

HOUSE JOINT RESOLUTION NO. 2

INTRODUCED BY SPAETH, STIMATZ, KITSELMAN,  
SCHULTZ, H. HAMMOND, STORY

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on State Administration.
January 10, 1985	On motion, Senators Stimatz, Hammond, and Story, and Representatives Kitselman and Schultz added as sponsors.
January 15, 1985	Committee recommend bill do pass. Report adopted.
January 16, 1985	Bill printed and placed on members' desks.
January 19, 1985	Second reading, do pass.  Considered correctly engrossed.
January 21, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

January 22, 1985	Introduced and referred to Committee on State Administration.
March 6, 1985	Committee recommend bill be concurrred in. Report adopted.
March 7, 1985	Second reading, concurrred in.

March 9, 1985

Third reading, concurred in.  
Ayes, 48; Noes, 0.

Returned to House.

IN THE HOUSE

March 11, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1                    HOUSE        JOINT RESOLUTION NO.    2  
 2    INTRODUCED BY   SPAETH    
 3                    BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

4  
 5    A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 6    REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING AGENCIES  
 7    TO ADOPT POLICIES HAVING THE FORCE AND EFFECT OF LAW AS  
 8    ADMINISTRATIVE RULES.

9  
 10            WHEREAS, Article II, section 9, of the Montana  
 11    Constitution guarantees to the people the right to know; and

12            WHEREAS, the State of Montana is committed to the  
 13    concept of open government where every person is allowed to  
 14    participate; and

15            WHEREAS, the purpose of the Montana Administrative  
 16    Procedure Act is to give notice of governmental action and  
 17    the opportunity to express one's opinion regarding that  
 18    action; and

19            WHEREAS, although government must be concerned about  
 20    the proliferation of rules regulating the people, this  
 21    concern is outweighed by considerations of openness and  
 22    certainty in the public's dealings with government; and

23            WHEREAS, policies enforced as law but not formally  
 24    adopted as rules have been held invalid by the courts; and

25            WHEREAS, a survey conducted by the Administrative Code

1    Committee has shown that most agencies are utilizing  
 2    policies not formally adopted as rules.

3  
 4    NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 5    OF REPRESENTATIVES OF THE STATE OF MONTANA:

6            That policies having the force and effect of law but  
 7    not formally adopted as rules must be adopted as rules by  
 8    agencies by October 1, 1987.

-End-

INTRODUCED BILL

HJR 2



APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

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**REFERENCE BILL**  
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