# HOUSE BILL NO. 9

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# 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 concurred 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.

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LC 0045/01

1 HOUSE BILL NO. 9 EUDAILY 2 INTRODUCED BY BY REQUEST OF THE LEGISLATIVE COUNCIL 3 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 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 5-4-404, MCA, is amended to read: "5-4-404. Statement of intent. The legislature by its 14 15 joint rules shall provide a procedure by which a statement of legislative intent shall be included with each bill 16 containing a delegation of authority, other than the 17 delegation of authority referred to in 5-4-402(3), and may 18 be included with all bills. A statement of intent shall be 19 20 placed before each component of the legislature which 21 sequentially considers the subject bill and may be amended in the same manner as the bill." 22 23 Section 2. Section 5-4-402, MCA, is amended to read: "5-4-402. Purpose. (1) The legislature finds that it 24

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.

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<sub>7</sub>-even in an area in 12 which a state agency has existing rulemaking authority<sub>7</sub> 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 <u>NEW SECTION.</u> 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-

INTRODUCED BILL

## 49th Legislature

LC 0045/01

APPROVED BY COMMITTEE ON RULES

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
, <b>9</b>	5-4-402 AND 5-4-404, MCA; AND PROVIDING AN IMMEDIATE
10	EFFECTIVE DATE AND AN APPLICABILITY DATE."
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12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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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

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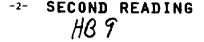
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LC 0045/01

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



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(2) The purpose of this Legislative History Act is to 4 assure that statutes henceforth enacted to grant additional 5 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 implemented by an administrative rule7-even in an area in 11 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."

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-End-

-2-

THIRD READING

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### 49th Legislature

HB 0009/02

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2	INTRODUCED BY EUDAILY	1
3	BY REQUEST OF THE LEGISLATIVE COUNCIL	5
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-End-

-2-

REFERENCE BILL