

House Bill 40

In The House

January 6, 1981	Introduced and referred to Committee on State Administration.
January 7, 1981	Fiscal note requested.
January 13, 1981	Fiscal note returned.
April 23, 1981	Died in Committee.

1 HOUSE BILL NO. 40

2 INTRODUCED BY STOBIE

3 BY REQUEST OF THE ADMINISTRATIVE CODE COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
6 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V,
7 CREATING SECTION 15, OF THE MONTANA CONSTITUTION TO PROVIDE
8 FOR SUSPENSION OF ADMINISTRATIVE AGENCY RULES BY A POLL OF
9 THE LEGISLATURE."

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

12 Section 1. Article V, section 15, of the Constitution
13 of the state of Montana is created and adopted to read as
14 follows:

15 Section 15. Poll to suspend rules. (1) When the
16 Legislature is not in session, the Administrative Code
17 Committee may in writing poll the legislators to determine
18 if a majority are in favor of suspending an agency rule. To
19 poll the legislators the committee must send to all
20 legislators by certified mail a ballot which contains:

- 21 (a) a copy of the rule proposed for suspension;
- 22 (b) a copy of the statutes purporting to authorize and
23 be implemented by the rule;
- 24 (c) a brief summary of any arguments opposed to or in
25 favor of suspension;

1 (d) the date by which legislators must return the
2 ballot, which may not be more than 30 days after the date of
3 the mailing of the ballots; and

4 (e) a stamped return envelope.

5 (2) The committee shall keep the ballots secret until
6 all legislators have voted or until the day after the date
7 set for return of the ballots, whichever occurs first.

8 (3) If a majority of the legislators reply
9 affirmatively to the poll, the committee shall notify each
10 legislator and the agency of the results of the poll. If a
11 majority reply affirmatively, the rule is suspended
12 effective upon notification of the agency and until the end
13 of the 30th day of the next regular session of the
14 legislature.

15 (4) If a majority of the legislators fail to approve
16 the suspension of the rule within 30 days after the
17 committee mails the ballots, all ballots are void and may
18 not be used again. The entire process must be repeated to
19 suspend an agency rule.

20 Section 2. Submission to electorate. When this
21 amendment is submitted to the qualified electors of Montana,
22 there shall be printed on the ballot the full title of this
23 act and the following words:

24 FOR allowing a poll of the legislature to suspend
25 administrative rules.

INTRODUCED BILL

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HB40

LC 0704/01

1 AGAINST allowing a poll of the legislature to
2 suspend administrative rules.

-End-

STATE OF MONTANA

REQUEST NO. 38-81

FISCAL NOTE

Form BD-15

In compliance with a written request received _____, 19 _____, there is hereby submitted a Fiscal Note for H. B. 40 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

House Bill No. 40 proposes a constitutional amendment that would authorize the Administrative Code Committee to poll the legislators to determine whether an administrative rule ought to be suspended. Should a majority of the legislators favor suspension, the rule is suspended until the 30th day of the next regular session of the legislature.

Fiscal Impact

There would be no impact this biennium. Following approval by the people, each poll of the legislators would cost about \$1,050 for postage adjusted for inflation. The other costs of the measure would probably be absorbed in the operating expenses of the Code Committee.

Stylé Manley, for
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1-13-81