

HOUSE JOINT RESOLUTION NO. 3  
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 resolution do pass. Report adopted.  Resolution printed and placed on members' desks.
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 resolution 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.

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 2    INTRODUCED BY    EUDAILY  
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 4  
 5    A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 6    REPRESENTATIVES OF THE STATE OF MONTANA TO AMEND JOINT RULE  
 7    11-3, RELATING TO STATEMENTS OF INTENT, TO MAKE THE JOINT  
 8    RULES COMPATIBLE WITH STATUTORY AMENDMENTS MADE BY HOUSE  
 9    BILL NO. 9, WHICH PROVIDES THAT A STATEMENT OF INTENT NEED  
 10   NOT ACCOMPANY A DELEGATION OF AUTHORITY EXTENDING PREVIOUSLY  
 11   ENACTED RULEMAKING AUTHORITY TO NEWLY ENACTED OR AMENDED  
 12   AGENCY DUTIES.  
 13  
 14        WHEREAS, the Legislative History Act now requires that  
 15   a statement of intent accompany certain delegations of  
 16   authority to administrative agencies, including delegations  
 17   of rulemaking authority; and  
 18        WHEREAS, section 5-4-402, MCA, of that Act was amended  
 19   in 1983 to provide that a statute enacted or amended may not  
 20   be implemented by an administrative rule, even in an area in  
 21   which a state agency has existing rulemaking authority,  
 22   unless the statute enacted or amended is accompanied by a  
 23   delegation of authority extending such authority to the  
 24   statute as enacted or amended; and  
 25        WHEREAS, this amendment, in addition to its intended

1    purpose of providing notice that a bill involves rulemaking,  
 2    creates a strong implication that a statement of intent must  
 3    accompany every bill that merely extends an existing  
 4    delegation of rulemaking authority; and  
 5        WHEREAS, House Bill No. 9 has been introduced to  
 6    provide that a statement of intent is not required for a  
 7    bill containing an extension of an existing delegation of  
 8    rulemaking authority; and  
 9        WHEREAS, the Joint Rules should be made compatible with  
 10   the statutory changes proposed in House Bill No. 9.  
 11  
 12    NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 13   OF REPRESENTATIVES OF THE STATE OF MONTANA:  
 14        (1) That Joint Rule 11-3 be amended to read:  
 15        "11-3. Statement of intent to accompany bill -- when  
 16   -- how. A statement shall accompany a bill as follows:  
 17        (1) Statements of intent are required for bills  
 18   delegating new rulemaking or licensing authority. The  
 19   statement shall be entered on ALTER, printed on paper of the  
 20   same color and in the same manner as the bill, and shall be  
 21   attached to the bill. The statement shall be printed on  
 22   paper of the same color as the bill and attached to the bill  
 23   on all subsequent printings of the bill.  
 24        (2) The standing committee of the house in which the  
 25   bill originates is responsible for authoring a statement of

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1 intent for a bill requiring one."

2 (2) That this resolution applies retroactively to all

3 bills introduced on or after January 7, 1985.

-End-

APPROVED BY COMMITTEE  
ON RULES

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19 in 1983 to provide that a statute enacted or amended may not  
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5       WHEREAS, House Bill No. 9 has been introduced to  
6  provide that a statement of intent is not required for a  
7  bill containing an extension of an existing delegation of  
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