

## Murdo, Patricia

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**From:** Debby Barrett [grt3177@smtel.com]  
**Sent:** Wednesday, August 18, 2010 10:33 AM  
**To:** Murdo, Patricia; Campbell, Bart  
**Cc:** vancehd67@gmail.com Vance  
**Subject:** bill proposal defining "order"

Pat, Bart & Representative Vance,

The bill draft proposal by Bart Campbell, in my opinion goes too far, and does not allow for immediate emergency situations to protect public health and safety. ( 99% of the orders issued by the BoL and other agencies meet this emergency situation)

I have a much simpler bill proposal:

A Bill for an Act entitled: "An Act defining an order as a command, direction, or instruction issued by an agency by the authority granted that agency by law; providing that agency orders are issued to address an emergency or when urgency is demanded, clarifying that orders are temporary in nature, and that a state program cannot be initiated or established by issuance of an order; providing an immediate effective date."

NEW SECTION. Section 1. Order-- definition-- . (1) As used in this chapter "order" means a command, direction, or instruction, authorized by statute, issued by the department, board, or the board's administrator to be issued during an emergency, or when urgency is demanded. (2) Orders are to be temporary in nature; an order may be rescinded or altered as necessary to address health and safety issues. (3) Orders cannot be used to initiate or establish an ongoing state program.

NEW SECTION. Section 2. (standard) Effective date. ( This act) is effective on passage and approval.

NEW SECTION. Section 3. (standard) Codification instruction.

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I left the Codification instruction. It must be written by Bart or someone with bill drafting knowledge.

I feel this proposal allows agencies to issue orders in emergencies yet it will prevent an agency from establishing a new state program by simply issuing an order. Thus, in the future an agency or board may not abuse their authority to issue an order for health and safety issues.

Also, I plan on attending the portion of tomorrow's meeting when the bill to define order is scheduled.

If time allows, would you kindly share my email with all members of the EAIC?

Sincerely,  
Debby

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