

HOUSE BILL NO. 27
INTRODUCED BY SPAETH
BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE HOUSE

January 5, 1987	Introduced and referred to Committee on State Administration.
January 6, 1987	Committee recommend bill do pass. Report adopted.
January 7, 1987	Printing report.
January 8, 1987	Second reading, do pass.
January 9, 1987	Engrossing report.
January 10, 1987	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 12, 1987	Introduced and referred to Committee on State Administration.
January 15, 1987	Committee recommend bill be concurrred in. Report adopted.
January 19, 1987	Second reading, concurrred in.
January 20, 1987	On motion reconsider action in passing on second reading and return to second reading for further debate.

January 30, 1987

Second reading, concurred in.

February 2, 1987

Third reading, concurred in.
Ayes, 39; Noes, 10.

Returned to House.

IN THE HOUSE

February 3, 1987

Received from Senate.

Sent to enrolling.

1 HOUSE BILL NO. 27
 2 INTRODUCED BY SPAETH
 3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EACH
 6 DEPARTMENT HEAD TO APPOINT A QUALIFIED PERSON WITHIN THE
 7 DEPARTMENT TO REVIEW EACH DEPARTMENTAL ADMINISTRATIVE RULE
 8 NOTICE FOR COMPLIANCE WITH THE MONTANA ADMINISTRATIVE
 9 PROCEDURE ACT BEFORE IT IS FILED WITH THE SECRETARY OF
 10 STATE; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY
 11 DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Departmental review of rule notices. (1)
 15 The head of each department of the executive branch shall
 16 appoint an existing attorney, paralegal, or other qualified
 17 person from that department to review each departmental rule
 18 proposal notice, adoption notice, or other notice relating
 19 to administrative rulemaking.

20 (2) The person appointed under subsection (1) shall
 21 review each notice by any division, bureau, or other unit of
 22 the department, including units attached to the department
 23 for administrative purposes only under 2-15-121, for
 24 compliance with this chapter before the notice is filed with
 25 the secretary of state. The reviewer shall pay particular

1 attention to 2-4-302 and 2-4-305. The review must include
 2 but is not limited to consideration of:

3 (a) the adequacy of the rationale for the intended
 4 action and whether the intended action is reasonably
 5 necessary to effectuate the purpose of the code section or
 6 sections implemented;

7 (b) whether the proper statutory authority for the
 8 rule is cited;

9 (c) whether the citation of the code section or
 10 sections implemented is correct; and

11 (d) whether the intended action is contrary to the
 12 code section or sections implemented or to other law.

13 Section 2. Codification instruction. Section 1 is
 14 intended to be codified as an integral part of Title 2,
 15 chapter 4, and the provisions of Title 2, chapter 4, apply
 16 to section 1.

17 Section 3. Effective date -- applicability. This act
 18 is effective July 1, 1987, and applies to rulemaking notices
 19 filed with the secretary of state on or after August 1,
 20 1987.

-End-



-2- INTRODUCED BILL
 HB 27

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 HOUSE BILL NO. 27
2 INTRODUCED BY SPAETH

3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EACH
6 DEPARTMENT HEAD TO APPOINT A QUALIFIED PERSON WITHIN THE
7 DEPARTMENT TO REVIEW EACH DEPARTMENTAL ADMINISTRATIVE RULE
8 NOTICE FOR COMPLIANCE WITH THE MONTANA ADMINISTRATIVE
9 PROCEDURE ACT BEFORE IT IS FILED WITH THE SECRETARY OF
10 STATE; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY
11 DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Departmental review of rule notices. (1)
15 The head of each department of the executive branch shall
16 appoint an existing attorney, paralegal, or other qualified
17 person from that department to review each departmental rule
18 proposal notice, adoption notice, or other notice relating
19 to administrative rulemaking.

20 (2) The person appointed under subsection (1) shall
21 review each notice by any division, bureau, or other unit of
22 the department, including units attached to the department
23 for administrative purposes only under 2-15-121, for
24 compliance with this chapter before the notice is filed with
25 the secretary of state. The reviewer shall pay particular

1 attention to 2-4-302 and 2-4-305. The review must include
2 but is not limited to consideration of:

3 (a) the adequacy of the rationale for the intended
4 action and whether the intended action is reasonably
5 necessary to effectuate the purpose of the code section or
6 sections implemented;

7 (b) whether the proper statutory authority for the
8 rule is cited;

9 (c) whether the citation of the code section or
10 sections implemented is correct; and

11 (d) whether the intended action is contrary to the
12 code section or sections implemented or to other law.

13 Section 2. Codification instruction. Section 1 is
14 intended to be codified as an integral part of Title 2,
15 chapter 4, and the provisions of Title 2, chapter 4, apply
16 to section 1.

17 Section 3. Effective date -- applicability. This act
18 is effective July 1, 1987, and applies to rulemaking notices
19 filed with the secretary of state on or after August 1,
20 1987.

-End-



-2- SECOND READING
 HB 27

1 HOUSE BILL NO. 27
 2 INTRODUCED BY SPAETH
 3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EACH
 6 DEPARTMENT HEAD TO APPOINT A QUALIFIED PERSON WITHIN THE
 7 DEPARTMENT TO REVIEW EACH DEPARTMENTAL ADMINISTRATIVE RULE
 8 NOTICE FOR COMPLIANCE WITH THE MONTANA ADMINISTRATIVE
 9 PROCEDURE ACT BEFORE IT IS FILED WITH THE SECRETARY OF
 10 STATE; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY
 11 DATE."
 12

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

14 Section 1. Departmental review of rule notices. (1)
 15 The head of each department of the executive branch shall
 16 appoint an existing attorney, paralegal, or other qualified
 17 person from that department to review each departmental rule
 18 proposal notice, adoption notice, or other notice relating
 19 to administrative rulemaking.

20 (2) The person appointed under subsection (1) shall
 21 review each notice by any division, bureau, or other unit of
 22 the department, including units attached to the department
 23 for administrative purposes only under 2-15-121, for
 24 compliance with this chapter before the notice is filed with
 25 the secretary of state. The reviewer shall pay particular

1 attention to 2-4-302 and 2-4-305. The review must include
 2 but is not limited to consideration of:

3 (a) the adequacy of the rationale for the intended
 4 action and whether the intended action is reasonably
 5 necessary to effectuate the purpose of the code section or
 6 sections implemented;

7 (b) whether the proper statutory authority for the
 8 rule is cited;

9 (c) whether the citation of the code section or
 10 sections implemented is correct; and

11 (d) whether the intended action is contrary to the
 12 code section or sections implemented or to other law.

13 Section 2. Codification instruction. Section 1 is
 14 intended to be codified as an integral part of Title 2,
 15 chapter 4, and the provisions of Title 2, chapter 4, apply
 16 to section 1.

17 Section 3. Effective date -- applicability. This act
 18 is effective July 1, 1987, and applies to rulemaking notices
 19 filed with the secretary of state on or after August 1,
 20 1987.

-End-



1 HOUSE BILL NO. 27
 2 INTRODUCED BY SPAETH
 3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EACH
 6 DEPARTMENT HEAD TO APPOINT A QUALIFIED PERSON WITHIN THE
 7 DEPARTMENT TO REVIEW EACH DEPARTMENTAL ADMINISTRATIVE RULE
 8 NOTICE FOR COMPLIANCE WITH THE MONTANA ADMINISTRATIVE
 9 PROCEDURE ACT BEFORE IT IS FILED WITH THE SECRETARY OF
 10 STATE; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY
 11 DATE."
 12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Departmental review of rule notices. (1)
 15 The head of each department of the executive branch shall
 16 appoint an existing attorney, paralegal, or other qualified
 17 person from that department to review each departmental rule
 18 proposal notice, adoption notice, or other notice relating
 19 to administrative rulemaking.
 20 (2) The person appointed under subsection (1) shall
 21 review each notice by any division, bureau, or other unit of
 22 the department, including units attached to the department
 23 for administrative purposes only under 2-15-121, for
 24 compliance with this chapter before the notice is filed with
 25 the secretary of state. The reviewer shall pay particular

1 attention to 2-4-302 and 2-4-305. The review must include
 2 but is not limited to consideration of:
 3 (a) the adequacy of the rationale for the intended
 4 action and whether the intended action is reasonably
 5 necessary to effectuate the purpose of the code section or
 6 sections implemented;
 7 (b) whether the proper statutory authority for the
 8 rule is cited;
 9 (c) whether the citation of the code section or
 10 sections implemented is correct; and
 11 (d) whether the intended action is contrary to the
 12 code section or sections implemented or to other law.
 13 Section 2. Codification instruction. Section 1 is
 14 intended to be codified as an integral part of Title 2,
 15 chapter 4, and the provisions of Title 2, chapter 4, apply
 16 to section 1.
 17 Section 3. Effective date -- applicability. This act
 18 is effective July 1, 1987, and applies to rulemaking notices
 19 filed with the secretary of state on or after August 1,
 20 1987.

-End-