

## MONTANA ADMINISTRATIVE PROCEDURE ACT (MAPA)

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

---

### Background Materials and Research

**Topic Summary:** The Montana Administrative Procedure Act, enacted in 1971, provides for agency rulemaking, including public participation and notice before governmental action, legislative review of rules, and contested case proceedings.

#### Legislative Services Division Materials:

[Montana Administrative Procedures Study](#), by John McCrory for the Legislative Council (1970)

#### Other Materials:

["Montana Administrative Law Practice: 41 Years after the Enactment of the Montana Administrative Procedure Act"](#) by William Corbett, University of Montana School of Law.

#### Introduced Legislation:

##### 2019

[Senate Bill 1](#) -- Chapter Number Assigned -- AN ACT REVISING THE DEFINITION OF "RULE" FOR THE PURPOSE OF EXEMPTING CERTAIN LOTTERY GAME PARAMETERS FROM RULEMAKING PROCEDURES UNDER THE MONTANA ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 2-4-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

## MONTANA ADMINISTRATIVE PROCEDURE ACT

[Senate Bill 72](#) – Chapter Number Assigned -- AN ACT REVISING THE MONTANA ADMINISTRATIVE PROCEDURE ACT; DEFINING "SUPPLEMENTAL NOTICE"; REVISING THE OBJECTION PROCESS FOR THE ADMINISTRATIVE RULE REVIEW COMMITTEE; AMENDING SECTIONS 2-4-102 AND 2-4-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

### 2017

[House Bill 81](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATED TO THE DISTRIBUTION AND PUBLICATION OF THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER; REQUIRING THAT THE SECRETARY OF STATE PUBLISH THESE PUBLICATIONS IN AN ELECTRONIC FORMAT AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE; ELIMINATING THE REQUIREMENTS THAT CERTAIN ENTITIES ARE PROVIDED WITH COPIES OF THESE PUBLICATIONS WITHOUT CHARGE AND THAT CERTAIN ENTITIES MAINTAIN COPIES OF THESE PUBLICATIONS; AMENDING SECTIONS 2-4-311, 2-4-312, AND 2-4-313, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill 312](#) – Chapter Number Assigned -- AN ACT ALLOWING PRESCRIPTION DRUG FORMULARIES TO BE ADOPTED BY THE DEPARTMENT OF LABOR AND INDUSTRY BY RULE; PROVIDING FOR ADOPTION OF A COMMERCIAL DRUG FORMULARY; PROVIDING FOR AUTOMATIC UPDATING OF CERTAIN DRUG FORMULARIES; AMENDING SECTIONS 2-4-302, 2-4-305, 2-4-306, 2-4-307, 39-71-107, 39-71-704, AND 39-71-743, MCA; AND PROVIDING AN EFFECTIVE DATE.

### 2015

[House Bill 128](#) – Chapter Number Assigned – AN ACT REQUIRING THE BOARD OF PARDONS AND PAROLE TO COMPLY WITH THE MONTANA ADMINISTRATIVE PROCEDURE ACT; PROVIDING THAT THE BOARD OF PARDONS AND PAROLE IS EXEMPT FROM THE CONTESTED CASE AND JUDICIAL REVIEW OF CONTESTED CASES PORTIONS OF THE MONTANA ADMINISTRATIVE PROCEDURE ACT; AND AMENDING SECTION 2-4-102, MCA.

[House Bill 173](#) – (H) Missed Deadline for General Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING AGENCY RULEMAKING CONCERNING THE USE OR SALE OF MARIJUANA EXCEPT MARIJUANA INTENDED FOR USE OR SALE SOLELY FOR THE PURPOSES OF ALLEVIATING A DEBILITATING MEDICAL CONDITION; AND PROVIDING AN APPLICABILITY DATE

[Senate Bill 123](#) – Chapter Number Assigned -- AN ACT REVISING THE REGULATORY AUTHORITY OVER MONTANA STATE FUND TO PROVIDE REGULATORY AND COMPLAINT PROCESSES UNDER THE INSURANCE COMMISSIONER THAT GENERALLY ARE APPLICABLE TO PRIVATE WORKERS' COMPENSATION INSURERS; PREVENTING THE INSURANCE COMMISSIONER FROM DISSOLVING OR SUSPENDING THE LICENSE OF STATE FUND; SUBJECTING THE RATEMAKING AUTHORITY OF THE STATE FUND'S BOARD OF DIRECTORS TO THE SAME REVIEW BY THE INSURANCE COMMISSIONER AS EXPERIENCED BY PRIVATE-SECTOR INSURERS; REVISING THE BUDGETING AND FINANCIAL REPORTING FUNCTIONS OF THE STATE FUND TO A CALENDAR YEAR BASIS; PROVIDING AN ENHANCED RISK-BASED CAPITAL MECHANISM TO ALERT THE INSURANCE COMMISSIONER TO POTENTIAL STATE FUND FINANCIAL INSTABILITY; PROVIDING REHABILITATION AUTHORITY TO THE INSURANCE COMMISSIONER FOR STATE FUND; REVISING REFERENCE TO EXCESSIVE

## MONTANA ADMINISTRATIVE PROCEDURE ACT

RATES AS RELATED TO MARKET COMPETITION; REMOVING RATE REVIEW FROM THE LEGISLATIVE AUDITOR'S DUTIES; REMOVING BUDGETARY REVIEW FROM THE LEGISLATIVE FISCAL ANALYST'S DUTIES; PROVIDING FOR A TRANSITION; AMENDING SECTIONS 2-4-101, 17-1-102, 17-2-110, 33-1-102, 33-2-1902, 33-16-303, 33-16-1002, 33-16-1008, 33-16-1021, 33-16-1033, 33-16-1035, 39-71-2312, 39-71-2315, 39-71-2316, 39-71-2323, 39-71-2330, 39-71-2332, 39-71-2351, 39-71-2361, AND 39-71-2363, MCA; REPEALING SECTIONS 33-16-1024, 39-71-2314, AND 39-71-2362, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill 286](#) – (H) Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CERTAIN RULEMAKING BY STATE AGENCIES; PROHIBITING ANY NEW RULES THAT BURDEN A PERSON'S ABILITY TO ENJOY PROPERTY RIGHTS OR ENGAGE IN A LAWFUL BUSINESS OR OCCUPATION; PROVIDING EXCEPTIONS; PROVIDING A DEFENSE TO CERTAIN ENFORCEMENT ACTIONS AND ALLOWING COSTS AND REASONABLE ATTORNEY FEES TO THE PREVAILING PARTY; PROVIDING DEFINITIONS; AMENDING SECTION 2-4-102, MCA; AND PROVIDING AN APPLICABILITY PROVISION

[Senate Bill 336](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING RULEMAKING PROCEDURES; REQUIRING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES INCLUDE CERTAIN INFORMATION IN RULEMAKING NOTICES PERTAINING TO THE DELIVERY OF MEDICAID SERVICES; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PREPARE AND ELECTRONICALLY SEND A STATEMENT OF FINDINGS TO INTERESTED PERSONS CONCERNING THE RULE'S INTENDED OUTCOMES WITHIN A YEAR AFTER THE RULE'S EFFECTIVE DATE IF THE RULE PERTAINS TO THE DELIVERY OF MEDICAID SERVICES; PROVIDING EXCEPTIONS; AMENDING PAYMENTS THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IS ENTITLED TO COLLECT FROM CERTAIN PROVIDERS; AMENDING SECTION 53-6-111, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

### 2013

[House Bill 159](#) - (H) Died in Standing Committee - AN ACT GENERALLY REVISING THE MONTANA ADMINISTRATIVE PROCEDURE ACT; REQUIRING AGENCIES TO PREPARE ECONOMIC IMPACT STATEMENTS FOR THE PROPOSED ADOPTION, AMENDMENT, OR REPEAL OF ANY RULE; AUTHORIZING AN ADMINISTRATIVE RULE REVIEW COMMITTEE TO REQUEST AN ANALYSIS FROM THE LEGISLATIVE FISCAL ANALYST; REQUIRING ECONOMIC IMPACT STATEMENTS TO BE PROVIDED TO MEMBERS OF THE LEGISLATURE; AND AMENDING SECTIONS 2-4-305 AND 2-4-405, MCA.

[Senate Bill 139](#) – Chapter Number Assigned -- AN ACT REQUIRING THAT A SMALL BUSINESS IMPACT ANALYSIS BE CONDUCTED PRIOR TO THE ADOPTION OF AN ADMINISTRATIVE RULE; DEFINING "SMALL BUSINESS"; AMENDING SECTION 2-4-102, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

### 2011

[House Bill 24](#) – Chapter Number Assigned -- AN ACT RELATING TO PRIMARY SPONSOR CONTACT REQUIREMENTS FOR PURPOSES OF RULEMAKING; ALLOWING THE SECRETARY OF STATE TO USE LEGISLATOR CONTACT INFORMATION PROVIDED BY THE LEGISLATIVE SERVICES DIVISION; CLARIFYING THE METHODS OF PRIMARY SPONSOR CONTACT FOR THE PURPOSES OF

RULEMAKING; AMENDING SECTION 2-4-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 70](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING THE LAWS RELATING TO THE PUBLIC RETIREMENT SYSTEMS ADMINISTERED BY THE PUBLIC EMPLOYEES' RETIREMENT BOARD; PERMITTING THE BOARD TO APPOINT ITS OWN ATTORNEY TO REVIEW PROPOSED BOARD RULES; CLARIFYING DEFINITIONS REGARDING TERMINATION OF SERVICE TO SPECIFY THAT A MEMBER WITH AN AGREEMENT TO RETURN TO WORK IS NOT ELIGIBLE TO RETIRE; CLARIFYING LIABILITY FOR INCORRECT REPORTING OR ERRONEOUS PAYMENTS; CLARIFYING THE EFFECT OF OLD MEMBERSHIP CARDS ON RETURNING MEMBERS; CLARIFYING THAT A SERVICE PURCHASE MUST STOP OR BE COMPLETED PRIOR TO PAYMENT OF A DISABILITY BENEFIT; CLARIFYING THAT GUARANTEED ANNUAL BENEFIT ADJUSTMENT PAYMENTS ARE NOT PAID RETROACTIVELY; ADDRESSING BANKED HOLIDAY PAYMENTS; TREATING THE MONTANA SCHOOL FOR THE DEAF AND BLIND AS A SCHOOL DISTRICT FOR CALCULATION OF MEMBERSHIP SERVICE DURING OFFICIAL VACATION; CLARIFYING THE TREATMENT OF ADDITIONAL OR ONE-FOR-FIVE SERVICE PURCHASES; PROVIDING THAT RETIRED MEMBERS MUST BE TERMINATED FROM EMPLOYMENT FOR AT LEAST 90 DAYS PRIOR TO RETURNING TO SERVICE AS A WORKING RETIREE; CLARIFYING THE DEATH BENEFIT AVAILABLE TO A BENEFICIARY OF A MEMBER WHO WAS INACTIVE FOR LESS THAN 6 MONTHS AT THE TIME OF DEATH; CLARIFYING PAYMENT OF THE REMAINING OPTION 4 BENEFIT WHEN THE RETIREE AND ALL NAMED CONTINGENT ANNUITANTS DIE PRIOR TO THE END OF THE PERIOD CERTAIN; REDUCING THE ASSUMED RATE OF INTEREST; CLARIFYING THE BENEFIT AVAILABLE TO GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM MEMBERS; ELIMINATING THE AD HOC BENEFIT INCREASE USED FOR PURCHASING POWER ADJUSTMENTS; AMENDING SECTIONS 2-4-110, 2-15-1009, 17-6-203, 19-2-303, 19-2-403, 19-2-506, 19-2-603, 19-2-706, 19-2-715, 19-2-801, 19-2-802, 19-2-908, 19-3-108, 19-3-319, 19-3-401, 19-3-403, 19-3-412, 19-3-513, 19-3-901, 19-3-906, 19-3-1106, 19-3-1201, 19-3-1202, 19-3-1203, 19-3-1501, 19-3-2114, 19-3-2117, 19-5-701, 19-7-301, 19-7-302, 19-7-1001, 19-8-101, 19-8-601, 19-8-801, 19-8-1003, 19-13-301, AND 19-21-214, MCA; REPEALING SECTIONS 19-3-1606 AND 19-8-604, MCA; AND PROVIDING AN EFFECTIVE DATE.

[Senate Bill 53](#) – Chapter Number Assigned -- AN ACT ALLOWING AN AGENCY TO NOTIFY AN INTERESTED PERSON, WITH THE CONSENT OF THAT PERSON, OF THE AVAILABILITY ON THE AGENCY'S WEBSITE OF AN ELECTRONIC NOTICE OF PROPOSED RULEMAKING; AMENDING SECTIONS 2-3-301 AND 2-4-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.