

Unofficial Draft Copy

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LClive

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act defining an order as a directive issued to an individual or entity directing the individual or entity to take certain corrective action or to refrain from an activity; providing that the issuance of an order is subject to contested case provisions; clarifying when administrative rulemaking procedures must be used; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Order -- definition -- contested case provisions -- use of rulemaking.** (1) As used in this chapter "order" means a directive, authorized by statute, issued by the department, board, or the board's administrator to an individual or entity directing that individual or entity to take certain corrective action or to refrain from an activity.

(2) Any order issued under this chapter is subject to the contested case provisions of Title 2, chapter 4, part 6.

(3) Any directive by the department, board, or board's administrator that is of general purport must be issued as a rule adopted pursuant to the Montana Administrative Procedure Act.

NEW SECTION. **Section 2. {standard} Effective date.** [This

act] is effective on passage and approval.

NEW SECTION. **Section 3. {standard} Codification**

instruction. [Section 1] is intended to be codified as an integral part of Title 81, chapter 2, and the provisions of Title 81, chapter 2, apply to [section 1].

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