

HOUSE BILL 117

IN THE HOUSE

January 11, 1979

Introduced and referred to  
Committee on Appropriations.

March 26, 1979

Committee recommend bill,  
do not pass.

March 27, 1979

Report adopted.

1 HOUSE BILL NO. 117  
 2 INTRODUCED BY Mendak Ellis Meyer Broad  
 3 BY REQUEST OF THE INTERIM COMMITTEE ON HUMAN SERVICES

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A PERMANENT  
 6 LEGISLATIVE HUMAN SERVICES OVERSIGHT COMMITTEE AND PROVIDE  
 7 AN APPROPRIATION OF \$81,000 FOR THE BIENNIUM."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Definitions. As used in [this act], the  
 11 following definitions apply:

12 (1) "Committee" means the permanent legislative human  
 13 services oversight committee created in [section 2].

14 (2) "Human services agencies" means the department of  
 15 institutions, the department of social and rehabilitation  
 16 services, and those portions of the department of community  
 17 affairs, the department of health and environmental  
 18 sciences, the department of labor and industry, and the  
 19 office of the superintendent of public instruction that deal  
 20 with human services.

21 (3) "Program" means a combination of planned efforts  
 22 to provide a service.

23 Section 2. Creation of an oversight committee. There  
 24 is a permanent legislative human services oversight  
 25 committee.

1 Section 3. Human services oversight committee --  
 2 composition. (1) The committee consists of two members of  
 3 the senate state administration committee, two members of  
 4 the house of representatives state administration committee,  
 5 one member of the senate health committee, one member of the  
 6 house of representatives health committee, two members of  
 7 the senate finance committee, and two members of the house  
 8 of representatives appropriations committee. The  
 9 appointments shall be made by the chairmen of the respective  
 10 committees named above. The committee may have no more than  
 11 five members from each political party.

12 (2) A vacancy is filled in the same manner as the  
 13 original appointment is made.

14 (3) Appointments must be made prior to the 90th  
 15 legislative day of each legislative session.

16 (4) A member of the committee shall serve a 2-year  
 17 term or until his term of office as a legislator ends.

18 (5) The committee shall elect one of its members as  
 19 chairman and shall elect such other officers as it considers  
 20 necessary.

21 Section 4. Meetings -- compensation. The committee  
 22 shall meet as often as the chairman considers it necessary  
 23 during and between legislative sessions. Committee members  
 24 are entitled to receive compensation and expenses as  
 25 provided in 5-2-302.

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1       Section 5. Staff assistance. The legislative council  
2 shall provide staff assistance to the committee subject to  
3 limitations in any appropriation for such purpose. The  
4 legislative council has the same authority of investigation,  
5 examination, and hearings on behalf of the committee as it  
6 has for other committees under 5-11-106 and 5-11-107.

7       Section 6. Appropriation. There is appropriated from  
8 the general fund, for the biennium ending June 30, 1981, the  
9 sum of \$81,000 to the legislative council for the purpose of  
10 funding the activities of the committee.

11       Section 7. Duties of the committee. The committee  
12 shall:

13       (1) advise and consult with human services agencies on  
14 the administration and delivery of human services in the  
15 state;

16       (2) review all proposed rules related to human  
17 services agencies before they are made effective by any  
18 human services agencies;

19       (3) use reports published by the legislative fiscal  
20 analyst and legislative auditor to the maximum extent  
21 possible in the conduct of its work.

22       Section 8. Administrative code committee functions  
23 superceded. [Subsection 2 of section 7 of this act]  
24 supercedes the duties and authority of the administrative  
25 code committee under the Montana Administrative Procedure

1 Act with regard to human service agencies, except with  
2 regard to procedural matters and matters relating to  
3 legality or validity under the Montana Administrative  
4 Procedure Act.

5       Section 9. Powers of the committee. The committee may:

6       (1) review and evaluate human services agencies and  
7 programs;

8       (2) examine human services agency programs to  
9 determine if they continue to serve their intended purposes  
10 or require modification or elimination;

11       (3) request and shall receive from human services  
12 agencies any assistance and data necessary to enable the  
13 committee to fulfill its duties; and

14       (4) hold public hearings.

15       Section 10. Requests for review. A citizen of the  
16 state of Montana may bring any matter related to the  
17 delivery of human services to the attention of the  
18 committee.

19       Section 11. Corrective action. In any instance in  
20 which a program review and evaluation results in a judgment  
21 that a program is ineffective, unnecessary, or is failing to  
22 serve its intended purpose, the committee shall report its  
23 findings to the legislature, together with its  
24 recommendations for administrative or legislative action.

25       Section 12. Committee report. Prior to September 15 of

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1 each year preceding a legislative session, the committee  
2 shall prepare a report of its activities together with its  
3 recommendations, to be submitted to the subsequent  
4 legislature.

-End-

## STATE OF MONTANA

Request No. 256-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 6, 1979, there is hereby submitted a Fiscal Note for House Bill 117 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:

HB117 would create a permanent legislative committee to oversee the operation of the state's human services agencies, consider problems brought to the committee by citizens, and make recommendations to the legislature.

## ASSUMPTIONS:

1. The committee budget would include funds for a full-time staffer, one-half time secretary, and salary for ten legislators. It would also include funds for operating expenses for legislator travel, duplicating expenses, postage, office supplies, telephone, and office equipment.
2. Some additional administrative costs would be absorbed by the Legislative Council.
3. The committee would meet 12 times in FY80 and 4 times in FY81.

## FISCAL IMPACT:

| Additional cost of proposed legislation: | <u>FY 80</u>    | <u>FY 81</u>    |
|--|-----------------|-----------------|
| Personal services                        | \$32,215        | \$30,186        |
| Operating expenses                       | <u>11,491</u>   | <u>7,059</u>    |
| Total                                    | <u>\$43,706</u> | <u>\$37,245</u> |

The additional cost of legislator pay and travel alone would be:

|                    |                 |                 |
|--------------------|-----------------|-----------------|
| Personal Services  | \$ 7,490        | \$ 3,730        |
| Operating expenses | <u>8,851</u>    | <u>4,419</u>    |
|                    | <u>\$16,341</u> | <u>\$ 8,149</u> |

## FUNDING INFORMATION:

The proposed legislation appropriates \$81,000 from the State General Fund for the activities of the committee.

*Richard L. Drury for*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 2/12/79