

HOUSE BILL NO. 9  
INTRODUCED BY EUDAILY  
BY REQUEST OF THE LEGISLATIVE COUNCIL

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Rules.
January 18, 1985	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
January 19, 1985	Motion pass consideration.
January 21, 1985	Second reading, do pass.  Considered correctly engrossed.
January 22, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 23, 1985	Introduced and referred to Committee on Rules.
February 8, 1985	Committee recommend bill be concurrent in. Report adopted.
February 11, 1985	Second reading, concurred in.
February 13, 1985	Third reading, concurred in. Ayes, 50; Noes, 0.  Returned to House.

IN THE HOUSE

February 14, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.



APPROVED BY COMMITTEE  
ON RULES

HOUSE BILL NO. 9

INTRODUCED BY EUDAILY

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT STATEMENTS OF INTENT NEED NOT ACCOMPANY DELEGATIONS OF AUTHORITY EXTENDING PREVIOUSLY ENACTED RULEMAKING AUTHORITY TO NEWLY ENACTED OR AMENDED AGENCY DUTIES; AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 5-4-404, MCA, is amended to read:

"5-4-404. Statement of intent. The legislature by its joint rules shall provide a procedure by which a statement of legislative intent shall be included with each bill containing a delegation of authority, other than the delegation of authority referred to in 5-4-402(3), and may be included with all bills. A statement of intent shall be placed before each component of the legislature which sequentially considers the subject bill and may be amended in the same manner as the bill."

Section 2. Section 5-4-402, MCA, is amended to read:

"5-4-402. Purpose. (1) The legislature finds that it must accept the ultimate responsibility for the increase in

the discretionary authority of state executive branch agencies, as evidenced by proliferating rules, forms, orders, and licensing proceedings before state agencies.

(2) The purpose of this Legislative History Act is to assure that statutes henceforth enacted to grant additional discretionary authority to state agencies are accompanied by a clear indication of the legislature's intent as to how such discretion is to be exercised and the legislature's purpose for delegating the authority.

(3) A statute enacted or amended may not be implemented by an administrative rule, even in an area in which a state agency has existing rulemaking authority, unless the statute enacted or amended is accompanied by a delegation of authority extending such authority to the statute as enacted or amended."

NEW SECTION. Section 3. Effective date -- applicability. This act is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, and prospectively to any bill introduced or enacted on or after January 7, 1985.

-End-



1                   HOUSE   BILL NO.   9  
 2   INTRODUCED BY   EUDAILY  
 3                   BY REQUEST OF THE LEGISLATIVE COUNCIL  
 4

5   A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT  
 6   STATEMENTS OF INTENT NEED NOT ACCOMPANY DELEGATIONS OF  
 7   AUTHORITY EXTENDING PREVIOUSLY ENACTED RULEMAKING AUTHORITY  
 8   TO NEWLY ENACTED OR AMENDED AGENCY DUTIES; AMENDING SECTIONS  
 9   5-4-402 AND 5-4-404, MCA; AND PROVIDING AN IMMEDIATE  
 10  EFFECTIVE DATE AND AN APPLICABILITY DATE."  
 11

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

13       Section 1. Section 5-4-404, MCA, is amended to read:

14       "5-4-404. Statement of intent. The legislature by its  
 15   joint rules shall provide a procedure by which a statement  
 16   of legislative intent shall be included with each bill  
 17   containing a delegation of authority, other than the  
 18   delegation of authority referred to in 5-4-402(3), and may  
 19   be included with all bills. A statement of intent shall be  
 20   placed before each component of the legislature which  
 21   sequentially considers the subject bill and may be amended  
 22   in the same manner as the bill."

23       Section 2. Section 5-4-402, MCA, is amended to read:

24       "5-4-402. Purpose. (1) The legislature finds that it  
 25   must accept the ultimate responsibility for the increase in

1   the discretionary authority of state executive branch  
 2   agencies, as evidenced by proliferating rules, forms,  
 3   orders, and licensing proceedings before state agencies.

4       (2) The purpose of this Legislative History Act is to  
 5   assure that statutes henceforth enacted to grant additional  
 6   discretionary authority to state agencies are accompanied by  
 7   a clear indication of the legislature's intent as to how  
 8   such discretion is to be exercised and the legislature's  
 9   purpose for delegating the authority.

10       (3) A statute enacted or amended may not be  
 11   implemented by an administrative rule, even in an area in  
 12   which a state agency has existing rulemaking authority,  
 13   unless the statute enacted or amended is accompanied by a  
 14   delegation of authority extending such authority to the  
 15   statute as enacted or amended."

16       NEW SECTION. Section 3. Effective       date       --  
 17   applicability. This act is effective on passage and approval  
 18   and applies retroactively, within the meaning of 1-2-109,  
 19   and prospectively to any bill introduced or enacted on or  
 20   after January 7, 1985.

-End-

1 HOUSE BILL NO. 9  
 2 INTRODUCED BY EUDAILY  
 3 BY REQUEST OF THE LEGISLATIVE COUNCIL  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT  
 6 STATEMENTS OF INTENT NEED NOT ACCOMPANY DELEGATIONS OF  
 7 AUTHORITY EXTENDING PREVIOUSLY ENACTED RULEMAKING AUTHORITY  
 8 TO NEWLY ENACTED OR AMENDED AGENCY DUTIES; AMENDING SECTIONS  
 9 5-4-402 AND 5-4-404, MCA; AND PROVIDING AN IMMEDIATE  
 10 EFFECTIVE DATE AND AN APPLICABILITY DATE."  
 11

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

13 Section 1. Section 5-4-404, MCA, is amended to read:  
 14 "5-4-404. Statement of intent. The legislature by its  
 15 joint rules shall provide a procedure by which a statement  
 16 of legislative intent shall be included with each bill  
 17 containing a delegation of authority, other than the  
 18 delegation of authority referred to in 5-4-402(3), and may  
 19 be included with all bills. A statement of intent shall be  
 20 placed before each component of the legislature which  
 21 sequentially considers the subject bill and may be amended  
 22 in the same manner as the bill."

23 Section 2. Section 5-4-402, MCA, is amended to read:  
 24 "5-4-402. Purpose. (1) The legislature finds that it  
 25 must accept the ultimate responsibility for the increase in

1 the discretionary authority of state executive branch  
 2 agencies, as evidenced by proliferating rules, forms,  
 3 orders, and licensing proceedings before state agencies.

4 (2) The purpose of this Legislative History Act is to  
 5 assure that statutes henceforth enacted to grant additional  
 6 discretionary authority to state agencies are accompanied by  
 7 a clear indication of the legislature's intent as to how  
 8 such discretion is to be exercised and the legislature's  
 9 purpose for delegating the authority.

10 (3) A statute enacted or amended may not be  
 11 implemented by an administrative rule, ~~even~~ in an area in  
 12 which a state agency has existing rulemaking authority,  
 13 unless the statute enacted or amended is accompanied by a  
 14 delegation of authority extending such authority to the  
 15 statute as enacted or amended."

16 NEW SECTION. Section 3. Effective date --  
 17 applicability. This act is effective on passage and approval  
 18 and applies retroactively, within the meaning of 1-2-109,  
 19 and prospectively to any bill introduced or enacted on or  
 20 after January 7, 1985.

-End-