

HOUSE BILL 9

Introduced by Peck, et al.

1/02	Introduced
1/02	Referred to Education & Cultural Resources
1/12	Fiscal Note Requested
1/18	Fiscal Note Received
1/20	Fiscal Note Printed
2/17	Hearing
2/18	Committee Report--Bill Not Passed As Amended
2/21	Motion Carried to Lay on Table

1 HOUSE BILL NO. 9
2 INTRODUCED BY PECK
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
5 BOARD OF PUBLIC EDUCATION MAY NOT PROPOSE OR ADOPT, UNDER
6 THE MONTANA ADMINISTRATIVE PROCEDURE ACT, RULES RELATING TO
7 ACCREDITATION STANDARDS AND CERTAIN OTHER MATTERS UNLESS THE
8 LEGISLATURE SPECIFICALLY ACTS TO APPROVE AND TO FUND THE
9 RULES; AMENDING SECTION 20-2-115, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."

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

13 **Section 1.** Section 20-2-115, MCA, is amended to read:
14 "20-2-115. Rules with substantial financial impact --
15 fiscal note -- effect without funding. (1) When developing
16 rules, policies, and standards under 20-2-121(6), (7), (9),
17 and (11), the board of public education shall, before
18 publishing such rules, policies, and standards in the
19 Montana Administrative Register and before proposing to
20 adopt them as rules under the Montana Administrative
21 Procedure Act, determine the financial impact of the rule,
22 policy, or standard on school districts.

23 (2) The superintendent of public instruction shall
24 prepare a fiscal note for submission to the board, using
25 criteria and assumptions developed by the board. The fiscal

1 note must be prepared within 30 days of a request unless the
2 board agrees to a longer time. The board may also accept
3 other testimony and exhibits on the financial impact to
4 school districts ~~before-proceeding-to-rulemaking.~~

5 (3) If the financial impact of ~~the--proposed~~ a rule,
6 policy, or standard that the board wishes to propose for
7 future adoption under the Montana Administrative Procedure
8 Act is found by the board to be substantial, the board ~~may~~
9 ~~not-implement-the-rule--until--July--1--following--the--next~~
10 ~~regular--legislative--session--and~~ shall request the next
11 legislature to approve and to fund implementation of through
12 the foundation program the proposed rule, policy, or
13 standard ~~through--the--foundation--program~~ that the board
14 wishes to propose, under the Montana Administrative
15 Procedure Act, for future adoption. The board may not
16 propose and adopt a rule, policy, or standard required to be
17 submitted to the legislature unless the legislature approves
18 and funds it. A substantial financial impact is an amount
19 that cannot be readily absorbed in the budget of an existing
20 school district program.

21 (4) ~~A--proposed-rule, policy, or standard not found by~~
22 ~~the-board-to-have-a-substantial-financial-impact--on--school~~
23 ~~districts-or-funded-by-the-legislature-may-be-implemented-at~~
24 ~~any-time."~~

25 **Section 2.** Extension of authority. Any existing

LC 0117/01

1 authority to make rules on the subject of the provisions of
2 [this act] is extended to the provisions of [this act].

3 **Section 3. Effective date.** [This act] is effective on
4 passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB009, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide that the Board of Public Education may not propose or adopt, under the Montana Administrative Procedure Act, rules relating to accreditation standards and certain other matters unless the legislature specifically acts to approve and to fund the rules.

Amending Section 20-2-115, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. Before the Board would submit a request to the Legislature it would need to hold hearings on the rules and, therefore, all hearing costs would be doubled.
2. Since the rule couldn't be noticed as a way of informing the public, additional mailing and operational costs would need to be included.

FISCAL IMPACT:

	<u>Current</u> <u>Law</u>	<u>FY90</u> <u>Proposed</u> <u>Law</u>	<u>Difference</u>	<u>Current</u> <u>Law</u>	<u>FY91</u> <u>Proposed</u> <u>Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	\$ -0-	\$7,400	\$7,400	\$ -0-	\$7,400	\$7,400
<u>Funding:</u>						
General Fund	\$ -0-	\$7,400	\$7,400	\$ -0-	\$7,400	\$7,400


RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

1/19/89


RAY PECK, PRIMARY SPONSOR

DATE

1/20/89

Fiscal Note for HB009, as introduced

HB 9