

HOUSE BILL NO. 604

1/31 Introduced  
1/31 Referred to State Administration  
2/14 Hearing  
2/15 Adverse Committee Report  
2/18 Bill Killed

HOUSE BILL NO. 604

*David Moore*

INTRODUCED BY

*Keyser, Doherty, Schulz, Hank, Kishake, Smady, Tubering, HARP, McE, Sam, Phillip*

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN OCTOBER 1 EFFECTIVE DATE FOR ALL ADMINISTRATIVE RULES EXCEPT EMERGENCY RULES DECLARED BY THE GOVERNOR OR RULES REQUIRED TO MAINTAIN FEDERAL ELIGIBILITY; AMENDING SECTIONS 2-4-303 AND 2-4-306, MCA."

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

NEW SECTION. Section 1. Effective date --

administrative rules. (1) Except as provided in subsection (2), no adoption, amendment, or repeal of an administrative rule may take effect on a date other than October 1 of the year in which it is proposed if it is proposed before October 1. If the adoption, amendment, or repeal of the rule is proposed after October 1, it may not take effect until the following October 1.

(2) An adoption, amendment, or repeal of an administrative rule may take effect as prescribed in the notice of rulemaking action if:

(a) the governor has declared that the rule is proposed to meet an emergency as provided in 2-4-303; or

(b) the rule change is necessary to maintain eligibility for the receipt of federal funds.

Section 2. Section 2-4-303, MCA, is amended to read:

"2-4-303. Emergency rules. (1) If an--agency the governor finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing ~~its~~ his reasons for that finding, ~~it~~ an agency may proceed, without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period not longer than 120 days, but the adoption of an identical rule under 2-4-302. is not precluded.

(2) The sufficiency of the reasons for a finding of imminent peril to the public health, safety, or welfare is subject to judicial review."

Section 3. 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



1 rules, which shall be open to public inspection and shall  
 2 provide copies of any notice or rule upon request of any  
 3 person. Unless otherwise provided by statute, the secretary  
 4 of state may require the payment of the cost of providing  
 5 such copies.

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

11 (4) Each rule shall become effective ~~after publication~~  
 12 ~~in the register~~ as provided in 2-4-312, ~~except that:~~  
 13 [section 1].

14 ~~{a} if a later date is required by statute or~~  
 15 ~~specified in the rule, the later date shall be the effective~~  
 16 ~~date;~~

17 ~~{b} subject to applicable constitutional or statutory~~  
 18 ~~provisions, an An emergency rule shall become effective~~  
 19 immediately upon filing with the secretary of state or at a  
 20 stated date following publication in the register if the  
 21 agency governor finds that this effective date is necessary  
 22 because of imminent peril to the public health, safety, or  
 23 welfare. The agency's governor's finding and a brief  
 24 statement of reasons therefor shall be filed with the rule.  
 25 The agency shall take appropriate measures to make emergency

1 rules known to every person who may be affected by them."

2 NEW SECTION. Section 4. Codification instruction.  
 3 Section 1 is intended to be codified as an integral part of  
 4 Title 2, chapter 4, part 3, and the provisions of Title 2,  
 5 chapter 4, part 3, apply to section 1.

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