

SENATE BILL NO. 317

INTRODUCED BY L. JONES

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A POLICY REVIEW COMMISSION TO REVIEW  
5 DEPARTMENT OF REVENUE ADMINISTRATIVE RULES AND PROPOSED LEGISLATION; PROVIDING FOR  
6 THE APPOINTMENT AND COMPENSATION OF COMMISSION MEMBERS; ALLOWING COMMISSION  
7 MEMBERS TO REQUEST A HEARING AND VOTE ON AN ADMINISTRATIVE RULE OR PROPOSED  
8 LEGISLATION PRIOR TO THE RULE BEING PUBLISHED OR THE LEGISLATION BEING REQUESTED;  
9 REQUIRING THE COMMISSION TO REPORT ANY NONUNANIMOUS VOTES TO THE LEGISLATURE; AND  
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

13  
14 **NEW SECTION. Section 1. Policy review commission -- creation -- appointment -- compensation.**

- 15 (1) There is a department of revenue policy review commission composed of five members, including:
- 16 (a) the director of revenue as provided in 2-15-1301 or the director's designee;
  - 17 (b) one member each appointed by the presiding officers of the senate taxation committee and the house  
18 taxation committee in consultation with leadership; and
  - 19 (c) one member each appointed by the vice presiding officers for the minority party of the senate taxation  
20 committee and the house taxation committee in consultation with legislative leadership.
- 21 (2) (a) The presiding officers and vice presiding officers for the minority party of the senate taxation  
22 committee and house taxation committee shall each appoint a commissioner by the first day of the legislative  
23 session.
- 24 (b) Each commissioner appointed by the legislature shall serve until the appointment of a replacement.
  - 25 (c) In the case of a vacancy, the presiding officer or vice presiding officer who named the commissioner  
26 creating the vacancy shall appoint a successor within 30 days.
- 27 (3) A commissioner appointed by the legislature shall possess knowledge of the subject of taxation and  
28 skill in matters relating to taxation.
- 29 (4) Each commissioner is entitled to be paid \$85 for each day in which the commissioner is actually and  
30 necessarily engaged in the performance of commission duties and is also entitled to be reimbursed for travel

1 expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of commission duties.  
2 Commissioners who are full-time salaried officers or employees of this state or of a political subdivision of this  
3 state are not entitled to be compensated for their service as members except when they perform their board  
4 duties outside their regular working hours or during time charged against their leave, but those members are  
5 entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

6 (5) A presiding officer must be selected by the commission from its membership at the first meeting of  
7 each biennium.

8 (6) For the purposes of this section, "vice presiding officer for the minority party" means the minority  
9 party's leader on the committee even if not officially designated as a vice presiding officer.

10  
11 **NEW SECTION. Section 2. Duties of policy review commission -- report to legislature.** (1) The  
12 policy review commission established in [section 1] may review and conduct hearings on:

13 (a) the proposed adoption, amendment, or repeal of any rule by the department; and

14 (b) any legislation that the department plans to request at a legislative session.

15 (2) (a) Commissioners shall monitor administrative rulemaking by the department and may request a  
16 review of a proposed administrative rule within 10 days of a hearing or 28 days after notice of a proposed rule  
17 if there is no hearing. Each commissioner must be treated as an interested person for the purpose of the notice  
18 requirements in 2-4-302.

19 (b) The department shall notify commissioners of any proposed legislation to be requested from an  
20 interim committee. A commissioner may request a review of the proposed legislation within 28 days of notification  
21 of the proposed legislation.

22 (3) Upon a written request for review, the commission shall meet within 30 days of the request and allow  
23 for public comment on the rule or legislation for which the meeting was requested. The commission shall vote  
24 on the proposed action and, if a vote is not unanimous, the vote must be documented and the commission shall  
25 designate a member to report on the vote to the appropriate interim committee as provided for in Title 5, chapter  
26 5, part 2. The commission shall report to the legislature as provided in 5-11-210 on all proposed rules and  
27 legislation for which the commission vote was not unanimous.

28 (4) The department may not file an adoption notice with the secretary of state as provided in 2-4-306 or  
29 request legislation from an interim committee if a commissioner requests review of the action as provided in  
30 subsection (2) until after meeting and voting on the proposed action as provided in subsection (3).

