

House BILL NO. 199

INTRODUCED BY

Knox S. Hanson *Josh M. Hanson* *Rover*
Slater *Swanson* *Chris* *Edna* *Wayne* *Jayla* *Ronda*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOTICE TO THE SPONSOR OF A BILL THAT BECOMES LAW THAT INITIAL RULEMAKING IMPLEMENTING THE BILL HAS BEGUN; AND AMENDING SECTION 2-4-302, MCA." *GRINDER* *Julius*

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

Section 1. Section 2-4-302, MCA, is amended to read:

"2-4-302. Notice, hearing, and submission of views. (1) Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its intended action. The notice ~~shall~~ must include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, the rationale for the intended action, and the time when, place where, and manner in which interested persons may present their views ~~thereon~~.

(2) (a) The notice ~~shall~~ must be filed with the secretary of state for publication in the register, as provided in 2-4-312, and mailed within 3 days of publication to the sponsor of the legislative bill that enacted the section that is cited as implemented in the notice if the notice is the initial proposal to implement the section, to persons who have made timely requests to the agency for notice of its rulemaking proceedings, and to the office of any professional, trade, or industrial society or organization or member thereof which of those entities who has filed a request with the administrative code committee when ~~such~~ the request has been forwarded to the agency as provided in subsection (2)(b).

(b) The administrative code committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to all agencies publishing rulemaking notices in the Montana Administrative Register. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list.

(c) The notice required by subsections (1) and (2)(a) ~~shall~~ must be published and mailed at least 30 days in advance of the agency's intended action.

(d) The agency shall also, at the time that its personnel begin to work on the substantive content and the wording of the initial rule proposal to implement one or more statutes, notify the sponsor of the

1 legislative bill that enacted the section.

2 (3) If any statute provides for a different method of publication, the affected agency shall comply
3 with the statute in addition to the requirements contained ~~herein~~ in this section. However, ~~in no case may~~
4 the notice period may not be less than 30 days or more than 6 months.

5 (4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested
6 persons at least 20 days' notice of a hearing and 28 days from the day of notice to submit data, views,
7 or arguments, orally or in writing. In the case of substantive rules, the notice of proposed rulemaking must
8 state that opportunity for oral hearing ~~shall~~ must be granted if requested by either 10% or 25, whichever
9 is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision
10 or agency, by the administrative code committee, or by an association having not less than 25 members
11 who will be directly affected.

12 (5) An agency may continue a hearing date for cause. In the discretion of the agency, contested
13 case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise
14 required by statute, nothing ~~herein~~ in this section alters that requirement.

15 (6) If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and
16 the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be
17 considered a new proposal for purposes of compliance with this chapter.

18 (7) At the commencement of any hearing on the intended action, the person designated by the
19 agency to preside at the hearing shall read aloud the "Notice of Function of Administrative Code
20 Committee" appearing in the register.

21 (8) For purposes of notifying sponsors under subsections (2)(a) and (2)(d) who are no longer
22 members of the legislature, a former legislator who wishes to receive notice may keep the former
23 legislator's name, address, and telephone number on file with the secretary of state. An agency proposing
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2 INTRODUCED BY KNOX, H.S. HANSON, TASH, M. HANSON, RANEY, STORY, SWANSON, OHS,
3 ELLIS, HAYNE, L. TAYLOR, ROSE, ORR, SLITER, CURTISS, GRINDE. QUILICI

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27 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
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