

EXHIBIT #3
DATE Jan 21st 2011
1/19

HB 119

Notes on "EXTENDING EXISTING RULEMAKING AUTHORITY" in the Bill Title

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for Rep. Hendrick - January 15, 2011

- (1) Two new sections reference the board's rulemaking authority (see section 11 and section 12).
- (2) Because these are new sections, not existing statutes, the board's rulemaking is being extended.
- (3) Because the board currently has rulemaking authority and the new sections only clarify what is just confusion in existing law, the rulemaking authority presently exists and is not new.
- (4) Article V, section 11(3) of the Montana Constitution states that "If any subject is embraced in any act and is not expressed in the title, only so much of the act not so expressed is void." The main purpose of this provision is to ensure that the title gives reasonable notice of bill content to the legislature and the public.
- (5) Before last session, the Legislative Council, which is a legislative committee that handles administration of the Legislative Services Divisions on behalf of the legislature, expressed concern that legislators and the public should be made more aware of rulemaking by state agencies. Thus, a provision was added to our bill drafting manual and drafter checklist to require that anytime a bill establishes new rulemaking or extends rulemaking to new sections, the bill title must include a statement about the rulemaking.
- (6) Thus, "EXTENDING EXISTING RULEMAKING AUTHORITY" was put into the title of HB 119.