

House Bill 252

In The House

January 15, 1981	Introduced and referred to Committee on State Administration.
January 20, 1981	Fiscal note requested.
January 21, 1981	Fiscal note returned.
February 6, 1981	Committee recommend bill do not pass.

1                                   HOUSE                                   BILL NO. 252  
 2 INTRODUCTION BY Curtiss Moore Manly Conroy  
 3 Bob Brown

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, the 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 from the day of notice  
 7 to submit data, views, or arguments, orally or in writing.  
 8 In the case of substantive rules, opportunity for oral  
 9 hearing shall be granted if requested by either 10% or 25,  
 10 whichever is less, of the persons who will be directly  
 11 affected by the proposed rule, by a governmental subdivision  
 12 or agency, or by an association having not less than 25  
 13 members who will be directly 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."

STATE OF MONTANA

REQUEST NO. 137-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 19, 19 81, there is hereby submitted a Fiscal Note for House Bill 252 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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 to require agencies to give notice by mail to certain legislators regarding certain rulemaking hearings; amending Section 2-4-302, MCA.

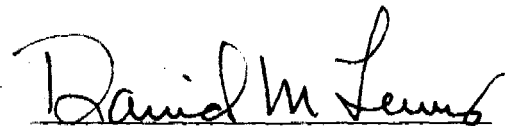
Fiscal Impact

It is impossible to calculate the fiscal impact of this legislation for the following reasons:

1. At this time, there is no way of knowing how much additional rule-making authority will be granted to the various state agencies during the present legislative session.
2. Even if we knew the extent of such additional rule making authority, there would be no way of calculating the number of hearings that would be held.

Comment

In any event, the fiscal impact of this measure would not be large. Each notice would cost about \$.25 to mail and each hearing would involve approximately 25 to 30 legislative members. This would cost about \$7.50 per hearing held.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-81