HOUSE BILL NO. 21

INTRODUCED BY MENAHAN BY REQUEST OF THE LEGISLATIVE COUNCIL

IN THE HOUSE

-	IN THE MOOSE
DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON LEGISLATIVE ADMINISTRATION.
JANUARY 4, 1993	FIRST READING.
JANUARY 11, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 12, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 13, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 98; NOES, 0.
	TRANSMITTED TO SENATE.
1	IN THE SENATE
JANUARY 15, 1993	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON LEGISLATIVE ADMINISTRATION.
	INTRODUCED AND REFERRED TO COMMITTEE
	INTRODUCED AND REFERRED TO COMMITTEE ON LEGISLATIVE ADMINISTRATION.
JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LEGISLATIVE ADMINISTRATION. FIRST READING. COMMITTEE RECOMMEND BILL BE
JANUARY 15, 1993 MARCH 24, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LEGISLATIVE ADMINISTRATION. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 15, 1993 MARCH 24, 1993 MARCH 25, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LEGISLATIVE ADMINISTRATION. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
JANUARY 15, 1993 MARCH 24, 1993 MARCH 25, 1993 MARCH 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LEGISLATIVE ADMINISTRATION. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 45; NOES, 0.

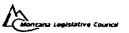
SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HB 21 INTRODUCED BILL

1	HOUSE BILL NO. 21
2	INTRODUCED BY MENAHAN
3	BY REQUEST OF THE LEGISLATIVE COUNCIL
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE STAFFING
6	RESPONSIBILITY OF THE LEGISLATIVE COUNCIL; AMENDING SECTIONS
7	2-4-401, 5-11-112, AND 5-18-107, MCA; AND PROVIDING AN
8	IMMEDIATE EFFECTIVE DATE."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 2-4-401, MCA, is amended to read:
12	"2-4-401. Administrative code committee staff,
13	meetings, and compensation. (1) The legislative council
14	shall provide staff assistance to the administrative code
15	committee. The administrativecode committee may retain
16	whatever employees, consultants, or counsel as are necessary
17	to carry out the provisions of this chapter and to advise
18	the publisher in relation to the text and legal authority of
19	the material published in the register or ARM, within the
20	limitations of legislative appropriations.
21	(2) The committee shall meet as often as may be
22	necessary during and between legislative sessions.
2 3	(3) Committee members are entitled to receive
24	compensation and expenses as provided in 5-2-302."
25	Section 2. Section 5-11-112, MCA, is amended to read:

1	"5-11-112. Functional divisions. The legislative
2	council may establish functional divisions within t
3	council staff in order to carry out all of the
4	responsibilities delegated to the council by law
5	legislative rule. The divisions shall include the following
6	(1) legislative services division:
7	(a) engrossing and enrolling;
8	(b) mailroom;
9	(c) printing;
10	(d) data processing;
11	(2) research and reference services division:
12	(a) general and specialized legislative research;
13	(b) legislative reference and information; -includi-
14	preparation-and-publication-of-the-begislative-Review-to
15	sold-at-the-cost-of-the-publication-plus-postage;
16	(c) committee staffing when-the-legislature-is-not-
17	session, including staffing for therevenueoversig
18	committee interim committees organized under Title
19	chapter 5, part 2;
20	(3) legal services division:
21	(a) bill drafting;
22	(b) legal counseling;
23	(c) committee staffing;
24	(4) management and business services division, whi
25	shall:



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- 1 (a) maintain bookkeeping records;
 - (b) sign claims and payrolls;
 - (c) order all printing, supplies, and equipment; and
- 4 (d) serve the house and senate during the session."
- 5 Section 3. Section 5-18-107, MCA, is amended to read:
- 6 "5-18-107. Powers and duties of the committee -- duty
 7 to review revenue rules -- legislative oversight of the
- department of revenue -- committee reports -- revenue
- 9 estimating and use of estimates. (1) The committee shall
- 10 review all proposed rules of the department of revenue filed
- 11 with the secretary of state.
- 12 (2) The committee may:
- (a) request and obtain the department's rulemaking
- 14 records for the purpose of reviewing compliance with
- 15 2-4-305;

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- 16 (b) prepare written recommendations for the adoption,
- 17 amendment, or rejection of a rule and submit the
- 18 recommendations to the department;
- 19 (c) submit oral or written testimony at a rulemaking
- 20 hearing;
- 21 (d) require the department to appear before the
- 22 committee and respond to the committee's recommendations for
- 23 the adoption, amendment, or rejection of a rule;
- 24 (e) require that a rulemaking hearing be held in
- 25 accordance with the provisions of 2-4-302 through 2-4-305;

- 1 (f) recommend to the legislature the repeal, amendment,
- 2 or adoption of a rule as provided in 2-4-412;
- 3 (g) institute, intervene in, or otherwise participate
- 4 in proceedings involving the legality of a rule under the
- 5 Montana Administrative Procedure Act in the state and
- 6 federal courts and administrative agencies;
 - (h) review the incidence and conduct of the
- 8 department's administrative proceedings;
- 9 (i) require the department to publish the full or
- 10 partial text of any pertinent material adopted by reference
- 11 under 2-4-307;
- 12 (j) by an affirmative vote of at least six members of
- 13 the committee, contract for the preparation of an economic
- 14 impact statement or require the department to prepare an
- 15 economic impact statement, following the provisions of
- 16 2-4-405;

- 17 (k) petition the department to promulgate, amend, or
- 18 repeal a rule. Within 60 days after submission of a
- 19 petition, the department shall either deny the petition in
- 20 writing, stating its reasons for the denial, or shall
- 21 initiate rulemaking proceedings in accordance with 2-4-302
- 22 through 2-4-305.
- 23 (1) make written objection to a proposed rule of the
- 24 department for lack of substantial compliance with 2-4-302
- 25 through 2-4-305. The provisions of 2-4-406 govern the

- objection procedure, the department's response, and the procedure for and effect of publication of the objection in the Montana Administrative Register and the Administrative Rules of Montana.
 - (m) petition the department for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the department. A copy of a declaratory ruling must be filed with the secretary of state for publication in the register. A declaratory ruling or the refusal to issue such a ruling is subject to judicial review in the same manner as decisions or orders in contested cases under the Montana Administrative Procedure Act.
 - (n) petition for judicial review of the sufficiency of the reasons for the department's finding of imminent peril to the public health, safety, or welfare, cited in support of an emergency or temporary rule proposed by the department under 2-4-303; and
- 18 (o) require the department to conduct the biennial 19 review of its rules as required in 2-4-314 and report its 20 findings to the committee.
- 21 (3) The committee shall exercise legislative oversight
 22 of the department of revenue, including without limitation
 23 the review of:
 - (a) proposed budgets;
- 25 (b) proposed legislation;

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- 1 (c) pending litigation; and
- 2 (d) major contracts and personnel actions of the 3 department.
- 4 (4) The committee may investigate and issue reports on 5 any matter concerning taxation or the department of revenue.
- 6 (5) (a) The committee shall have prepared by December 1
 7 for introduction during each regular session of the
 8 legislature in which a revenue bill is under consideration
 9 an estimate of the amount of revenue projected to be
 10 available for legislative appropriation.
- 11 (b) The committee's estimate, as introduced in the legislature, constitutes the legislature's current revenue 12 13 estimate until amended or until final adoption of the 14 estimate by both houses. It is intended that the legislature's estimates and the assumptions underlying the 15 estimates will be used by all agencies with responsibilities 16 17 for estimating revenues or costs, including the preparation of fiscal notes. 18
- 19 (c) The legislative council shall provide staff
 20 assistance to the committee. The committee may request the
 21 assistance of the staffs of the-legislative-council, the
 22 office of the legislative fiscal analyst, the legislative
 23 auditor, the department of revenue, and any other agency
 24 that has information regarding any of the tax or revenue
 25 bases of the state."

- 1 NEW SECTION. Section 4. Effective date. [This act] is
- effective on passage and approval.

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*5-11-112. Functional

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APPROVED BY COMM. ON LEG. ADMIN.

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21	(2) The committee shall meet as often as may be
22	necessary during and between legislative sessions.
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22	<pre>(b) legal counseling;</pre>
23	(c) committee staffing;

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(4) management and business services division, which

- 1 (a) maintain bookkeeping records;
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 - 2-4-305:

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- (b) prepare written recommendations for the adoption,
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HB 21

THIRD READING



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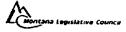
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- 10 partial text of any pertinent material adopted by reference
- 11 under 2-4-307;
- 12 (j) by an affirmative vote of at least six members of
- 13 the committee, contract for the preparation of an economic
- 14 impact statement or require the department to prepare an
- 15 economic impact statement, following the provisions of
- 16 2-4-405:

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- 17 (k) petition the department to promulgate, amend, or
- 18 repeal a rule. Within 60 days after submission of a
- 19 petition, the department shall either deny the petition in
 - writing, stating its reasons for the denial, or shall
- 21 initiate rulemaking proceedings in accordance with 2-4-302
- 22 through 2-4-305.
- 23 (1) make written objection to a proposed rule of the
- 24 department for lack of substantial compliance with 2-4-302
 - 5 through 2-4-305. The provisions of 2-4-406 govern the

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- objection procedure, the department's response, and the procedure for and effect of publication of the objection in the Montana Administrative Register and the Administrative Rules of Montana.
- (m) petition the department for a declaratory ruling as 5 6 to the applicability of any statutory provision or of any 7 rule or order of the department. A copy of a declaratory 8 ruling must be filed with the secretary of state for 9 publication in the register. A declaratory ruling or the 10 refusal to issue such a ruling is subject to judicial review 11 in the same manner as decisions or orders in contested cases 12 under the Montana Administrative Procedure Act.
 - (n) petition for judicial review of the sufficiency of the reasons for the department's finding of imminent peril to the public health, safety, or welfare, cited in support of an emergency or temporary rule proposed by the department under 2-4-303; and
- 18 (o) require the department to conduct the biennial 19 review of its rules as required in 2-4-314 and report its 20 findings to the committee.
- 21 (3) The committee shall exercise legislative oversight
 22 of the department of revenue, including without limitation
 23 the review of:

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24 (a) proposed budgets;

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25 (b) proposed legislation;

1 (c) pending litigation; and

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- 2 (d) major contracts and personnel actions of the 3 department.
 - (4) The committee may investigate and issue reports on any matter concerning taxation or the department of revenue.
 - (5) (a) The committee shall have prepared by December 1 for introduction during each regular session of the legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.
 - (b) The committee's estimate, as introduced in the legislature, constitutes the legislature's current revenue estimate until amended or until final adoption of the estimate by both houses. It is intended that the legislature's estimates and the assumptions underlying the estimates will be used by all agencies with responsibilities for estimating revenues or costs, including the preparation of fiscal notes.
- 19 (c) The legislative council shall provide staff
 20 assistance to the committee. The committee may request the
 21 assistance of the staffs of the-legislative-council, the
 22 office of the legislative fiscal analyst, the legislative
 23 auditor, the department of revenue, and any other agency
 24 that has information regarding any of the tax or revenue
 25 bases of the state."

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- 1 NEW SECTION. Section 4. Effective date. [This act] is
- 2 effective on passage and approval.