

HOUSE BILL NO. 74

INTRODUCED BY HARPER

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE HOUSE

January 6, 1981	Introduced and referred to Committee on State Administration.
January 14, 1981	Committee recommend bill do pass as amended. Report adopted.
January 15, 1981	Bill printed and placed on members' desks.
January 16, 1981	Second reading, pass consideration. To be considered January 17, 1981.
January 17, 1981	Second reading, pass consideration. To be considered January 19, 1981.
	Rerferred to Committee on State Administration.
January 28, 1981	Committee recommend bill do pass as amended. Report adopted.
January 29, 1981	Bill printed and placed on members' desks.
January 30, 1981	Second reading, do pass.
January 31, 1981	Correctly engrossed.
February 2, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 3, 1981	Introduced and referred to Committee on State Administration.
March 13, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 16, 1981	Second reading, concurred in.
March 18, 1981	Third reading, concurred in as amended. Ayes, 47; Noes, 1.

IN THE HOUSE

March 19, 1981	Returned from Senate with amendments.
April 7, 1981	Second reading, amendments concurred in.
	On motion, rules suspended and bill placed on third reading this day.
	Third reading, amendments concurred in. Ayes, 92; Noes, 2. Sent to enrolling.
	Reported correctly enrolled.

1                   HOUSE    SILL NO. 74  
2   INTRODUCED BY HARPER

3                   BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

4  
5   A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
6   CLARIFY THE LAWS RELATING TO ADMINISTRATIVE RULEMAKING; TO  
7   REQUIRE THE REPORTING OF JUDICIAL CASES TO THE  
8   ADMINISTRATIVE CODE COMMITTEE; AND TO PROVIDE FOR  
9   ENFORCEMENT OF AGENCY DUTIES BY THE COMMITTEE; AMENDING  
10   SECTIONS 2-4-302, 2-4-305, 2-4-314, 2-4-402, AND 2-4-412,  
11   MCA."\*

12  
13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14    Section 1. Section 2-4-302, MCA, is amended to read:  
15    "2-4-302. Notice, hearing, and submission of views.  
16    (1) Prior to the adoption, amendment, or repeal of any rule,  
17    the agency shall give written notice of its intended action.  
18    The notice shall include a statement of either the terms or  
19    substance of the intended action or a description of the  
20    subjects and issues involved, the rationale for the intended  
21    action, and the time when, place where, and manner in which  
22    interested persons may present their views thereon.

23    (2) The notice shall be filed with the secretary of  
24    state for publication in the register as provided in 2-4-312  
25    and mailed within 3 days of filing to persons who have made

1   timely requests to the agency for advance notice of its  
2   rulemaking proceedings. The notice shall be published and  
3   mailed at least 30 days in advance of the agency's intended  
4   action.

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

10                  (4) Prior to the adoption, amendment, or repeal of any  
11    rule, the agency shall afford interested persons at least 20  
12    days' notice of a hearing and 28 days from the day of notice  
13    to submit data, views, or arguments, orally or in writing.  
14    In the case of substantive rules, the notice of proposed  
15    rulemaking must state that opportunity for oral hearing  
16    shall be granted if requested by either 10% or 25, whichever  
17    is less, of the persons who will be directly affected by the  
18    proposed rule, by a governmental subdivision or agency, by  
19    the administrative code committee or by an association  
20    having not less than 25 members who will be directly  
21    affected.

22                  (5) An agency may continue a hearing date for cause.  
23    Contested As determined by the agency. Contested case  
24    procedures need not be followed in hearings held pursuant to  
25    this section. If a hearing is otherwise required by statute,

1 nothing herein alters that requirement.

2 ~~161 If an agency fails to publish a notice of adoption~~  
 3 ~~within the time required by 2-4-305(7) and the agency again~~  
 4 ~~proposes the same rule for adoption, amendment, or repeal,~~  
 5 ~~the proposal must be considered a new proposal for purposes~~  
 6 ~~of compliance with this chapter.~~

7 ~~171 At the commencement of any hearing on the intended~~  
 8 ~~actions, the person designated by the agency to preside at~~  
 9 ~~the hearing shall read aloud the "Notice of Function of~~  
 10 ~~Administrative Code Committee" appearing in the register.~~

11 Section 2. Section 2-4-305, MCA, is amended to read:

12 "2-4-305. Requisites for validity -- authority and  
 13 statement of reasons. (1) The agency shall consider fully  
 14 written and oral submissions respecting the proposed rule.  
 15 Upon adoption of a rule, an agency shall issue a concise  
 16 statement of the principal reasons for and against its  
 17 adoption, incorporating therein its reasons for overruling  
 18 the considerations urged against its adoption. If  
 19 substantial differences exist between the rule as proposed  
 20 and as adopted, and the differences have not been described  
 21 or set forth in the adopted rule as that rule is printed in  
 22 the Montana administrative register, the differences must be  
 23 described in the statement of reasons for and against agency  
 24 action. When no written or oral submissions have been  
 25 received, an agency may omit the statement of reasons.

1 (2) Rules may not unnecessarily repeat statutory  
 2 language. Whenever it is necessary to refer to statutory  
 3 language in order to convey the meaning of a rule  
 4 interpreting the language, the reference shall clearly  
 5 indicate that portion of the language which is statutory and  
 6 the portion which is amplification of the language.

7 (3) Each proposed and adopted rule shall include a  
 8 citation to the specific grant of rulemaking authority  
 9 pursuant to which it or any part thereof is adopted. In  
 10 addition, each proposed and adopted rule shall include a  
 11 citation to the specific section or sections in the Montana  
 12 Code Annotated which the rule purports to implement.

13 ~~141 Each rule proposed and adopted by an agency~~  
 14 ~~implementing a policy of a governing board or commission~~  
 15 ~~must include a citation to and description of the policy~~  
 16 ~~implemented. Each agency rule implementing a "policy", as~~  
 17 ~~used in the definition set forth in 2-4-102(19), and the~~  
 18 ~~policy itself must be based on legal authority and otherwise~~  
 19 ~~comply with the requisites for validity of rules established~~  
 20 ~~by this chapter.~~

21 ~~141 To be effective, each substantive rule adopted~~  
 22 ~~must be within the scope of authority conferred and in~~  
 23 ~~accordance with standards prescribed by other provisions of~~  
 24 ~~law.~~

25 ~~151 Whenever by the express or implied terms of any~~

1 statute a state agency has authority to adopt rules to  
 2 implement, interpret, make specific, or otherwise carry out  
 3 the provisions of the statute, no rule adopted is valid or  
 4 effective unless consistent and not in conflict with the  
 5 statute and reasonably necessary to effectuate the purpose  
 6 of the statute.

7 ~~67171~~ No rule is valid unless adopted in substantial  
 8 compliance with 2-4-302 or 2-4-303 and this section and  
 9 unless notice of adoption thereof is published within 6  
 10 months of the publishing of notice of the proposed rule. If  
 11 an amended or supplemental notice of either proposed or  
 12 final rulemaking or both is published concerning the same  
 13 rule, the 6-month limit must be determined with reference to  
 14 the latest notice in all cases."

15 Section 3. Section 2-4-314, MCA, is amended to read:  
 16 "2-4-314. Biennial review by agencies ~~shall~~ report. (1)  
 17 Each agency shall at least biennially review its rules to  
 18 determine if any new rule should be adopted or any existing  
 19 rule should be modified or repealed.

20 (2) Prior to October 1, 1980, and prior to October 1  
 21 of each even-numbered year thereafter, each agency shall  
 22 prepare and submit a report to the administrative code  
 23 committee, in tabular or other form, indicating the agency's  
 24 recommendations for legislation which will clarify existing  
 25 grants of rulemaking authority and grant or eliminate

1 rulemaking authority as necessary.

2 ~~(3) The committee may recommend to the legislature  
 3 those modifications, additions, or deletions of agency  
 4 rulemaking authority which the committee considers  
 5 necessary."~~

6 Section 4. Section 2-4-402, MCA, is amended to read:  
 7 "2-4-402. Powers of the committee -- duty to review  
 8 rules. (1) The committee shall review all proposed rules  
 9 filed with the secretary of state.

10 (2) Rules proposed by the department of revenue may be  
 11 reviewed only in regard to the procedural requirements of  
 12 the Montana Administrative Procedure Act.

13 (3) The committee may:

14 (a) prepare written recommendations for the adoption,  
 15 amendment, or rejection of a rule and submit those  
 16 recommendations to the department proposing the rule when a  
 17 rulemaking hearing will not be held in accordance with the  
 18 provisions of 2-4-302 through 2-4-305;

19 (b) prepare recommendations for the adoption,  
 20 amendment, or rejection of a rule and submit oral or written  
 21 testimony at a rulemaking hearing;

22 ~~(c) require that a rulemaking hearing be held in  
 23 accordance with the provisions of 2-4-302 through 2-4-305;~~

24 ~~(d) institute, intervene in, or otherwise participate  
 25 in proceedings involving this chapter in the state and~~

HB77

1 ~~federal courts and administrative agencies~~

2 ~~federal review the incidence and conduct of~~  
 3 administrative proceedings under this chapter."

4 Section 5. Section 2-4-412, MCA, is amended to read:

5 ~~"2-4-412. Legislative review of rules -- effect of~~  
 6 ~~failure to object. (1) The legislature may, by joint~~  
 7 ~~resolution, repeal any rule in ARM. If a rule is repealed,~~  
 8 ~~the legislature shall in the joint resolution state its~~  
 9 ~~objections to the repealed rule. If an agency adopts a new~~  
 10 ~~rule to replace the repealed rule, the agency shall adopt~~  
 11 ~~the new rule in accordance with the objections stated by the~~  
 12 ~~legislature in the joint resolution. If the legislature does~~  
 13 ~~not repeal a rule filed with it before the adjournment of~~  
 14 ~~that regular session, the rule remains valid.~~

15 ~~(2) The legislature may also, by joint resolution,~~  
 16 ~~direct a change to be made in any rule in ARM or direct the~~  
 17 ~~adoption of an additional rule. If a change in any rule or~~  
 18 ~~the adoption of an additional rule is directed to be made,~~  
 19 ~~the legislature shall in the joint resolution state the~~  
 20 ~~nature of the change or the additional rule to be made and~~  
 21 ~~its reasons therefor. The agency shall, in the manner~~  
 22 ~~provided in the Montana Administrative Procedure Act, adopt~~  
 23 ~~a new rule in accordance with the legislative direction.~~

24 ~~(3) Rules made by agencies and changes in rules~~  
 25 ~~directed by the legislature under subsection (2) of this~~

1 section shall conform and be pursuant to statutory  
 2 authority.

3 ~~(4) Failure of the legislature or the administrative~~  
 4 ~~code committee to object in any manner to the adoption~~  
 5 ~~amendment, or repeal of a rule is inadmissible in the courts~~  
 6 ~~of this state to prove the validity of any rule."~~

7 NEW SECTION. Section 6. Report of litigation --  
 8 enforcement of agency duties. (1) Each agency shall report  
 9 to the administrative code committee any judicial  
 10 proceedings in which the construction or interpretation of  
 11 any provision of this chapter is in issue and may report to  
 12 the committee any proceeding in which the construction or  
 13 interpretation of any rule of the agency is in issue. Upon  
 14 request of the committee, copies of documents filed in any  
 15 proceeding in which the construction or interpretation of  
 16 either this chapter or an agency rule is in issue must be  
 17 made available to the committee by the agency involved.

18 (2) The committee may in all cases institute,  
 19 intervene in, or otherwise participate in proceedings  
 20 involving this chapter in the state and federal courts and  
 21 before administrative agencies and may enforce any duty of  
 22 an executive agency required by this chapter. The committee  
 23 may use any legal or equitable remedy, except an action for  
 24 damage, available to it, including but not limited to those  
 25 remedies provided for in Title 27, chapters 19, 26, and 27.

1       (3) The committee has standing to bring an action  
2 under subsection (2) of this section and may prove the same  
3 by alleging that the action is brought under subsection (2)  
4 and in the name of the committee.

5       Section 7. Codification instruction. Section 6 is  
6 intended to be codified as an integral part of Title 2,  
7 chapter 4, and the provisions of Title 2, chapter 4, apply  
8 to section 6.

-End-

40 74

Approved by Committee  
on State Administration

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
6 CLARIFY THE LAWS RELATING TO ADMINISTRATIVE RULEMAKING; TO  
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8 ADMINISTRATIVE CODE COMMITTEE; AND TO PROVIDE FOR  
9 ENFORCEMENT OF AGENCY DUTIES BY THE COMMITTEE; AMENDING  
10 SECTIONS 2-4-302, 2-4-305, 2-4-314, 2-4-402, AND 2-4-412,  
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19                   substance of the intended action or a description of the

20                   subjects and issues involved, the rationale for the intended

21                   action, and the time when, place where, and manner in which

22                   interested persons may present their views thereon.

23 (2) The notice shall be filed with the secretary of  
24 state for publication in the register as provided in 2-4-312  
25 and mailed within 3 days of filing PUBLICATION to persons

1 who have made timely requests to the agency for advance  
2 notice of its rulemaking proceedings. The notice shall be  
3 published and mailed at least 30 days in advance of the  
4 agency's intended action.

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6 publication, the affected agency shall comply with the  
7 statute in addition to the requirements contained herein.  
8 However, in no case may the notice period be less than 30  
9 days or more than 6 months.

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 14 ~~implementing a policy of a governing board or commission~~  
 15 ~~must include a citation to and description of the policy~~  
 16 ~~implemented. Each agency rule implementing a "policy", as~~  
 17 ~~used in the definition set forth in 2-4-102(10), and the~~  
 18 ~~policy itself must be based on legal authority and otherwise~~  
 19 ~~comply with the requisites for validity of rules established~~  
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1 statute a state agency has authority to adopt rules to  
 2 implement, interpret, make specific, or otherwise carry out  
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 21 of each even-numbered year thereafter, each agency shall  
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 24 recommendations for legislation which will clarify existing  
 25 grants of rulemaking authority and grant or eliminate

1 rulemaking authority as necessary.  
 2 ~~(3) The committee may recommend to the legislature~~  
 3 ~~those modifications, additions, or deletions of agency~~  
 4 ~~rulemaking authority which the committee considers~~  
 5 ~~necessary."~~  
 6 Section 4. Section 2-4-402, MCA, is amended to read:  
 7 "2-4-402. Powers of the committee -- duty to review  
 8 rules. (1) The committee shall review all proposed rules  
 9 filed with the secretary of state.  
 10 (2) Rules proposed by the department of revenue may be  
 11 reviewed only in regard to the procedural requirements of  
 12 the Montana Administrative Procedure Act.  
 13 (3) The committee may:  
 14 (a) prepare written recommendations for the adoption,  
 15 amendment, or rejection of a rule and submit those  
 16 recommendations to the department proposing the rule when-a  
 17 ~~rulemaking-hearing-will-not-be-held-in-accordance--with--the~~  
 18 ~~provisions-of-2-4-302-through-2-4-305;~~  
 19 ~~fbj--prepare---recommendations---for---the---adoption,~~  
 20 ~~amendment--or--rejection--of--a--rule~~ and submit oral or written  
 21 testimony at a rulemaking hearing;  
 22 ~~fbj~~ require that a rulemaking hearing be held in  
 23 accordance with the provisions of 2-4-302 through 2-4-305;  
 24 ~~fbj--institute--intervene--in--or--otherwise--participate~~  
 25 ~~in--proceedings--involving--this--chapter--in--the--state--and~~

1 ~~federal-courts-and-administrative-agencies-test~~

2 ~~test~~ review the incidence and conduct of  
 3 administrative proceedings under this chapter."

4 Section 5. Section 2-4-412, MCA, is amended to read:  
 5 "2-4-412. Legislative review of rules ~~== effect of~~  
 6 ~~failure to object.~~ (1) The legislature may, by joint  
 7 resolution, repeal any rule in ARM. If a rule is repealed,  
 8 the legislature shall in the joint resolution state its  
 9 objections to the repealed rule. If an agency adopts a new  
 10 rule to replace the repealed rule, the agency shall adopt  
 11 the new rule in accordance with the objections stated by the  
 12 legislature in the joint resolution. If the legislature does  
 13 not repeal a rule filed with it before the adjournment of  
 14 that regular session, the rule remains valid.

15 (2) The legislature may also, by joint resolution,  
 16 direct a change to be made in any rule in ARM or direct the  
 17 adoption of an additional rule. If a change in any rule or  
 18 the adoption of an additional rule is directed to be made,  
 19 the legislature shall in the joint resolution state the  
 20 nature of the change or the additional rule to be made and  
 21 its reasons therefor. The agency shall, in the manner  
 22 provided in the Montana Administrative Procedure Act, adopt  
 23 a new rule in accordance with the legislative direction.

24 (3) Rules made by agencies and changes in rules  
 25 directed by the legislature under subsection (2) of this

1 section shall conform and be pursuant to statutory  
 2 authority.

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 4 ~~code committee to object in any manner to the adoption~~  
 5 ~~amendment, or repeal of a rule is inadmissible in the courts~~  
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7 ~~NEW SECTION.~~ Section 6. Report of litigation --  
 8 enforcement of agency duties. (1) Each agency shall report  
 9 to the administrative code committee any judicial  
 10 proceedings in which the construction or interpretation of  
 11 any provision of this chapter is in issue and may report to  
 12 the committee any proceeding in which the construction or  
 13 interpretation of any rule of the agency is in issue. Upon  
 14 request of the committee, copies of documents filed in any  
 15 proceeding in which the construction or interpretation of  
 16 either this chapter or an agency rule is in issue must be  
 17 made available to the committee by the agency involved.

18 (2) The committee may in all cases institute,  
 19 intervene in, or otherwise participate in proceedings  
 20 involving this chapter in the state and federal courts and  
 21 before administrative agencies and may enforce any duty of  
 22 an executive agency required by this chapter. The committee  
 23 may use any legal or equitable remedy, except an action for  
 24 damage, available to it, including but not limited to those  
 25 remedies provided for in Title 27, chapters 19, 26, and 27.

1       (3) The committee has standing to bring an action  
2 under subsection (2) of this section and may prove the same  
3 by alleging that the action is brought under subsection (2)  
4 and in the name of the committee.

5       Section 7. Codification instruction. Section 6 is  
6 intended to be codified as an integral part of Title 2,  
7 chapter 4, and the provisions of Title 2, chapter 4, apply  
8 to section 6.

9       ~~SECTION 8. SEVERABILITY. IF A PART OF THIS ACT IS~~  
10 ~~INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID~~  
11 ~~PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN~~  
12 ~~ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT~~  
13 ~~IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE~~  
14 ~~INVALID APPLICATIONS.~~

-End-

Approved by Committee  
on State Administration

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

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19 substance of the intended action or a description of the

20 subjects and issues involved, the rationale for the intended

21 action, and the time when, place where, and manner in which

22 interested persons may present their views thereon.

23 (2) The notice shall be filed with the secretary of  
24 state for publication in the register as provided in 2-4-312  
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1 who have made timely requests to the agency for advance  
2 notice of its rulemaking proceedings. The notice shall be  
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18 proposed rule, by a governmental subdivision or agency, by  
19 the administrative code committee, or by an association  
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24 procedures need not be followed in hearings held pursuant to  
25 this section. If a hearing is otherwise required by statute,

1 nothing herein alters that requirement.

2 (6) If an agency fails to publish a notice of adoption  
 3 within the time required by 2-4-305(7) and the agency again  
 4 proposes the same rule for adoption, amendment, or repeal,  
 5 the proposal must be considered a new proposal for purposes  
 6 of compliance with this chapter.

7 (7) At the commencement of any hearing on the intended  
 8 action, the person designated by the agency to preside at  
 9 the hearing shall read aloud the "Notice of Function of  
 10 Administrative Code Committee" appearing in the register."

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 11 citation to the specific section or sections in the Montana  
 12 Code Annotated which the rule purports to implement.

13 (4) Each rule proposed and adopted by an agency  
 14 implementing a policy of a governing board or commission  
 15 must include a citation to and description of the policy  
 16 implemented. Each agency rule implementing a "policy", as  
 17 used in the definition set forth in 2-4-102(10), and the  
 18 policy itself must be based on legal authority and otherwise  
 19 comply with the requisites for validity of rules established  
 20 by this chapter.

21 (5) To be effective, each substantive rule adopted  
 22 must be within the scope of authority conferred and in  
 23 accordance with standards prescribed by other provisions of  
 24 law.

25 (6) Whenever by the express or implied terms of any

1 statute a state agency has authority to adopt rules to  
 2 implement, interpret, make specific, or otherwise carry out  
 3 the provisions of the statute, no rule adopted is valid or  
 4 effective unless consistent and not in conflict with the  
 5 statute and reasonably necessary to effectuate the purpose  
 6 of the statute.

7 ~~t67(7)~~ No rule is valid unless adopted in substantial  
 8 compliance with 2-4-302 or 2-4-303 and this section and  
 9 unless notice of adoption thereof is published within 6  
 10 months of the publishing of notice of the proposed rule. If  
 11 an amended or supplemental notice of either proposed or  
 12 final rulemaking or both is published concerning the same  
 13 rule, the 6-month limit must be determined with reference to  
 14 the latest notice in all cases."

15 Section 3. Section 2-4-314, MCA, is amended to read:  
 16 "2-4-314. Biennial review by agencies ~~—~~ report. (1)  
 17 Each agency shall at least biennially review its rules to  
 18 determine if any new rule should be adopted or any existing  
 19 rule should be modified or repealed.

20 (2) Prior to October 1, 1980, and prior to October 1  
 21 of each even-numbered year thereafter, each agency shall  
 22 prepare and submit a report to the administrative code  
 23 committee, in tabular or other form, indicating the agency's  
 24 recommendations for legislation which will clarify existing  
 25 grants of rulemaking authority and grant or eliminate

1 rulemaking authority as necessary.

2 ~~(3)~~ The committee may recommend to the legislature  
 3 those modifications, additions, or deletions of agency  
 4 rulemaking authority which the committee considers  
 5 necessary."

6 Section 4. Section 2-4-402, MCA, is amended to read:  
 7 "2-4-402. Powers of the committee — duty to review  
 8 rules. (1) The committee shall review all proposed rules  
 9 filed with the secretary of state.

10 (2) Rules proposed by the department of revenue may be  
 11 reviewed only in regard to the procedural requirements of  
 12 the Montana Administrative Procedure Act.

13 (3) The committee may:

14 (a) prepare written recommendations for the adoption,  
 15 amendment, or rejection of a rule and submit those  
 16 recommendations to the department proposing the rule when a  
 17 ~~rulemaking-hearing-will-not-be-held-in-accordance--with--the~~  
 18 ~~provisions-of-2-4-302-through-2-4-305~~

19 ~~t67--prepare---recommendations---for---the---adoption,~~  
 20 ~~amendment--or--rejection--of--a--rule~~ and submit oral or written  
 21 testimony at a rulemaking hearing;

22 ~~t67(b)~~ require that a rulemaking hearing be held in  
 23 accordance with the provisions of 2-4-302 through 2-4-305;

24 ~~t67--institute--intervene--in--or--otherwise--participate~~  
 25 ~~in--proceedings--involving--this--chapter--in--the--state--and~~

1 ~~federal courts and administrative agencies~~

2 ~~shall~~ review the incidence and conduct of  
3 administrative proceedings under this chapter."

4 Section 5. Section 2-4-412, MCA, is amended to read:  
5 "2-4-412. Legislative review of rules ~~as effect of~~  
6 ~~failure to object~~. (1) The legislature may, by joint  
7 resolution, repeal any rule in ARM. If a rule is repealed,  
8 the legislature shall in the joint resolution state its  
9 objections to the repealed rule. If an agency adopts a new  
10 rule to replace the repealed rule, the agency shall adopt  
11 the new rule in accordance with the objections stated by the  
12 legislature in the joint resolution. If the legislature does  
13 not repeal a rule filed with it before the adjournment of  
14 that regular session, the rule remains valid.

15 (2) The legislature may also, by joint resolution,  
16 direct a change to be made in any rule in ARM or direct the  
17 adoption of an additional rule. If a change in any rule or  
18 the adoption of an additional rule is directed to be made,  
19 the legislature shall in the joint resolution state the  
20 nature of the change or the additional rule to be made and  
21 its reasons therefor. The agency shall, in the manner  
22 provided in the Montana Administrative Procedure Act, adopt  
23 a new rule in accordance with the legislative direction.

24 (3) Rules made by agencies and changes in rules  
25 directed by the legislature under subsection (2) of this

1 section shall conform and be pursuant to statutory  
2 authority.

3 (4) Failure of the legislature or the administrative  
4 code committee to object in any manner to the adoption,  
5 amendment, or repeal of a rule is inadmissible in the courts  
6 of this state to prove the validity of any rule."

7 NEW SECTION Section 6. Report of litigation --  
8 enforcement of agency duties. (1) Each agency shall report  
9 to the administrative code committee any judicial  
10 proceedings in which the construction or interpretation of  
11 any provision of this chapter is in issue and may report to  
12 the committee any proceeding in which the construction or  
13 interpretation of any rule of the agency is in issue. Upon  
14 request of the committee, copies of documents filed in any  
15 proceeding in which the construction or interpretation of  
16 either this chapter or an agency rule is in issue must be  
17 made available to the committee by the agency involved.

18 (2) The committee may in all cases institute,  
19 intervene in, or otherwise participate in proceedings  
20 involving this chapter in the state and federal courts and  
21 before administrative agencies and may enforce any duty of  
22 an executive agency required by this chapter. The committee  
23 may use any legal or equitable remedy, except an action for  
24 damage, available to it, including but not limited to those  
25 remedies provided for in Title 27, chapters 19, 26, and 27.

1       (3) The committee has standing to bring an action  
2 under subsection (2) of this section and may prove the same  
3 by alleging that the action is brought under subsection (2)  
4 and in the name of the committee.

5       Section 7. Codification instruction. Section 6 is  
6 intended to be codified as an integral part of Title 2,  
7 chapter 4, and the provisions of Title 2, chapter 4, apply  
8 to section 6.

9       SECTION 8. SEVERABILITY. IF A PART OF THIS ACT IS  
10 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID  
11 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN  
12 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT  
13 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE  
14 INVALID APPLICATIONS.

-End-

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

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

15 "2-4-302. Notice, hearing, and submission of views.

16 (1) Prior to the adoption, amendment, or repeal of any rule,

17 the agency shall give written notice of its intended action.

18 The notice shall include a statement of either the terms or

19 substance of the intended action or a description of the

20 subjects and issues involved, the rationale for the intended

21 action, and the time when, place where, and manner in which

22 interested persons may present their views thereon.

23 (2) The notice shall be filed with the secretary of  
24 state for publication in the register as provided in 2-4-312  
25 and mailed within 3 days of ~~fitting~~ PUBLICATION to persons

1 who have made timely requests to the agency for advance  
2 notice of its rulemaking proceedings. The notice shall be  
3 published and mailed at least 30 days in advance of the  
4 agency's intended action.

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

10 (4) Prior to the adoption, amendment, or repeal of any  
11 rule, the agency shall afford interested persons at least 20  
12 days' notice of a hearing and 28 days from the day of notice  
13 to submit data, views, or arguments, orally or in writing.  
14 In the case of substantive rules, the notice of proposed  
15 rulemaking must state that opportunity for oral hearing  
16 shall be granted if requested by either 10% or 25, whichever  
17 is less, of the persons who will be directly affected by the  
18 proposed rule, by a governmental subdivision or agency, or  
19 the administrative code committee, or by an association  
20 having not less than 25 members who will be directly  
21 affected.

22 (5) An agency may continue a hearing date for cause.  
23 Contested As determined by the agency, contested case  
24 procedures need not be followed in hearings held pursuant to  
25 this section. If a hearing is otherwise required by statute,

1 nothing herein alters that requirement.

2       (6) If an agency fails to publish a notice of adoption  
 3 within the time required by 2-4-305(7) and the agency again  
 4 proposes the same rule for adoption, amendment, or repeal,  
 5 the proposal must be considered a new proposal for purposes  
 6 of compliance with this chapter.

7       (7) At the commencement of any hearing on the intended  
 8 action, the person designated by the agency to preside at  
 9 the hearing shall read aloud the "Notice of Function of  
 10 Administrative Code Committee" appearing in the register.

11       Section 2. Section 2-4-305, MCA, is amended to read:

12       "2-4-305. Requisites for validity -- authority and  
 13 statement of reasons. (1) The agency shall consider fully  
 14 written and oral submissions respecting the proposed rule.  
 15 Upon adoption of a rule, an agency shall issue a concise  
 16 statement of the principal reasons for and against its  
 17 adoption, incorporating therein its reasons for overruling  
 18 the considerations urged against its adoption. If  
 19 substantial differences exist between the rule as proposed  
 20 and as adopted, and the differences have not been described  
 21 or set forth in the adopted rule as that rule is printed in  
 22 the Montana administrative register, the differences must be  
 23 described in the statement of reasons for and against agency  
 24 action. When no written or oral submissions have been  
 25 received, an agency may omit the statement of reasons.

1       (2) Rules may not unnecessarily repeat statutory  
 2 language. whenever it is necessary to refer to statutory  
 3 language in order to convey the meaning of a rule  
 4 interpreting the language, the reference shall clearly  
 5 indicate that portion of the language which is statutory and  
 6 the portion which is amplification of the language.

7       (3) Each proposed and adopted rule shall include a  
 8 citation to the specific grant of rulemaking authority  
 9 pursuant to which it or any part thereof is adopted. In  
 10 addition, each proposed and adopted rule shall include a  
 11 citation to the specific section or sections in the Montana  
 12 Code Annotated which the rule purports to implement.

13       (4) Each rule proposed and adopted by an agency  
 14 implementing a policy of a governing board or commission  
 15 must include a citation to and description of the policy  
 16 implemented. Each agency rule implementing a "policy", as  
 17 used in the definition set forth in 2-4-102(10), and the  
 18 policy itself must be based on legal authority and otherwise  
 19 comply with the requisites for validity of rules established  
 20 by this chapter.

21       t47(5) To be effective, each substantive rule adopted  
 22 must be within the scope of authority conferred and in  
 23 accordance with standards prescribed by other provisions of  
 24 law.

25       t57(6) Whenever by the express or implied terms of any

1 statute a state agency has authority to adopt rules to  
 2 implement, interpret, make specific, or otherwise carry out  
 3 the provisions of the statute, no rule adopted is valid or  
 4 effective unless consistent and not in conflict with the  
 5 statute and reasonably necessary to effectuate the purpose  
 6 of the statute.

7 ~~f67171~~ No rule is valid unless adopted in substantial  
 8 compliance with 2-4-302 or 2-4-303 and this section and  
 9 unless notice of adoption thereof is published within 6  
 10 months of the publishing of notice of the proposed rule. If  
 11 an amended or supplemental notice of either proposed or  
 12 final rulemaking or both is published concerning the same  
 13 rule, the 6-month limit must be determined with reference to  
 14 the latest notice in all cases."

15 Section 3. Section 2-4-314, MCA, is amended to read:  
 16 "2-4-314. Biennial review by agencies ~~== report~~. (1)  
 17 Each agency shall at least biennially review its rules to  
 18 determine if any new rule should be adopted or any existing  
 19 rule should be modified or repealed.

20 (2) Prior to October 1, 1980, and prior to October 1  
 21 of each even-numbered year thereafter, each agency shall  
 22 prepare and submit a report to the administrative code  
 23 committee, in tabular or other form, indicating the agency's  
 24 recommendations for legislation which will clarify existing  
 25 grants of rulemaking authority and grant or eliminate

1 rulemaking authority as necessary.

2 ~~(3) The committee may recommend to the legislature~~  
 3 ~~those modifications, additions, or deletions of agency~~  
 4 ~~rulemaking authority which the committee considers~~  
 5 ~~necessary.~~

6 Section 4. Section 2-4-402, MCA, is amended to read:  
 7 "2-4-402. Powers of the committee -- duty to review  
 8 rules. (1) The committee shall review all proposed rules  
 9 filed with the secretary of state.

10 (2) Rules proposed by the department of revenue may be  
 11 reviewed only in regard to the procedural requirements of  
 12 the Montana Administrative Procedure Act.

13 (3) The committee may:

14 (a) prepare written recommendations for the adoption,  
 15 amendment, or rejection of a rule and submit those  
 16 recommendations to the department proposing the rule ~~when-a~~  
 17 ~~rulemaking-hearing-will-not-be-held-in-accordance--with--the~~  
 18 ~~provisions-of-2-4-302-through-2-4-305~~

19 ~~(b)--prepare---recommendations---for---the---adoption-~~  
 20 ~~amendment--or--rejection--of--a--rule~~ and submit oral or written  
 21 testimony at a rulemaking hearing;

22 ~~(c)(b) require that a rulemaking hearing be held in~~  
 23 ~~accordance with the provisions of 2-4-302 through 2-4-305;~~

24 ~~(d)--institute--intervene-in--or--otherwise--participate~~  
 25 ~~in--proceedings--involving--this--chapter--in--the--state--and~~

1 ~~federal-courts-and-administrative-agencies~~

2 ~~to~~(c) review the incidence and conduct of  
3 administrative proceedings under this chapter."

4 Section 5. Section 2-4-412, MCA, is amended to read:  
5 "2-4-412. Legislative review of rules -- effect of  
6 ~~failure to object~~. (1) The legislature may, by joint  
7 resolution, repeal any rule in ARM. If a rule is repealed,  
8 the legislature shall in the joint resolution state its  
9 objections to the repealed rule. If an agency adopts a new  
10 rule to replace the repealed rule, the agency shall adopt  
11 the new rule in accordance with the objections stated by the  
12 legislature in the joint resolution. If the legislature does  
13 not repeal a rule filed with it before the adjournment of  
14 that regular session, the rule remains valid.

15 (2) The legislature may also, by joint resolution,  
16 direct a change to be made in any rule in ARM or direct the  
17 adoption of an additional rule. If a change in any rule or  
18 the adoption of an additional rule is directed to be made,  
19 the legislature shall in the joint resolution state the  
20 nature of the change or the additional rule to be made and  
21 its reasons therefor. The agency shall, in the manner  
22 provided in the Montana Administrative Procedure Act, adopt  
23 a new rule in accordance with the legislative direction.

24 (3) Rules made by agencies and changes in rules  
25 directed by the legislature under subsection (2) of this

1 section shall conform and be pursuant to statutory  
2 authority.

3 (4) Failure of the legislature or the administrative  
4 code committee to object in any manner to the adoption,  
5 amendments, or repeal of a rule is inadmissible in the courts  
6 of this state to prove the validity of any rule."

7 NEW SECTION. Section 6. Report of litigation --  
8 enforcement of agency duties. (1) Each agency shall report  
9 to the administrative code committee any judicial  
10 proceedings in which the construction or interpretation of  
11 any provision of this chapter is in issue and may report to  
12 the committee any proceeding in which the construction or  
13 interpretation of any rule of the agency is in issue. Upon  
14 request of the committee, copies of documents filed in any  
15 proceeding in which the construction or interpretation of  
16 either this chapter or an agency rule is in issue must be  
17 made available to the committee by the agency involved.

18 (2) The committee may in all cases institute,  
19 intervene in, or otherwise participate in proceedings  
20 involving this chapter in the state and federal courts and  
21 before administrative agencies and may enforce any duty of  
22 an executive agency required by this chapter. The committee  
23 may use any legal or equitable remedy, except an action for  
24 damage, available to it, including but not limited to those  
25 remedies provided for in Title 27, chapters 19, 26, and 27.

1       (3) The committee has standing to bring an action  
2 under subsection (2) of this section and may prove the same  
3 by alleging that the action is brought under subsection (2)  
4 and in the name of the committee.

5       Section 7. Codification instruction. Section 6 is  
6 intended to be codified as an integral part of Title 2,  
7 chapter 4, and the provisions of Title 2, chapter 4, apply  
8 to section 6.

9       SECTION 8. SEVERABILITY. IF A PART OF THIS ACT IS  
10 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID  
11 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN  
12 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT  
13 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE  
14 INVALID APPLICATIONS.

-End-

HOUSE BILL NO. 74

INTRODUCED BY HARPER

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
6 CLARIFY THE LAWS RELATING TO ADMINISTRATIVE RULEMAKING; TO  
7 REQUIRE THE REPORTING OF JUDICIAL CASES TO THE  
8 ADMINISTRATIVE CODE COMMITTEE; AND--TO--PROVIDE--FOR  
9 ENFORCEMENT--OF--AGENCY--DUTIES--BY--THE--COMMITTEE; AMENDING  
10 SECTIONS 2-4-302, 2-4-305, 2-4-314, 2-4-402, AND 2-4-412,  
11 MCA."

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

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

15           "2-4-302. Notice, hearing, and submission of views.

16           (1) Prior to the adoption, amendment, or repeal of any rule,

17           the agency shall give written notice of its intended action.

18           The notice shall include a statement of either the terms or

19           substance of the intended action or a description of the

20           subjects and issues involved, the rationale for the intended

21           action, and the time when, place where, and manner in which

22           interested persons may present their views thereon.

23 (a) The notice shall be filed with the secretary of  
24 state for publication in the register as provided in 2-4-312  
25 and mailed within 3 days of filing PUBLICATION to persons

1 who have made timely requests to the agency for advance  
2 notice of its rulemaking proceedings. The notice shall be  
3 published and mailed at least 30 days in advance of the  
4 agency's intended action.

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

10 (4) Prior to the adoption, amendment, or repeal of any  
11 rule, the agency shall afford interested persons at least 20  
12 days' notice of a hearing and 28 days from the day of notice  
13 to submit data, views, or arguments, orally or in writing.  
14 In the case of substantive rules, the notice of proposed  
15 rulemaking must state that opportunity for oral hearing  
16 shall be granted if requested by either 10% or 25, whichever  
17 is less, of the persons who will be directly affected by the  
18 proposed rule, by a governmental subdivision or agency, by  
19 the administrative code committee, or by an association  
20 having not less than 25 members who will be directly  
21 affected.

22 (5) An agency may continue a hearing date for cause.  
23 Contested ~~as determined by~~ IN THE DISCRETION OF the agency,  
24 contested case procedures need not be followed in hearings  
25 held pursuant to this section. If a hearing is otherwise

1 required by statute, nothing herein alters that requirement.

2 (6) If an agency fails to publish a notice of adoption  
 3 within the time required by 2-4-305(7) and the agency again  
 4 proposes the same rule for adoption, amendment, or repeal,  
 5 the proposal must be considered a new proposal for purposes  
 6 of compliance with this chapter.

7 (7) At the commencement of any hearing on the intended  
 8 action, the person designated by the agency to preside at  
 9 the hearing shall read aloud the "Notice of Function of  
 10 Administrative Code Committee" appearing in the register."

11 Section 2. Section 2-4-305, MCA, is amended to read:  
 12 "2-4-305. Requisites for validity -- authority and  
 13 statement of reasons. (1) The agency shall consider fully  
 14 written and oral submissions respecting the proposed rule.  
 15 Upon adoption of a rule, an agency shall issue a concise  
 16 statement of the principal reasons for and against its  
 17 adoption, incorporating therein its reasons for overruling  
 18 the considerations urged against its adoption. If  
 19 substantial differences exist between the rule as proposed  
 20 and as adopted, and the differences have not been described  
 21 or set forth in the adopted rule as that rule is printed in  
 22 the Montana administrative register, the differences must be  
 23 described in the statement of reasons for and against agency  
 24 action. When no written or oral submissions have been  
 25 received, an agency may omit the statement of reasons.

1 (2) Rules may not unnecessarily repeat statutory  
 2 language. whenever it is necessary to refer to statutory  
 3 language in order to convey the meaning of a rule  
 4 interpreting the language, the reference shall clearly  
 5 indicate that portion of the language which is statutory and  
 6 the portion which is amplification of the language.

7 (3) Each proposed and adopted rule shall include a  
 8 citation to the specific grant of rulemaking authority  
 9 pursuant to which it or any part thereof is adopted. In  
 10 addition, each proposed and adopted rule shall include a  
 11 citation to the specific section or sections in the Montana  
 12 Code Annotated which the rule purports to implement.

13 (4) Each rule proposed and adopted by an agency  
 14 implementing a policy of a governing board or commission  
 15 must include a citation to and description of the policy  
 16 implemented. Each agency rule implementing a "policy" as  
 17 used in the definition set forth in 2-4-102(10), and the  
 18 policy itself must be based on legal authority and otherwise  
 19 comply with the requisites for validity of rules established  
 20 by this chapter.

21 (4)(5) To be effective, each substantive rule adopted  
 22 must be within the scope of authority conferred and in  
 23 accordance with standards prescribed by other provisions of  
 24 law.

25 (5)(6) Whenever by the express or implied terms of any

1 statute a state agency has authority to adopt rules to  
 2 implement, interpret, make specific, or otherwise carry out  
 3 the provisions of the statute, no rule adopted is valid or  
 4 effective unless consistent and not in conflict with the  
 5 statute and reasonably necessary to effectuate the purpose  
 6 of the statute.

7 ~~f67171~~ No rule is valid unless adopted in substantial  
 8 compliance with 2-4-302 or 2-4-303 and this section and  
 9 unless notice of adoption thereof is published within 6  
 10 months of the publishing of notice of the proposed rule. If  
 11 an amended or supplemental notice of either proposed or  
12 final rulemaking or both is published concerning the same  
rule, the 6-month limit must be determined with reference to  
14 the latest notice in all cases."

15 Section 3. Section 2-4-314, MCA, is amended to read:  
 16 "2-4-314. Biennial review by agencies to report. (1)  
 17 Each agency shall at least biennially review its rules to  
 18 determine if any new rule should be adopted or any existing  
 19 rule should be modified or repealed.

20 (2) Prior to October 1, 1980, and prior to October 1  
 21 of each even-numbered year thereafter, each agency shall  
 22 prepare and submit a report to the administrative code  
 23 committee, in tabular or other form, indicating the agency's  
 24 recommendations for legislation which will clarify existing  
 25 grants of rulemaking authority and grant or eliminate

1 rulemaking authority as necessary.

2 (2) The committee may recommend to the legislature  
 3 those modifications, additions, or deletions of agency  
4 rulemaking authority which the committee considers  
5 necessary."

6 Section 4. Section 2-4-402, MCA, is amended to read:

7 "2-4-402. Powers of the committee -- duty to review  
 8 rules. (1) The committee shall review all proposed rules  
 9 filed with the secretary of state.

10 (2) Rules proposed by the department of revenue may be  
 11 reviewed only in regard to the procedural requirements of  
 12 the Montana Administrative Procedure Act.

13 (3) The committee may:

14 (a) prepare written recommendations for the adoption,  
 15 amendment, or rejection of a rule and submit those  
 16 recommendations to the department proposing the rule when-a  
17 rulemaking-hearing-will-not-be-held-in-accordance--with--the  
18 provisions-of-2-4-302-through-2-4-305+

19 ~~f67--prepare---recommendations---for---the---adoption,~~  
 20 ~~amendment--or--rejection--of--a--rule~~ and submit oral or written  
 21 testimony at a rulemaking hearing;

22 ~~f6715~~ require that a rulemaking hearing be held in  
 23 accordance with the provisions of 2-4-302 through 2-4-305;  
 24 ~~f67--institute--intervene-in--or--otherwise--participate~~  
 25 ~~in--proceedings--involving--this--chapter--in--the--state--and~~

1 ~~federal courts and administrative agencies~~

2 ~~(c) INSTITUTE, INTERVENE IN, OR OTHERWISE PARTICIPATE  
3 IN PROCEEDINGS INVOLVING THIS CHAPTER IN THE STATE AND  
4 FEDERAL COURTS AND ADMINISTRATIVE AGENCIES;~~

5 ~~to~~<sup>to</sup>~~review~~<sup>(1)</sup> review the incidence and conduct of  
6 administrative proceedings under this chapter."

7 Section 5. Section 2-4-412, MCA, is amended to read:  
8 "2-4-412. Legislative review of rules -- effect of  
9 failure to object. (1) The legislature may, by joint  
10 resolution, repeal any rule in ARM. If a rule is repealed,  
11 the legislature shall in the joint resolution state its  
12 objections to the repealed rule. If an agency adopts a new  
13 rule to replace the repealed rule, the agency shall adopt  
14 the new rule in accordance with the objections stated by the  
15 legislature in the joint resolution. If the legislature does  
16 not repeal a rule filed with it before the adjournment of  
17 that regular session, the rule remains valid.

18 (2) The legislature may also, by joint resolution,  
19 direct a change to be made in any rule in ARM or direct the  
20 adoption of an additional rule. If a change in any rule or  
21 the adoption of an additional rule is directed to be made,  
22 the legislature shall in the joint resolution state the  
23 nature of the change or the additional rule to be made and  
24 its reasons therefor. The agency shall, in the manner  
25 provided in the Montana Administrative Procedure Act, adopt

1 a new rule in accordance with the legislative direction.

2 (3) Rules made by agencies and changes in rules  
3 directed by the legislature under subsection (2) of this  
4 section shall conform and be pursuant to statutory  
5 authority.

6 ~~(4) Failure of the legislature or the administrative  
7 code committee to object in any manner to the adoption,  
8 amendment, or repeal of a rule is inadmissible in the courts  
9 of this state to prove the validity of any rule."~~

10 NEW SECTION. Section 6. Report of litigation --  
11 enforcement--of--agency--duties. ~~(b) Each agency shall report~~  
12 to the administrative code committee any judicial  
13 proceedings in which the construction or interpretation of  
14 any provision of this chapter is in issue and may report to  
15 the committee any proceeding in which the construction or  
16 interpretation of any rule of the agency is in issue. Upon  
17 request of the committee, copies of documents filed in any  
18 proceeding in which the construction or interpretation of  
19 either this chapter or an agency rule is in issue must be  
20 made available to the committee by the agency involved.

21 ~~(2) The committee may in cases institute  
22 intervene or otherwise participate in proceedings  
23 involving this chapter in the state and federal courts and  
24 before administrative agencies and may enforce any duty of  
25 an executive agency required by this chapter. The committee~~

1 may--use--any--legal--or--equitable--remedy--except--an--action--for  
2 damages--available--to--it--including--but--not--limited--to--those  
3 remedies--provided--for--in--Title--27--chapters--19--26--and--27--  
4 f3)--the--committee--has--standing--to--bring--an--action  
5 under--subsection--f2)--of--this--section--and--may--prove--the--same  
6 by--alleging--that--the--action--is--brought--under--subsection--f2)--  
7 and--in--the--name--of--the--committee--.

8       Section 7. Codification instruction. Section 6 is  
9 intended to be codified as an integral part of Title 2,  
10 chapter 4, and the provisions of Title 2, chapter 4, apply  
11 to section 6.

12       SECTION 8. SEVERABILITY. IF A PART OF THIS ACT IS  
13 INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID  
14 PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID IN  
15 ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT  
16 IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE  
17 INVALID APPLICATIONS.

-End-

March 13, 1981

SENATE STANDING COMMITTEE REPORT  
(State Administration)

That House Bill No. 74 be amended as follows:

1. Title, lines 8 and 9.

Following: "COMMITTEE;"

Strike: "AND TO PROVIDE FOR ENFORCEMENT OF AGENCY DUTIES BY THE  
COMMITTEE;"

2. Page 2, line 23.

Following: "~~Contested~~"

Strike: "As determined by"

Insert: "In the discretion of"

3. Page 6, lines 24 through page 7, line 1.

Following: "~~(d)~~"

Insert: "(c)" and the remainder of line 24, page 6, through page 7, line

4. Page 7, line 2.

Following: "~~(e)~~"

Strike: "(c)"

Insert: "(d)"

5. Page 8, lines 7 and 8.

Following: "litigation"

Strike: "--enforcement of agency duties. (1)"

Insert: ".."

6. Page 8, lines 18 through page 9, line 4.

Following: line 17

Strike: line 18, page 8 through line 4, page 9 in its entirety