



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

**Bill #** SB0277

**Title:** Generally revising laws related to state's rights

**Primary Sponsor:** McGillvray, Tom

**Status:** As Introduced

- Significant Local Gov Impact     
 Needs to be included in HB 2     
 Technical Concerns  
 Included in the Executive Budget     
 Significant Long-Term Impacts     
 Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** SB 277 has no fiscal impact to the state.

### FISCAL ANALYSIS

**Assumptions:**

- SB 277 relates to the Legislative Council and the Montana Attorney General actions with respect to Presidential Executive Orders (EO). The state cannot anticipate Presidential EOs, nor the Montana Attorney Generals' determination regarding the constitutionality of Eos, and thus cannot determine any fiscal impacts.

**Technical Notes:**

1. The separation of powers doctrine prohibits a state attorney general from declaring a presidential executive order unconstitutional as provided in subsection (2). This is the duty of the judiciary. Challenges to the constitutionality of an executive order must be pursued in the courts.
2. SB 277 conflicts with 2-15-103, MCA, which establishes that the Governor is the CEO of the state and vested with the final authority over all departments and units (except those of other constitutional officers), by granting that authority to the Attorney General by allowing the Attorney General to direct the actions of those departments.

*Mrs*

*Sponsor's Initials*

*Date*

*KA*

*Budget Director's Initials*

*2/23/21*

*Date*