

House Bill 723

In The House

February 12, 1981	Introduced and referred to Committee on State Administration.
February 18, 1981	Committee recommend bill do pass as amended.
February 19, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading pass consideration until 50th legislative day.

1 HOUSE BILL NO. 723  
2 INTRODUCED BY Bastalson

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
5 ADMINISTRATIVE CODE COMMITTEE TO CONDUCT A STUDY OF METHODS  
6 THAT MIGHT BE USED TO TERMINATE ADMINISTRATIVE RULES  
7 RELATING TO THE STATE'S ENVIRONMENT AND NATURAL RESOURCES  
8 AND TO REPORT AND MAKE RECOMMENDATIONS TO THE NEXT  
9 LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10  
11 WHEREAS, ever-increasing numbers of administrative  
12 rules have been adopted by most executive agencies; and

13 WHEREAS, those agencies with administrative and  
14 regulatory duties relating to the natural environment and  
15 natural resources have been among the agencies adopting a  
16 proliferation of administrative rules; and

17 WHEREAS, the wise use and regulation of the state's  
18 environment and natural resources is an important priority  
19 to the Legislature; and

20 WHEREAS, other states have adopted laws providing for  
21 the termination or "sunset" of certain administrative rules;  
22 and

23 WHEREAS, the use, management, and regulation of the  
24 state's environment and natural resources may well benefit  
25 from a "sunset" type review of the administrative rules of

1 those agencies with duties relating to the environment and  
2 natural resources; and

3 WHEREAS, the current laws requiring legislative review  
4 by the Legislative Audit Committee do not put sufficient  
5 emphasis on the review of administrative rules adopted by  
6 those executive agencies with duties relating to the  
7 management of the environment and natural resources.

8 THEREFORE, it is the intent of this act to require that  
9 a study of this matter be conducted by the Administrative  
10 Code Committee.

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

13 Section 1. Definitions. As used in this act, the  
14 following definitions apply:

15 (1) "Committee" means the administrative code  
16 committee created pursuant to Title 5, chapter 14, part 1.

17 (2) "Rules" means rules of administrative agencies  
18 adopted or to be adopted pursuant to the Montana  
19 Administrative Procedure Act.

20 Section 2. Committee to conduct study. The committee  
21 shall conduct a study of the procedures and methods that  
22 might be used to terminate or replace, or both, the rules of  
23 all administrative agencies that, in the judgment of the  
24 committee, affect the environment and natural resources of  
25 this state. In conducting the study, the committee shall

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1 review any laws adopted by other states, and the  
2 administration of those laws, providing for "sunset"  
3 termination of agency regulations and the costs and benefits  
4 to this state adopting laws requiring "sunset" termination  
5 of rules affecting the environment and natural resources of  
6 this state.

7 Section 3. Agencies and committees required to  
8 cooperate. The committee may request and shall receive from  
9 other legislative committees and their staffs and from all  
10 other government agencies such assistance and data as will  
11 enable the committee to fulfill its duties under this act.

12 Section 4. Committee report. Prior to January 15,  
13 1983, the committee shall prepare a report of its activities  
14 under this act, together with any recommended legislation,  
15 to be submitted to the 48th legislature.

16 Section 5. Effective date. This act is effective on  
17 passage and approval.

-End-

Approved by Committee  
on State Administration

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 18 adopted or to be adopted pursuant to the Montana  
 19 Administrative Procedure Act BY AGENCIES AS DEFINED IN  
 20 2-3-102.  
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