

SENATE BILL 488

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Fish and Game.
February 13, 1979	Fiscal note requested.
February 17, 1979	Committee recommend bill, do pass. Consent Calendar.
February 19, 1979	Fiscal note returned.
February 20, 1979	Consent Calendar.
February 21, 1979	Consent Calendar, do pass.

IN THE HOUSE

February 22, 1979	Introduced and referred to Committee on Judiciary.
March 8, 1979	Committee recommend bill, as amended.
March 12, 1979	Second reading, not concurred.

IN THE SENATE

March 13, 1979	Returned from House, not concurred.
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1 *Senate* BILL NO. *488*
 2 INTRODUCED BY *Jerguson Blaylock Fubender*
 3 *Bob Brown Turnage*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
 5 ADMINISTRATIVE CODE COMMITTEE TO REVIEW, DURING THE NEXT
 6 FOUR BIENNIUMS, RULES ADOPTED BY CERTAIN STATE AGENCIES
 7 SUBJECT TO THE MONTANA ADMINISTRATIVE PROCEDURE ACT, AND TO
 8 DESIGNATE, SUBJECT TO APPROVAL BY THE LEGISLATURE, RULES TO
 9 BE CONTINUED OR INVALIDATED."

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

12 Section 1. Purpose. The purpose of [this act] is to
 13 require reviews during the next four bienniums by the
 14 administrative code committee to determine the need for
 15 rules adopted subject to the Montana Administrative
 16 Procedure Act by the agencies listed in [section 3] and to
 17 require legislative approval of all rules adopted under the
 18 Montana Administrative Procedure Act.

19 Section 2. Administrative code committee to review
 20 rules and report to legislature. (1) The administrative code
 21 committee shall over the next four bienniums review rules
 22 adopted by the agencies listed in [section 3].

23 (2) The committee shall recommend to the legislature
 24 rules to be discontinued.

25 (3) The committee shall recommend to the legislature

1 any other changes necessary for conformity between the
 2 Montana Administrative Procedure Act and other laws in the
 3 Montana Code Annotated.

4 (4) The committee shall prepare for submission to the
 5 legislature at each of the next four legislatures joint
 6 resolutions designating those rules adopted by the
 7 appropriate agency with reference to [section 3] and subject
 8 to the Montana Administrative Procedure Act that are to be
 9 continued. Rules not included in the joint resolution are
 10 terminated and invalid upon passage and approval of the
 11 joint resolution.

12 Section 3. Review of agency rules. The administrative
 13 code committee shall review rules adopted subject to the
 14 Montana Administrative Procedure Act by the following
 15 agencies:

- 16 (1) during the biennium ending December 31, 1980:
- 17 (a) the department of administration;
- 18 (b) the state tax appeal board;
- 19 (c) the department of agriculture;
- 20 (d) the state auditor;
- 21 (e) the department of business regulation;
- 22 (f) the board of milk control;
- 23 (g) the board of regents of higher education;
- 24 (h) the state library commission;
- 25 (i) the department of fish and game; and

1 (j) the fish and game commission;
 2 (2) during the biennium ending December 31, 1982:
 3 (a) the department of health and environmental
 4 sciences;
 5 (b) the board of health and environmental sciences;
 6 (c) the department of highways;
 7 (d) the department of institutions;
 8 (e) the department of community affairs;
 9 (f) the department of justice; and
 10 (g) the board of crime control;
 11 (3) during the biennium ending December 31, 1984:
 12 (a) the department of labor and industry;
 13 (b) the department of livestock;
 14 (c) the department of natural resources and
 15 conservation;
 16 (d) the board of natural resources and conservation;
 17 (e) the board of oil and gas conservation; and
 18 (f) the department of public service regulation;
 19 (4) during the biennium ending December 31, 1986:
 20 (a) the department of professional and occupational
 21 licensing;
 22 (b) the department of revenue;
 23 (c) the secretary of state;
 24 (d) the commission on campaign practices and finances;
 25 (e) the department of social and rehabilitation

1 services;
 2 (f) the office of superintendent of public
 3 instruction; and
 4 (g) the board of public education.

-End-

STATE OF MONTANA

REQUEST NO. 331-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 15, 19 79, there is hereby submitted a Fiscal Note for Senate Bill 488 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:

SB 488 would require the administrative code committee to review all existing agency rules over an 8 year period. The schedule in the bill would require review of 769 existing rules in the 1981 Biennium.

ASSUMPTIONS:

1. In addition to its existing responsibilities, the committee and its staff would review all existing rules for policy, statutory authority, and reasonableness. Work level and committee time would be comparable for existing rules and new rules.
2. Additional costs would be a multiple of current budget projections based on workload. Based on the schedule in the bill, work load in the 1981 Biennium would be an additional 2.3 times.

FISCAL IMPACT:

Additional expenditures:

	<u>FY80</u>	<u>FY81</u>
Personal Services	\$70,970	\$60,117
Operating Expenses	<u>21,111</u>	<u>17,309</u>
Total	<u>\$92,081</u>	<u>\$77,426</u>

The additional costs must be funded from the State General Fund.

COMMENT:

The method used might overestimate legislator travel expense and underestimate costs of workspace and materials for staff support. Future costs would be higher because the agencies scheduled in later years have significantly more rules to review.

TECHNICAL NOTE:

The bill refers to bienniums ending December 31. The state operates on fiscal years and bienniums ending June 30.

Richard L. Franzen
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/18/79

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- 25 (i) the department of fish and game; and

- 1 (j) the fish and game commission;
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- 4 sciences;
- 5 (b) the board of health and environmental sciences;
- 6 (c) the department of highways;
- 7 (d) the department of institutions;
- 8 (e) the department of community affairs;
- 9 (f) the department of justice; and
- 10 (g) the board of crime control;
- 11 (3) during the biennium ending December 31, 1984:
- 12 (a) the department of labor and industry;
- 13 (b) the department of livestock;
- 14 (c) the department of natural resources and
- 15 conservation;
- 16 (d) the board of natural resources and conservation;
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- 19 (4) during the biennium ending December 31, 1986:
- 20 (a) the department of professional and occupational
- 21 licensing;
- 22 (b) the department of revenue;
- 23 (c) the secretary of state;
- 24 (d) the commission on campaign practices and finances;
- 25 (e) the department of social and rehabilitation

- 1 services;
- 2 (f) the office of superintendent of public
- 3 instruction; and
- 4 (g) the board of public education.

-End-

March 8, 1979

HOUSE OF REPRESENTATIVES

Judiciary Committee amendments to SENATE BILL NO. 488, third reading copy, as follows:

1. Page 2, line 23.

Strike: subsection (1)(g) in its entirety

Renumber: subsequent subsections

AND AS AMENDED BE CONCURRED IN