

HOUSE BILL NO. 59

INTRODUCED BY HARPER

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE HOUSE

January 3, 1983	Introduced and referred to Committee on State Administration.
February 9, 1983	Committee recommend bill do pass as amended. Report adopted.
February 10, 1983	Bill printed and placed on members' desks.
February 11, 1983	Second reading, do pass.
February 12, 1983	Considered correctly engrossed.
February 14, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 15, 1983	Introduced and referred to Committee on State Administration.
March 1, 1983	Committee recommend bill be concurred in. Report adopted.
March 3, 1983	Second reading, concurred in.
March 5, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

**IN THE HOUSE**

**March 5, 1983**

**Returned to House.**

**March 7, 1983**

**Sent to enrolling.**

**Reported correctly  
enrolled.**

1                   HOUSE       BILL NO. 59  
2   INTRODUCED BY HARPER

3  
4   A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
5   ADMINISTRATIVE CODE COMMITTEE TO REVIEW ALL RULES ADOPTED  
6   PRIOR TO APRIL 14, 1975, FOR COMPLIANCE WITH SECTION  
7   2-4-305, MCA; PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A  
8   TERMINATION DATE."

9  
10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11       Section 1. Review of existing rules required.  
12   Notwithstanding the provisions of 2-4-402, the  
13   administrative code committee shall review all  
14   administrative rules adopted under the Montana  
15   Administrative Procedure Act prior to April 14, 1975. The  
16   committee shall review the rules to determine whether  
17   agencies have substantially complied with subsections (5)  
18   and (6) of 2-4-305, as that section read on November 18,  
19   1982.

20       Section 2. Power of the committee. (1) If the  
21   committee determines that a rule violates 2-4-305(5) or  
22   2-4-305(6), as that section read on November 18, 1982, it  
23   may:

24       (a) take those steps authorized by 2-4-402(3)(a); or  
25       (b) poll the legislature in accordance with 2-4-403,

1   as that section may be amended by \_\_\_Bill No. \_\_\_ [LC 10]. If  
2   2-4-403 is not amended by \_\_\_Bill No. \_\_\_ [LC 10], no poll of  
3   the legislature may be taken by the committee on any rule  
4   reviewed pursuant to [section 1].

5       (2) The committee may advise an agency concerning such  
6   matters as clarity, form, style, grammar, punctuation, and  
7   spelling with respect to any rule reviewed under [section  
8   1].

9       Section 3. Committee to report to legislature. Prior  
10   to January 1, 1987, the committee shall prepare a report of  
11   its activities and any recommendations to be submitted to  
12   the legislature.

13       Section 4. Effective date -- termination. This act is  
14   effective on passage and approval and terminates January 1,  
15   1987.

-End-

INTRODUCED BILL

HB 59

STATE OF MONTANA

REQUEST NO. 041-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 59 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:

House Bill 59 requires the Administrative Code Committee to review all administrative rules adopted prior to April 14, 1975.

ASSUMPTIONS:

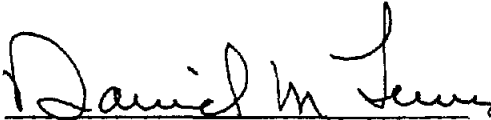
- 1) The Administrative Code Committee budget would be maintained at the requested level.
- 2) The Legislative Council Legal Services Division will be maintained at current staff levels.

FISCAL IMPACT:

None.

All costs can be absorbed in existing budgets, given the assumptions.

FISCAL NOTE2:T/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-11-83

Approved by Committee  
on State Administration

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ADMINISTRATIVE CODE COMMITTEE TO REVIEW ALL RULES ADOPTED BY CERTAIN AGENCIES PRIOR TO APRIL 14, 1975, FOR COMPLIANCE WITH SECTION 2-4-305, MCA; PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. Review of existing rules required. Notwithstanding the provisions of 2-4-402, the administrative code committee shall review all administrative rules adopted under the Montana Administrative Procedure Act prior to April 14, 1975, BY AGENCIES SUBJECT TO THE PROVISIONS OF THE MONTANA ADMINISTRATIVE PROCEDURE ACT. The committee shall review the rules to determine whether agencies have substantially complied with subsections (5) and (6) of 2-4-305, as that section read on November 18, 1982.

Section 2. Power of the committee. (1) If the committee determines that a rule violates 2-4-305(5) or 2-4-305(6), as that section read on November 18, 1982, it may:

(a) take those steps authorized by 2-4-402(3)(a); or

(b) poll the legislature in accordance with 2-4-403,

as that section may be amended by ~~8111-Nov-10~~ [16-10]SENATE BILL NO. 33. If 2-4-403 is not amended by ~~8111~~

Nov-10 [16-10] SENATE BILL NO. 33, no poll of the

legislature may be taken by the committee on any rule

reviewed pursuant to [section 1].

(2) The committee may advise an agency concerning such matters as clarity, form, style, grammar, punctuation, and spelling with respect to any rule reviewed under [section 1].

Section 3. Committee to report to legislature. Prior to January 1, 1987, the committee shall prepare a report of its activities and any recommendations to be submitted to the legislature.

Section 4. Effective date -- termination. This act is effective on passage and approval and terminates January 1, 1987.

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(b) poll the legislature in accordance with 2-4-403,

as that section may be amended by ~~Senate Bill No. 33~~ Senate Bill No. 33.

If 2-4-403 is not amended by ~~Senate Bill No. 33~~ Senate Bill No. 33,

no poll of the legislature may be taken by the committee on any rule

reviewed pursuant to [section 1].

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 14 administrative code committee shall review all  
 15 administrative rules adopted under ~~the Montana~~  
 16 ~~Administrative--Procedure--Act~~ prior to April 14, 1975, BY  
 17 AGENCIES SUBJECT TO THE PROVISIONS OF THE MONTANA  
 18 ADMINISTRATIVE PROCEDURE ACT. The committee shall review  
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 2 (b) poll the legislature in accordance with 2-4-403,  
 3 as that section may be amended by ~~8+1+Nov~~ ~~[6-10]~~  
 4 SENATE BILL NO. 33. If 2-4-403 is not amended by ~~8+1+~~  
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