# 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 TH	E SENATE
January 23, 1985	Introduced and referred to Committee on Rules.
February 8, 1985	Committee recommend resolution 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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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:						

(1) Statements of intent are required for bills delegating new rulemaking or licensing authority. The statement shall be entered on ALTER, printed on paper of the same color and in the same manner as the bill, and shall be attached to the bill. The statement shall be printed on paper of the same color as the bill and attached to the bill on all subsequent printings of the bill.

-- how. A statement shall accompany a bill as follows:

"11-3. Statement of intent to accompany bill -- when

24 (2) The standing committee of the house in which the 25 bill originates is responsible for authoring a statement of

- 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.

# APPROVED BY COMMITTEE ON RULES

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L <b>4</b>	WHEREAS, the Legislative History Act now requires that
15	a statement of intent accompany certain delegations of
16	authority to administrative agencies, including delegations
1.7	of rulemaking authority; and
L <b>8</b>	WHEREAS, section 5-4-402, MCA, of that Act was amended
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## HJR 0003/02

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