

1 House BILL NO. 529  
2 INTRODUCED BY Brad Melton

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MEMBERS OF STANDING COMMITTEES THAT  
5 CONSIDERED A BILL THAT BECAME LAW TO APPROVE AN ADMINISTRATIVE RULE THAT WILL  
6 IMPLEMENT THE LAW."

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

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10 NEW SECTION. **Section 1. Approval of rule by legislative standing committees that considered law**  
11 **that rule implements.** A rule may not be adopted until it has been approved by the legislative standing  
12 committees that considered the bill that became the law that the rule implements.

13  
14 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
15 integral part of Title 2, chapter 4, and the provisions of Title 2, chapter 4, apply to [section 1].

16 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0529, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

Requiring members of standing committees that considered a bill that became law to approve an administrative rule that will implement the law.

ASSUMPTIONS:

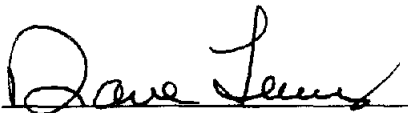
1. Updates to the Administrative Rules of Montana (ARM) are published every two weeks [Secretary of State].
2. Each legislator, except the Senate President and the Speaker of the House, serve on at least one committee that considers legislation that allows or requires the adoption of administrative rules [Legislative Council].
3. Each legislative standing committee will, during the 20-month interim between legislative sessions, conduct a meetings to execute the provisions of the bill.
4. Each of the meetings of the respective standing committees will be attended by 70% of each committee's members. Therefore, legislative consideration of the rules promulgated in the biweekly ARM will require the attendance in Helena of about 70% of all legislators.
5. For each day of 1-day meetings, requiring the attendance of about 105 legislators, the cost for legislator salaries, travel and per diem will be about \$25,400. For each 2-day meeting of 105 legislators, the cost for legislator salaries, travel and per diem will be about \$35,100.
6. The number of passed bills requiring rule making cannot be accurately predicted, nor can the number of meetings needed to approve rules. If ten 1-day meetings were held, half in FY95 and FY96, the cost to the general fund would be approximately \$127,000 each fiscal year.
7. Other costs to be considered, but for which no reasonable estimate is made, are potential overtime costs of the Legislative Council and the Secretary of State, plus their increased operating costs.

FISCAL IMPACT:

Insufficient information is available to make an accurate estimate of the fiscal impact of this bill, but it is likely to exceed \$130,000 general fund each year.

TECHNICAL NOTES:

A constitutional issue regarding separation of powers exists with this bill.

 2-18-95

DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

BRAD MOLNAR, PRIMARY SPONSOR      DATE

Fiscal Note for HB0529, as introduced

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