

MEETING OF THE
LEGISLATIVE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 19, 1981

The eighth meeting of the Legislative Administration committee was called to order by Chairman Kolstad at 1:45 p.m. in Room 410 of the Capitol building on the above date.

ROLL CALL: All members were present at the beginning of the meeting except Senator McCallum. He appeared for the last vote on S.J.R. 21.

CONSIDERATION OF SENATE BILL 282: As Amended - "AN ACT TO ESTABLISH A LEGISLATIVE ENERGY AND NATURAL RESOURCES POLICY REVIEW COMMITTEE."

Senator Dover presented the amended form of SB 282. He said that, in 1977, every bill that came to the Natural Resources committee had a review by the Environmental Quality Council. They don't do that any more. (See exhibit #1)

Senator Mazurek questioned the change. Senator Dover said it had never been laid out as to what they should do.

Terry Carmody, Director, EQC, said this bill defines just exactly what the duties of the EQC really are. If you read them in one light now, there isn't anything they can't do. They don't have any direction from the legislature. The budget for next year is \$150,000 approximate and \$164,000 approximate for the following year. \$111,000 is for salaries the first year and \$120,000 is for salaries the 2nd year. His salary is \$30,000.

Senator Graham asked if he thought he could handle it within his committee and if it gave some direction on what they can and cannot do. Mr. Carmody said it did.

Senator Mazurek asked why that wasn't originally accomplished through the interim committee, and why is it done this way now.

Dover said it was because the questions are always coming up about whether EQC should include people. It is a really good question.

Senator Graham said they should try it for two years and moved that SB 282 DO PASS AS AMENDED. Roll call vote was taken with Senators Hazelbaker, Graham and Kolstad voting Yes and Senator Mazurek voting No. Senator McCallum was absent for this vote. Motion carried.

CONSIDERATION OF SJR 21: Representative Bobby Spilker, House District 32, introduced this Resolution in the absence of Senator Healy. She said she presently serves on the Capitol Building and Planning committee which is made up of legislators and the executive branch and one voting member from Helena. Because the Supreme Court is getting a new building and the Attorney General is moving out, much has to be done with the building. This sets up some general concepts. There is

a separate bill for funding this project. It is necessary for the entire legislature to make some decisions on the concepts of the building. She felt the plan made a lot of sense and that they should keep an open mind while considering it.

Phil Hauck, State Architect, Department of Administration, said the legislature has been good to provide facilities for other agencies, but not for themselves. They now have the opportunity to look at new space being freed up in this building. (See exhibit #2) He didn't think the decision should be made or the money spent without the concern of the legislature. He pointed out priorities. First, the committee rooms are pretty bad and they are too small. Second, a large hearing room, as presently large committee hearings have to be held in the old highway building or SRS, and a lot of people are lost in the transition from building to building. There is a need for a large meeting place. Third, the lockers in the corridors are inadequate for keeping hats, coats and the large amount of material legislators must have. He thinks they should have a desk and telephone some place away from the lobbyists and where they can take their constituents when necessary.

Basically, the building is symmetrical around the rotunda. There are two large rooms on the third floor, one by the law library and one by the Senate chambers. He suggests putting the House in the west wing. The Senate chamber would be moved to the law library. The space for the Senate would be in the east wing. The floor off the Senate chamber will provide more committee rooms -- four on the 4th floor and four on the 3rd. They have considered the paintings in the Senate chambers not valuable. They can maintain these as they are on canvas, or move them. However, they don't feel they are worth keeping. The paintings in the law library are valuable, so those will be maintained. They will be using as much space as exists. He suggested putting in as many desks as they could with a partition between them for privacy. This will commit a large amount of space used only during session, so that each legislator will have to make up his mind on that decision. It will involve moving more people out of the Capitol building. The building would only be used by the legislature, except what is used for the Superintendent of Public Instruction on the 1st floor. They will move the legislative auditors out of the 1st floor west end. This concept would provide for 20 committee rooms. Fire and safety codes for this building have to be met and they would need stairwells for exits from the balconies to the first floor. This would also give legislators private access to the 1st floor while still providing for public safety. There would be new public and private toilets for men and women. There would be concessions on both floors. The estimate includes a new restaurant underground on the 1st floor out the back. Hearing rooms, meeting rooms, and desks with a little bit of privacy would be available. This will cost \$6,750,000 if everything outlined in the attached plans is done. The source of the money is the Capitol Land Grant fund which is income off dedicated state lands set aside for Capitol expansion. This fund has grown to a point where it can sustain a bond issue for this work.

Kathleen McBride, House District 85, Butte, said she felt the Legislative Auditor's office should be close to the legislators because they are one of the resources the legislators use. This office should not be moved out of the Capitol.

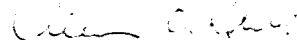
Gene Huntington, O.B.P.P., said this resolution gives the State Architect and Department of Administration some broad general guidelines to work with. This type of planning would make the whole planning easier. He thought it would be good to talk to the interim committee, so he had talked to five members and they are supportive to the idea.

Senator Mazurek asked about moving the Legislative Auditor's office. Mr. Hauck said that, if they were to pursue the desk space, they would have to have the Legislative Auditor's space. They had the same problem with the office of Superintendent of Public Instruction. They are working on various alternatives but do not have a good plan for the Legislative Auditor's office at this time. He said they could have eight committee rooms in that present space. The Legislative Council offices will remain where they are.

At this time, the hearing on SJR 21 was closed.

Senator Mazurek moved that SJR 21 DO PASS. Roll call vote was taken. Senators Mazurek, Hazelbaker, McCallum and Kolstad voted Aye, and Senator Graham voted No.

There being no further business, the meeting was adjourned.



ALLEN C. KOLSTAD, Chairman

SENATE COMMITTEE LEGISLATIVE ADMINISTRATION

Date 2-19-81 SB Bill No. 282 Time 2:20

NAME	YES	NO
Kolstad, Chairman	X	
McCallum, Vice-Chairman	absent	
Hazelbaker	X	
Graham	X	
Mazurek		X

Betty Jakovac
Secretary

Kolstad
Chairman

Motion: Do Pass as amended (amendment attached)

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE LEGISLATIVE ADMINISTRATION

Date 2-19-81 SJR Bill No. 21 Time _____

NAME	YES	NO
Kolstad, Chairman	X	
McCallum, Vice-Chairman	X	
Hazelbaker	X	
Graham		X
Mazurek	X	

Betty Jakovac
Secretary

Kolstad
Chairman

Motion: DO PASS

(include enough information on motion—put with yellow copy of committee report.)

PROPOSED AMENDMENTS TO SB 282

1. Title, line 4.

Following: "TO"

Strike: "ESTABLISH"

Insert: "REQUIRE THE ENVIRONMENTAL QUALITY COUNCIL TO ACT AS"

2. Title, line 6.

Following: "FOR"

Strike: "THE"

Insert: "ADDITIONAL"

3. Title, line 7.

Following: line 6

Strike: "COMMITTEE"

Insert: "COUNCIL"

Following: "ESTABLISHING"

Insert: "ADDITIONAL"

Following: "THE"

Strike: "COMMITTEE"

Insert: "COUNCIL"

4. Title, line 8.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "2-4-402"

Insert: "AND 75-1-301"

5. Page 1 through 10

Strike: all of the bill following the enacting clause

Insert: "

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SENATE BILL NO. 292

INTRODUCED BY DOVER, HAFFERMAN, JOHNSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH REQUIRE-
THE ENVIRONMENTAL QUALITY COUNCIL TO ACT AS A LEGISLATIVE
ENERGY AND NATURAL RESOURCES POLICY REVIEW COMMITTEE;
PROVIDING FOR THE ADDITIONAL DUTIES AND POWERS OF THE
COMMITTEE COUNCIL; ESTABLISHING ADDITIONAL PROCEDURES UNDER
WHICH THE COMMITTEE COUNCIL FUNCTIONS; AND AMENDING SECTIONS
SECTIONS 2-4-402 AND 75-1-301, MCA."

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

Refer to Introduced Bill

(Strike everything after the enacting clause and insert:)

NEW SECTION. Section 1. Short title. [Sections 1
through 11] may be cited as the "Legislative Energy and
Natural Resources Policy Review Act of 1981".

NEW SECTION. Section 2. Purpose. It is the purpose of
[sections 1 through 11] to establish a mechanism for
continual legislative determination and oversight of
policies concerning the development, use, and conservation
of natural resources and energy in this state. In a period
of rapidly changing needs, priorities, and economic
conditions, continual and diligent legislative consideration
of present and future policies affecting the state's energy

1 and natural resources is essential to maintain the viability
2 of the state's economy while also ensuring adequate
3 protection of the physical environment.

4 NEW SECTION. Section 3. Duties of the council
5 concerning energy and natural resource policies. The council
6 shall:

7 (1) review and keep informed of energy and natural
8 resource issues of importance to the state;

9 (2) review for conformance with legislative intent all
10 existing and proposed rules filed with the secretary of
11 state by:

12 (a) the department of natural resources and
13 conservation;

14 (b) the department of state lands;

15 (c) the department of fish, wildlife, and parks;

16 (d) the department of health and environmental
17 sciences relating to its environmental sciences function; or

18 (e) other agencies, whenever those rules substantially
19 affect energy and natural resource policies;

20 (3) review and report to the legislature on the impact
21 of federal policies, statutes, and regulations dealing with
22 the state's energy and natural resources.

23 NEW SECTION. Section 4. Additional powers of the
24 council. In addition to its other powers under this part,
25 the council may:

1 (1) review and comment, upon request, on legislation
2 dealing with energy and natural resources proposed by state
3 agencies and legislators to facilitate a consistent and
4 coordinated policy direction for the state;

5 (2) act as an intermediary and factfinding review
6 authority for persons who contest the validity of rules or
7 legislation.

8 NEW SECTION. Section 5. Review of resource issues.

9 The council shall review and keep informed of energy and
10 natural resource issues of importance to the state. If
11 current laws and rules do not adequately address a program
12 or situation requiring action by state government in the
13 area of energy and natural resources, the council may
14 develop appropriate remedial recommendations to be submitted
15 to the legislature for its consideration at the next regular
16 or special legislative session.

17 NEW SECTION. Section 6. Review of rules. (1) The

18 council shall review all existing and proposed rules of the
19 department as prescribed in subsection (2) of [section 3],
20 as well as any other existing and proposed rules that
21 substantially affect energy and natural resource policies.

22 (2) The council may:

23 (a) prepare written recommendations for the adoption,
24 amendment, or rejection of a rule and submit the
25 recommendations to the applicable department whenever a

1 rulemaking hearing will not be held in accordance with the
 2 provisions of 2-4-302 through 2-4-305;

3 (b) prepare recommendations for the adoption,
 4 amendment, or rejection of a rule and submit oral or written
 5 testimony at a rulemaking hearing;

6 (c) require that a rulemaking hearing be held in
 7 accordance with the provisions of 2-4-302 through 2-4-305;

8 (d) recommend to the legislature the repeal,
 9 amendment, or adoption of a rule as provided in 2-4-412.

10 NEW SECTION. Section 7. Legislative intent -- poll.

11 (1) If the legislature is not in session, the council may
 12 poll the members of the legislature by mail to determine
 13 whether a proposed rule that it has reviewed under section
 14 6! is consistent with the intent of the legislature.

15 (2) If 20 or more legislators object in writing to any
 16 rule of the applicable department, the council shall poll
 17 the members of the legislature.

18 (3) The poll shall include an opportunity for the
 19 applicable department to present a written justification for
 20 the rule to the members of the legislature.

21 NEW SECTION. Section 8. Evidentiary value of

22 legislative poll. (1) The results of a poll conducted by the
 23 council are admissible in a court proceeding involving the
 24 validity of a rule.

25 (2) If the results of the poll show that the majority

1 of the members of both houses find a rule contrary to the
2 intent of the legislature, the rule shall be conclusively
3 presumed to be contrary to the legislative intent in a court
4 proceeding involving its validity.

5 NEW SECTION. Section 9. Review of proposed
6 legislation. (1) All agency bills dealing with energy and
7 natural resources issues may be prepared in draft form and
8 submitted to the council for review and comment by September
9 1 preceding a regular legislative session. Legislators may
10 submit proposed legislation or notices of intent to request
11 legislation dealing with energy and natural resources.

12 (2) The council shall:

13 (a) identify duplication and consolidate bills when
14 possible;

15 (b) request all sponsors to ensure that the
16 legislative intent of a bill is clear;

17 (c) provide sponsors with recommended changes;

18 (d) submit the council's recommendations about
19 legislation it has reviewed to the legislature.

20 NEW SECTION. Section 10. Intermediary and factfinding
21 function. (1) The council may act as an intermediary and
22 factfinding review authority for persons who contest the
23 validity of rules or legislation dealing with energy or
24 natural resources.

25 (2) The council may accept written complaints from any

1 person concerning statutes, rules, programs, or enforcement
2 of them that the complainant believes are arbitrary or
3 inconsistent with legislative intent.

4 (3) The council shall review all complaints within 60
5 days of receipt of the complaint.

6 (4) The council shall submit a statement or its
7 findings, together with relevant documentation, to the
8 responsible agency.

9 (5) The responsible agency shall respond within 30
10 days. The council may extend this time period upon petition
11 by the agency. If no response is received within the
12 designated time period, the rule or program in question
13 shall be submitted to the legislature in a poll under
14 section 7 to determine legislative intent.

15 (6) Following a review of the response, the council
16 shall meet with the responsible agency personnel to discuss
17 possible remedial action.

18 (7) Upon request of the council, the agency shall then
19 submit a plan to the council to comply with the committee's
20 recommendations.

21 (8) If the council finds that a statute in question
22 under this section needs revision, it may submit remedial
23 legislation to the legislature at its next session.

24 (9) The council may hold any hearings it determines
25 necessary to resolve disputes under this section.

1 (10) The council shall diligently attempt to resolve
 2 informally disputes arising under this section.

3 (11) No agency against which a complaint is brought
 4 under this section may retaliate in any manner against a
 5 person bringing the complaint.

6 NEW SECTION. Section 11. Review of federal policies,
 7 statutes, and regulations. (1) The council shall review and
 8 report to the legislature on the impact of federal policies,
 9 statutes, and regulations dealing with the state's energy
 10 and natural resources.

11 (2) The council may comment on its own behalf on
 12 federal policies, statutes, and regulations when
 13 appropriate.

14 Section 12. Section 2-4-402, MCA, is amended to read:

15 "2-4-402. Powers of the committee -- duty to review
 16 rules. (1) The committee shall review all proposed rules
 17 filed with the secretary of state.

18 (2) Rules proposed by the ~~department~~ departments of
 19 revenue, natural resources and conservation, state lands,
 20 fish, wildlife, and parks, health and environmental
 21 sciences, the environmental sciences division, and other
 22 agencies as determined by the environmental quality council
 23 established in 5-16-101 may be reviewed only in regard to
 24 the procedural requirements of the Montana Administrative
 25 Procedure Act.

1 (3) The committee may:

2 (a) prepare written recommendations for the adoption,
 3 amendment, or rejection of a rule and submit those
 4 recommendations to the department proposing the rule when a
 5 rulemaking hearing will not be held in accordance with the
 6 provisions of 2-4-302 through 2-4-305;

7 (b) prepare recommendations for the adoption,
 8 amendment, or rejection of a rule and submit oral or written
 9 testimony at a rulemaking hearing;

10 (c) require that a rulemaking hearing be held in
 11 accordance with the provisions of 2-4-302 through 2-4-305;

12 (d) institute, intervene in, or otherwise participate
 13 in proceedings involving this chapter in the state and
 14 federal courts and administrative agencies;

15 (e) review the incidence and conduct of administrative
 16 proceedings under this chapter."

17 Section 13. Section 75-1-301, MCA, is amended to read:

18 "~~75-1-301. Definition-of-council~~ Definitions. ~~In~~ As
 19 used in this part the following definitions apply:

20 (1) "~~council~~ Council" means the environmental quality
 21 council provided for in 5-16-101.

22 (2) "Person" means a person, firm, corporation,
 23 partnership, association, or other organization or entity."

24 Section 14. Codification instruction. Sections 01
 25 through 11! are intended to be codified as an integral part

1 of title 75, chapter 1, part 3, and the provisions of Title
2 75, chapter 1, part 3, apply to sections [1 through 11].

3 Section 15. Severability. If a part of this act is
4 invalid, all valid parts that are severable from the invalid
5 part remain in effect. If a part of this act is invalid in
6 one or more of its applications, the part remains in effect
7 in all valid applications that are severable from the
8 invalid applications.

-End-

NAME Alan [unclear] BILL No. 50-15
 ADDRESS [unclear] DATE 2/12/71
 WHOM DO YOU REPRESENT [unclear]
 SUPPORT ✓ OPPOSE ✓ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

[Faint handwritten notes and signatures are present in this section, including the name "Alan [unclear]" and a date "2/12/71".]

NAME Jay Bruce BILL No. SB 282
ADDRESS Helena DATE 9-12-81
WHOM DO YOU REPRESENT WV of Montana
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

While we believe the idea of this bill is good, we think there are better ways to do what this bill intends without establishing another committee. The Administrative Code Board is there to review rules; the SAC could handle the development of resource policy guidelines, study changes within the state, and adjust the guidelines accordingly. And the Legislative Council could review draft requests to avoid duplication, and make recommendations for changes to the sponsor if they feel it necessary; however we are not convinced a committee should control proposed legislation of the executive branch as the comm. would do.

Persons may submit complaints to existing committees, and these committees can help persons involved take appropriate action. Now do we have any quarrel with a committee, say as possibly the SAC, determining if statutes are being properly enforced, but we must be consistent in a committee acting on behalf of the legislature as a whole.

In trying to control the executive bureaucracy, we see a legislative bureaucracy growing.

Presented By: James W. Flynn, Director
Department of Fish, Wildlife & Parks

February 12, 1981

SB 282

Mr. Chairman, members of the committee, my name is Jim Flynn and I appear today on behalf of the Department of Fish, Wildlife and Parks. I appear in opposition to Senate Bill 282.

In a general sense, this bill proposes to establish a redundant Legislative Interim Committee to operate in the shadow of the Executive Branch of government. Through the bill's provisions the committee will have the opportunity to second guess executive decisions, invite complaints on any subject, set itself up as an informal judicial review body and also to redefine the legislative intent of laws.

At the present time legislative intent, when expressed in legislation, is arrived at through the Legislative Process. That process includes hearings, debates, and most important full public participation. As submitted in SB 282 the process for establishing legislative intent will be stimulated by a committee and adopted or expressed without the public participation available in the Legislative Process.

If the question of legislative intent is of concern the issue ought to be addressed during the session on each piece of legislation during the normal process and not left to a committee and a poll after the session has adjourned.

The agencies of the Executive Branch are under the direct control, on a daily basis, of the Governor of the State of Montana. The Governor is elected by the citizens of the state to fill the position of Chief Executive and is constitutionally responsible for the management of state government. It is he who can and must direct the Executive Branch agencies.

I would point out that in the case of the Department of Fish, Wildlife and Parks we have an additional authoritative body in an oversight capacity. This is the Montana Fish and Game Commission made up of five citizens appointed from five distinct districts by the Governor and confirmed by the Senate to oversee certain department activities.

Significantly among these activities are rule making, settling fish and game hunting seasons and budetary matters. In these areas the department proposes, but the Commission takes final action.

In addition to the Governor and the Commission, our activities are monitored by the Administrative Code Committee, the Fiscal Review Committee, and the Legislative Audit Committee. Section 5 calls for hiring more employees, paying more consultants, and retaining more lawyers.

It would seem appropriate that before creating another committee duplicating some of these functions a fiscal note would be in order to define the cost of this addition to the steadily growing bureaucracy within the Legislative Branch.

Of a specific nature I question Lines 20-23 on page 1 that are directed solely at the "viability" of the economy. While this is important, this bill addresses it exclusively without mention of prudent use of resources or protection of associated resources such as fish and wildlife. As a state, we generally have spoken to balancing economic development with protection of Montana amenities. This bill, by its statement of purpose, seems to abandon that commitment. At least, this point needs clarification.

In conclusion Mr. Chairman, I would emphasize that the agencies affected by this bill are closely monitored. They have daily supervision by the Governor. They have Boards or Commissions structured into their activities. They have interim committees monitoring key functions.

It is difficult to justify the need for SB 282 in view of the mechanisms in place and the concern we all have for not contributing to growth in the government bureaucracy.

2 3-11-11

Testimony of the Department of Health and
Environmental Sciences on SB 282

Senate Bill 282, while it contains a number of valuable and valid provisions for legislative oversight in the areas of natural resource and energy policy, is unfortunately fraught with several serious and fundamental constitutional defects. The constitutional problems are of three general types: improper delegation of legislative functions; violation of separation of powers; and infringement on the right of citizen participation in government decision-making. In addition, the so-called "intermediary and ~~fact-finding~~ functions" proposed by Section 12 of the bill would seriously cloud the administrative process.

Improper delegation of legislative functions

The Montana Supreme Court has held (in Judge v. Legislative Fiscal Committee), and it is a basic principle of constitutional law, that the Legislature may not delegate a power to an interim committee which is properly exercisable only by the Legislature as a whole. The determination of "legislative intent", as provided in Sections 6(2) and 7(1) of SB 282 is such a function. Such determinations by an interim committee are advisory only, and cannot be considered binding on an agency or a court.

Violation of Separation of Powers

Several provisions of SB 282 would unconstitutionally encroach on the executive and judicial branches of government, in violation of Article III §1 of the Montana Constitution. The doctrine of separation of powers precludes one branch of government from exercising or invading the powers of the other branches, or of seeking overruling influence over the other branches. The provisions

in the bill which would empower the policy committee to insure that rules are enforced (§6(5)), to interpret legislative intent (§7(1)), and to act on behalf of the Legislature to compel enforcement of the law (§13(2)) are clear intrusions into the province of the executive and judicial branches. The Legislature's power lies in enacting legislation, not in enforcing it.

Infringement on Public Participation

The provisions for a poll of the Legislature to determine legislative intent (§§9, 10 and 12) are also on shaky constitutional grounds. Article V §10(3) of the Montana Constitution requires all sessions of the Legislature; all committee meetings and all hearings to be open to the public. Article II §8 guarantees the public's right to participate in government decision-making. Present administrative procedures are designed to safeguard those rights. For important policy decisions to be made in 150 legislators' homes across the state rather than in public assembly would seriously undermine the rights of the public.

Confusion of Administrative Process

Section 12 of the bill establishes what would be, in essence, a new administrative process for challenge of agency actions. There is great danger that these provisions would complicate and confuse existing administrative procedures. It is unclear how the policy committee's actions would be coordinated with standard contested case procedures and judicial review provisions. Indeed, under the doctrine of exhaustion of administrative remedies, a person might be precluded from seeking judicial review of agency action until he has filed a complaint with the policy committee. This would have

the effect of creating an additional and costly hurdle over which the public must jump before final resolution of an issue. Furthermore, there would be no procedural due process safeguards accompanying this new obstacle to judicial review.

Sufficient Legislative Oversight Already Exists

The legislative oversight function is an important and valuable one -- especially with regard to the adoption of administrative rules. However, the Legislature already has ample tools available for performing this function within the bounds of legislative power: through appropriations, through amendatory legislation, through statements of intent adopted by the Legislature as a whole, and through joint resolutions pursuant to §2-4 - 412, MCA. In support of these functions, the Legislature, or a committee of the Legislature, may legitimately engage in investigation, consultation, evaluation and recommendation. However, there is no need for, nor does the Constitution allow, a legislative committee to intervene in the administrative process or to seek to enforce the law.

TESTIMONY OF THE DEPARTMENT OF STATE LANDS

My name is Gareth Moon and I am the Commissioner of the Department of State Lands. As head of an executive agency, the duty of which is to execute and enforce certain laws passed by the Legislature, I wish to express to the Committee my concern regarding several provisions of Senate Bill 282.

First, I believe the bill is constitutionally defective in several areas. Article VII Section 1 of the Montana Constitution provides that the judicial power of the state is vested in the court system. Included in judicial powers is the power to interpret the laws passed by the Legislature. One of the methods the courts use in interpreting laws when the meaning of the law is not clear on its face is to resort to the intent of the Legislature when it passed the law. However, Senate Bill 282 Section 7 allows the Energy and Natural Resources Committee to invade the function of the court by allowing it to determine for the court the intent of previous Legislatures.

Second, Senate Bill 282 provides that a poll of the members of the Legislature show that if the majority feel that a rule is contrary to the intent of the Legislature, the rule is conclusively presumed to be contrary to Legislative intent in a court proceeding involving its validity. Again this usurps the function of the court in interpreting laws.

Third, SB 282 provides that the resource policy guidelines are to be developed during the interim by the Energy and Natural Resources policy review committee. That policy is to be effective during the interim. The Montana Supreme Court has held that interim legislative committees have only the power to gather information for the entire legislature, not to act on its behalf. SB 282 therefore unconstitutionally delegates to the Energy and Natural Resources Policy Committee

the power to act on behalf of the entire Legislature.

Fourth, SB 282 requires agencies to submit bills dealing with energy and natural resources issues to the committee and authorizes the committee to "identify duplication and consolidate bills when possible." Also the committee is required to review legislation proposed by state agencies and "when requested, by legislators, to assure a consistent and coordinated policy direction for the state." What is duplication to the committee might be refinement to another legislator or an agency. In view of the language giving the committee the authority to ensure the consistent and coordinated policy direction for the state, the power to consolidate may be the power to control the introduction of legislation by the executive.

For these reasons, the Department of State Lands opposes SB 282 in its present form.

NORTHERN PLAINS RESOURCE COUNCIL

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TESTIMONY OF THE NORTHERN PLAINS RESOURCE COUNCIL ON SB 282
SENATE LEGISLATIVE ADMINISTRATION COMMITTEE FEBRUARY 12, 1981

Mr. Chairman, members of the committee, for the record my name is Steve Doherty. I am presenting testimony today on behalf of the Northern Plains Resource Council. Northern Plains is an organization of farmers, ranchers, and other citizens that has long been involved in the issues surrounding resource use and abuse.

We are opposed to SB 282. Attached to my testimony are copies of the relevant sections of the law dealing with the Environmental Quality Council and with the Administrative Code Committee. We are opposed to SB 282 because it would duplicate the existing services and responsibilities of these two functioning entities. This is not effective government.

- 1) If there is a need for this bill, it might be because EQC is not doing its job. If that is the problem, it should be addressed directly. If EQC is doing its job than the newly created committee will be duplicating its efforts.
- 2) If there is a need for this bill in terms of agency rules oversight, it might be because the Administrative Code Committee is not doing its job. If that is the problem it should be addressed directly. If, on the other hand, the Administrative Code Committee is doing its job, this new committee will duplicate its efforts.
- 3) If this committee wants to create a new bureaucracy that will duplicate existing efforts it should be aware of the costs that will accompany that venture. What will this venture cost? The Environmental Quality Council presently employs four people and its projected budget over the next biennium will be over \$300,000. What will this new committee cost?
- 4) The bill would also create a new function for the committee in Section 12, that of an intermediary and fact finder. This will place a committee of the Legislature in an interesting position of assuming a quasi-judicial function. The present system is fairly clean. This would add another layer of bureaucracy to the process.

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Testimony on SB 282

The United States Congress, in a rare fit of good sense, killed a proposal for an Energy Mobilization Board. The Carter administration wanted to set up a board and grant it extraordinary powers. Many people who are concerned with the rights of States to determine their own future feared this proposal to expand the powers of the Federal government.

The story of the defeat of the EMB must include the role played by the representatives of industry. Although EMB was touted as a way to cut red tape, its final demise was assured when these representatives determined that EMB meant not Energy Mobilization Board, but "Even More Bureaucracy".

SB 282 would assure that there be even more bureaucracy, present efforts be duplicated, and present costs escalated.

We urge a do not pass.

Part 3

Environmental Quality Council

75-1-301. Definition of council. In this part "council" means the environmental quality council provided for in 5-16-101.

History: En. by Code Commissioner, 1979.

75-1-302. Meetings. The council may determine the time and place of its meetings but shall meet at least once each quarter. Each member of the council is entitled to receive compensation and expenses as provided in 5-2-302. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members but shall be reimbursed for their expenses.

History: En. Sec. 10, Ch. 238, L. 1971; amd. Sec. 6, Ch. 103, L. 1977; R.C.M. 1947, 69-6510.

75-1-303 through 75-1-310 reserved.

75-1-311. Examination of records of government agencies. The council shall have the authority to investigate, examine, and inspect all records, books, and files of any department, agency, commission, board, or institution of the state of Montana.

History: En. Sec. 15, Ch. 238, L. 1971; R.C.M. 1947, 69-6515.

75-1-312. Hearings — council subpoena power — contempt proceedings. In the discharge of its duties the council shall have authority to hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and to cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court. In case of disobedience on the part of any person to comply with any subpoena issued on behalf of the council or any committee thereof or of the refusal of any witness to testify on any matters regarding which he may be lawfully interrogated, it shall be the duty of the district court of any county or the judge thereof, on application of the council, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court on a refusal to testify therein.

History: En. Sec. 16, Ch. 238, L. 1971; R.C.M. 1947, 69-6516.

75-1-313. Consultation with other groups — utilization of services. In exercising its powers, functions, and duties under this chapter, the council shall:

(1) consult with such representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments, and other groups as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations and individuals in order that duplication of effort and expense may be avoided, thus assuring that the council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

History: En. Sec. 17, Ch. 238, L. 1971; R.C.M. 1947, 69-6517.

75-1-314 through 75-1-320 reserved.

75-1-321. Appointment and qualifications of executive director. The council shall appoint the executive director and set his salary. The executive director shall hold a degree from an accredited college or university with a major in one of the several environmental sciences and shall have at least 3 years of responsible experience in the field of environmental management. He shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the state government in the light of the policy set forth in 75-1-103; to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the state; and to formulate and recommend state policies to promote the improvement of the quality of the environment.

History: En. Sec. 11, Ch. 238, L. 1971; R.C.M. 1947, 69-6511.

75-1-322. Term and removal of executive director. The executive director is solely responsible to the council. He shall hold office for a term of 2 years beginning with July 1 of each odd-numbered year. The council may remove him for misfeasance, malfeasance, or nonfeasance in office at any time after notice and hearing.

History: En. Sec. 13, Ch. 238, L. 1971; R.C.M. 1947, 69-6513.

75-1-323. Appointment of employees. The executive director, subject to the approval of the council, may appoint whatever employees are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations.

History: En. Sec. 12, Ch. 238, L. 1971; R.C.M. 1947, 69-6512.

75-1-324. Duties of executive director and staff. It shall be the duty and function of the executive director and his staff to:

(1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to such conditions and trends;

(2) review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy and make recommendations to the governor and the legislature with respect thereto;

(3) develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;

(4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(6) make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislature requests;

(7) analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;

(8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan;

(9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities and with a general ecologic perspective, and suggest legislation to remedy such situations;

(10) annually, beginning July 1, 1972, transmit to the governor and the legislature and make available to the general public an environmental quality report concerning the state of the environment, which shall contain:

(a) the status and condition of the major natural, manmade, or altered environmental classes of the state, including but not limited to the air, the aquatic (including surface water and groundwater) and the terrestrial environments, including but not limited to the forest, dryland, wetland, range, urban, suburban, and rural environments;

(b) the adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;

(c) current and foreseeable trends in the quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the state in the light of expected population pressures;

(d) a review of the programs and activities (including regulatory activities) of the state and local governments and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and

(e) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

History: En. Sec. 14, Ch. 238, L. 1971; R.C.M. 1947, 69-6514.

2-4-401. Administrative code committee — staff, meetings, and compensation. (1) The administrative code committee may retain whatever employees, consultants, or counsel as are necessary to carry out the provisions of this chapter and to advise the publisher in relation to the text and legal authority of the material published in the register or ARM, within the limitations of legislative appropriations.

(2) The committee shall meet as often as may be necessary during and between legislative sessions.

(3) Committee members are entitled to receive compensation and expenses as provided in 5-2-302.

History: (1)En. 82-4203.4 by Sec. 3, Ch. 410, L. 1975; amd. Sec. 6, Ch. 285, L. 1977; Sec. 82-4203.4, R.C.M. 1947; (2), (3)En. 82-4203.3 by Sec. 2, Ch. 410, L. 1975; amd. Sec. 9, Ch. 103, L. 1977; Sec. 82-4203.3, R.C.M. 1947; R.C.M. 1947, 82-4203.3, 82-4203.4.

2-4-402

GOVERNMENT STRUCTURE AND ADMINISTRATION

124

2-4-402. Powers of the committee — duty to review rules. (1) The committee shall review all proposed rules filed with the secretary of state.

(2) Rules proposed by the department of revenue may be reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act.

(3) The committee may:

(a) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit those recommendations to the department proposing the rule when a rulemaking hearing will not be held in accordance with the provisions of 2-4-302 through 2-4-305;

(b) prepare recommendations for the adoption, amendment, or rejection of a rule and submit oral or written testimony at a rulemaking hearing;

(c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(d) institute, intervene in, or otherwise participate in proceedings involving this chapter in the state and federal courts and administrative agencies;

(e) review the incidence and conduct of administrative proceedings under this chapter.

History: En. 82-4203.5 by Sec. 4, Ch. 410, L. 1975; amd. Sec. 7, Ch. 285, L. 1977; amd. Sec. 1, Ch. 561, L. 1977; R.C.M. 1947, 82-4203.5(1)(a) thru (1)(c); amd. Sec. 12, Ch. 243, L. 1979; amd. Sec. 11, Ch. 268, L. 1979.

2-4-403. Legislative intent — poll. (1) If the legislature is not in session, the committee may poll all members of the legislature by mail to determine whether a proposed rule is consistent with the intent of the legislature.

(2) Should 20 or more legislators object to any rule, the committee shall poll the members of the legislature.

(3) The poll shall include an opportunity for the agency to present a written justification for the rule to the members of the legislature.

History: En. 82-4203.5 by Sec. 4, Ch. 410, L. 1975; amd. Sec. 7, Ch. 285, L. 1977; amd. Sec. 1, Ch. 561, L. 1977; R.C.M. 1947, 82-4203.5(1)(d), (1)(e).

2-4-404. Evidentiary value of legislative poll. In the event that the administrative code committee has conducted a poll of the legislature in accordance with 2-4-403, the results of the poll shall be admissible in any court proceeding involving the validity of the rule. In the event that the poll determines that a majority of the members of both houses find the proposed rule is contrary to the intent of the legislature, the rule shall be conclusively presumed to be contrary to the legislative intent in any court proceeding involving its validity.

History: En. Sec. 5, Ch. 2, Ex. L. 1971; amd. Sec. 10, Ch. 285, L. 1977; amd. Sec. 2, Ch. 561, L. 1977; R.C.M. 1947, 82-4205(part).

2-4-405. Estimate of economic impact. (1) Upon request of the administrative code committee, an agency shall prepare a statement of the estimated economic impact of the adoption, amendment, or repeal of a rule as proposed. The statement must include an estimate of:

(a) the cost to the state of administering and enforcing the rule;

(b) the aggregate cost of compliance to all persons affected; and

(c) any economic benefit of compliance to all persons affected.

(2) The statement must be filed with the secretary of state for publication in the register and mailed to persons who have requested advance notice of the agency's rulemaking proceedings. The statement must be published and mailed at least 20 days prior to the adoption, amendment, or repeal of the rule. If a hearing is held, it must be published 20 days prior to the hearing.

(3) If it is impossible to formulate such an estimate, the reasons for impossibility of formulation must be published instead of the estimate.

(4) This section does not apply to rulemaking pursuant to 2-4-303.

(5) The final adoption, amendment, or repeal of a rule is not subject to challenge in any court as a result of the inaccuracy or inadequacy of a statement required under this section.

History: En. Sec. 1, Ch. 480, L. 1979.

Compiler's Comments

Codification. Sec. 2, Ch. 480, L. 1979, provided: "The code commissioner shall codify

section 1 in Title 2, chapter 4, part 3. Any reference in the Montana Code Annotated to Title 2, chapter 4, part 3, includes section 1."

2-4-406 through 2-4-410 reserved.

2-4-411. Report. The committee shall prepare a report to the legislature at least once each biennium and may recommend amendments to the Montana Administrative Procedure Act or the repeal, amendment, or adoption of a rule as provided in 2-4-412.

History: En. 82-4203.5 by Sec. 4, Ch. 410, L. 1975; amd. Sec. 7, Ch. 285, L. 1977; amd. Sec. 1, Ch. 561, L. 1977; R.C.M. 1947, 82-4203.5(2).

2-4-412. Legislative review of rules. (1) The legislature may, by joint resolution, repeal any rule in ARM. If a rule is repealed, the legislature shall in the joint resolution state its objections to the repealed rule. If an agency adopts a new rule to replace the repealed rule, the agency shall adopt the new rule in accordance with the objections stated by the legislature in the joint resolution. If the legislature does not repeal a rule filed with it before the adjournment of that regular session, the rule remains valid.

(2) The legislature may also, by joint resolution, direct a change to be made in any rule in ARM or direct the adoption of an additional rule. If a change in any rule or the adoption of an additional rule is directed to be made, the legislature shall in the joint resolution state the nature of the change or the additional rule to be made and its reasons therefor. The agency shall, in the manner provided in the Montana Administrative Procedure Act, adopt a new rule in accordance with the legislative direction.

(3) Rules made by agencies and changes in rules directed by the legislature under subsection (2) of this section shall conform and be pursuant to statutory authority.

History: En. 82-4203.1 by Sec. 1, Ch. 239, L. 1973; amd. Sec. 1, Ch. 236, L. 1974; amd. Sec. 4, Ch. 285, L. 1977; R.C.M. 1947, 82-4203.1.

DATE 2-12-81

COMMITTEE ON

Legislative Administration

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
John Berry	BTES	282		
Joe Bruce	Gov of Montana	282		✓
John Berry	DNR	282		✓
...	...	282		✓
...	...	282	✓	
...	...	282		✓
...	...	282		✓
...	...	282	✓	

(Please leave prepared statement with Secretary)

NAME: REP BOBBY SPILKER DATE: 2-19-21

ADDRESS: 711 HARRISON HILLTOP

PHONE: 408-0000

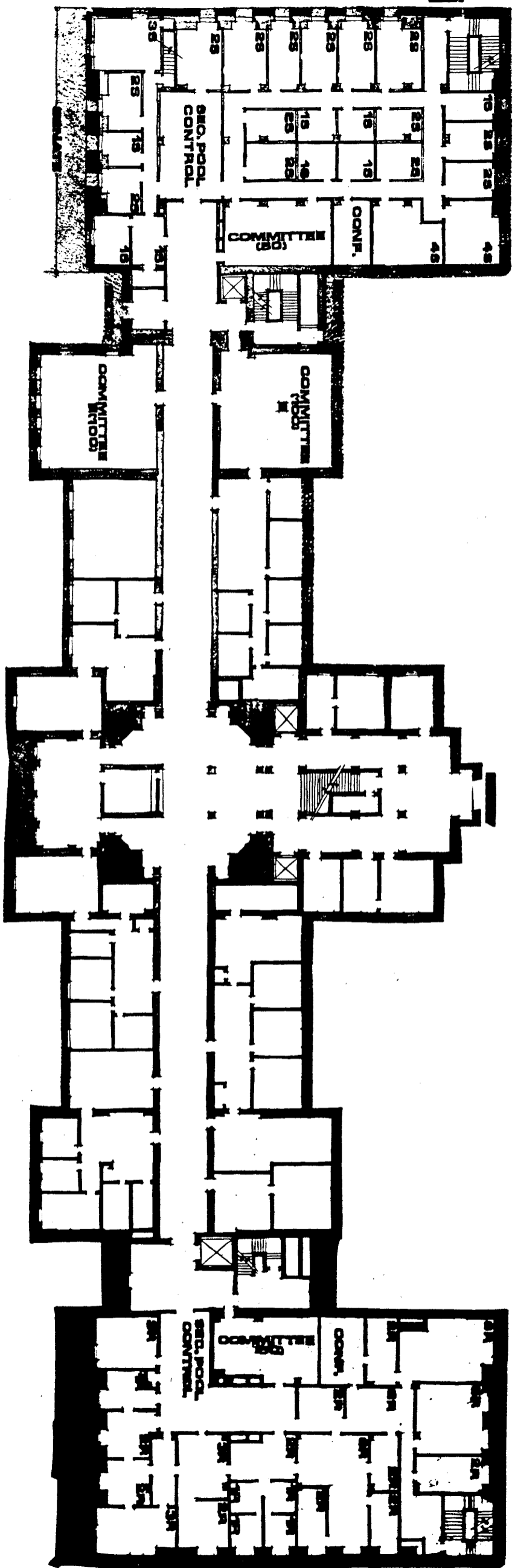
REPRESENTING WHOM? STATE PLDG & PLANNING COMM.

APPEARING ON WHICH PROPOSAL: SR-21

DO YOU: SUPPORT? AMEND? OPPOSE?

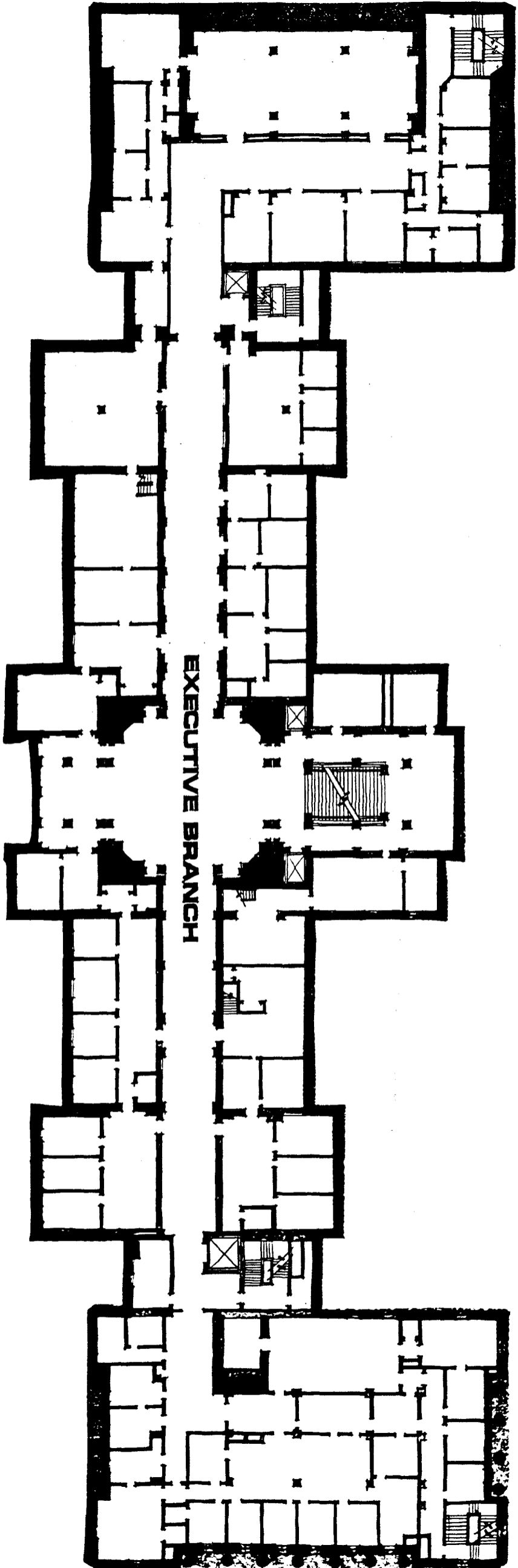
COMMENTS: _____

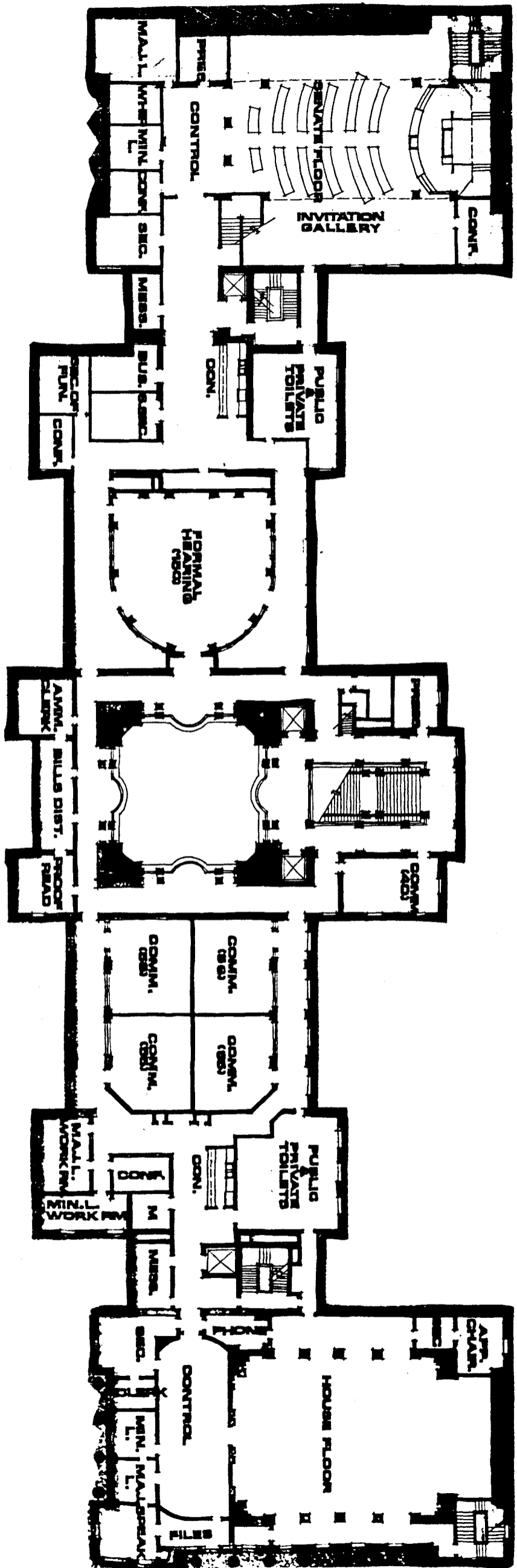
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



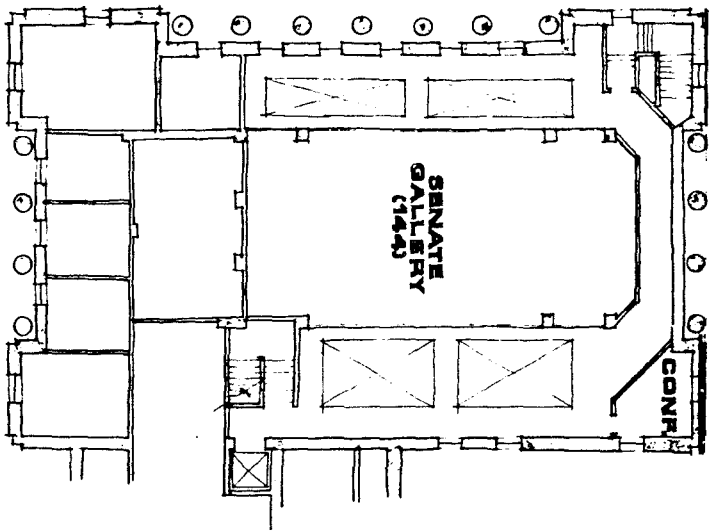
FIRST FLOOR PLAN

SECOND FLOOR PLAN



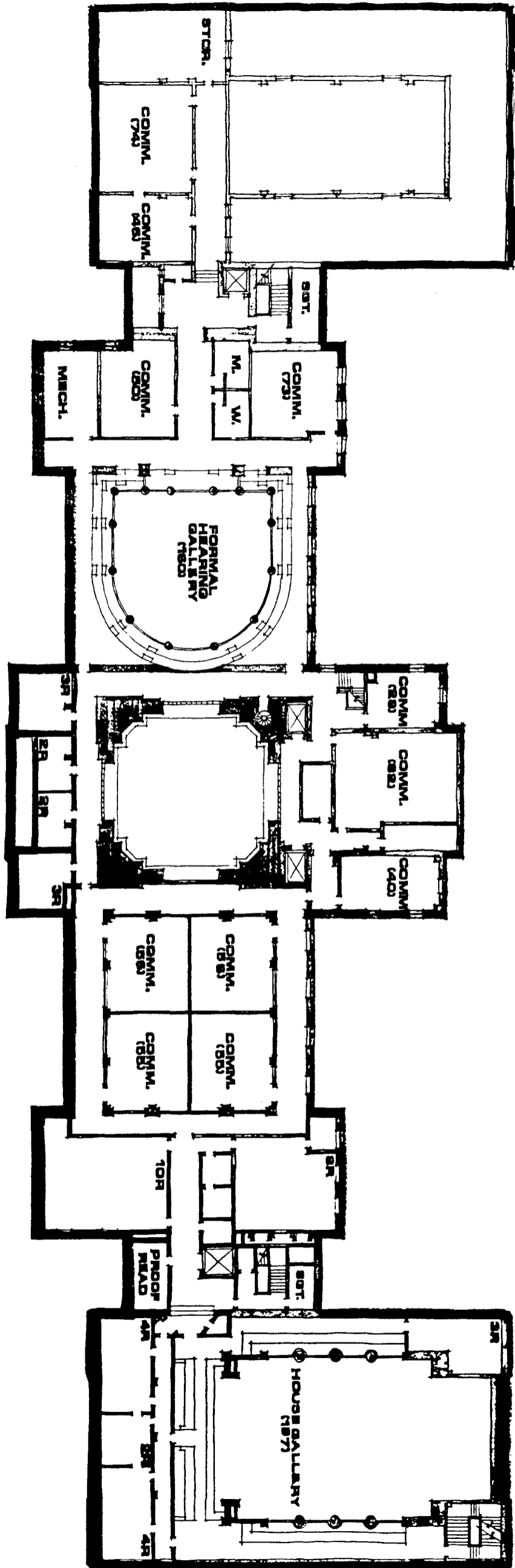


THIRD FLOOR PLAN



GALLERY PLAN

FOURTH FLOOR PLAN



STANDING COMMITTEE REPORT

February 19, 19 81

MR. **President:**

We, your committee on **LEGISLATIVE ADMINISTRATION**

having had under consideration **Senate Joint Resolution** BTM No. **21**

Respectfully report as follows: That **Senate Joint Resolution** BTM No. **21**

DO PASS

STANDING COMMITTEE REPORT

February 19, 19 81

MR. **PRESIDENT:**

We, your committee on **LEGISLATIVE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **282**
Respectfully report as follows: That **SENATE** Bill No. 282 be amended
as follows:

1. Title, line 4.
Following: "TO"
Strike: "ESTABLISH"
Insert: "REQUIRE THE ENVIRONMENTAL QUALITY COUNCIL TO ACT AS"

2. Title, line 6.
Following: "FOR"
Strike: "THE"
Insert: "ADDITIONAL"

3. Title, line 7.
Following: line 6
Strike: "COMMITTEE"
Insert: "COUNCIL"
Following: "ESTABLISHING"
Insert: "ADDITIONAL"

Following: "THE" Bill No.
Respectfully report as follows: That
Strike: "COMMITTEE"
Insert: "COUNCIL"

4. Title, line 8.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "2-4-402"
Insert: "AND 75-1-301"

5. Page 1 through 10.
Strike: all of the bill following the enacting clause
Insert: " (see attached)

~~XXXXXX~~
DU PASS

(Continued)

NEW SECTION. Section 1. Short title. [Sections 1 through 11] may be cited as the "Legislative Energy and Natural Resources Policy Review Act of 1981".

NEW SECTION. Section 2. Purpose. It is the purpose of [sections 1 through 11] to establish a mechanism for continual legislative determination and oversight of policies concerning the development, use, and conservation of natural resources and energy in this state. In a period of rapidly changing needs, priorities, and economic conditions, continual and diligent legislative consideration of present and future policies affecting the state's energy and natural resources is essential to maintain the viability of the state's economy while also ensuring adequate protection of the physical environment.

NEW SECTION. Section 3. Duties of the council concerning energy and natural resource policies. The council shall:

- (1) review and keep informed of energy and natural resource issues of importance to the state;
- (2) review for conformance with legislative intent all existing and proposed rules filed with the secretary of state by:
 - (a) the department of natural resources and conservation;
 - (b) the department of state lands;
 - (c) the department of fish, wildlife, and parks;
 - (d) the department of health and environmental sciences relating to its environmental sciences function; or
 - (e) other agencies, whenever those rules substantially affect energy and natural resource policies;
- (3) review and report to the legislature on the impact of federal policies, statutes, and regulations dealing with the state's energy and natural resources.

NEW SECTION. Section 4. Additional powers of the council. In addition to its other powers under this part, the council may:

- (1) review and comment, upon request, on legislation dealing with energy and natural resources proposed by state agencies and legislators to facilitate a consistent and coordinated policy direction for the state;
- (2) act as an intermediary and factfinding review authority for persons who contest the validity of rules or legislation.

NEW SECTION. Section 5. Review of resource issues. The council shall review and keep informed of energy and natural resource issues of importance to the state. If current laws and rules do not adequately address a program or situation requiring action by state government in the area of energy and natural resources, the council may develop appropriate remedial recommendations to be submitted to the legislature for its consideration at the next regular or special legislative session.

NEW SECTION. Section 6. Review of rules. (1) The council shall review all existing and proposed rules of the department as prescribed in subsection (2) of [section 3], as well as any other existing and proposed rules that substantially affect energy and natural resource policies.

- (2) The council may:
 - (a) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit the recommendations to the applicable department whenever a rulemaking hearing will not be held in accordance with the provisions of 2-4-302 through 2-4-305;
 - (b) prepare recommendations for the adoption, amendment, or rejection of a rule and submit oral or written testimony at a rulemaking hearing;
 - (c) require that a rulemaking hearing be held in accordance

with the provisions of 2-4-302 through 2-4-305;

(d) recommend to the legislature the repeal, amendment, or adoption of a rule as provided in 2-4-412.

NEW SECTION. Section 7. Legislative intent -- poll. (1) If the legislature is not in session, the council may poll the members of the legislature by mail to determine whether a proposed rule that it has reviewed under [section 6] is consistent with the intent of the legislature.

(2) If 20 or more legislators object in writing to any rule of the applicable department, the council shall poll the members of the legislature.

(3) The poll shall include an opportunity for the applicable department to present a written justification for the rule to the members of the legislature.

NEW SECTION. Section 8. Evidentiary value of legislative poll. (1) The results of a poll conducted by the council are admissible in a court proceeding involving the validity of a rule.

(2) If the results of the poll show that the majority of the members of both houses find a rule contrary to the intent of the legislature, the rule shall be conclusively presumed to be contrary to the legislative intent in a court proceeding involving its validity.

NEW SECTION. Section 9. Review of proposed legislation. (1) All agency bills dealing with energy and natural resources issues may be prepared in draft form and submitted to the council for review and comment by September 1 preceding a regular legislative session. Legislators may submit proposed legislation or notices of intent to request legislation dealing with energy and natural resources.

(2) The council shall:

(a) identify duplication and consolidate bills when possible;

(b) request all sponsors to ensure that the legislative intent of a bill is clear;

(c) provide sponsors with recommended changes;

(d) submit the council's recommendations about legislation it has reviewed to the legislature.

NEW SECTION. Section 10. Intermediary and factfinding function. (1) The council may act as an intermediary and factfinding review authority for persons who contest the validity of rules or legislation dealing with energy or natural resources.

(2) The council may accept written complaints from any person concerning statutes, rules, programs, or enforcement of them that the complainant believes are arbitrary or inconsistent with legislative intent.

(3) The council shall review all complaints within 60 days of receipt of the complaint.

(4) The council shall submit a statement of its findings, together with relevant documentation, to the responsible agency.

(5) The responsible agency shall respond within 30 days. The council may extend this time period upon petition by the agency. If no response is received within the designated time period, the rule or program in question shall be submitted to the legislature in a poll under [section 7] to determine legislative intent.

(6) Following a review of the response, the council shall meet with the responsible agency personnel to discuss possible remedial action.

(7) Upon request of the council, the agency shall then submit a plan to the council to comply with the committee's recommendations.

(8) If the council finds that a statute in question under this section needs revision, it may submit remedial legislation to the legislature at its next session.

(9) The council may hold any hearings it determines necessary to resolve disputes under this section.

(10) The council shall diligently attempt to resolve informally disputes arising under this section.

(11) No agency against which a complaint is brought under this section may retaliate in any manner against a person bringing the complaint.

NEW SECTION. Section 11. Review of federal policies, statutes, and regulations. (1) The council shall review and report to the legislature on the impact of federal policies, statutes, and regulations dealing with the state's energy and natural resources.

(2) The council may comment on its own behalf on federal policies, statutes, and regulations when appropriate.

Section 12. Section 2-4-402, MCA, is amended to read:

"2-4-402. Powers of the committee -- duty to review rules.

(1) The committee shall review all proposed rules filed with the secretary of state.

(2) Rules proposed by the department departments of revenue, natural resources and conservation, state lands, fish, wildlife, and parks, health and environmental sciences, the environmental sciences division, and other agencies as determined by the environmental quality council established in 5-16-101 may be reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act.

(3) The committee may:

(a) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit those recommendations to the department proposing the rule when a rulemaking hearing will not be held in accordance with the provisions of 2-4-302 through 2-4-305;

(b) prepare recommendations for the adoption, amendment, or rejection of a rule and submit oral or written testimony at a rulemaking hearing;

(c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(d) institute, intervene in, or otherwise participate in proceedings involving this chapter in the state and federal courts and administrative agencies;

(e) review the incidence and conduct of administrative proceedings under this chapter."

Section 13. Section 75-1-301, MCA, is amended to read:

"75-1-301. Definition--of-council Definitions. In As used in this part the following definitions apply:

(1) "council Council" means the environmental quality council provided for in 5-16-101.

(2) "Person" means a person, firm, corporation, partnership, association, or other organization or entity."

Section 14. Codification instruction. Sections [1 through 11] are intended to be codified as an integral part of Title 75, chapter 1, part 3, and the provisions of Title 75, chapter 1, part 3, apply to sections [1 through 11].

Section 15. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And as so amended,

DO PASS

Pa
Chairman

STANDING COMMITTEE REPORT

March 2, 19 81

MR. PRESIDENT:

We, your committee on LEGISLATIVE ADMINISTRATION

having had under consideration Bill No.
respectfully report as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m.
on February 21, 1981:

Mike Cetrone	Page
Lynn Loucks	Page
Patti Miller	Page
Troy Johnson	Page

That the following attaches of the Senate be terminated as of 5:00 p.m.
on February 25, 1981:

Chantel Wold	Page
Donna Wolslagel	Page
Genevieve Gordon	Page
Kari Parzych	Page
Leah Johnson	Page
Jeanne Violette	Page

Respectfully report as follows: That Bill No.
~~Linda Malisani~~ Page

That the following attaches of the Senate be employed as of 8:00 a.m.
on March 2, 1981:

Robert DeRosia	Page
Lisa Dowling	Page
Karren Kemmer	Page
Rhoda McIntire	Page
Bev Owings	Page
Kema Soderberg	Page
David Sturgis	Page
Laura Zook	Page
Becky Aklestad	Page

XXXXXX
DO PASS

JRF

STANDING COMMITTEE REPORT

March 5, 19 81

MR. **PRESIDENT:**

We, your committee on **LEGISLATIVE ADMINISTRATION**

having had under consideration Bill No.
respectfully report as follows:

**That the following Senate attache be employed as of 8:00 a.m. on
March 7, 1981:**

Shana Hammond

Page

~~Respectfully report as follows: That..... Bill No.~~

~~DO PASS~~

STANDING COMMITTEE REPORT

March 9, 1981

MR. **PRESIDENT:**

We, your committee on **LEGISLATIVE ADMINISTRATION**

having had under consideration Bill No.
respectfully report as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on March 7, 1981:

Lisa Dowling	Page
Karren Kemmer	Page
Rhoda McIntire	Page
Bev Owings	Page
Kema Soderberg	Page
David Sturgis	Page
Laura Zook	Page
Becky Aklestad	Page
Shana Hammond	Page

That the following attaches of the Senate be employed as of 8:00 a.m. on March 9, 1981:

Respectfully report as follows: That Bill No.

Ken Crippen	Page
Stefani Green	Page
Kori Herzog	Page
Terry Keating	Page
Jim Lochridge	Page
Martha Sheehy	Page
Kristin Manska	Page
Cindi Buchanan	Page
Janet Muller	Page

LC
~~DO PASS~~

STANDING COMMITTEE REPORT

March 16, 1981

MR. PRESIDENT:

We, your committee on LEGISLATIVE ADMINISTRATION

having had under consideration Bill No.

respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 14, 1981:

Robert DeRosia	Page
Ken Crippen	Page
Kori Herzog	Page
Stefani Green	Page
Jim Lochridge	Page
Cindi Buchanan	Page
Terry Keating	Page
Kristin Maska	Page
Martha Sheehy	Page
Janet Muller	Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 16, 1981:

Respectfully report as follows: That Bill No.

John Kalbfleisch	Page
Katherine Gaffke	Page
Barbara Blaylock	Page
Jeri Ludwig	Page
Kristi Alter	Page
Janet Kuchenbrod	Page
Jodi Stugelmeyer	Page
Julie Schlabs	Page

XXXXXX
DO PASS

STANDING COMMITTEE REPORT

March 23, 1981

MR. **PRESIDENT:**

We, your committee on **LEGISLATIVE ADMINISTRATION**

having had under consideration Bill No.
respectfully report as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 21, 1981:

John Kalbfleisch	Page
Katherine Gaffke	Page
Barbara Blaylock	Page
Jeri Ludwig	Page
Kristi Alter	Page
Janet Kuchenbrod	Page
Jodi Stugelmeyer	Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 23, 1981:

Katie Bickle	Page
Max Brehm	Page

~~Respectfully report as follows: That~~ ~~Bill No.~~

Karen Hanson	Page
Sarah McDonald	Page
Ann McKittrick	Page
Kevin Nelson	Page
Geno Thornquist	Page
David Olson	Page
Mary Daniels	Page

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STANDING COMMITTEE REPORT

March 25, 1981

MR. PRESIDENT:

We, your committee on LEGISLATIVE ADMINISTRATION

having had under consideration Bill No.
respectfully reports as follows:

That the following attache of the Senate be reclassified as of 8:00 a.m. on Saturday, March 21, 1981:

Sabrina Sanddal FROM Steno TO Standing Committee Secretary

Respectfully report as follows: That Bill No.

XICBASK



ALLEN C. KOLSTAD,

Chairman.

STANDING COMMITTEE REPORT

March 30, 1981

MR. PRESIDENT:

We, your committee on LEGISLATIVE ADMINISTRATION

having had under consideration Bill No.
respectfully reports as follows:

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 28, 1981:

David Olson	Page
Karen Hanson	Page
Sarah McDonald	Page
Ann McKittrick	Page
Geno Thornquist	Page
Kevin Nelson	Page
Max Brehm	Page
Katie Bickle	Page
Mary Daniels	Page

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 30, 1981:

Respectfully report as follows: That Bill No.

David Badt	Page
Brenda Bergren	Page
Karen Beirwagen	Page
Vickie Burtch	Page
Russell Volk	Page
Claire Reeves	Pages
Jodi Micheletti	Page

DO PASS

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..... ALLEN C. KOLSTAD,

Chairman.

STANDING COMMITTEE REPORT

..... April 1, 19 81

MR. PRESIDENT:

We, your committee on **LEGISLATIVE ADMINISTRATION**

having had under consideration Bill No.

respectfully reports as follows:

That the following attache of the Senate be reclassified retroactively to February 14, 1981 at 8:00 a.m.:

Dorothy Zur-Muehlen from Asst. Journal Clerk to Chief Journal Clerk

Respectfully report as follows: That Bill No.

DO PASS

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STANDING COMMITTEE REPORT

April 7, 1981

MR. PRESIDENT:

We, your committee on LEGISLATIVE ADMINISTRATION

Bill No.

having had under consideration respectfully reports as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Friday, April 3, 1981.

Agnes Lesofski

Procfreader

That the following attache of the Senate be terminated as of 5:00 p.m. on Monday, April 6, 1981

Margorie Nichols

Standing Committee Secretary

Respectfully report as follows: That Bill No.

DO PASS

ALLEN C. KOLSTAD, Chairman.

STANDING COMMITTEE REPORT

April 20, 1981

MR. **PRESIDENT:**

We, your committee on **LEGISLATIVE ADMINISTRATION**

having had under consideration Bill No.
respectfully report as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Friday, April 17, 1981:

Gail Stockwell

Standing Committee Secretary

That the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 18, 1981:

Elizabeth Elliott

Page

Joni Meldrum

Page

Bruce Cason

Page

~~Respectfully report as follows. That Bill No.~~

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 20, 1981:

Bill Huber

Page

Kim Mehrens

Page

DO PASS