

*Devin*  
*Meyer*  
*Currier*  
*Ellard*

*Tosca*  
*Billigan*  
*Roth*

*Green*  
*Holmes*  
*Asstoria*  
*Manahan*  
*White*  
*Reger*  
*Ernst*  
*Mark*

1 *Kropp Mary* HOUSE BILL NO. 796  
 2 INTRODUCED BY *Faye Linton Ramsey*  
 3 *Vincent Ellison* *Walter O'Keefe* *Wesley Barrett* *Heber Deussner*  
 4 A BILL FOR AN ACT ENTITLED: AN ACT REVISING THE COMMITTEE

5 STRUCTURE OF THE LEGISLATURE; AUTHORIZING EXPANDED FUNCTIONS  
 6 FOR LEGISLATIVE COMMITTEES; REVISING THE INTERIM  
 7 ADMINISTRATIVE REVIEW AND STUDY PROCESS; LIMITING THE NUMBER  
 8 OF INTERIM COMMITTEES; PROVIDING FOR COMMITTEE SUPPORT  
 9 THROUGH THE LEGISLATIVE COUNCIL AND ASSISTANCE FROM OTHER  
 10 COMMITTEES; AMENDING SECTIONS 43-218, 43-710, 43-711  
 11 43-712, 43-713, 43-714, 43-715, AND 43-717, R.C.M. 1947;  
 12 REPEALING SECTIONS 43-716, 43-718, 82-4203.2, 82-4203.3,  
 13 82-4203.4, AND 82-4203.5, R.C.M. 1947; AND PROVIDING AN  
 14 IMMEDIATE EFFECTIVE DATE."

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 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 17 Section 1. There is a new R.C.M. section that reads as  
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 19 Purpose. (1) The legislature finds itself currently  
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 24 well as the great likelihood for growth in our agriculture  
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 2 government. In order to adequately represent the people of  
 3 Montana and to obtain sufficient information to set policy  
 4 and guide its implementation, a new capacity for legislative  
 5 oversight and policy study must be developed.

6 (2) It is the purpose of this act to develop this  
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 9 either the executive or legislative branches of government;

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 19 legislature a more effective body; and

20 (f) enable the legislature to guide the development of  
 21 state government so as to enable the accomplishment of  
 22 meaningful programs with efficiency and in a manner  
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- 6 (d) community affairs;
- 7 (e) education;
- 8 (f) fish and game;
- 9 (g) highways and transportation;
- 10 (h) institutions;
- 11 (i) judiciary;
- 12 (j) labor and employment relations;
- 13 (k) legislative administration;
- 14 (l) natural resources and conservation;
- 15 (m) public health, welfare, and social services;
- 16 (n) revenue;
- 17 (o) rules; and
- 18 (p) state lands and administration.

19 (2) Interim committees are joint committees of the  
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13 (2) The speaker of the house shall appoint the members  
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15 (3) The appointing authority in each house shall  
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17 (4) The chairman of each standing committee shall  
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19 members of that standing committee to serve on the interim  
20 committee. No member may serve on more than one interim  
21 committee except to fill a vacancy created by a member who  
22 declines to serve. When a member of a standing committee  
23 declines to serve on an interim committee and the chairman  
24 is unable to appoint a member from his committee, the  
25 presiding officer of the respective house shall appoint a

1 member to serve on the committee.

2 (5) The interim committees shall meet jointly and  
3 elect a chairman and vice-chairman. The chairman shall be  
4 the house or senate chairman of the respective standing  
5 committee. The chairman not elected shall be the  
6 vice-chairman.

7 Section 8. There is a new R.C.M. section that reads as  
8 follows:

9 Limitation on interim committees. No interim committee  
10 may be appointed to serve except as established by law.

11 Section 9. Section 43-218, R.C.M. 1947, is amended to  
12 read as follows:

13 "43-218. Pre-session caucus — house appropriation and  
14 senate finance and claims committee member — per diem and  
15 expenses. As soon after the official canvass as possible,  
16 but not later than December 1 of each year following an  
17 election when members of the legislature are elected, the  
18 majority and minority parties of each house of the  
19 legislature shall hold a pre-session caucus for holdover  
20 senators, senators-elect, and representatives-elect. The  
21 purpose of the caucus of each party of each house is to  
22 elect officers, appoint committees and hire any necessary  
23 employees. Members of the house ~~appropriations committee~~ and  
24 the senate ~~finance and claims committee~~ budget and program  
25 planning committees named at the caucus shall begin

1 reviewing requests for appropriations immediately and may  
 2 visit state agencies and institutions to discuss requests.  
 3 Members of these committees shall receive a daily salary as  
 4 provided in section 43-310, R.C.M. 1947, and forty dollars  
 5 (\$40) per day expenses for each day engaged in committee  
 6 business. Salary and expenses shall be paid by the  
 7 department of administration from the appropriation for  
 8 operation of the preceding legislature."

9 Section 10. Section 43-710, R.C.M. 1947, is amended to  
 10 read as follows:

11 "43-710. Powers and duties. (1) If a question of  
 12 state-wide importance arises when the legislature is not in  
 13 session and ~~a subcommittee~~ an interim committee has not been  
 14 ~~appointed assigned~~ to consider the question, the legislative  
 15 council shall, with the concurrence of the priorities  
 16 committee, assign such question to an appropriate  
 17 ~~subcommittee~~ interim committee.

18 (2) The legislative council shall supervise the  
 19 activities of the council staff.

20 (3) The legislative council shall assist in the  
 21 preparation and submission of all ~~standing and select~~  
 22 interim committee ~~and subcommittee~~ reports and  
 23 recommendations to the legislature.

24 (4) This section shall not be construed to permit the  
 25 council to approve or disapprove of any substantive portions

1 or recommendations of ~~a standing and select~~ an interim  
 2 committee ~~and subcommittee~~ report."

3 Section 11. Section 43-711, R.C.M. 1947, is amended to  
 4 read as follows:

5 "43-711. Executive director — personnel — interim  
 6 standing, and select committees. (1) The legislative  
 7 council may employ an executive director and such other  
 8 personnel, not members of the council, as it deems necessary  
 9 to assist in the preparation of interim standing, and select  
 10 committee ~~and subcommittee~~ reports and recommendations,  
 11 proposed legislative acts and any other activities and shall  
 12 fix the compensation of such employees. It shall further  
 13 have the power to employ the services of any research agency  
 14 which it deems necessary in the discharge of its duties.

15 (2) The legislative council may establish functional  
 16 divisions within the council staff in order to carry out all  
 17 of the responsibilities delegated to the council by law or  
 18 legislative rule, and shall include the following:

- 19 (a) Legislative services division;
- 20 (i) engrossing and enrolling,
- 21 (ii) mailroom,
- 22 (iii) printing;
- 23 (b) Research and reference services division;
- 24 (i) general and specialized legislative research,
- 25 (ii) legislative reference and information, including

1 preparation and publication of the Legislative Review to be  
2 sold at the cost of the publication plus postage,

3 (iii) committee staffing when the legislature is not in  
4 session;

5 (c) Legal services division;

6 (i) bill drafting,

7 (ii) legal counseling,

8 (iii) this division is authorized to assign code  
9 section numbers and catch lines to bills which have passed  
10 both houses without catch lines or section numbers prior to  
11 the enrolling process.

12 (d) Management and business services division;

13 (i) maintain bookkeeping records,

14 (ii) sign claims and payrolls,

15 (iii) order all printing, supplies, and equipment,

16 (iv) serve house and senate during the session."

17 Section 12. Section 43-712, R.C.M. 1947, is amended to  
18 read as follows:

19 "43-712. Power to investigate and examine. The  
20 legislative council, ~~on behalf of~~ may assist interim,  
21 standing, and select committees and ~~subcommittees,~~ shall  
22 ~~have authority~~ to investigate and examine into the costs of  
23 state governmental activities and may examine and inspect  
24 all records, books and files of any department, agency,  
25 commission, board or institution of the state of Montana."

1 Section 13. Section 43-713, R.C.M. 1947, is amended to  
2 read as follows:

3 "43-713. Hearings -- oaths, subpoenas, compelling  
4 attendance of witnesses and production of records --  
5 contempt proceedings. In the discharge of its duties on  
6 behalf of interim, select, and standing committees and  
7 ~~subcommittees,~~ the legislative council shall have authority  
8 to hold hearings, administer oaths, issue subpoenas, compel  
9 the attendance of witnesses, and the production of any  
10 papers, books, accounts, documents and testimony, and to  
11 cause depositions of witnesses to be taken in the manner  
12 prescribed by law for taking depositions in civil actions in  
13 the district court. In case of disobedience on the part of  
14 any person to comply with any subpoena issued by the council  
15 on behalf of ~~a~~ an interim, select, or standing committee ~~or~~  
16 ~~subcommittee~~ or of the refusal of any witness to testify on  
17 any matters regarding which he may be lawfully interrogated,  
18 it shall be the duty of the district court of any county or  
19 the judge thereof, on application of the legislative council  
20 to compel obedience by proceedings for contempt as in the  
21 case of disobedience of the requirements of a subpoena  
22 issued from such court on a refusal to testify therein."

23 Section 14. Section 43-714, R.C.M. 1947, is amended to  
24 read as follows:

25 "43-714. Expenses. When the legislature is not in

1 session, members of the legislative council, ~~the legislative~~  
 2 ~~subcommittees, select and standing committees, and interim~~  
 3 ~~committees~~ while going to, attending, and returning from  
 4 legislative committee meetings and other necessary committee  
 5 business authorized by the chairman of the legislative  
 6 council are entitled to:

7 (1) a mileage allowance as allowed by section 59-801,

8 (2) actual expenses, as provided for in sections  
 9 59-538 and 59-539, and

10 (3) compensation as provided by law."

11 Section 15. Section 43-715, R.C.M. 1947, is amended to  
 12 read as follows:

13 "43-715. Organization — officers — rules of  
 14 procedure and records. The legislative council shall  
 15 organize immediately following appointment by electing one  
 16 (1) of its members as its chairman and by electing such  
 17 other officers from among its membership as the council may  
 18 deem desirable. The council is empowered to adopt rules of  
 19 procedure and to make all arrangements for its meetings and  
 20 to carry out the purpose for which it is created. The  
 21 council and the ~~subcommittees~~ interim committees are  
 22 directed to keep accurate records of their activities and  
 23 proceedings."

24 Section 16. Section 43-717, R.C.M. 1947, is amended to  
 25 read as follows:

1 "43-717. Legislative committee on priorities --  
 2 composition — functions. (1) There is created a  
 3 legislative committee on priorities which shall be composed  
 4 of eight (8) members of the house rules committee, four (4)  
 5 of whom shall be of the same political party, and eight (8)  
 6 members of the senate rules committee, four (4) of whom  
 7 shall be of the same political party.

8 (2) The committee on priorities shall be appointed at  
 9 the same time as all other standing committees.

10 (3) The committee on priorities shall consider  
 11 resolutions requesting council studies and all other study  
 12 requests and establish and prepare a list of priorities from  
 13 among them. ~~They shall also set priorities on all bills and~~  
 14 ~~studies carried over to the second regular session.~~ The  
 15 committee shall transmit the list to the legislative council  
 16 before the end of each regular session and shall assign the  
 17 ~~bills and~~ studies to the appropriate standing interim  
 18 committee in the order in which the studies ~~and bills~~ appear  
 19 on the list of priorities. The committee shall assign as  
 20 many studies ~~and bills~~ as the resources of the council staff  
 21 allows."

22 Section 17. Severability. If a part of this act is  
 23 invalid, all valid parts that are severable from the invalid  
 24 part remain in effect. If a part of this act is invalid in  
 25 one or more of its applications, the part remains in effect

1 in all valid applications that are severable from the  
2 invalid applications.

3 Section 18. Repealer. Sections 43-716, 43-718,  
4 82-4203.2, 82-4203.3, 82-4203.4, and 82-4203.5, R.C.M. 1947,  
5 are repealed.

6 Section 19. Effective date. This act is effective on  
7 its passage and approval. Committee structure shall be  
8 immediately realigned so as to commence functions authorized  
9 by this act immediately upon adjournment of the 45th  
10 legislature or as soon as possible thereafter.

-End-



## STATE OF MONTANA

REQUEST NO. 597-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 24, 19 77, there is hereby submitted a Fiscal Note for House Bill 796 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 796 is an act authorizing expanded functions for legislative interim committees and authorizing sixteen (16) standing committees.

## ASSUMPTIONS:

1. There will be sixteen (16) committees as listed below:

- (a) Four (4) committees will have ten (10) members and will meet two (2) days per month.
- (b) Eight (8) committees will have ten (10) members and will meet one (1) day every other month.
- (c) Four (4) committees, having the least workload, will have a total of thirty (30) members — one (1) committee with ten (10); one (1) committee with eight (8); and two (2) committees with six (6) members. Each of these will meet one (1) day every four (4) months.

The amount of workload will determine the size of the committee and frequency of the meetings.

- 2. Legislators receive a salary of \$31.62 per day plus \$40.00 expenses, and mileage at 15 cents for an average of 350 miles per round trip. 50% of legislators need an extra day for travel.
- 3. The four (4) committees in 1(a) above would need a full-time staff person. The remaining committees would need half-time staff. This would require an additional six (6) researchers.
- 4. The Legislative Council estimates they will need an additional bookkeeper and four (4) secretaries. They would also need four (4) typewriters and one (1) calculator.

## FISCAL IMPACT:

	<u>1979 Interim</u>
Increased legislative travel and salaries	\$241,978
Increased salaries and equipment for Legislative Council	<u>322,280</u>
Total increased cost 1979 biennium	<u>\$564,258</u>

## NOTE:

A supplemental appropriation would be required for the Legislative Council for FY 77 of \$50,000. No estimate can be made of the impact on the various state agencies of meeting with the interim committees.

*Richard L. Drayton*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-24-77

Appropriations  
Without recommendation

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22 declines to serve. When a member of a standing committee  
23 declines to serve on an interim committee and the chairman  
24 is unable to appoint a member from his committee, the  
25 presiding officer of the respective house shall appoint a

1 member to serve on the committee.

2 (5) The interim committees shall meet jointly and  
3 elect a chairman and vice-chairman. The chairman shall be  
4 the house or senate chairman of the respective standing  
5 committee. The chairman not elected shall be the  
6 vice-chairman.

7 Section 8. There is a new R.C.M. section that reads as  
8 follows:

9 Limitation on interim committees. No interim committee  
10 may be appointed to serve except as established by law.

11 Section 9. Section 43-218, R.C.M. 1987, is amended to  
12 read as follows:

13 "43-218. Pre-session caucus — house appropriation and  
14 senate finance and claims committee member — per diem and  
15 expenses. As soon after the official canvass as possible,  
16 but not later than December 1 of each year following an  
17 election when members of the legislature are elected, the  
18 majority and minority parties of each house of the  
19 legislature shall hold a pre-session caucus for holdover  
20 senators, senators-elect, and representatives-elect. The  
21 purpose of the caucus of each party of each house is to  
22 elect officers, appoint committees and hire any necessary  
23 employees. Members of the house ~~appropriations committee~~ and  
24 ~~the senate finance and claims committee budget and program~~  
25 planning committees named at the caucus shall begin

1 reviewing requests for appropriations immediately and may  
 2 visit state agencies and institutions to discuss requests.  
 3 Members of these committees shall receive a daily salary as  
 4 provided in section 43-310, R.C.M. 1947, and forty dollars  
 5 (\$40) per day expenses for each day engaged in committee  
 6 business. Salary and expenses shall be paid by the  
 7 department of administration from the appropriation for  
 8 operation of the preceding legislature."

9 Section 10. Section 43-710, R.C.M. 1947, is amended to  
 10 read as follows:

11 "43-710. Powers and duties. (1) If a question of  
 12 state-wide importance arises when the legislature is not in  
 13 session and ~~a subcommittee~~ an interim committee has not been  
 14 ~~appointed assigned~~ to consider the question, the legislative  
 15 council shall, with the concurrence of the priorities  
 16 committee, assign such question to an appropriate  
 17 ~~subcommittee~~ interim committee.

18 (2) The legislative council shall supervise the  
 19 activities of the council staff.

20 (3) The legislative council shall assist in the  
 21 preparation and submission of all ~~standing and select~~  
 22 interim committee ~~and subcommittee~~ reports and  
 23 recommendations to the legislature.

24 (4) This section shall not be construed to permit the  
 25 council to approve or disapprove of any substantive portions

1 or recommendations of ~~a standing and select~~ an interim  
 2 committee ~~and subcommittee~~ report."

3 Section 11. Section 43-711, R.C.M. 1947, is amended to  
 4 read as follows:

5 "43-711. Executive director — personnel — interim  
 6 standing, and select committees. (1) The legislative  
 7 council may employ an executive director and such other  
 8 personnel, not members of the council, as it deems necessary  
 9 to assist in the preparation of interim standing, and select  
 10 committee ~~and subcommittee~~ reports and recommendations,  
 11 proposed legislative acts and any other activities and shall  
 12 fix the compensation of such employees. It shall further  
 13 have the power to employ the services of any research agency  
 14 which it deems necessary in the discharge of its duties.

15 (2) The legislative council may establish functional  
 16 divisions within the council staff in order to carry out all  
 17 of the responsibilities delegated to the council by law or  
 18 legislative rule, and shall include the following:

- 19 (a) Legislative services division;
- 20 (i) engrossing and enrolling,
- 21 (ii) mailroom,
- 22 (iii) printing;
- 23 (b) Research and reference services division;
- 24 (i) general and specialized legislative research,
- 25 (ii) legislative reference and information, including

1 preparation and publication of the Legislative Review to be  
2 sold at the cost of the publication plus postage,

3 (iii) committee staffing when the legislature is not in  
4 session;

5 (c) Legal services division;

6 (i) bill drafting,

7 (ii) legal counseling,

8 (iii) this division is authorized to assign code  
9 section numbers and catch lines to bills which have passed  
10 both houses without catch lines or section numbers prior to  
11 the enrolling process.

12 (d) Management and business services division;

13 (i) maintain bookkeeping records,

14 (ii) sign claims and payrolls,

15 (iii) order all printing, supplies, and equipment,

16 (iv) serve house and senate during the session."

17 Section 12. Section 43-712, R.C.M. 1947, is amended to  
18 read as follows:

19 "43-712. Power to investigate and examine. The  
20 legislative council, ~~on behalf of~~ may assist interim,  
21 standing, and select committees and subcommittees, shall  
22 ~~have authority~~ to investigate and examine into the costs of  
23 state governmental activities and may examine and inspect  
24 all records, books and files of any department, agency,  
25 commission, board or institution of the state of Montana."

1 Section 13. Section 43-713, R.C.M. 1947, is amended to  
2 read as follows:

3 "43-713. Hearings — oaths, subpoenas, compelling  
4 attendance of witnesses and production of records —  
5 contempt proceedings. In the discharge of its duties on  
6 behalf of interim, select, and standing committees ~~and~~  
7 ~~subcommittees~~, the legislative council shall have authority  
8 to hold hearings, administer oaths, issue subpoenas, compel  
9 the attendance of witnesses, and the production of any  
10 papers, books, accounts, documents and testimony, and to  
11 cause depositions of witnesses to be taken in the manner  
12 prescribed by law for taking depositions in civil actions in  
13 the district court. In case of disobedience on the part of  
14 any person to comply with any subpoena issued by the council  
15 on behalf of ~~a~~ an interim, select, or standing committee ~~or~~  
16 ~~subcommittee~~ or of the refusal of any witness to testify on  
17 any matters regarding which he may be lawfully interrogated,  
18 it shall be the duty of the district court of any county or  
19 the judge thereof, on application of the legislative council  
20 to compel obedience by proceedings for contempt as in the  
21 case of disobedience of the requirements of a subpoena  
22 issued from such court on a refusal to testify therein."

23 Section 14. Section 43-714, R.C.M. 1947, is amended to  
24 read as follows:

25 "43-714. Expenses. When the legislature is not in

1 session, members of the legislative council, ~~the legislative~~  
 2 ~~subcommittees, select and standing committees, and interim~~  
 3 ~~committees~~ while going to, attending, and returning from  
 4 legislative committee meetings and other necessary committee  
 5 business authorized by the chairman of the legislative  
 6 council are entitled to:

- 7 (1) a mileage allowance as allowed by section 59-801,  
 8 (2) actual expenses, as provided for in sections  
 9 59-538 and 59-539, and  
 10 (3) compensation as provided by law."

11 Section 15. Section 43-715, R.C.M. 1947, is amended to  
 12 read as follows:

13 "43-715. Organization -- officers -- rules of  
 14 procedure and records. The legislative council shall  
 15 organize immediately following appointment by electing one  
 16 (1) of its members as its chairman and by electing such  
 17 other officers from among its membership as the council may  
 18 deem desirable. The council is empowered to adopt rules of  
 19 procedure and to make all arrangements for its meetings and  
 20 to carry out the purpose for which it is created. The  
 21 council and the ~~subcommittees interim committees~~ are  
 22 directed to keep accurate records of their activities and  
 23 proceedings."

24 Section 16. Section 43-717, R.C.M. 1947, is amended to  
 25 read as follows:

1 "43-717. Legislative committee on priorities --  
 2 composition -- functions. (1) There is created a  
 3 legislative committee on priorities which shall be composed  
 4 of eight (8) members of the house rules committee, four (4)  
 5 of whom shall be of the same political party, and eight (8)  
 6 members of the senate rules committee, four (4) of whom  
 7 shall be of the same political party.

8 (2) The committee on priorities shall be appointed at  
 9 the same time as all other standing committees.

10 (3) The committee on priorities shall consider  
 11 resolutions requesting council studies and all other study  
 12 requests and establish and prepare a list of priorities from  
 13 among them. ~~They shall also set priorities on all bills and~~  
 14 ~~studies carried over to the second regular session.~~ The  
 15 committee shall transmit the list to the legislative council  
 16 before the end of each regular session and shall assign the  
 17 ~~bills and~~ studies to the appropriate ~~standing interim~~  
 18 committee in the order in which the studies ~~and bills~~ appear  
 19 on the list of priorities. The committee shall assign as  
 20 many studies ~~and bills~~ as the resources of the council staff  
 21 allows."

22 Section 17. Severability. If a part of this act is  
 23 invalid, all valid parts that are severable from the invalid  
 24 part remain in effect. If a part of this act is invalid in  
 25 one or more of its applications, the part remains in effect



1 in all valid applications that are severable from the  
2 invalid applications.

3 Section 18. Repealer. Sections 43-716, 43-718,  
4 82-4203.2, 82-4203.3, 82-4203.4, and 82-4203.5, R.C.M. 1947,  
5 are repealed.

6 Section 19. Effective date. This act is effective on  
7 its passage and approval. Committee structure shall be  
8 immediately realigned so as to commence functions authorized  
9 by this act immediately upon adjournment of the 45th  
10 legislature or as soon as possible thereafter.

-End-