

HOUSE BILL 605

Introduced by Cohen, et al.

2/05	Introduced
2/05	Referred to State Administration
2/05	First Reading
2/15	Hearing
2/15	Committee Report--Bill Passed
2/23	2nd Reading Passed as Amended
2/26	3rd Reading Failed

1 HOUSE BILL NO. 605
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT TO 6 YEARS THE
5 AMOUNT OF TIME THAT A LEGISLATOR MAY SERVE ON STATUTORY
6 COMMITTEES, INCLUDING THE MONTANA-WESTERN CANADIAN PROVINCES
7 BOUNDARY ADVISORY COMMITTEE, THE GAMING ADVISORY COUNCIL,
8 THE LEGISLATIVE COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE,
9 THE LEGISLATIVE AUDIT COMMITTEE, THE ADMINISTRATIVE CODE
10 COMMITTEE, THE LEGISLATIVE CONSUMER COMMITTEE, THE CAPITOL
11 BUILDING AND PLANNING COMMITTEE, THE REVENUE OVERSIGHT
12 COMMITTEE, THE COAL TAX OVERSIGHT SUBCOMMITTEE, THE
13 COMMITTEE ON INDIAN AFFAIRS, THE LOTTERY LEGISLATIVE LIAISON
14 COMMITTEE, THE WATER POLICY COMMITTEE, AND THE ENERGY POLICY
15 COMMITTEE; AMENDING SECTIONS 1-13-103, 2-15-2021, 5-11-102,
16 5-12-203, 5-13-202, 5-14-102, 5-15-103, 5-17-101, 5-18-103,
17 5-18-201, 5-19-103, 23-5-1008, 85-2-105, AND 90-4-303, MCA;
18 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 **Section 1.** Section 1-13-103, MCA, is amended to read:
22 "1-13-103. **Committee membership.** The committee consists
23 of nine members, including the governor or his designee, who
24 shall act as chairman. Four members must be chosen by the
25 legislative council, including two from the senate and two

1 from the house of representatives. The vice-chairman must be
2 one of the legislative members. Four executive branch
3 members must be appointed by the governor, including one
4 each from agencies responsible for issues related to
5 agriculture; water and natural resources; economic
6 development, trade, and tourism; and research and education.
7 A legislative member may not serve for more than 6 years on
8 the committee."

9 **Section 2.** Section 2-15-2021, MCA, is amended to read:
10 "2-15-2021. Gaming advisory council -- allocation --
11 composition -- compensation -- annual report. (1) There is a
12 gaming advisory council.

13 (2) The gaming advisory council is allocated to the
14 department for administrative purposes only as prescribed in
15 2-15-121.

16 (3) The gaming advisory council consists of nine
17 members. One member must be from the senate, and one member
18 must be from the house of representatives. The senate
19 committee on committees and the speaker of the house of
20 representatives shall appoint the legislative members of the
21 council. The seven remaining members must be appointed by
22 the department, with one representing the public at large,
23 two representing local governments, one being a Native
24 American, and three representing the gaming industry.

25 (4) Each gaming advisory council member is appointed to



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1 a 3-year term of office, except that three of the
 2 first-appointed original members shall serve a 1-year term,
 3 three (including both legislative members) shall serve a
 4 2-year term, and three shall serve a 3-year term. A member
 5 of the council may be removed for good cause by the
 6 appointing body provided for in subsection (3). A
 7 legislative member may not serve for more than 6 years on
 8 the council.

9 (5) The gaming advisory council shall appoint a
 10 chairman from its members.

11 (6) Legislative members of the gaming advisory council
 12 are entitled to compensation and expenses, as provided in
 13 5-2-302, while the council is meeting. The remaining members
 14 are entitled to travel, meals, and lodging expenses as
 15 provided for in 2-18-501 through 2-18-503. Expenses of the
 16 council must be paid from licensing fees received by the
 17 department.

18 (7) The gaming advisory council shall, within its
 19 authorized budget, hold meetings and incur expenses as it
 20 considers necessary to study all aspects of gambling in the
 21 state.

22 (8) (a) The gaming advisory council shall submit an
 23 annual report to the department, at a time designated by the
 24 department, with recommendations for amendments to the
 25 gambling statutes, the need for additional or modified

1 department rules, the clarification of existing rules, and
 2 other recommendations on the operation of the department or
 3 any other gambling-related matter.

4 (b) The annual report required under subsection (8)(a)
 5 must be affixed to the annual department report on gambling
 6 in the state. The department and council shall submit the
 7 two most recent department and council reports to each of
 8 the next two regular sessions of the legislature.

9 (c) The council may submit interim reports to the
 10 department as the council considers necessary.

11 (d) The council shall meet with the department upon
 12 request of the department.

13 (e) The department shall meet with the council upon
 14 request of the council.

15 (9) The department shall give each council member
 16 notice and a copy of each proposed change in administrative
 17 rules relating to gambling. The notice and copy must be
 18 given at the time a notice of proposed rules changes is
 19 filed with the secretary of state. The council shall review
 20 the proposal, may comment on it, and may attend any hearing
 21 on the proposal. The department shall consider any comment
 22 by any council member or by the council as a whole prior to
 23 adopting the proposed change."

24 **Section 3.** Section 5-11-102, MCA, is amended to read:
 25 "5-11-102. Term. Membership on the council is for 2

1 years and terminates with the appointment of a new council
 2 or on the 50th legislative day of the next regular session
 3 following the one in which the appointment was made,
 4 whichever event occurs first. A new council shall be
 5 appointed no later than the 50th day of each regular
 6 session. A member may not serve for more than 6 years on the
 7 council."

8 **Section 4.** Section 5-12-203, MCA, is amended to read:

9 "5-12-203. Term -- officers -- compensation. (1)
 10 Appointments are for 2 years, and a member of the committee
 11 shall serve until his term of office as a legislator ends or
 12 until his successor is appointed, whichever occurs first. A
 13 member may not serve for more than 6 years on the committee.

14 (2) The committee shall elect one of its members as
 15 chairman and such other officers as it considers necessary.

16 (3) Members of the committee are entitled to receive
 17 compensation and expenses as provided in 5-2-302."

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

19 "5-13-202. Appointment and term of members -- officers
 20 -- vacancies. (1) The legislative audit committee consists
 21 of four members of the senate and four members of the house
 22 of representatives appointed before the 60th legislative day
 23 of each regular session in the same manner as standing
 24 committees of the respective houses are appointed. No more
 25 than two of the appointees of each house may be members of

1 the same political party.

2 (2) A member of the committee shall serve until his
 3 term of office as a legislator ends or until his successor
 4 is appointed, whichever occurs first. A member may not serve
 5 for more than 6 years on the committee.

6 (3) The committee shall elect one of its members as
 7 chairman and such other officers as it considers necessary.

8 (4) A vacancy on the committee occurring when the
 9 legislature is not in session shall be filled by the
 10 selection of a member of the legislature by the remaining
 11 members of the committee."

12 **Section 6.** Section 5-14-102, MCA, is amended to read:

13 "5-14-102. Term of office. A member of the committee
 14 shall serve until his term of office as a legislator ends or
 15 until the end of the 60th legislative day of the session of
 16 the biennium following his appointment or until his
 17 successor is appointed, whichever occurs first. A member may
 18 not serve for more than 6 years on the committee."

19 **Section 7.** Section 5-15-103, MCA, is amended to read:

20 "5-15-103. Term of office. A member shall serve until
 21 his term of office as a legislator ends and until his
 22 successor is appointed. A member may not serve for more than
 23 6 years on the committee."

24 **Section 8.** Section 5-17-101, MCA, is amended to read:

25 "5-17-101. Capitol building and planning committee --

1 appointment, composition, and meetings. (1) There is a
2 capitol building and planning committee consisting of eight
3 members as follows:

4 (a) two members of the house of representatives
5 appointed by the speaker on a bipartisan basis;

6 (b) two members of the senate appointed by the
7 committee on committees on a bipartisan basis;

8 (c) the director of the department of administration,
9 who shall serve as a nonvoting member;

10 (d) the administrator of the architectural and
11 engineering division of the department of administration,
12 who shall serve as a nonvoting member;

13 (e) a representative of the governor's office,
14 designated by the governor, who shall serve as a nonvoting
15 member; and

16 (f) a representative of the city of Helena, designated
17 by the governing body, who shall serve as a nonvoting
18 member.

19 (2) The committee shall select a chairman, who may call
20 meetings at his discretion for the conduct of committee
21 business.

22 (3) A member appointed under subsection (1)(a) or
23 (1)(b) may not serve for more than 6 years on the
24 committee."

25 **Section 9.** Section 5-18-103, MCA, is amended to read:

1 "5-18-103. Term of office. Appointments to the
2 committee are for 2 years. A member of the committee serves
3 until his term of office as a legislator is ended or his
4 successor is appointed, whichever occurs first. A member may
5 not serve for more than 6 years on the committee."

6 **Section 10.** Section 5-18-201, MCA, is amended to read:

7 "5-18-201. Coal tax oversight subcommittee --
8 appointment and composition. (1) There is a coal tax
9 oversight subcommittee of the revenue oversight committee.

10 (2) The subcommittee consists of four legislators who
11 are not members of the revenue oversight committee. Two
12 members must be from the senate and two members must be from
13 the house of representatives. No more than two members may
14 be of the same political party. The subcommittee shall be
15 appointed by the speaker of the house and the senate
16 committee on committees. A member may not serve for more
17 than 6 years on the subcommittee."

18 **Section 11.** Section 5-19-103, MCA, is amended to read:

19 "5-19-103. Term of office. Appointments to the
20 committee are for 2 years. A member of the committee serves
21 until his term of office as a legislator is ended or his
22 successor is appointed, whichever occurs first. A member may
23 not serve for more than 6 years on the committee."

24 **Section 12.** Section 23-5-1008, MCA, is amended to read:

25 "23-5-1008. Legislative liaison committee -- bipartisan

1 -- compensation from lottery fund. (1) There is a
2 legislative liaison committee.

3 (2) The liaison committee consists of four legislators.
4 Two members must be from the senate and two members must be
5 from the house of representatives. The speaker of the house
6 and the senate committee on committees shall appoint the
7 members of the liaison committee, and no more than two
8 members may be of the same political party. A member may not
9 serve for more than 6 years on the committee. No legislator
10 who has any ownership interest in any gambling device or
11 establishment may be appointed to the liaison committee.

12 (3) A member of the liaison committee is entitled to
13 compensation and expenses as provided in 5-2-302, paid from
14 money appropriated to the lottery, while performing his
15 duties as a member of the liaison committee, as provided in
16 subsection (4) of this section.

17 (4) The liaison committee shall meet once each fiscal
18 year with the commission at Helena and shall report to each
19 legislature on the activities and operations of the state
20 lottery."

21 **Section 13.** Section 85-2-105, MCA, is amended to read:

22 "85-2-105. **Water policy committee.** (1) There is a
23 permanent water policy committee of the legislature. The
24 committee consists of eight members. The senate committee on
25 committees and the speaker of the house of representatives

1 shall each appoint four members on a bipartisan basis. A
2 member may not serve for more than 6 years on the committee.

3 The committee shall elect its chairman and vice-chairman.
4 The committee shall meet as often as necessary, including
5 during the interim between sessions, to perform the duties
6 specified within this section.

7 (2) On a continuing basis, the committee shall:

8 (a) advise the legislature on the adequacy of the
9 state's water policy and of important state, regional,
10 national, and international developments which affect
11 Montana's water resources;

12 (b) oversee the policies and activities of the
13 department of natural resources and conservation, other
14 state executive agencies, and other state institutions, as
15 they affect the water resources of the state; and

16 (c) communicate with the public on matters of water
17 policy as well as the water resources of the state.

18 (3) On a regular basis, the committee shall:

19 (a) analyze and comment on the state water plan
20 required by 85-1-203, when filed by the department;

21 (b) analyze and comment on the report of the status of
22 the state's water development program required by 85-1-621,
23 when filed by the department;

24 (c) analyze and comment on water-related research
25 undertaken by any state agency, institution, college, or

1 university;

2 (d) analyze, verify, and comment on the adequacy of and
3 information contained in the water resources data management
4 system maintained by the department under 85-2-112; and

5 (e) report to the legislature, not less than once every
6 biennium.

7 (4) The environmental quality council shall provide
8 staff assistance to the committee. The committee may
9 contract with experts and consultants, in addition to
10 receiving assistance from the environmental quality council,
11 in carrying out its duties under this section."

12 **Section 14.** Section 90-4-303, MCA, is amended to read:

13 "90-4-303. Energy policy committee. (1) There is
14 established a legislative energy policy committee which
15 consists of eight members. The members shall consist of the
16 president of the senate and the floor leader of the opposite
17 party in the senate and the speaker and minority leader of
18 the house of representatives. Each leadership member shall
19 designate one additional member within 15 days following the
20 close of each session.

21 (2) Unless serving in a leadership position, a member
22 may not serve for more than 6 years on the committee."

23 **NEW SECTION. Section 15.** Effective date. [This act] is
24 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 House BILL NO. 605
2 INTRODUCED BY [Signature]
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT TO 6 YEARS THE
5 AMOUNT OF TIME THAT A LEGISLATOR MAY SERVE ON STATUTORY
6 COMMITTEES, INCLUDING THE MONTANA-WESTERN CANADIAN PROVINCES
7 BOUNDARY ADVISORY COMMITTEE, THE GAMING ADVISORY COUNCIL,
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10 COMMITTEE, THE LEGISLATIVE CONSUMER COMMITTEE, THE CAPITOL
11 BUILDING AND PLANNING COMMITTEE, THE REVENUE OVERSIGHT
12 COMMITTEE, THE COAL TAX OVERSIGHT SUBCOMMITTEE, THE
13 COMMITTEE ON INDIAN AFFAIRS, THE LOTTERY LEGISLATIVE LIAISON
14 COMMITTEE, THE WATER POLICY COMMITTEE, AND THE ENERGY POLICY
15 COMMITTEE; AMENDING SECTIONS 1-13-103, 2-15-2021, 5-11-102,
16 5-12-203, 5-13-202, 5-14-102, 5-15-103, 5-17-101, 5-18-103,
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18 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
19

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 **Section 1.** Section 1-13-103, MCA, is amended to read:

22 "1-13-103. **Committee membership.** The committee consists
23 of nine members, including the governor or his designee, who
24 shall act as chairman. Four members must be chosen by the
25 legislative council, including two from the senate and two

1 from the house of representatives. The vice-chairman must be
2 one of the legislative members. Four executive branch
3 members must be appointed by the governor, including one
4 each from agencies responsible for issues related to
5 agriculture; water and natural resources; economic
6 development, trade, and tourism; and research and education.
7 A legislative member may not serve for more than 6 years on
8 the committee."

9 **Section 2.** Section 2-15-2021, MCA, is amended to read:

10 "2-15-2021. **Gaming advisory council -- allocation --**
11 **composition -- compensation -- annual report.** (1) There is a
12 gaming advisory council.

13 (2) The gaming advisory council is allocated to the
14 department for administrative purposes only as prescribed in
15 2-15-121.

16 (3) The gaming advisory council consists of nine
17 members. One member must be from the senate, and one member
18 must be from the house of representatives. The senate
19 committee on committees and the speaker of the house of
20 representatives shall appoint the legislative members of the
21 council. The seven remaining members must be appointed by
22 the department, with one representing the public at large,
23 two representing local governments, one being a Native
24 American, and three representing the gaming industry.

25 (4) Each gaming advisory council member is appointed to



1 a 3-year term of office, except that three of the
 2 first-appointed original members shall serve a 1-year term,
 3 three (including both legislative members) shall serve a
 4 2-year term, and three shall serve a 3-year term. A member
 5 of the council may be removed for good cause by the
 6 appointing body provided for in subsection (3). A
 7 legislative member may not serve for more than 6 years on
 8 the council.

9 (5) The gaming advisory council shall appoint a
 10 chairman from its members.

11 (6) Legislative members of the gaming advisory council
 12 are entitled to compensation and expenses, as provided in
 13 5-2-302, while the council is meeting. The remaining members
 14 are entitled to travel, meals, and lodging expenses as
 15 provided for in 2-18-501 through 2-18-503. Expenses of the
 16 council must be paid from licensing fees received by the
 17 department.

18 (7) The gaming advisory council shall, within its
 19 authorized budget, hold meetings and incur expenses as it
 20 considers necessary to study all aspects of gambling in the
 21 state.

22 (8) (a) The gaming advisory council shall submit an
 23 annual report to the department, at a time designated by the
 24 department, with recommendations for amendments to the
 25 gambling statutes, the need for additional or modified

1 department rules, the clarification of existing rules, and
 2 other recommendations on the operation of the department or
 3 any other gambling-related matter.

4 (b) The annual report required under subsection (8)(a)
 5 must be affixed to the annual department report on gambling
 6 in the state. The department and council shall submit the
 7 two most recent department and council reports to each of
 8 the next two regular sessions of the legislature.

9 (c) The council may submit interim reports to the
 10 department as the council considers necessary.

11 (d) The council shall meet with the department upon
 12 request of the department.

13 (e) The department shall meet with the council upon
 14 request of the council.

15 (9) The department shall give each council member
 16 notice and a copy of each proposed change in administrative
 17 rules relating to gambling. The notice and copy must be
 18 given at the time a notice of proposed rules changes is
 19 filed with the secretary of state. The council shall review
 20 the proposal, may comment on it, and may attend any hearing
 21 on the proposal. The department shall consider any comment
 22 by any council member or by the council as a whole prior to
 23 adopting the proposed change."

24 **Section 3.** Section 5-11-102, MCA, is amended to read:

25 "5-11-102. Term. Membership on the council is for 2

1 years and terminates with the appointment of a new council
 2 or on the 50th legislative day of the next regular session
 3 following the one in which the appointment was made,
 4 whichever event occurs first. A new council shall be
 5 appointed no later than the 50th day of each regular
 6 session. A member may not serve for more than 6 years on the
 7 council."

8 **Section 4.** Section 5-12-203, MCA, is amended to read:

9 "5-12-203. Term -- officers -- compensation. (1)
 10 Appointments are for 2 years, and a member of the committee
 11 shall serve until his term of office as a legislator ends or
 12 until his successor is appointed, whichever occurs first. A
 13 member may not serve for more than 6 years on the committee.

14 (2) The committee shall elect one of its members as
 15 chairman and such other officers as it considers necessary.

16 (3) Members of the committee are entitled to receive
 17 compensation and expenses as provided in 5-2-302."

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

19 "5-13-202. Appointment and term of members -- officers
 20 -- vacancies. (1) The legislative audit committee consists
 21 of four members of the senate and four members of the house
 22 of representatives appointed before the 60th legislative day
 23 of each regular session in the same manner as standing
 24 committees of the respective houses are appointed. No more
 25 than two of the appointees of each house may be members of

1 the same political party.

2 (2) A member of the committee shall serve until his
 3 term of office as a legislator ends or until his successor
 4 is appointed, whichever occurs first. A member may not serve
 5 for more than 6 years on the committee.

6 (3) The committee shall elect one of its members as
 7 chairman and such other officers as it considers necessary.

8 (4) A vacancy on the committee occurring when the
 9 legislature is not in session shall be filled by the
 10 selection of a member of the legislature by the remaining
 11 members of the committee."

12 **Section 6.** Section 5-14-102, MCA, is amended to read:

13 "5-14-102. Term of office. A member of the committee
 14 shall serve until his term of office as a legislator ends or
 15 until the end of the 60th legislative day of the session of
 16 the biennium following his appointment or until his
 17 successor is appointed, whichever occurs first. A member may
 18 not serve for more than 6 years on the committee."

19 **Section 7.** Section 5-15-103, MCA, is amended to read:

20 "5-15-103. Term of office. A member shall serve until
 21 his term of office as a legislator ends and until his
 22 successor is appointed. A member may not serve for more than
 23 6 years on the committee."

24 **Section 8.** Section 5-17-101, MCA, is amended to read:

25 "5-17-101. Capitol building and planning committee --

1 appointment, composition, and meetings. (1) There is a
2 capitol building and planning committee consisting of eight
3 members as follows:

4 (a) two members of the house of representatives
5 appointed by the speaker on a bipartisan basis;

6 (b) two members of the senate appointed by the
7 committee on committees on a bipartisan basis;

8 (c) the director of the department of administration,
9 who shall serve as a nonvoting member;

10 (d) the administrator of the architectural and
11 engineering division of the department of administration,
12 who shall serve as a nonvoting member;

13 (e) a representative of the governor's office,
14 designated by the governor, who shall serve as a nonvoting
15 member; and

16 (f) a representative of the city of Helena, designated
17 by the governing body, who shall serve as a nonvoting
18 member.

19 (2) The committee shall select a chairman, who may call
20 meetings at his discretion for the conduct of committee
21 business.

22 (3) A member appointed under subsection (1)(a) or
23 (1)(b) may not serve for more than 6 years on the
24 committee."

25 **Section 9.** Section 5-18-103, MCA, is amended to read:

1 "5-18-103. Term of office. Appointments to the
2 committee are for 2 years. A member of the committee serves
3 until his term of office as a legislator is ended or his
4 successor is appointed, whichever occurs first. A member may
5 not serve for more than 6 years on the committee."

6 **Section 10.** Section 5-18-201, MCA, is amended to read:

7 "5-18-201. Coal tax oversight subcommittee --
8 appointment and composition. (1) There is a coal tax
9 oversight subcommittee of the revenue oversight committee.

10 (2) The subcommittee consists of four legislators who
11 are not members of the revenue oversight committee. Two
12 members must be from the senate and two members must be from
13 the house of representatives. No more than two members may
14 be of the same political party. The subcommittee shall be
15 appointed by the speaker of the house and the senate
16 committee on committees. A member may not serve for more
17 than 6 years on the subcommittee."

18 **Section 11.** Section 5-19-103, MCA, is amended to read:

19 "5-19-103. Term of office. Appointments to the
20 committee are for 2 years. A member of the committee serves
21 until his term of office as a legislator is ended or his
22 successor is appointed, whichever occurs first. A member may
23 not serve for more than 6 years on the committee."

24 **Section 12.** Section 23-5-1008, MCA, is amended to read:

25 "23-5-1008. Legislative liaison committee -- bipartisan

1 -- compensation from lottery fund. (1) There is a
2 legislative liaison committee.

3 (2) The liaison committee consists of four legislators.
4 Two members must be from the senate and two members must be
5 from the house of representatives. The speaker of the house
6 and the senate committee on committees shall appoint the
7 members of the liaison committee, and no more than two
8 members may be of the same political party. A member may not
9 serve for more than 6 years on the committee. No legislator
10 who has any ownership interest in any gambling device or
11 establishment may be appointed to the liaison committee.

12 (3) A member of the liaison committee is entitled to
13 compensation and expenses as provided in 5-2-302, paid from
14 money appropriated to the lottery, while performing his
15 duties as a member of the liaison committee, as provided in
16 subsection (4) of this section.

17 (4) The liaison committee shall meet once each fiscal
18 year with the commission at Helena and shall report to each
19 legislature on the activities and operations of the state
20 lottery."

21 **Section 13.** Section 85-2-105, MCA, is amended to read:

22 *85-2-105. Water policy committee. (1) There is a
23 permanent water policy committee of the legislature. The
24 committee consists of eight members. The senate committee on
25 committees and the speaker of the house of representatives

1 shall each appoint four members on a bipartisan basis. A
2 member may not serve for more than 6 years on the committee.

3 The committee shall elect its chairman and vice-chairman.
4 The committee shall meet as often as necessary, including
5 during the interim between sessions, to perform the duties
6 specified within this section.

7 (2) On a continuing basis, the committee shall:

8 (a) advise the legislature on the adequacy of the
9 state's water policy and of important state, regional,
10 national, and international developments which affect
11 Montana's water resources;

12 (b) oversee the policies and activities of the
13 department of natural resources and conservation, other
14 state executive agencies, and other state institutions, as
15 they affect the water resources of the state; and

16 (c) communicate with the public on matters of water
17 policy as well as the water resources of the state.

18 (3) On a regular basis, the committee shall:

19 (a) analyze and comment on the state water plan
20 required by 85-1-203, when filed by the department;

21 (b) analyze and comment on the report of the status of
22 the state's water development program required by 85-1-621,
23 when filed by the department;

24 (c) analyze and comment on water-related research
25 undertaken by any state agency, institution, college, or

1 university;

2 (d) analyze, verify, and comment on the adequacy of and
3 information contained in the water resources data management
4 system maintained by the department under 85-2-112; and

5 (e) report to the legislature, not less than once every
6 biennium.

7 (4) The environmental quality council shall provide
8 staff assistance to the committee. The committee may
9 contract with experts and consultants, in addition to
10 receiving assistance from the environmental quality council,
11 in carrying out its duties under this section."

12 **Section 14.** Section 90-4-303, MCA, is amended to read:

13 ***90-4-303. Energy policy committee.** (1) There is
14 established a legislative energy policy committee which
15 consists of eight members. The members shall consist of the
16 president of the senate and the floor leader of the opposite
17 party in the senate and the speaker and minority leader of
18 the house of representatives. Each leadership member shall
19 designate one additional member within 15 days following the
20 close of each session.

21 (2) Unless serving in a leadership position, a member
22 may not serve for more than 6 years on the committee."

23 **NEW SECTION. Section 15.** Effective date. [This act] is
24 effective on passage and approval.

-End-

HOUSE BILL NO. 605

INTRODUCED BY COHEN, GILBERT

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT TO 6 YEARS THE AMOUNT OF TIME THAT A LEGISLATOR MAY SERVE ON STATUTORY COMMITTEES, INCLUDING THE MONTANA-WESTERN CANADIAN PROVINCES BOUNDARY ADVISORY COMMITTEE, THE GAMING ADVISORY COUNCIL, THE LEGISLATIVE COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE AUDIT COMMITTEE, THE ADMINISTRATIVE CODE COMMITTEE, THE LEGISLATIVE CONSUMER COMMITTEE, THE CAPITOL BUILDING AND PLANNING COMMITTEE, THE REVENUE OVERSIGHT COMMITTEE, THE COAL TAX OVERSIGHT SUBCOMMITTEE, THE COMMITTEE ON INDIAN AFFAIRS, THE LOTTERY LEGISLATIVE LIAISON COMMITTEE, THE WATER POLICY COMMITTEE, AND THE ENERGY POLICY COMMITTEE; AMENDING SECTIONS 1-13-103, 2-15-2021, 5-11-102, 5-12-203, 5-13-202, 5-14-102, 5-15-103, 5-17-101, 5-18-103, 5-18-201, 5-19-103, 23-5-1008, 85-2-105, AND 90-4-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 1-13-103, MCA, is amended to read:

"1-13-103. **Committee membership.** The committee consists of nine members, including the governor or his designee, who shall act as chairman. Four members must be chosen by the

legislative council, including two from the senate and two from the house of representatives. The vice-chairman must be one of the legislative members. Four executive branch members must be appointed by the governor, including one each from agencies responsible for issues related to agriculture; water and natural resources; economic development, trade, and tourism; and research and education. A legislative member may not serve for more than 6 years on the committee."

Section 2. Section 2-15-2021, MCA, is amended to read:

"2-15-2021. **Gaming advisory council -- allocation -- composition -- compensation -- annual report.** (1) There is a gaming advisory council.

(2) The gaming advisory council is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(3) The gaming advisory council consists of nine members. One member must be from the senate, and one member must be from the house of representatives. The senate committee on committees and the speaker of the house of representatives shall appoint the legislative members of the council. The seven remaining members must be appointed by the department, with one representing the public at large, two representing local governments, one being a Native American, and three representing the gaming industry.

THIRD READING

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AS AMENDED

1 (4) Each gaming advisory council member is appointed to
 2 a 3-year term of office, except that three of the
 3 first-appointed original members shall serve a 1-year term,
 4 three (including both legislative members) shall serve a
 5 2-year term, and three shall serve a 3-year term. A member
 6 of the council may be removed for good cause by the
 7 appointing body provided for in subsection (3). A
 8 legislative member may not serve for more than 6 years on
 9 the council.

10 (5) The gaming advisory council shall appoint a
 11 chairman from its members.

12 (6) Legislative members of the gaming advisory council
 13 are entitled to compensation and expenses, as provided in
 14 5-2-302, while the council is meeting. The remaining members
 15 are entitled to travel, meals, and lodging expenses as
 16 provided for in 2-18-501 through 2-18-503. Expenses of the
 17 council must be paid from licensing fees received by the
 18 department.

19 (7) The gaming advisory council shall, within its
 20 authorized budget, hold meetings and incur expenses as it
 21 considers necessary to study all aspects of gambling in the
 22 state.

23 (8) (a) The gaming advisory council shall submit an
 24 annual report to the department, at a time designated by the
 25 department, with recommendations for amendments to the

1 gambling statutes, the need for additional or modified
 2 department rules, the clarification of existing rules, and
 3 other recommendations on the operation of the department or
 4 any other gambling-related matter.

5 (b) The annual report required under subsection (8)(a)
 6 must be affixed to the annual department report on gambling
 7 in the state. The department and council shall submit the
 8 two most recent department and council reports to each of
 9 the next two regular sessions of the legislature.

10 (c) The council may submit interim reports to the
 11 department as the council considers necessary.

12 (d) The council shall meet with the department upon
 13 request of the department.

14 (e) The department shall meet with the council upon
 15 request of the council.

16 (9) The department shall give each council member
 17 notice and a copy of each proposed change in administrative
 18 rules relating to gambling. The notice and copy must be
 19 given at the time a notice of proposed rules changes is
 20 filed with the secretary of state. The council shall review
 21 the proposal, may comment on it, and may attend any hearing
 22 on the proposal. The department shall consider any comment
 23 by any council member or by the council as a whole prior to
 24 adopting the proposed change."

25 **Section 3.** Section 5-11-102, MCA, is amended to read:

1 "5-11-102. **Term.** Membership on the council is for 2
2 years and terminates with the appointment of a new council
3 or on the 50th legislative day of the next regular session
4 following the one in which the appointment was made,
5 whichever event occurs first. A new council shall be
6 appointed no later than the 50th day of each regular
7 session. A member may not serve for more than 6 years on the
8 council."

9 **Section 4.** Section 5-12-203, MCA, is amended to read:

10 "5-12-203. **Term -- officers -- compensation.** (1)
11 Appointments are for 2 years, and a member of the committee
12 shall serve until his term of office as a legislator ends or
13 until his successor is appointed, whichever occurs first. A
14 member may not serve for more than 6 years on the committee.

15 (2) The committee shall elect one of its members as
16 chairman and such other officers as it considers necessary.

17 (3) Members of the committee are entitled to receive
18 compensation and expenses as provided in 5-2-302."

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

20 "5-13-202. **Appointment and term of members -- officers**
21 **-- vacancies.** (1) The legislative audit committee consists
22 of four members of the senate and four members of the house
23 of representatives appointed before the 60th legislative day
24 of each regular session in the same manner as standing
25 committees of the respective houses are appointed. No more

1 than two of the appointees of each house may be members of
2 the same political party.

3 (2) A member of the committee shall serve until his
4 term of office as a legislator ends or until his successor
5 is appointed, whichever occurs first. A member may not serve
6 for more than 6 years on the committee.

7 (3) The committee shall elect one of its members as
8 chairman and such other officers as it considers necessary.

9 (4) A vacancy on the committee occurring when the
10 legislature is not in session shall be filled by the
11 selection of a member of the legislature by the remaining
12 members of the committee."

13 **Section 6.** Section 5-14-102, MCA, is amended to read:

14 "5-14-102. **Term of office.** A member of the committee
15 shall serve until his term of office as a legislator ends or
16 until the end of the 60th legislative day of the session of
17 the biennium following his appointment or until his
18 successor is appointed, whichever occurs first. A member may
19 not serve for more than 6 years on the committee."

20 **Section 7.** Section 5-15-103, MCA, is amended to read:

21 "5-15-103. **Term of office.** A member shall serve until
22 his term of office as a legislator ends and until his
23 successor is appointed. A member may not serve for more than
24 6 years on the committee."

25 **Section 8.** Section 5-17-101, MCA, is amended to read:

1 **"5-17-101. Capitol building and planning committee --**
 2 **appointment, composition, and meetings.** (1) There is a
 3 capitol building and planning committee consisting of eight
 4 members as follows:

5 (a) two members of the house of representatives
 6 appointed by the speaker on a bipartisan basis;

7 (b) two members of the senate appointed by the
 8 committee on committees on a bipartisan basis;

9 (c) the director of the department of administration,
 10 who shall serve as a nonvoting member;

11 (d) the administrator of the architectural and
 12 engineering division of the department of administration,
 13 who shall serve as a nonvoting member;

14 (e) a representative of the governor's office,
 15 designated by the governor, who shall serve as a nonvoting
 16 member; and

17 (f) a representative of the city of Helena, designated
 18 by the governing body, who shall serve as a nonvoting
 19 member.

20 (2) The committee shall select a chairman, who may call
 21 meetings at his discretion for the conduct of committee
 22 business.

23 (3) A member appointed under subsection (1)(a) or
 24 (1)(b) may not serve for more than 6 years on the
 25 committee."

1 **Section 9.** Section 5-18-103, MCA, is amended to read:

2 **"5-18-103. Term of office.** Appointments to the
 3 committee are for 2 years. A member of the committee serves
 4 until his term of office as a legislator is ended or his
 5 successor is appointed, whichever occurs first. A member may
 6 not serve for more than 6 years on the committee."

7 **Section 10.** Section 5-18-201, MCA, is amended to read:

8 **"5-18-201. Coal tax oversight subcommittee --**
 9 **appointment and composition.** (1) There is a coal tax
 10 oversight subcommittee of the revenue oversight committee.

11 (2) The subcommittee consists of four legislators who
 12 are not members of the revenue oversight committee. Two
 13 members must be from the senate and two members must be from
 14 the house of representatives. No more than two members may
 15 be of the same political party. The subcommittee shall be
 16 appointed by the speaker of the house and the senate
 17 committee on committees. A member may not serve for more
 18 than 6 years on the subcommittee."

19 **Section 11.** Section 5-19-103, MCA, is amended to read:

20 **"5-19-103. Term of office.** Appointments to the
 21 committee are for 2 years. A member of the committee serves
 22 until his term of office as a legislator is ended or his
 23 successor is appointed, whichever occurs first. A member may
 24 not serve for more than 6 years on the committee."

25 **Section 12.** Section 23-5-1008, MCA, is amended to read:

1 "23-5-1008. Legislative liaison committee -- bipartisan
 2 -- compensation from lottery fund. (1) There is a
 3 legislative liaison committee.

4 (2) The liaison committee consists of four legislators.
 5 Two members must be from the senate and two members must be
 6 from the house of representatives. The speaker of the house
 7 and the senate committee on committees shall appoint the
 8 members of the liaison committee, and no more than two
 9 members may be of the same political party. A member may not
 10 serve for more than 6 years on the committee. No legislator
 11 who has any ownership interest in any gambling device or
 12 establishment may be appointed to the liaison committee.

13 (3) A member of the liaison committee is entitled to
 14 compensation and expenses as provided in 5-2-302, paid from
 15 money appropriated to the lottery, while performing his
 16 duties as a member of the liaison committee, as provided in
 17 subsection (4) of this section.

18 (4) The liaison committee shall meet once each fiscal
 19 year with the commission at Helena and shall report to each
 20 legislature on the activities and operations of the state
 21 lottery."

22 **Section 13.** Section 85-2-105, MCA, is amended to read:

23 "85-2-105. Water policy committee. (1) There is a
 24 permanent water policy committee of the legislature. The
 25 committee consists of eight members. The senate committee on

1 committees and the speaker of the house of representatives
 2 shall each appoint four members on a bipartisan basis. A
 3 member may not serve for more than 6 years on the committee.

4 The committee shall elect its chairman and vice-chairman.
 5 The committee shall meet as often as necessary, including
 6 during the interim between sessions, to perform the duties
 7 specified within this section.

8 (2) On a continuing basis, the committee shall:

9 (a) advise the legislature on the adequacy of the
 10 state's water policy and of important state, regional,
 11 national, and international developments which affect
 12 Montana's water resources;

13 (b) oversee the policies and activities of the
 14 department of natural resources and conservation, other
 15 state executive agencies, and other state institutions, as
 16 they affect the water resources of the state; and

17 (c) communicate with the public on matters of water
 18 policy as well as the water resources of the state.

19 (3) On a regular basis, the committee shall:

20 (a) analyze and comment on the state water plan
 21 required by 85-1-203, when filed by the department;

22 (b) analyze and comment on the report of the status of
 23 the state's water development program required by 85-1-621,
 24 when filed by the department;

25 (c) analyze and comment on water-related research

1 undertaken by any state agency, institution, college, or
2 university;

3 (d) analyze, verify, and comment on the adequacy of and
4 information contained in the water resources data management
5 system maintained by the department under 85-2-112; and

6 (e) report to the legislature, not less than once every
7 biennium.

8 (4) The environmental quality council shall provide
9 staff assistance to the committee. The committee may
10 contract with experts and consultants, in addition to
11 receiving assistance from the environmental quality council,
12 in carrying out its duties under this section."

13 **Section 14.** Section 90-4-303, MCA, is amended to read:

14 "90-4-303. Energy policy committee. (1) There is
15 established a legislative energy policy committee which
16 consists of eight members. The members shall consist of the
17 president of the senate and the floor leader of the opposite
18 party in the senate and the speaker and minority leader of
19 the house of representatives. Each leadership member shall
20 designate one additional member within 15 days following the
21 close of each session.

22 (2) Unless serving in a leadership position, a member
23 may not serve for more than 6 years on the committee."

24 **NEW SECTION. SECTION 15. APPLICABILITY. [THIS ACT]**

25 **APPLIES TO TERMS OF COMMITTEE MEMBERS THAT BEGIN AFTER [THE**

1 **EFFECTIVE DATE OF THIS ACT].**

2 **NEW SECTION. Section 16. Effective date. [This act] is**
3 **effective on passage and approval.**

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