

HOUSE BILL 294

Introduced by Grinde

1/21	Introduced
1/21	Referred to State Administration
1/21	First Reading
1/21	Fiscal Note Requested
1/25	Fiscal Note Received
1/26	Fiscal Note Printed
2/20	Hearing
2/20	Committee Report--Bill Passed
2/26	2nd Reading Passed
2/27	Taken From Engrossing and Placed on 2nd Reading
4/08	2nd Reading Passed
4/10	3rd Reading Passed
	Transmitted to Senate
4/15	On Motion Rules suspended to Allow Late Introduction
4/15	First Reading
4/15	Referred to State Administration
4/19	Hearing
4/22	Tabled in Committee

1                                    HOUSE BILL NO. 294  
2 INTRODUCED BY Larry Hal Grimes  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE  
5 MEETING OF THE LEGISLATURE IN EVEN-NUMBERED YEARS; PROVIDING  
6 FOR THE ORGANIZATION OF THE LEGISLATURE IN THE YEAR  
7 PRECEDING THE MEETING OF THE LEGISLATURE; AMENDING SECTIONS  
8 2-8-105, 5-2-103, 5-2-202, 5-2-203, 5-2-212, 5-5-202,  
9 5-7-103, 5-13-402, 17-7-112, 17-7-202, 90-3-203, AND  
10 90-4-605, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

13        **Section 1.** Section 2-8-105, MCA, is amended to read:

14        "2-8-105. Determination of agencies and programs to be  
15 reviewed. (1) Before September 1 of each even-numbered  
16 odd-numbered year, the governor may furnish the legislative  
17 audit committee with a list of his recommendations for  
18 agencies and programs to be terminated and subject to a  
19 performance audit during the next biennium pursuant to the  
20 provisions of this chapter. The list must be prioritized and  
21 must set forth the governor's reasons for recommending each  
22 agency or program for review.

23        (2) The legislative audit committee shall review the  
24 list submitted by the governor, suggestions from legislators  
25 and legislative committees, staff recommendations, and any

1 other relevant information and compile recommendations of  
2 agencies and programs to be terminated and subject to a  
3 performance audit. The committee shall submit its  
4 recommendations to the next legislature in the form of a  
5 bill terminating those designated agencies and programs at  
6 the times specified in the bill and requiring a performance  
7 audit of each agency and program under the provisions of  
8 Title 2, chapter 8, within the time specified and prior to  
9 termination."

10        **Section 2.** Section 5-2-103, MCA, is amended to read:

11        "5-2-103. Time and place of meeting. Each regular  
12 session of the legislature shall be convened at the seat of  
13 government at 12 noon on the first Monday of January of each  
14 odd-numbered even-numbered year or, if January 1 is a  
15 Monday, on the first Wednesday. The legislature shall meet  
16 at other times when convened by the governor or by the  
17 written request of a majority of the legislators or, when  
18 the legislature is in session, by a recorded vote of a  
19 majority of the legislators."

20        **Section 3.** Section 5-2-202, MCA, is amended to read:

21        "5-2-202. Pre-session activity. (1) Members of the  
22 legislature nominated to leadership positions during the  
23 pre-session caucus and members nominated or appointed to the  
24 legislative administration committees, committee on  
25 committees, and rules committees may meet and perform

1 necessary organizational tasks prior to the session,  
2 including but not limited to appointing committees, hiring  
3 staff, and assigning space and seating.

4 (2) Members of the house appropriations committee and  
5 of the senate finance and claims committee named prior to  
6 the session may begin reviewing requests for appropriations  
7 immediately and may visit state agencies and institutions to  
8 discuss requests.

9 (3) Members of the legislature nominated to leadership  
10 positions during the pre-session caucus shall select a date  
11 during the first week in January of each odd-numbered year  
12 for purposes of holding an organizational meeting of the  
13 legislature."

14 **Section 4.** Section 5-2-203, MCA, is amended to read:

15 "5-2-203. Compensation and expenses. (1) ~~Members-of-the~~  
16 legislature Holdover senators, senators-elect, and  
17 representatives-elect attending the pre-session caucus are  
18 entitled to receive compensation and expenses as provided in  
19 5-2-302.

20 (2) While engaged in pre-session business, members  
21 nominated to serve as officers of the legislature and  
22 members of the committees named in 5-2-202 are entitled to  
23 receive compensation and expenses as provided in 5-2-302."

24 **Section 5.** Section 5-2-212, MCA, is amended to read:

25 "5-2-212. Organization of senate. At 12 noon on the day

1 ~~appointed-for-the-meeting-of-any-regular-session-of-the~~  
2 ~~legislature selected pursuant to 5-2-202(3),~~ the senior  
3 member present must take the chair, call the senators and  
4 senators-elect to order, call over the senators from the  
5 certified roster prepared by the secretary of state, and  
6 then, from the certified roster prepared by the secretary of  
7 state, call over the senatorial districts and counties, in  
8 their order, from which members have been elected at the  
9 preceding election. After the same are called the  
10 members-elect must take the constitutional oath of office  
11 and assume their seats. The senate may thereupon, if a  
12 quorum is present, proceed to elect its officers."

13 **Section 6.** Section 5-5-202, MCA, is amended to read:

14 "5-5-202. Interim activities of committees. During an  
15 interim when the legislature is not in session, all  
16 ~~regularly-appointed~~ standing or select committees of either  
17 house appointed prior to the convening of the session or not  
18 formally discharged prior to the final adjournment of the  
19 preceding session shall continue as such committees. They  
20 are empowered to continue to sit as such committees and may  
21 act through their joint subcommittees."

22 **Section 7.** Section 5-7-103, MCA, is amended to read:

23 "5-7-103. Licenses -- fees -- eligibility. (1) Any  
24 adult of good moral character who is a citizen of the United  
25 States and who is otherwise qualified under this chapter may

1 be licensed as a lobbyist. The commissioner shall provide a  
 2 license application form. The application form may be  
 3 obtained in the office of the commissioner and filed  
 4 therein. Upon approval of the application and receipt of the  
 5 license fee of \$10 by the commissioner, a license shall be  
 6 issued which entitles the licensee to practice lobbying on  
 7 behalf of one or more enumerated principals. Each license  
 8 shall expire on December 31 of each even-numbered  
 9 odd-numbered year or may be terminated at the request of the  
 10 lobbyist.

11 (2) No application may be disapproved without affording  
 12 the applicant a hearing. The hearing shall be held and the  
 13 decision entered within 10 days of the date of the filing of  
 14 the application.

15 (3) The fines and license fees collected under this  
 16 chapter shall be deposited in the state treasury."

17 **Section 8.** Section 5-13-402, MCA, is amended to read:

18 **"5-13-402. Audit costs.** (1) Prior to July 1 of each  
 19 even-numbered odd-numbered year, the legislative auditor  
 20 shall advise each agency and the budget director of the  
 21 estimated audit costs for the following biennium. Each  
 22 agency shall include the estimated audit costs in its  
 23 proposed budget submitted to the budget director pursuant to  
 24 17-7-112. The budget director shall notify the legislative  
 25 auditor if the executive budget recommendation to the

1 legislature for audit costs differs from that proposed by  
 2 the legislative auditor.

3 (2) Not later than 60 days after adjournment of each  
 4 legislature, the budget director shall provide to the  
 5 legislative auditor a schedule reflecting, by fund, amounts  
 6 appropriated to each agency for audit costs.

7 (3) The legislative auditor shall bill agencies for  
 8 audit services as he considers necessary. In no event may  
 9 the legislative auditor bill an agency for audit services in  
 10 excess of amounts appropriated for audit services.  
 11 Additional audit related services may be provided by the  
 12 legislative auditor at a cost agreed to by an agency and  
 13 billed to the agency."

14 **Section 9.** Section 17-7-112, MCA, is amended to read:

15 **"17-7-112. Submission deadline.** (1) It shall be the  
 16 duty of each department, agency, and office, including the  
 17 Montana university system, to submit the information  
 18 required under 17-7-111 to the budget director on or before  
 19 September 1 in the even year preceding the convening of the  
 20 legislature.

21 (2) Between August 15 and September 30 in the year  
 22 preceding the convening of the legislature, the director  
 23 must submit each state agency's budget request required  
 24 under 17-7-111(2) to the legislative fiscal analyst. The  
 25 transfer of budget information shall be done on a schedule

1 mutually agreed to by the budget director and the  
2 legislative fiscal analyst in a manner that facilitates an  
3 even transfer of budget information during the month of  
4 September and which allows each office to maintain a  
5 reasonable staff workflow.

6 (3) If any department, institution, university unit, or  
7 agency shall fail to present such information within the  
8 time herein specified, the budget director shall note that  
9 fact in the budget submitted to the governor and the budget  
10 director shall prepare and submit to the legislative fiscal  
11 analyst and the governor by October 30 a budget request on  
12 behalf of such department, institution, university unit, or  
13 agency, based upon his studies of the operations, plans, and  
14 needs thereof.

15 (4) The proposed pay plan schedule required by  
16 17-7-111(3) must be submitted to the legislative fiscal  
17 analyst no later than November 15 in the year preceding the  
18 convening of the legislature."

19 **Section 10.** Section 17-7-202, MCA, is amended to read:

20 "17-7-202. Preparation of building programs and  
21 submission to department of administration. (1) Before July  
22 1 of each even-numbered odd-numbered year, each state agency  
23 and institution shall submit to the department of  
24 administration, on forms furnished by the department, a  
25 proposed long-range building program, if any, for the agency

1 or institution. Each agency and institution shall furnish  
2 any additional information requested by the department  
3 relating to the utilization of or need for buildings.

4 (2) The department shall examine the information  
5 furnished by each agency and institution and shall gather  
6 whatever additional information is necessary and conduct  
7 whatever surveys are necessary in order to provide a factual  
8 basis for determining the need for and the feasibility of  
9 the construction of buildings. The information compiled by  
10 the department shall be submitted to the governor before  
11 December 1 of each even-numbered odd-numbered year."

12 **Section 11.** Section 90-3-203, MCA, is amended to read:

13 "90-3-203. Powers and duties of board. The board shall:

14 (1) make loans in science and technology development  
15 projects pursuant to the provisions of this act in the  
16 following areas that have potential to stimulate economic  
17 development in Montana:

- 18 (a) research capability development;
- 19 (b) applied technology research;
- 20 (c) technology transfer and assistance; and
- 21 (d) startup capital or expansion capital projects for  
22 development and commercialization of innovative products and  
23 processes;

24 (2) accept grants or receive devises of money or  
25 property to be used in Montana for loans made pursuant to

1 this chapter; and

2 (3) submit to the governor and the legislature a report  
3 describing the board's programs and accomplishments by  
4 January 1 of each odd-numbered even-numbered year or at the  
5 request of the governor."

6 **Section 12.** Section 90-4-605, MCA, is amended to read:

7 **"90-4-605. Preparation of energy conservation program.**

8 (1) Before June 30 of each odd-numbered even-numbered year,  
9 state agencies shall submit to the department, on forms  
10 provided by the department, a list of any facilities  
11 operated by that agency that have a potential for energy  
12 savings, based on age, energy use, function, and condition  
13 of the building. Agencies may request assistance from the  
14 department to identify these facilities.

15 (2) Based on the criteria in subsection (1), the  
16 department shall select certain facilities for in-depth  
17 energy analyses to identify the technical and financial  
18 feasibility of making energy conservation improvements to  
19 the facilities.

20 (3) During the energy analyses, the department shall  
21 consult with the utilities that serve the selected  
22 facilities to discuss potential impacts on the utilities and  
23 their customers of making energy conservation improvements  
24 to these facilities.

25 (4) Upon completion of the energy analyses, the

1 department shall submit to the governor its findings and a  
2 prioritized list of projects recommended for funding under  
3 the energy conservation program. The department shall rank  
4 projects in terms of cost-effectiveness to the state.

5 (5) The department shall compile a report that must  
6 include the following:

7 (a) a listing of all requests submitted by state  
8 agencies;

9 (b) a summary of the department's review of agency  
10 requests;

11 (c) a summary of the energy analyses conducted by the  
12 department, including the estimated cost of each proposed  
13 project and the estimated energy cost savings of each  
14 proposed project;

15 (d) a description of measures taken by the department  
16 to address the issues that were raised in the consultation  
17 with the affected utilities; and

18 (e) if a fuel switching measure is proposed, an  
19 analysis of the costs to the affected utility and its  
20 customers and of the benefits to the state of the fuel  
21 switching measure.

22 (6) If a fuel switching measure is proposed, the  
23 department shall demonstrate through the analysis required  
24 by subsection (5)(e) that the benefits to the state exceed  
25 the costs to the utility and its customers.

1       (7) The department shall submit the report required by  
2 subsection (5) to the governor before September 1 of each  
3 even-numbered odd-numbered year."

4       NEW SECTION. Section 13. Contingent effective date. If  
5 \_\_\_Bill No. \_\_\_ [LC 348] is approved by the electorate, [this  
6 act] is effective June 30, 1993. If \_\_\_Bill No. \_\_\_ [LC 348]  
7 is not approved by the electorate, [this act] is void.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0294, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would change the meeting of the legislature to even-numbered years from odd-numbered years; provide for the organizational meeting of the legislature to be held during January of each odd-numbered year; and making the act effective June 30, 1993, contingent upon approval by the electorate.

ASSUMPTIONS:

General Assumptions


1. The effective date of the bill is June 30, 1993. It is assumed that legislative sessions will be held during fiscal years 1993, 1994, 1996, and even-numbered years thereafter.
2. For bienniums subsequent to the 1993 biennium, state agencies which incur session-year cyclical costs would have those costs reversed with respect to the years in each biennium. These agencies include, but are not limited to, the Montana Arts Council, Governor's Office, Office of Legislative Fiscal Analyst, Department of Revenue, and the Legislative Council.
3. It is assumed that the FY93 legislative process will involve budgeting and appropriations for one year only: FY94. However, associated cost reductions, if any, during FY93 are assumed to be negligible.

Secretary of State

4. The Secretary of State will publish the complete text of all Constitutional Amendments in the Voter Information Pamphlet and a newspaper in each county.
5. The total number of Constitutional Amendments on the general election ballot for 1992 will be similar to the 1988 and 1990 elections.
6. County Clerk and Recorders will continue to pay for the mailing of the Voter Information Pamphlet.

FISCAL IMPACT:

Minimal impact during the 1993 biennium.

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR  
Office of Budget and Program Planning

1-25-91  
DATE

  
\_\_\_\_\_  
LARRY HAL GRINDE, PRIMARY SPONSOR  
DATE

Fiscal Note for HB0294, as introduced

HB294



Fiscal Note Request, HB0294, as introduced  
Form BD-15  
Page 2

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Cyclical session-year costs will be reversed to even-numbered years during biennia subsequent to the 1993 biennium. Following the 1993 Session, high staff turnover among executive budget and legislative fiscal analysts could be anticipated due to workload and loss of accrued vacation days.

TECHNICAL NOTES:

The details of the annual sessions to be held during the transition period 1993-1994 are not specified. For example, various state statutes regarding budget submission require biennial budget requests or contain reference to "biennium". However, in order to avoid duplication, one of the sessions (probably the 1993 session) would address budgeting and appropriations for only one fiscal year.

**HB 294**

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1 HOUSE BILL NO. 294  
2 INTRODUCED BY Larry Hal Grimes  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE  
5 MEETING OF THE LEGISLATURE IN EVEN-NUMBERED YEARS; PROVIDING  
6 FOR THE ORGANIZATION OF THE LEGISLATURE IN THE YEAR  
7 PRECEDING THE MEETING OF THE LEGISLATURE; AMENDING SECTIONS  
8 2-8-105, 5-2-103, 5-2-202, 5-2-203, 5-2-212, 5-5-202,  
9 5-7-103, 5-13-402, 17-7-112, 17-7-202, 90-3-203, AND  
10 90-4-605, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

13 **Section 1.** Section 2-8-105, MCA, is amended to read:

14 "2-8-105. Determination of agencies and programs to be  
15 reviewed. (1) Before September 1 of each even-numbered  
16 odd-numbered year, the governor may furnish the legislative  
17 audit committee with a list of his recommendations for  
18 agencies and programs to be terminated and subject to a  
19 performance audit during the next biennium pursuant to the  
20 provisions of this chapter. The list must be prioritized and  
21 must set forth the governor's reasons for recommending each  
22 agency or program for review.

23 (2) The legislative audit committee shall review the  
24 list submitted by the governor, suggestions from legislators  
25 and legislative committees, staff recommendations, and any

1 other relevant information and compile recommendations of  
2 agencies and programs to be terminated and subject to a  
3 performance audit. The committee shall submit its  
4 recommendations to the next legislature in the form of a  
5 bill terminating those designated agencies and programs at  
6 the times specified in the bill and requiring a performance  
7 audit of each agency and program under the provisions of  
8 Title 2, chapter 8, within the time specified and prior to  
9 termination."

10 **Section 2.** Section 5-2-103, MCA, is amended to read:

11 "5-2-103. Time and place of meeting. Each regular  
12 session of the legislature shall be convened at the seat of  
13 government at 12 noon on the first Monday of January of each  
14 odd-numbered even-numbered year or, if January 1 is a  
15 Monday, on the first Wednesday. The legislature shall meet  
16 at other times when convened by the governor or by the  
17 written request of a majority of the legislators or, when  
18 the legislature is in session, by a recorded vote of a  
19 majority of the legislators."

20 **Section 3.** Section 5-2-202, MCA, is amended to read:

21 "5-2-202. Pre-session activity. (1) Members of the  
22 legislature nominated to leadership positions during the  
23 pre-session caucus and members nominated or appointed to the  
24 legislative administration committees, committee on  
25 committees, and rules committees may meet and perform

1 necessary organizational tasks prior to the session,  
2 including but not limited to appointing committees, hiring  
3 staff, and assigning space and seating.

4 (2) Members of the house appropriations committee and  
5 of the senate finance and claims committee named prior to  
6 the session may begin reviewing requests for appropriations  
7 immediately and may visit state agencies and institutions to  
8 discuss requests.

9 (3) Members of the legislature nominated to leadership  
10 positions during the pre-session caucus shall select a date  
11 during the first week in January of each odd-numbered year  
12 for purposes of holding an organizational meeting of the  
13 legislature."

14 **Section 4.** Section 5-2-203, MCA, is amended to read:

15 "5-2-203. **Compensation and expenses.** (1) ~~Members-of-the~~  
16 legislature Holdover senators, senators-elect, and  
17 representatives-elect attending the pre-session caucus are  
18 entitled to receive compensation and expenses as provided in  
19 5-2-302.

20 (2) While engaged in pre-session business, members  
21 nominated to serve as officers of the legislature and  
22 members of the committees named in 5-2-202 are entitled to  
23 receive compensation and expenses as provided in 5-2-302."

24 **Section 5.** Section 5-2-212, MCA, is amended to read:

25 "5-2-212. **Organization of senate.** At 12 noon on the day

1 ~~appointed-for-the-meeting-of-any-regular-session-of-the~~  
2 ~~legislature selected pursuant to 5-2-202(3), the senior~~  
3 ~~member present must take the chair, call the senators and~~  
4 ~~senators-elect to order, call over the senators from the~~  
5 ~~certified roster prepared by the secretary of state, and~~  
6 ~~then, from the certified roster prepared by the secretary of~~  
7 ~~state, call over the senatorial districts and counties, in~~  
8 ~~their order, from which members have been elected at the~~  
9 ~~preceding election. After the same are called the~~  
10 ~~members-elect must take the constitutional oath of office~~  
11 ~~and assume their seats. The senate may thereupon, if a~~  
12 ~~quorum is present, proceed to elect its officers."~~

13 **Section 6.** Section 5-5-202, MCA, is amended to read:

14 "5-5-202. **Interim activities of committees.** During an  
15 interim when the legislature is not in session, all  
16 regularly-appointed standing or select committees of either  
17 house appointed prior to the convening of the session or not  
18 formally discharged prior to the final adjournment of the  
19 preceding session shall continue as such committees. They  
20 are empowered to continue to sit as such committees and may  
21 act through their joint subcommittees."

22 **Section 7.** Section 5-7-103, MCA, is amended to read:

23 "5-7-103. **Licenses -- fees -- eligibility.** (1) Any  
24 adult of good moral character who is a citizen of the United  
25 States and who is otherwise qualified under this chapter may

1 be licensed as a lobbyist. The commissioner shall provide a  
 2 license application form. The application form may be  
 3 obtained in the office of the commissioner and filed  
 4 therein. Upon approval of the application and receipt of the  
 5 license fee of \$10 by the commissioner, a license shall be  
 6 issued which entitles the licensee to practice lobbying on  
 7 behalf of one or more enumerated principals. Each license  
 8 shall expire on December 31 of each even-numbered  
 9 odd-numbered year or may be terminated at the request of the  
 10 lobbyist.

11 (2) No application may be disapproved without affording  
 12 the applicant a hearing. The hearing shall be held and the  
 13 decision entered within 10 days of the date of the filing of  
 14 the application.

15 (3) The fines and license fees collected under this  
 16 chapter shall be deposited in the state treasury."

17 **Section 8.** Section 5-13-402, MCA, is amended to read:

18 **\*5-13-402. Audit costs.** (1) Prior to July 1 of each  
 19 even-numbered odd-numbered year, the legislative auditor  
 20 shall advise each agency and the budget director of the  
 21 estimated audit costs for the following biennium. Each  
 22 agency shall include the estimated audit costs in its  
 23 proposed budget submitted to the budget director pursuant to  
 24 17-7-112. The budget director shall notify the legislative  
 25 auditor if the executive budget recommendation to the

1 legislature for audit costs differs from that proposed by  
 2 the legislative auditor.

3 (2) Not later than 60 days after adjournment of each  
 4 legislature, the budget director shall provide to the  
 5 legislative auditor a schedule reflecting, by fund, amounts  
 6 appropriated to each agency for audit costs.

7 (3) The legislative auditor shall bill agencies for  
 8 audit services as he considers necessary. In no event may  
 9 the legislative auditor bill an agency for audit services in  
 10 excess of amounts appropriated for audit services.  
 11 Additional audit related services may be provided by the  
 12 legislative auditor at a cost agreed to by an agency and  
 13 billed to the agency."

14 **Section 9.** Section 17-7-112, MCA, is amended to read:

15 **\*17-7-112. Submission deadline.** (1) It shall be the  
 16 duty of each department, agency, and office, including the  
 17 Montana university system, to submit the information  
 18 required under 17-7-111 to the budget director on or before  
 19 September 1 in the even year preceding the convening of the  
 20 legislature.

21 (2) Between August 15 and September 30 in the year  
 22 preceding the convening of the legislature, the director  
 23 must submit each state agency's budget request required  
 24 under 17-7-111(2) to the legislative fiscal analyst. The  
 25 transfer of budget information shall be done on a schedule

1 mutually agreed to by the budget director and the  
 2 legislative fiscal analyst in a manner that facilitates an  
 3 even transfer of budget information during the month of  
 4 September and which allows each office to maintain a  
 5 reasonable staff workflow.

6 (3) If any department, institution, university unit, or  
 7 agency shall fail to present such information within the  
 8 time herein specified, the budget director shall note that  
 9 fact in the budget submitted to the governor and the budget  
 10 director shall prepare and submit to the legislative fiscal  
 11 analyst and the governor by October 30 a budget request on  
 12 behalf of such department, institution, university unit, or  
 13 agency, based upon his studies of the operations, plans, and  
 14 needs thereof.

15 (4) The proposed pay plan schedule required by  
 16 17-7-111(3) must be submitted to the legislative fiscal  
 17 analyst no later than November 15 in the year preceding the  
 18 convening of the legislature."

19 **Section 10.** Section 17-7-202, MCA, is amended to read:

20 "17-7-202. Preparation of building programs and  
 21 submission to department of administration. (1) Before July  
 22 1 of each even-numbered odd-numbered year, each state agency  
 23 and institution shall submit to the department of  
 24 administration, on forms furnished by the department, a  
 25 proposed long-range building program, if any, for the agency

1 or institution. Each agency and institution shall furnish  
 2 any additional information requested by the department  
 3 relating to the utilization of or need for buildings.

4 (2) The department shall examine the information  
 5 furnished by each agency and institution and shall gather  
 6 whatever additional information is necessary and conduct  
 7 whatever surveys are necessary in order to provide a factual  
 8 basis for determining the need for and the feasibility of  
 9 the construction of buildings. The information compiled by  
 10 the department shall be submitted to the governor before  
 11 December 1 of each even-numbered odd-numbered year."

12 **Section 11.** Section 90-3-203, MCA, is amended to read:

13 "90-3-203. Powers and duties of board. The board shall:

14 (1) make loans in science and technology development  
 15 projects pursuant to the provisions of this act in the  
 16 following areas that have potential to stimulate economic  
 17 development in Montana:

- 18 (a) research capability development;
- 19 (b) applied technology research;
- 20 (c) technology transfer and assistance; and
- 21 (d) startup capital or expansion capital projects for  
 22 development and commercialization of innovative products and  
 23 processes;

24 (2) accept grants or receive devises of money or  
 25 property to be used in Montana for loans made pursuant to

1 this chapter; and

2 (3) submit to the governor and the legislature a report  
3 describing the board's programs and accomplishments by  
4 January 1 of each odd-numbered even-numbered year or at the  
5 request of the governor."

6 **Section 12.** Section 90-4-605, MCA, is amended to read:

7 **"90-4-605. Preparation of energy conservation program.**

8 (1) Before June 30 of each odd-numbered even-numbered year,  
9 state agencies shall submit to the department, on forms  
10 provided by the department, a list of any facilities  
11 operated by that agency that have a potential for energy  
12 savings, based on age, energy use, function, and condition  
13 of the building. Agencies may request assistance from the  
14 department to identify these facilities.

15 (2) Based on the criteria in subsection (1), the  
16 department shall select certain facilities for in-depth  
17 energy analyses to identify the technical and financial  
18 feasibility of making energy conservation improvements to  
19 the facilities.

20 (3) During the energy analyses, the department shall  
21 consult with the utilities that serve the selected  
22 facilities to discuss potential impacts on the utilities and  
23 their customers of making energy conservation improvements  
24 to these facilities.

25 (4) Upon completion of the energy analyses, the

1 department shall submit to the governor its findings and a  
2 prioritized list of projects recommended for funding under  
3 the energy conservation program. The department shall rank  
4 projects in terms of cost-effectiveness to the state.

5 (5) The department shall compile a report that must  
6 include the following:

7 (a) a listing of all requests submitted by state  
8 agencies;

9 (b) a summary of the department's review of agency  
10 requests;

11 (c) a summary of the energy analyses conducted by the  
12 department, including the estimated cost of each proposed  
13 project and the estimated energy cost savings of each  
14 proposed project;

15 (d) a description of measures taken by the department  
16 to address the issues that were raised in the consultation  
17 with the affected utilities; and

18 (e) if a fuel switching measure is proposed, an  
19 analysis of the costs to the affected utility and its  
20 customers and of the benefits to the state of the fuel  
21 switching measure.

22 (6) If a fuel switching measure is proposed, the  
23 department shall demonstrate through the analysis required  
24 by subsection (5)(e) that the benefits to the state exceed  
25 the costs to the utility and its customers.

LC 0349/01

1       (7) The department shall submit the report required by  
2 subsection (5) to the governor before September 1 of each  
3 even-numbered odd-numbered year."

4       NEW SECTION. Section 13. Contingent effective date. If  
5 \_\_\_Bill No. \_\_\_ [LC 348] is approved by the electorate, [this  
6 act] is effective June 30, 1993. If \_\_\_Bill No. \_\_\_ [LC 348]  
7 is not approved by the electorate, [this act] is void.

-End-

1                    HOUSE BILL NO. 294  
2     INTRODUCED BY Larry Mac Gruber  
3  
4     A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE  
5     MEETING OF THE LEGISLATURE IN EVEN-NUMBERED YEARS; PROVIDING  
6     FOR THE ORGANIZATION OF THE LEGISLATURE IN THE YEAR  
7     PRECEDING THE MEETING OF THE LEGISLATURE; AMENDING SECTIONS  
8     2-8-105, 5-2-103, 5-2-202, 5-2-203, 5-2-212, 5-5-202,  
9     5-7-103, 5-13-402, 17-7-112, 17-7-202, 90-3-203, AND  
10    90-4-605, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

13            **Section 1.** Section 2-8-105, MCA, is amended to read:

14            "2-8-105. Determination of agencies and programs to be  
15     reviewed. (1) Before September 1 of each even-numbered  
16     odd-numbered year, the governor may furnish the legislative  
17     audit committee with a list of his recommendations for  
18     agencies and programs to be terminated and subject to a  
19     performance audit during the next biennium pursuant to the  
20     provisions of this chapter. The list must be prioritized and  
21     must set forth the governor's reasons for recommending each  
22     agency or program for review.

23            (2) The legislative audit committee shall review the  
24     list submitted by the governor, suggestions from legislators  
25     and legislative committees, staff recommendations, and any

1     other relevant information and compile recommendations of  
2     agencies and programs to be terminated and subject to a  
3     performance audit. The committee shall submit its  
4     recommendations to the next legislature in the form of a  
5     bill terminating those designated agencies and programs at  
6     the times specified in the bill and requiring a performance  
7     audit of each agency and program under the provisions of  
8     Title 2, chapter 8, within the time specified and prior to  
9     termination."

10            **Section 2.** Section 5-2-103, MCA, is amended to read:

11            "5-2-103. Time and place of meeting. Each regular  
12     session of the legislature shall be convened at the seat of  
13     government at 12 noon on the first Monday of January of each  
14     odd-numbered even-numbered year or, if January 1 is a  
15     Monday, on the first Wednesday. The legislature shall meet  
16     at other times when convened by the governor or by the  
17     written request of a majority of the legislators or, when  
18     the legislature is in session, by a recorded vote of a  
19     majority of the legislators."

20            **Section 3.** Section 5-2-202, MCA, is amended to read:

21            "5-2-202. Pre-session activity. (1) Members of the  
22     legislature nominated to leadership positions during the  
23     pre-session caucus and members nominated or appointed to the  
24     legislative administration committees, committee on  
25     committees, and rules committees may meet and perform



1 necessary organizational tasks prior to the session,  
2 including but not limited to appointing committees, hiring  
3 staff, and assigning space and seating.

4 (2) Members of the house appropriations committee and  
5 of the senate finance and claims committee named prior to  
6 the session may begin reviewing requests for appropriations  
7 immediately and may visit state agencies and institutions to  
8 discuss requests.

9 (3) Members of the legislature nominated to leadership  
10 positions during the pre-session caucus shall select a date  
11 during the first week in January of each odd-numbered year  
12 for purposes of holding an organizational meeting of the  
13 legislature."

14 **Section 4.** Section 5-2-203, MCA, is amended to read:

15 "5-2-203. Compensation and expenses. (1) ~~Members of the~~  
16 ~~legislature~~ Holdover senators, senators-elect, and  
17 representatives-elect attending the pre-session caucus are  
18 entitled to receive compensation and expenses as provided in  
19 5-2-302.

20 (2) While engaged in pre-session business, members  
21 nominated to serve as officers of the legislature and  
22 members of the committees named in 5-2-202 are entitled to  
23 receive compensation and expenses as provided in 5-2-302."

24 **Section 5.** Section 5-2-212, MCA, is amended to read:

25 "5-2-212. Organization of senate. At 12 noon on the day

1 ~~appointed for the meeting of any regular session of the~~  
2 ~~legislature selected pursuant to 5-2-202(3), the senior~~  
3 ~~member present must take the chair, call the senators and~~  
4 ~~senators-elect to order, call over the senators from the~~  
5 ~~certified roster prepared by the secretary of state, and~~  
6 ~~then, from the certified roster prepared by the secretary of~~  
7 ~~state, call over the senatorial districts and counties, in~~  
8 ~~their order, from which members have been elected at the~~  
9 ~~preceding election. After the same are called the~~  
10 ~~members-elect must take the constitutional oath of office~~  
11 ~~and assume their seats. The senate may thereupon, if a~~  
12 ~~quorum is present, proceed to elect its officers."~~

13 **Section 6.** Section 5-5-202, MCA, is amended to read:

14 "5-5-202. Interim activities of committees. During an  
15 interim when the legislature is not in session, all  
16 ~~regularly-appointed~~ standing or select committees of either  
17 house appointed prior to the convening of the session or not  
18 formally discharged prior to the final adjournment of the  
19 preceding session shall continue as such committees. They  
20 are empowered to continue to sit as such committees and may  
21 act through their joint subcommittees."

22 **Section 7.** Section 5-7-103, MCA, is amended to read:

23 "5-7-103. Licenses -- fees -- eligibility. (1) Any  
24 adult of good moral character who is a citizen of the United  
25 States and who is otherwise qualified under this chapter may

1 be licensed as a lobbyist. The commissioner shall provide a  
 2 license application form. The application form may be  
 3 obtained in the office of the commissioner and filed  
 4 therein. Upon approval of the application and receipt of the  
 5 license fee of \$10 by the commissioner, a license shall be  
 6 issued which entitles the licensee to practice lobbying on  
 7 behalf of one or more enumerated principals. Each license  
 8 shall expire on December 31 of each even-numbered  
 9 odd-numbered year or may be terminated at the request of the  
 10 lobbyist.

11 (2) No application may be disapproved without affording  
 12 the applicant a hearing. The hearing shall be held and the  
 13 decision entered within 10 days of the date of the filing of  
 14 the application.

15 (3) The fines and license fees collected under this  
 16 chapter shall be deposited in the state treasury."

17 **Section 8.** Section 5-13-402, MCA, is amended to read:

18 "5-13-402. **Audit costs.** (1) Prior to July 1 of each  
 19 even-numbered odd-numbered year, the legislative auditor  
 20 shall advise each agency and the budget director of the  
 21 estimated audit costs for the following biennium. Each  
 22 agency shall include the estimated audit costs in its  
 23 proposed budget submitted to the budget director pursuant to  
 24 17-7-112. The budget director shall notify the legislative  
 25 auditor if the executive budget recommendation to the

1 legislature for audit costs differs from that proposed by  
 2 the legislative auditor.

3 (2) Not later than 60 days after adjournment of each  
 4 legislature, the budget director shall provide to the  
 5 legislative auditor a schedule reflecting, by fund, amounts  
 6 appropriated to each agency for audit costs.

7 (3) The legislative auditor shall bill agencies for  
 8 audit services as he considers necessary. In no event may  
 9 the legislative auditor bill an agency for audit services in  
 10 excess of amounts appropriated for audit services.  
 11 Additional audit related services may be provided by the  
 12 legislative auditor at a cost agreed to by an agency and  
 13 billed to the agency."

14 **Section 9.** Section 17-7-112, MCA, is amended to read:

15 "17-7-112. **Submission deadline.** (1) It shall be the  
 16 duty of each department, agency, and office, including the  
 17 Montana university system, to submit the information  
 18 required under 17-7-111 to the budget director on or before  
 19 September 1 in the even year preceding the convening of the  
 20 legislature.

21 (2) Between August 15 and September 30 in the year  
 22 preceding the convening of the legislature, the director  
 23 must submit each state agency's budget request required  
 24 under 17-7-111(2) to the legislative fiscal analyst. The  
 25 transfer of budget information shall be done on a schedule

1 mutually agreed to by the budget director and the  
2 legislative fiscal analyst in a manner that facilitates an  
3 even transfer of budget information during the month of  
4 September and which allows each office to maintain a  
5 reasonable staff workflow.

6 (3) If any department, institution, university unit, or  
7 agency shall fail to present such information within the  
8 time herein specified, the budget director shall note that  
9 fact in the budget submitted to the governor and the budget  
10 director shall prepare and submit to the legislative fiscal  
11 analyst and the governor by October 30 a budget request on  
12 behalf of such department, institution, university unit, or  
13 agency, based upon his studies of the operations, plans, and  
14 needs thereof.

15 (4) The proposed pay plan schedule required by  
16 17-7-111(3) must be submitted to the legislative fiscal  
17 analyst no later than November 15 in the year preceding the  
18 convening of the legislature."

19 **Section 10.** Section 17-7-202, MCA, is amended to read:

20 "17-7-202. Preparation of building programs and  
21 submission to department of administration. (1) Before July  
22 1 of each even-numbered odd-numbered year, each state agency  
23 and institution shall submit to the department of  
24 administration, on forms furnished by the department, a  
25 proposed long-range building program, if any, for the agency

1 or institution. Each agency and institution shall furnish  
2 any additional information requested by the department  
3 relating to the utilization of or need for buildings.

4 (2) The department shall examine the information  
5 furnished by each agency and institution and shall gather  
6 whatever additional information is necessary and conduct  
7 whatever surveys are necessary in order to provide a factual  
8 basis for determining the need for and the feasibility of  
9 the construction of buildings. The information compiled by  
10 the department shall be submitted to the governor before  
11 December 1 of each even-numbered odd-numbered year."

12 **Section 11.** Section 90-3-203, MCA, is amended to read:

13 **"90-3-203. Powers and duties of board.** The board shall:

14 (1) make loans in science and technology development  
15 projects pursuant to the provisions of this act in the  
16 following areas that have potential to stimulate economic  
17 development in Montana:

- 18 (a) research capability development;
- 19 (b) applied technology research;
- 20 (c) technology transfer and assistance; and
- 21 (d) startup capital or expansion capital projects for  
22 development and commercialization of innovative products and  
23 processes;

24 (2) accept grants or receive devises of money or  
25 property to be used in Montana for loans made pursuant to

1 this chapter; and

2 (3) submit to the governor and the legislature a report  
3 describing the board's programs and accomplishments by  
4 January 1 of each odd-numbered even-numbered year or at the  
5 request of the governor."

6 **Section 12.** Section 90-4-605, MCA, is amended to read:

7 **"90-4-605. Preparation of energy conservation program.**

8 (1) Before June 30 of each odd-numbered even-numbered year,  
9 state agencies shall submit to the department, on forms  
10 provided by the department, a list of any facilities  
11 operated by that agency that have a potential for energy  
12 savings, based on age, energy use, function, and condition  
13 of the building. Agencies may request assistance from the  
14 department to identify these facilities.

15 (2) Based on the criteria in subsection (1), the  
16 department shall select certain facilities for in-depth  
17 energy analyses to identify the technical and financial  
18 feasibility of making energy conservation improvements to  
19 the facilities.

20 (3) During the energy analyses, the department shall  
21 consult with the utilities that serve the selected  
22 facilities to discuss potential impacts on the utilities and  
23 their customers of making energy conservation improvements  
24 to these facilities.

25 (4) Upon completion of the energy analyses, the

1 department shall submit to the governor its findings and a  
2 prioritized list of projects recommended for funding under  
3 the energy conservation program. The department shall rank  
4 projects in terms of cost-effectiveness to the state.

5 (5) The department shall compile a report that must  
6 include the following:

7 (a) a listing of all requests submitted by state  
8 agencies;

9 (b) a summary of the department's review of agency  
10 requests;

11 (c) a summary of the energy analyses conducted by the  
12 department, including the estimated cost of each proposed  
13 project and the estimated energy cost savings of each  
14 proposed project;

15 (d) a description of measures taken by the department  
16 to address the issues that were raised in the consultation  
17 with the affected utilities; and

18 (e) if a fuel switching measure is proposed, an  
19 analysis of the costs to the affected utility and its  
20 customers and of the benefits to the state of the fuel  
21 switching measure.

22 (6) If a fuel switching measure is proposed, the  
23 department shall demonstrate through the analysis required  
24 by subsection (5)(e) that the benefits to the state exceed  
25 the costs to the utility and its customers.

LC 0349/01

1       (7) The department shall submit the report required by  
2 subsection (5) to the governor before September 1 of each  
3 even-numbered odd-numbered year."

4       NEW SECTION. Section 13. Contingent effective date. If  
5 \_\_\_ Bill No. \_\_\_ [LC 348] is approved by the electorate, [this  
6 act] is effective June 30, 1993. If \_\_\_ Bill No. \_\_\_ [LC 348]  
7 is not approved by the electorate, [this act] is void.

-End-