~of the replacement pages are distributed~~ PAGE ISSUE.

8 SECTION 3. THERE IS A NEW MCA SECTION THAT READS:

9 Effect of recodification and refiling. The rules in ARM
 10 that are recodified and refiled pursuant to [section 2]
 11 shall be given effect as a continuation of the rules in ARM
 12 as they exist on [the effective date of this act] and not as
 13 a new adoption. A rule that is invalid, in whole or in part,
 14 on [the effective date of this act] is not rendered valid by
 15 the process of recodification and refiling.

16 Section 4. Section 2-4-314, MCA, is amended to read:

17 "2-4-314. ~~Annual~~ Biennial review by agencies. (1) Each
 18 agency shall at least ~~annually~~ biennially review its rules
 19 to determine if any new rule should be adopted or any
 20 existing rule should be modified or repealed. ~~if necessary~~
 21 ~~subsequent to January 1, 1980, an agency may recodify all or~~
 22 ~~part of a title or chapter during biennial review. A report~~
 23 ~~shall be filed pursuant to section 23.~~

24 (2) Prior to October 1, 1980, and prior to October 1
 25 of each even-numbered year thereafter, each agency shall

1 prepare and submit a report TO THE ADMINISTRATIVE CODE
 2 COMMITTEE, in tabular or other form, indicating the agency's
 3 recommendations for legislation which will clarify existing
 4 grants of rulemaking authority and grant or eliminate
 5 rulemaking authority as necessary."

6 SECTION 5. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
 7 PASSAGE AND APPROVAL.

-End-