

CHAPTER NO. 480

HOUSE BILL NO. 438

INTRODUCED BY RAMIREZ, TROPILA, MARKS, KEYSER,
SIVERTSEN, SCULLY, SCHULTZ, UHDE

BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

IN THE HOUSE

January 27, 1979	Introduced and referred to Committee on Judiciary.
February 1, 1979	Committee recommend bill do pass. Report adopted.
February 2, 1979	Printed and placed on members' desks.
February 5, 1979	Second reading, do pass as amended.
February 6, 1979	Correctly engrossed.
February 7, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 8, 1979	Introduced and referred to Committee on Judiciary.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 24, 1979	Returned from second house. Concurred in as amended.
March 26, 1979	On motion consideration passed until the 71st Legislative Day.

March 29, 1979

Second reading, amendments adopted.

March 30, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 438
2 INTRODUCED BY Ramsey, Payne, Marshall, Keyser Smith
3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE Schultz, Ulde
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE AN AGENCY TO
6 PREPARE AN ESTIMATE OF THE ECONOMIC IMPACT OF PROPOSED
7 RULEMAKING UPON REQUEST OF THE ADMINISTRATIVE CODE
8 COMMITTEE."

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

11 Section 1. Estimate of economic impact. (1) Upon
12 request of the administrative code committee, an agency
13 shall prepare a statement of the estimated economic impact
14 of the adoption, amendment, or repeal of a rule as proposed.
15 The statement must include an estimate of:

16 (a) the cost to the state of administering and
17 enforcing the rule; and
18 (b) the aggregate cost of compliance to all persons
19 affected.

- 1 prior to the hearing.
- 2 (3) If it is impossible to formulate such an estimate,
- 3 the reasons for impossibility of formulation must be
- 4 published instead of the estimate.
- 5 (4) This section does not apply to rulemaking pursuant
- 6 to 2-4-303.
- 7 Section 2. Codification. The code commissioner shall
- 8 codify section 1 in Title 2, chapter 4, part 3. Any
- 9 reference in the Montana Code Annotated to Title 2, chapter
- 10 4, part 3, includes section 1.

-End-

HB 438
INTRODUCED BILL

STATE OF MONTANA

Request No. 454-79

FISCAL NOTE

Form BD-15

In compliance with a written request received March 9, 1979, there is hereby submitted a Fiscal Note for House Bill 438 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to require an agency to prepare an estimate of the economic impact of proposed rulemaking upon request of the administrative code committee.

FISCAL IMPACT:

An estimate of the fiscal impact of the proposed legislation cannot be provided since it is not known how many statements of estimated economic impact will be requested by the Administrative Code Committee. Depending on the number of statements required and the additional information and participation required by the Committee of state agency personnel, the additional costs could range from minimal considering each agency individually to significant.

Fiscal Note 311-79 attached to House Bill 654 addresses the cost of providing economic and fiscal impact information on all rules prior to adoption, amendment, or repeal.

Richard A. Drury Jr.

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 3/13/79

Approved by Committee
on Judiciary

1 House BILL NO. 438
2 INTRODUCED BY Lawrence Taylor Mark Keyser
3 Introducer BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE John H. Schmitz Ude
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE AN AGENCY TO
6 PREPARE AN ESTIMATE OF THE ECONOMIC IMPACT OF PROPOSED
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1 prior to the hearing.

5 (4) This section does not apply to rulemaking pursuant
6 to 2-4-303.

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14 shall prepare a statement of the estimated economic impact

15 of the adoption, amendment, or repeal of a rule as proposed.

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17 (a) the cost to the state of administering and
18 enforcing the rule; and

19 (b) the aggregate cost of compliance to all persons
20 affected in AND

21 (c) ANY ECONOMIC BENEFIT OF COMPLIANCE TO ALL PERSONS
22 AFFECTED.

23 (2) The statement must be filed with the secretary of
24 state for publication in the register and mailed to persons
25 who have requested advance notice of the agency's rulemaking

1 proceedings. The statement must be published and mailed at
2 least 20 days prior to the adoption, amendment, or repeal of
3 the rule. If a hearing is held, it must be published 20 days
4 prior to the hearing.

5 (3) If it is impossible to formulate such an estimate,
6 the reasons for impossibility of formulation must be
7 published instead of the estimate.

8 (4) This section does not apply to rulemaking pursuant
9 to 2-4-303.

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7 published instead of the estimate.

8 (4) This section does not apply to rulemaking pursuant
9 to 2-4-303.

10 151. THE FINAL ADOPTION, AMENDMENT, OR REPEAL OF A RULE
11 IS NOT SUBJECT TO CHALLENGE IN ANY COURT AS A RESULT OF THE
12 INACCURACY OR INADEQUACY OF A STATEMENT REQUIRED UNDER THIS
13 SECTION.

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15 codify section 1 in Title 2, chapter 4, part 3. Any
16 reference in the Montana Code Annotated to Title 2, chapter
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- End -

March 19, 1979

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 438, third reading bill, be amended as follows:

1. Page 2.

Following: line 9

Insert: "(5) The final adoption, amendment, or repeal of a rule is not subject to challenge in any court as a result of the inaccuracy or inadequacy of a statement required under this section."