

SENATE BILL NO. 33

Introduced: 1/3/83

Referred to Committee on State Administration: 1/3/83

Hearing: 1/17/83

Report: 01/22/83, Do Pass

2nd Reading: 01/25/83

3rd Reading: 01/27/83

Transmitted to House: 1/27/83

Referred to Committee on State Administration: 01/28/83

Hearing: 2/9/83

Report: 02/19/82, Be Concurred In

2nd Reading: 03/01/83, Be Not Concurred In

Bill Killed

SENATE BILL NO. 33

INTRODUCED BY HAMMOND

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE ADMINISTRATIVE CODE COMMITTEE TO POLL THE LEGISLATURE TO DETERMINE THE INTENTION OF THE LEGISLATURE WITH RESPECT TO ANY EXISTING ADMINISTRATIVE RULE; CLARIFYING HOW LEGISLATORS MAY OBJECT TO ANY RULE; ALLOWING A POLL TO BE TAKEN ONLY IF THE LEGISLATURE IS NOT IN REGULAR SESSION; AND CLARIFYING WHERE POLL RESULTS ARE TO BE PUBLISHED; AMENDING SECTIONS 2-4-306 AND 2-4-403, MCA."

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

Section 1. Section 2-4-403, MCA, is amended to read:

"2-4-403. Legislative intent -- poll. (1) If the legislature is not in regular session, the committee may poll all members of the legislature by mail to determine whether a proposed rule or rule that has been adopted or amended within 2 years is consistent with the intent of the legislature.

(2) Should 20 or more legislators object to any rule by filing written letters of objection with the committee, the committee shall poll the members of the legislature.

(3) The poll shall include an opportunity for the

agency to present a written justification for the rule to the members of the legislature and for the committee to present its objection, if any, to the rule to the members of the legislature."

Section 2. Section 2-4-306, MCA, is amended to read:

"2-4-306. Filing, format, and effective date -- dissemination of emergency rules. (1) Each agency shall file with the secretary of state a copy of each rule adopted by it.

(2) The secretary of state may prescribe a format, style, and arrangement for notices and rules which are filed pursuant to this chapter and may refuse to accept the filing of any notice or rule that is not in compliance therewith. He shall keep and maintain a permanent register of all notices and rules filed, including superseded and repealed rules, which shall be open to public inspection and shall provide copies of any notice or rule upon request of any person. Unless otherwise provided by statute, the secretary of state may require the payment of the cost of providing such copies.

(3) In the event that the administrative code committee has conducted a poll of the legislature in accordance with 2-4-403 or the revenue oversight committee has conducted a poll in accordance with 5-18-109, the results of the poll shall be published with the rule in the

1 **ARM-**

2 (4) Each rule shall become effective after publication
3 in the register as provided in 2-4-312, except that:

4 (a) if a later date is required by statute or
5 specified in the rule, the later date shall be the effective
6 date;

7 (b) subject to applicable constitutional or statutory
8 provisions, an emergency rule shall become effective
9 immediately upon filing with the secretary of state or at a
10 stated date following publication in the register if the
11 agency finds that this effective date is necessary because
12 of imminent peril to the public health, safety, or welfare.
13 The agency's finding and a brief statement of reasons
14 therefor shall be filed with the rule. The agency shall take
15 appropriate measures to make emergency rules known to every
16 person who may be affected by them."

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Approved by Committee
on State Administration

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