

To: Transportation Interim Committee
From: Joe Carroll, TIC attorney
Date: July 13, 2023

Re: Administrative Rule Review

Introduction

The Montana Administrative Procedure Act (MAPA) mandates and empowers the Transportation Interim Committee (TIC) to review administrative rules proposed by the Department of Transportation (MDT) and the Motor Vehicle 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 continues by committee members further 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 has not 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

Below is a summary of rules available for TIC review.

MDT Rules

MAR Notice	Hearing Date	Comment Date	Summary
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¹ 2-4-402(1), MCA; 5-5-233, MCA.

² 2-4-402(2)(a), MCA.

³ 2-4-402(2)(c), MCA.

⁴ 2-4-305(9), MCA; 2-4-406, MCA.

18-192	August 4, 2023	August 4, 2023	18-192 proposes two new rules, proposes amendments to three existing rules, and proposes to repeal two existing rules in order to implement SB 521 (2023) regarding longitudinal broadband deployment in the highway and interstate right-of-way.
18-193	no hearing	June 23, 2023	18-193 proposes to repeal eight existing rules related to the bridge and road safety program that was repealed by HB 76 (2023).

MVD Rules

There are no proposed MVD rules at this time.