

MODEL CONCEPTS FOR APPROPRIATE GOVERNMENT

In order for our country and its governments (national, state, and local) to operate well and at their highest potential, it is imperative to maintain checks and balances, transparency, and accountability throughout the systems that exist. Proper principles help ensure that the process works well and stops power from centralizing in any one position, person, entity, or location.

Concept #1

90-Day Public Review Period for Proposed Legislation

Background

When legislation is proposed, it is presented publicly, but the legislature involved may vote on the proposed legislation quickly, with very little to no substantive time for the public to review and comment on the proposed legislation. As public input is a critical check and balance in the lawmaking process, this concept addresses ways to increase public input and help ensure that there is time for citizen input in the lawmaking process.

The rulemaking acts for administrative agencies already recognize and incorporate the necessity of a public comment period. Thus, this concept simply seeks to apply practices that already exist in the legislative process to be a check and balance against rushed or secretive deals.

Model Concepts

- All proposed legislation, except for emergency legislation, must be made public for at least 90 days prior to the time on which it may be voted on by a legislative body.
- A legislative body may make changes to proposed legislation after the 90-day period public review period, but a legislative body may not take a vote on the changed legislation until one week after the changes are proposed. Changes to sections not already identified in the proposed bill require an additional 90-day public review period.
- “Emergency legislation” is defined to be legislation that is necessary to address immediate and irreparable harm and that is issued prior to the 90-day public review period. No emergency legislation that is passed or enacted may be in effect for longer than the 90-day public review period. The same legislation may be passed after the 90-day public review period has transpired.
- Any law that is passed in violation of these provisions is *void ab initio*.