

SENATE BILL 396

Introduced by Meyer, et al.

2/11	Introduced
2/11	Referred to State Administration
2/13	Fiscal Note Requested
2/15	Hearing
2/17	Committee Report--Bill Passed as Amended
2/18	Fiscal Note Received
2/20	2nd Reading Passed
2/20	Fiscal Note Printed
2/21	3rd Reading Passed

Transmitted to House

3/04	Referred to Judiciary
3/22	Hearing
3/23	Tabled in Committee

1 *Senate* BILL NO. *396*
 2 INTRODUCED BY *Mayer Phillipa* *GEWDE*
 3 *Can. Cl. 111* BY REQUEST OF THE GOVERNOR *Thatt* *ANP*
 4 *Redberg* *Diasondo* *Peterson* *Rasmus* *Cobb* *story*
 5 A BILL FOR AN ACT ENTITLED "AN ACT ALLOWING THE GOVERNOR
 6 TO ESTABLISH A COMMISSION TO REVIEW EXISTING ADMINISTRATIVE
 7 RULES AND MAKE RECOMMENDATIONS TO THE GOVERNOR, WHO MAY THEN
 8 ORDER CHANGES IN THE RULES; AND PROVIDING AN IMMEDIATE
 9 EFFECTIVE DATE AND A TERMINATION DATE."

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

11 NEW SECTION. Section 1. Governor's commission to
 12 review existing rules -- recommendations to and rule changes
 13 by the governor. (1) The governor may establish, within the
 14 office of the governor, a commission to review all
 15 administrative rules contained in the Administrative Rules
 16 of Montana on [the effective date of this act]. The governor
 17 may:

- 18 (a) determine the size of the commission and appoint
- 19 its members and a chairman;
- 20 (b) determine the qualifications and term of each
- 21 member, who serves at the pleasure of the governor;
- 22 (c) set the salary and expenses of commission members;
- 23 (d) establish or delegate to the chairman the power to
- 24 establish a meeting schedule and rules of order for the
- 25

- 1 commission; and
- 2 (e) remove commissioners.
- 3 (2) The commission shall review all administrative
- 4 rules contained in the Administrative Rules of Montana on
- 5 [the effective date of this act]. In reviewing rules, the
- 6 commission shall:
- 7 (a) consider the fiscal and other economic impacts on
- 8 the public and private sectors of the state;
- 9 (b) seek to coordinate the rules of the various
- 10 agencies and to ensure that they do not conflict with each
- 11 other or send conflicting signals to or impose conflicting
- 12 requirements on those subject to the rules;
- 13 (c) determine whether each rule is necessary;
- 14 (d) consider the substance of each rule and its effect
- 15 on those subject to the rule;
- 16 (e) review the adequacy of the agency's rationale for
- 17 the rule and whether the rule is reasonably necessary to
- 18 effectuate the purpose of the code section or sections
- 19 implemented; and
- 20 (f) determine whether there is authority for the rule
- 21 and whether the rule implements a code section and does so
- 22 without conflicting with the section, other law, or
- 23 legislative intent.
- 24 (3) The commission shall make recommendations for rule
- 25 amendments, repeals, and new rules to the governor at times,



-2- INTRODUCED BILL
SB 396

LC 1212/01

1 by the method, and in the form requested by the governor.

2 (4) The governor may in writing order an executive
3 branch agency, as defined in 2-15-102, to amend or repeal
4 rules or adopt new rules, as specified by the governor. The
5 agency shall then file a rule notice of intended action with
6 the secretary of state, as ordered by the governor. If a
7 notice of adoption that will be published in the Montana
8 Administrative Register contains any changes from the rule
9 notice of intended action, the notice of adoption must be
10 submitted to the governor for review and he may, within 30
11 days, order the agency to make changes in the notice of
12 adoption.

13 NEW SECTION. **Section 2. Effective date.** [This act] is
14 effective on passage and approval.

15 NEW SECTION. **Section 3. Termination date.** [This act]
16 terminates 4 years after [the effective date of this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BL-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB396, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the Governor to establish a commission to review existing administrative rules and make recommendations to the Governor, who may then order changes in the rules; and providing an immediate effective date and a termination date.

ASSUMPTIONS:

1. Effective on passage and approval and terminates four years after effective date.
2. Commission will consist of five members from throughout Montana.
3. Commission members will be private citizens. Members will receive no pay, but will receive travel expenses.
4. Commission will meet for the first six months of FY90. There will be no meetings in FY91.

FISCAL IMPACT:

	<u>FY90</u>			<u>FY91</u>		
	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>		<u>Law</u>	<u>Law</u>	
Operating Expenses	\$ -0-	\$ 4,500	\$ 4,500	\$ -0-	\$ -0-	\$ -0-
<u>Funding: General Fund</u>						



DATE 2/17/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING



DATE 2/18/89

DARRYL MEYEE, PRIMARY SPONSOR

Fiscal Note for SB396, as introduced

50396

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 396

INTRODUCED BY MEYER, PHILLIPS, CLARK, GRINDE, CAMPBELL,
HANSON, ZOOK, HOFFMAN, DEBRUYCKER, REHBERG, GIACOMETTO,
KASTEN, MERCER, BECK, PATTERSON, HAMMOND, RAMIREZ,
THOFT, COBB, HARP, ROTH, GALT, STORY, FARRELL,
NOBLE, MCLANE, THAYER, GAGE, JENKINS

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE GOVERNOR
TO ESTABLISH A COMMISSION TO REVIEW EXISTING ADMINISTRATIVE
RULES AND MAKE RECOMMENDATIONS TO THE GOVERNOR, WHO MAY THEN
ORDER CHANGES IN THE RULES; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. **Section 1.** Governor's commission to
review existing rules -- recommendations to and rule changes
by the governor. (1) THE EXCEPT AS PROVIDED IN SUBSECTION
(5), THE governor may establish, within the office of the
governor, a commission to review all administrative rules
contained in the Administrative Rules of Montana on [the
effective date of this act]. The governor may:

- (a) determine the size of the commission and appoint
its members and a chairman;
- (b) determine the qualifications and term of each

member, who serves at the pleasure of the governor;

- (c) set the salary and expenses of commission members;
- (d) establish or delegate to the chairman the power to
establish a meeting schedule and rules of order for the
commission; and
- (e) remove commissioners.

(2) THE EXCEPT AS PROVIDED IN SUBSECTION (5), THE
commission shall review all administrative rules contained
in the Administrative Rules of Montana on [the effective
date of this act]. In reviewing rules, the commission shall:

- (a) consider the fiscal and other economic impacts on
the public and private sectors of the state;
- (b) seek to coordinate the rules of the various
agencies and to ensure that they do not conflict with each
other or send conflicting signals to or impose conflicting
requirements on those subject to the rules;

- (c) determine whether each rule is necessary;
- (d) consider the substance of each rule and its effect
on those subject to the rule;

(e) review the adequacy of the agency's rationale for
the rule and whether the rule is reasonably necessary to
effectuate the purpose of the code section or sections
implemented; and

- (f) determine whether there is authority for the rule
and whether the rule implements a code section and does so

1 without conflicting with the section, other law, or
2 legislative intent.

3 (3) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (5), THE
4 commission shall make recommendations for rule amendments,
5 repeals, and new rules to the governor at times, by the
6 method, and in the form requested by the governor.

7 (4) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (5), THE
8 governor may in writing order an executive branch agency, as
9 defined in 2-15-102, to amend or repeal rules or adopt new
10 rules, as specified by the governor. The agency shall then
11 file a rule notice of intended action with the secretary of
12 state, as ordered by the governor. If a notice of adoption
13 that will be published in the Montana Administrative
14 Register contains any changes from the rule notice of
15 intended action, the notice of adoption must be submitted to
16 the governor for review and he may, within 30 days, order
17 the agency to make changes in the notice of adoption.

18 (5) THIS SECTION DOES NOT APPLY TO THE ATTORNEY
19 GENERAL, STATE AUDITOR, SECRETARY OF STATE, DEPARTMENT OF
20 PUBLIC SERVICE REGULATION, OR SUPERINTENDENT OF PUBLIC
21 INSTRUCTION.

22 NEW SECTION. Section 2. Effective date. [This act] is
23 effective on passage and approval.

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25 terminates 4 years after [the effective date of this act].

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