

HOUSE BILL NO. 107

INTRODUCED BY COBB, KEATING, GRINDE, KADAS,
FRANKLIN, JERGESON, GROSFIELD, PAVLOVICH
BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE HOUSE

JANUARY 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 22, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 23, 1993	PRINTING REPORT.
JANUARY 25, 1993	SECOND READING, DO PASS.
JANUARY 26, 1993	ENGROSSING REPORT.
JANUARY 27, 1993	THIRD READING, PASSED. AYES, 98; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 29, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
MARCH 22, 1993	COMMITTEE RECOMMEND BILL BE NOT CONCURRED IN. REPORT ADOPTED.
MARCH 23, 1993	ON MOTION, ADOPTION OF ADVERSE COMMITTEE REPORT RECONSIDERED.
MARCH 25, 1993	SECOND READING, CONCURRED IN.
MARCH 26, 1993	THIRD READING, CONCURRED IN. AYES, 39; NOES, 8.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 27, 1993	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 107
 2 INTRODUCED BY C. B. Ketchum SENATE Kedus Reardon
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE Jergeson
 4 Goodfield Parham
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE DUTY
 6 TO CONDUCT SUNRISE AUDITS FROM THE LEGISLATIVE AUDIT
 7 COMMITTEE TO THE ADMINISTRATIVE CODE COMMITTEE; AND AMENDING
 8 SECTIONS 2-8-202, 2-8-205, AND 5-4-207, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 2-8-202, MCA, is amended to read:

12 **"2-8-202. Definitions.** In this part, the following
 13 definitions apply:

14 (1) "Applicant" means the persons or organization
 15 proposing state licensing for an occupation or profession.

16 (2) "Committee" means the legislative----audit
 17 administrative code committee.

18 (3) "License" means a permit, certificate, approval,
 19 registration, charter, or other form of permission required
 20 by law as a condition of practicing a profession or
 21 occupation.

22 (4) "Licensing" means a regulatory process that
 23 includes but is not limited to the grant, denial, renewal,
 24 revocation, suspension, annulment, withdrawal, limitation,
 25 transfer, or amendment of a license.

1 (5) "Licensing board":

2 (a) means an office, position, commission, or any other
 3 entity or instrumentality of the executive branch of state
 4 government that is responsible for licensing members of an
 5 occupation or profession;

6 (b) does not mean an office, position, commission, or
 7 other entity or instrumentality of the executive branch of
 8 state government that is required by federal law to issue a
 9 license or that may, as a result of issuing the license,
 10 receive as an integral part of a regulatory program a
 11 delegation of primary enforcement responsibility for a
 12 program established by state and federal law."

13 **Section 2.** Section 2-8-205, MCA, is amended to read:

14 **"2-8-205. Procedure.** (1) The committee shall adopt an
 15 appropriate form for use by applicants, containing a copy of
 16 this part and requiring applicants to provide:

17 (a) proposed qualifications of licensed practitioners;

18 (b) disciplinary procedures that would be applied to
 19 practitioners;

20 (c) proposed requirements for continuing education, if
 21 any;

22 (d) the information required by 2-8-204; and

23 (e) draft legislation that meets the bill drafting
 24 requirements of the legislative council.

25 (2) After the committee has initiated its review under

1 2-8-203, it may request any additional information it
2 considers necessary to complete its assessment of the
3 proposal.

4 (3) The committee shall hold at least one public
5 hearing during which the applicant and members of the public
6 have an opportunity to testify.

7 (4) At least one copy of the report must be kept on
8 file with the legislative ~~auditor~~ council and made available
9 for public inspection."

10 **Section 3.** Section 5-4-207, MCA, is amended to read:

11 "5-4-207. ~~legislative---audit~~ Administrative code
12 ~~committee report~~ required with licensing bills. A
13 ~~legislative--audit~~ An administrative code committee report
14 provided for in 2-8-203 must be attached to any bill
15 reported out of a committee of the legislature that proposes
16 to:

17 (1) establish a new occupational or professional
18 licensing board as defined in 2-8-202;

19 (2) add to the duties of an existing licensing board
20 responsibility for licensing another occupation or
21 profession; or

22 (3) consolidate two or more existing licensing boards."

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 107

INTRODUCED BY COBB, KEATING, GRINDE, KADAS,
FRANKLIN, JERGESON, GROSFIELD, PAVLOVICH
BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING--THE--DUTY
TO---CONDUCT--SUNRISE--AUDITS--FROM--THE--LEGISLATIVE--AUDIT
COMMITTEE--TO--THE--ADMINISTRATIVE--CODE--COMMITTEE;--AND--AMENDING
SECTIONS--2-8-202, 2-8-205, AND 5-4-207, MCA: ELIMINATING THE
REQUIREMENT TO CONDUCT SUNRISE AUDITS; AMENDING SECTION
5-11-210, MCA; AND REPEALING SECTIONS 2-8-201, 2-8-202,
2-8-203, 2-8-204, 2-8-205, 2-8-206, 2-8-207, 2-8-208, AND
5-4-207, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 5-11-210, MCA, is amended to read:

"5-11-210. Clearinghouse for reports to legislature.

(1) For the purposes of this section, "report" means:

(a) a document required to be prepared for the legislature as required in any of the sections listed in subsection (10); and

(b) unless otherwise provided by law, any other report required by law to be given to or filed with the

legislature.

(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity required to report to the legislature shall provide, in writing, to the executive director of the legislative council:

(a) the final title of the report;

(b) an abstract or description of the contents of the report, not to exceed one page;

(c) a recommendation on how many copies of the report should be provided to the legislature;

(d) the reasons why the number of copies recommended is, in the opinion of the reporting entity, the appropriate number of copies;

(e) an estimated cost for each copy of the report; and

(f) the date on which the entity will deliver the final, published copies of the report to the legislature.

(3) After considering all of the information available about the report, including the number of legislators requesting copies of the report pursuant to subsection (7), the legislative council or the executive director shall, in writing, direct the reporting entity to provide a specific number of copies. The number of copies required is at the sole discretion of the legislative council. The legislative council or the executive director may require the reporting

entity to mail the copies of the report.

(4) The legislative council may require that the report be submitted in an electronic format useable on the legislature's current computer hardware, in a microform, such as microfilm or microfiche, or in a CD-ROM format, meaning compact disc read-only memory.

(5) Costs of preparing and distributing a report to the legislature, including writing, printing, postage, distribution, and all other costs, accrue to the reporting agency. Costs incurred in meeting the requirements of this section may not accrue to the legislative council.

(6) The executive director of the legislative council shall cause to be prepared a list of all reports required to be presented to the legislature from the list of titles received under subsection (2).

(7) The executive director shall, as soon as possible following a general election, mail to each holdover senator, senator-elect, and representative-elect a list of the titles of the reports, along with the abstracts prepared pursuant to subsection (2)(b), available from the legislative council. The list must include a form on which each member or member-elect receiving the list may indicate the report or reports that the member or member-elect would like to receive.

(8) The executive director or the legislative council

shall make copies of reports requested pursuant to subsection (7) available to those members or members-elect by either requiring that copies be mailed pursuant to subsection (3) or by delivering copies of the reports during the first week of the legislative session.

(9) The executive director of the legislative council may keep as many copies of a report as he considers necessary, and copies of the report may be discarded at his discretion.

(10) (a) A report to the legislature includes a report required to be made by a board, bureau, commission, committee, council, department, division, fund, authority, or officer of the state or a local government in 1-11-204, 2-4-411, 2-7-104, 2-8-112, 2-8-203,---2-8-207,---2-8-208, 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126, 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102, 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346, 20-25-236, 20-25-301, 22-3-107, 23-7-203, 33-22-1513, 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103, 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104, 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202, 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704, 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161, 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, or 90-4-111.

1 (b) The procedure outlined in this section may also be
2 used for a report required to be made to the legislature
3 under the Multistate Tax Compact contained in 15-1-601, the
4 Vehicle Equipment Safety Compact contained in 61-2-201, the
5 Multistate Highway Transportation Agreement contained in
6 61-10-1101, or the Western Interstate Nuclear Compact
7 contained in 90-5-201."

8 NEW SECTION. **Section 2. Repealer.** Sections 2-8-201,
9 2-8-202, 2-8-203, 2-8-204, 2-8-205, 2-8-206, 2-8-207,
10 2-8-208, and 5-4-207, MCA, are repealed.

-End-

1 HOUSE BILL NO. 107

2 INTRODUCED BY COBB, KEATING, GRINDE, KADAS,

3 FRANKLIN, JERGESON, GROSFIELD, PAVLOVICH

4 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING--THE--DUTY
7 TO---CONDUCT--SUNRISE--AUDITS--FROM--THE--LEGISLATIVE--AUDIT
8 COMMITTEE--TO--THE--ADMINISTRATIVE--COUNCIL--COMMITTEE,--AND--AMENDING
9 SECTIONS--2-8-202,--2-8-205,--AND--5-4-207,--MCA, ELIMINATING THE
10 REQUIREMENT TO CONDUCT SUNRISE AUDITS; AMENDING SECTION
11 5-11-210, MCA; AND REPEALING SECTIONS 2-8-201, 2-8-202,
12 2-8-203, 2-8-204, 2-8-205, 2-8-206, 2-8-207, 2-8-208, AND
13 5-4-207, MCA."
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 (Refer to Introduced Bill)

17 Strike everything after the enacting clause and insert:

18 Section 1. Section 5-11-210, MCA, is amended to read:

19 "5-11-210. Clearinghouse for reports to legislature.

20 (1) For the purposes of this section, "report" means:

21 (a) a document required to be prepared for the
22 legislature as required in any of the sections listed in
23 subsection (10); and

24 (b) unless otherwise provided by law, any other report
25 required by law to be given to or filed with the

1 legislature.

2 (2) On or before September 1 of each year preceding the
3 convening of a regular session of the legislature, an entity
4 required to report to the legislature shall provide, in
5 writing, to the executive director of the legislative
6 council:

7 (a) the final title of the report;

8 (b) an abstract or description of the contents of the
9 report, not to exceed one page;

10 (c) a recommendation on how many copies of the report
11 should be provided to the legislature;

12 (d) the reasons why the number of copies recommended
13 is, in the opinion of the reporting entity, the appropriate
14 number of copies;

15 (e) an estimated cost for each copy of the report; and

16 (f) the date on which the entity will deliver the
17 final, published copies of the report to the legislature.

18 (3) After considering all of the information available
19 about the report, including the number of legislators
20 requesting copies of the report pursuant to subsection (7),
21 the legislative council or the executive director shall, in
22 writing, direct the reporting entity to provide a specific
23 number of copies. The number of copies required is at the
24 sole discretion of the legislative council. The legislative
25 council or the executive director may require the reporting

1 entity to mail the copies of the report.

2 (4) The legislative council may require that the report
3 be submitted in an electronic format useable on the
4 legislature's current computer hardware, in a microform,
5 such as microfilm or microfiche, or in a CD-ROM format,
6 meaning compact disc read-only memory.

7 (5) Costs of preparing and distributing a report to the
8 legislature, including writing, printing, postage,
9 distribution, and all other costs, accrue to the reporting
10 agency. Costs incurred in meeting the requirements of this
11 section may not accrue to the legislative council.

12 (6) The executive director of the legislative council
13 shall cause to be prepared a list of all reports required to
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17 following a general election, mail to each holdover senator,
18 senator-elect, and representative-elect a list of the titles
19 of the reports, along with the abstracts prepared pursuant
20 to subsection (2)(b), available from the legislative
21 council. The list must include a form on which each member
22 or member-elect receiving the list may indicate the report
23 or reports that the member or member-elect would like to
24 receive.

25 (8) The executive director or the legislative council

1 shall make copies of reports requested pursuant to
2 subsection (7) available to those members or members-elect
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5 the first week of the legislative session.

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7 may keep as many copies of a report as he considers
8 necessary, and copies of the report may be discarded at his
9 discretion.

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11 required to be made by a board, bureau, commission,
12 committee, council, department, division, fund, authority,
13 or officer of the state or a local government in 1-11-204,
14 2-4-411, 2-7-104, 2-8-112, 2-8-2037---2-8-2037---2-8-2087,
15 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126,
16 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102,
17 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346,
18 20-25-236, 20-25-301, 22-3-107, 23-7-203, 33-22-1513,
19 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103,
20 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104,
21 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202,
22 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704,
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25 90-4-111.

1 (b) The procedure outlined in this section may also be
2 used for a report required to be made to the legislature
3 under the Multistate Tax Compact contained in 15-1-601, the
4 Vehicle Equipment Safety Compact contained in 61-2-201, the
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9 2-8-202, 2-8-203, 2-8-204, 2-8-205, 2-8-206, 2-8-207,
10 2-8-208, and 5-4-207, MCA, are repealed.

-End-

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15 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126,
16 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102,
17 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346,
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