

FEB 7 1989

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 04-89

OF MONTANA

EXECUTIVE ORDER PROVIDING FOR REVIEW
OF EXECUTIVE AGENCY RULEMAKING BY THE GOVERNOR

WHEREAS, all executive and administrative offices, boards, bureaus, commissions, agencies, and instrumentalities of the Executive Branch have functions and powers to prepare, propose, and adopt administrative rules pursuant to the Montana Administrative Procedures Act, Section 2-3-101 et se., MCA, and such administrative rules have the force of law and may have an affect on the general welfare of this state; and

WHEREAS, past practice of boards, administrative offices, bureaus, commissions, agencies and other instrumentalities of the Executive Branch has been not to present their proposed administrative rules to the Governor who, as the Chief Executive Officer of the State, should coordinate, review, consolidate, administer, and provide comment and direction regarding these proposed administrative rules; and

WHEREAS, it is the responsibility of the Governor pursuant to the Montana Constitution and other applicable laws of the State of Montana to formulate and review proposed administrative rules of Executive Branch agencies prior to any final adoption of these administrative rules, so as to determine the effect on the fiscal and general welfare of the State of Montana.

NOW, THEREFORE, I, STAN STEPHENS, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and laws of the State of Montana, hereby order that all departments, offices, boards, bureaus, commissions, agencies and instrumentalities of the Executive Branch of government and as set forth in Section 2-15-104(1)(a)-(c),(e),(f),(h)-(k),(m)-(r), MCA, and the Board of Public Education:

1. Forward to the Office of the Governor any proposed administrative rules contemplated for adoption pursuant to the Montana Administrative Procedures Act at least thirty (30) days prior to the rule's original proposal as set forth in Section 2-4-302, MCA. The Governor shall have up to and including seventy-five (75) days to alter, amend, modify, or reject any portion of the rules before their final adoption as recorded in the Montana Administrative Register.

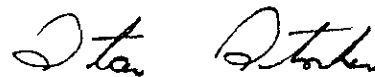
2. Forward to the Office of the Governor within ten (10) days of this order any administrative rule proposed for adoption prior to January 2, 1989, but to be effective after that date. The Governor's Office shall have up to and including March 31, 1989, to alter, amend, modify or reject any portion of those proposed administrative rules.

This Executive Order does not apply to the Secretary of State, the Attorney General, the Superintendent of Public Instruction or the State Auditor.

Any Executive Order entered into prior to this order regarding administrative rules and the procedure for review by the Governor's Office is hereby repealed.

This order is effective immediately and remains in effect until terminated by subsequent Executive Order.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 31 day of January, in the year of our LORD, one thousand, nine hundred and eighty-nine.



STAN STEPHENS, Governor

ATTEST:



MIKE COONEY, Secretary of State