



PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

Transportation Interim Committee

68th Montana Legislature

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To: Transportation Interim Committee
From: Joe Carroll, TIC attorney

Re: Administrative Rule Review

Introduction

The Montana Administrative Procedures Act (MAPA) mandates and empowers the Transportation Interim Committee (TIC) to review administrative rules proposed by the Department of Transportation (MDT) and the Motor Vehicles Division (MVD) of the Department of Justice.¹

TIC's obligation is fulfilled by attorney review of administrative rules proposed by MDT and MVD for procedural compliance with MAPA. Part of that review is to briefly summarize and present proposed rules at TIC meetings.

TIC's review may continue by committee members inquiring into rulemaking. Procedural questions about MAPA and proposed rules may be directed to committee staff. Substantive questions about a particular rule should be directed to MDT or MVD personnel.

TIC does not need to take any action during administrative rule review. Taking no action allows the agency to carry on with the MAPA process. TIC may take actions by a majority vote that affect the MAPA process including:

- Requesting rulemaking records from the agency;²
- Requiring the agency to hold a hearing if one hasn't been scheduled already;³ and
- Objecting to a rule which can delay implementation of the rule for further review by TIC or by the full legislature.⁴

¹ 2-4-402(1), MCA; 5-5-233, MCA.

² 2-4-402(2)(a), MCA.

³ 2-4-402(2)(c), MCA.

Below is a summary of rules available for TIC review, providing the MAR notice number, a timeline of relevant dates, and a copy of the agency’s statement of reasonable necessity. Please note that the “6 month expiration date” is an estimate.

MDT Rules

| MAR Notice | MAPA timeline | Statement of reasonable necessity |
|------------|---|--|
| 18-199 | Proposal date: March 8, 2024 Hearing date: April 1, 2024 Comment date: April 5, 2024 6 month expiration date: September 8, 2024 | REASON: The rule amendment is necessary to delineate the department's ability to ensure that the placement of political signs does not adversely impact the safety of the traveling public. However, the regulation of electioneering activities, including political signs, is within the purview of the Commissioner of Political Practices. |

MVD Rules

There are no proposed MVD rules at this time.

⁴ 2-4-305(9); 2-4-406.