

HOUSE BILL 837

IN THE HOUSE

February 16, 197	Introduced and referred to Committee on State Administration.
February 19, 1979	Rereferred to Committee on Rules.
February 22, 1979	Committee recommend bill, do pass.
February 23, 1979	Second reading, as amended.  On motion by chief sponsor, Representatives Gerke, Ramirez, Dussault and Siversten added as sponsors.  Considered correctly engrossed.  Third reading, passed.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on State Administration.
March 6, 1979	Rereferred to Committee on Rules.
April 4, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

April 5, 1979	Returned from Senate, not concurred.
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*House* BILL NO. *837*

INTRODUCED BY *Folk*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE INTERIM COMMITTEE STRUCTURE OF THE LEGISLATURE; AUTHORIZING EXPANDED FUNCTIONS FOR LEGISLATIVE COMMITTEES; REVISING THE INTERIM ADMINISTRATIVE REVIEW AND STUDY PROCESS; PROVIDING FOR COMMITTEE SUPPORT THROUGH THE LEGISLATIVE COUNCIL AND ASSISTANCE FROM OTHER COMMITTEES; AMENDING SECTIONS 5-2-202, 5-2-302, 5-5-202, 5-5-211, 5-5-213, 5-5-215, 5-5-216, AND 5-11-105, MCA."

WHEREAS, the legislature finds itself currently directing the operation of a state government with budget requirements in excess of \$1 billion and that employs approximately 7,000 persons; and

WHEREAS, the potential for development of the state's mineral and timber reserves as well as the great likelihood for growth in our agriculture and business communities in the future also tends to create a potential for growth in the size and complexity of government; and

WHEREAS, in order to adequately represent the people of Montana and to obtain sufficient information to set policy and guide its implementation, a new capacity for legislative oversight and policy study must be developed.

THEREFORE, it is the purpose of this act to develop this capacity in a manner that will:

(1) not abuse the constitutional prerogatives of either the executive or legislative branches of government;

(2) respect the wishes of Montana's people that the legislature be in session for the minimum necessary time;

(3) establish a system whereby legislative business can be conducted in a timely and prudent manner;

(4) give the legislature the ability to advise and oversee state government agencies as they carry out legislative policy;

(5) provide the legislature with a much greater ability to be informed about state issues, thus making the legislature a more effective body; and

(6) enable the legislature to guide the development of state government so as to enable the accomplishment of meaningful programs with efficiency and in a manner responsive to the needs of the state and its taxpayers.

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

Section 1. Section 5-2-202, MCA, is amended to read:

"5-2-202. Pre-session activity of house appropriations and senate finance and claims committees. Members of the house appropriations-committee and of the senate finance-and-claims-committee committees with responsibility for

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INTRODUCED BILL

1 considering budgeting and appropriations named at the  
 2 pre-session caucus may begin reviewing requests for  
 3 appropriations immediately and may visit state agencies and  
 4 institutions to discuss requests."

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

6 "5-5-202. Interim activities of committees. (1) During  
 7 an interim when the legislature is not in session, all  
 8 regularly appointed standing or select committees ~~or~~  
 9 ~~subcommittees~~ of either house not formally discharged prior  
 10 to the final adjournment of the preceding session shall  
 11 continue as such committees. They are empowered to continue  
 12 to sit as such committees as provided in this [act].

13 (2) The interim committees shall meet at the call of  
 14 the committee chairman but not more than once a month at  
 15 meetings that may not exceed 2 days unless additional  
 16 meeting time is authorized by the speaker of the house and  
 17 the president of the senate, subject to available funds."

18 Section 3. Section 5-2-302, MCA, is amended to read:

19 "5-2-302. Compensation and expenses when legislature  
 20 not in session. When the legislature is not in session,  
 21 members of the legislative council, ~~legislative~~  
 22 ~~subcommittees~~ ~~and~~ ~~select~~ and interim committees, while  
 23 engaged in committee business authorized by the legislative  
 24 council, are entitled to:

25 (1) a mileage allowance as provided in 2-18-503;

1 (2) expenses as provided in 2-18-501 and 2-18-502; and

2 (3) a salary equal to one-fourth the daily rate of a  
 3 grade 8, step 1 classified state employee, for every 6 hours  
 4 or fraction thereof spent away from home on committee  
 5 business."

6 Section 4. Section 5-5-211, MCA, is amended to read:

7 "5-5-211. Appointment and composition of joint  
 8 subcommittees. (1) The standing committees of the house and  
 9 senate shall appoint subcommittees from each body to meet  
 10 jointly to conduct interim business, on those bills and  
 11 resolutions that are designated to them by the priorities  
 12 committee. The composition of each subcommittee shall be as  
 13 follows:

14 ~~(a) four members of the house standing committee~~  
 15 ~~appointed by the chairman of the standing committee, no more~~  
 16 ~~than two of whom may be of one political party; and~~

17 ~~(b) four members of the senate standing committee~~  
 18 ~~appointed by the chairman of the standing committee, no more~~  
 19 ~~than two of whom may be of one political party.~~

20 ~~(2) The chairman of the standing committee may appoint~~  
 21 ~~himself to the subcommittees.~~

22 (2) The chairmen of each standing committee shall  
 23 appoint half or the nearest whole number over half of the  
 24 members of that standing committee to serve on the interim  
 25 committee. No member may serve on more than one interim

1 ~~committee except to fill a vacancy created by a member who~~  
 2 ~~declines to serve or if no other member is available. When a~~  
 3 ~~member of a standing committee declines to serve on an~~  
 4 ~~interim committee and the chairman is unable to appoint a~~  
 5 ~~member from his committee, the presiding officer of the~~  
 6 ~~respective house shall appoint a member to serve on the~~  
 7 ~~committee."~~

8 Section 5. Section 5-5-213, MCA, is amended to read:

9 "5-5-213. Officers of subcommittees. Each subcommittee  
 10 shall elect its chairman and vice-chairman ~~from among its~~  
 11 ~~members. The chairman and vice-chairmen may not be members~~  
 12 ~~of the same political party must be the house or senate~~  
 13 ~~chairman of the respective standing committee. The chairman~~  
 14 ~~not elected must be the vice-chairman."~~

15 Section 6. Section 5-5-215, MCA, is amended to read:

16 "5-5-215. Duties of subcommittees. (1) Each  
 17 subcommittee shall accumulate, compile, analyze, and furnish  
 18 such information relevant to existing or prospective  
 19 legislation as it determines, on its own initiative, to be  
 20 pertinent to important issues of policy and questions of  
 21 statewide importance, including but not limited to:

22 (a) the possibilities of consolidations of  
 23 departments, commissions, boards, and institutions in state  
 24 government for:

25 (i) the elimination of unnecessary activities and

1 duplications in office personnel and equipment;

2 (ii) the coordination of activities;

3 (iii) the purpose of increasing efficiency of service  
 4 or effecting economies; and

5 (iv) the purpose of studying and inquiring into the  
 6 financial administration of state governments and  
 7 subdivisions thereof, including the problems of assessment  
 8 and collection of taxes; and

9 (b) all other matters pertaining to the function of  
 10 the departments and branches of state government.

11 ~~(2) Each subcommittee shall advise and oversee the~~  
 12 ~~operations of the executive branch agencies placed under its~~  
 13 ~~jurisdiction by the rules of the legislature. To carry out~~  
 14 ~~this function a subcommittee shall, in addition to its~~  
 15 ~~duties under subsection (1):~~

16 ~~(a) review agency rules and proposed rules and advise~~  
 17 ~~the agency when, in the opinion of the subcommittee, a rule~~  
 18 ~~or proposed rule is contrary to legislative intent;~~

19 ~~(b) review the agency's budget proposals to assure~~  
 20 ~~they are developed in the best interest of the state; and~~

21 ~~(c) generally advise the agency in regard to policy~~  
 22 ~~when, in the opinion of the subcommittee, an agency decision~~  
 23 ~~deviates from legislative intent.~~

24 ~~(2)(3) Each subcommittee shall prepare such bills and~~  
 25 ~~resolutions as, in its opinion, the welfare of the state may~~

1 require for presentation to the next regular session of the  
2 legislature.

3 ~~(4) Each subcommittee shall conduct interim studies~~  
4 ~~assigned by the committee on priorities.~~

5 ~~(3)(5) Each subcommittee shall keep accurate records~~  
6 ~~of its activities and proceedings."~~

7 Section 7. Section 5-5-216, MCA, is amended to read:

8 "5-5-216. Recommendations of subcommittees. A  
9 subcommittee ~~appointed for the purpose of making a study~~  
10 ~~assigned by the priorities committee may make~~  
11 ~~recommendations for legislation. These recommendations and~~  
12 ~~the study report shall be submitted to the legislature at~~  
13 ~~the next regular session."~~

14 NEW SECTION. Section 8. Committee administration. (1)  
15 The interim committee chairman shall prepare an estimated  
16 interim committee schedule and budget and submit them to the  
17 legislative committee on priorities for its approval. The  
18 proposed budget shall include an estimate of out-of-state  
19 travel for members of the committee in connection with  
20 committee responsibilities. Committee staffing and support  
21 services shall be administered by the legislative council.  
22 Committee costs shall be paid from funds appropriated for  
23 that purpose.

24 (2) An interim committee may request policy research  
25 and legal services assistance from the legislative council.

1 (3) An interim committee may request assistance from  
2 the legislative finance committee in connection with its  
3 budget review and development responsibility.

4 (4) An interim committee shall keep itself informed of  
5 and make recommendations concerning findings of the  
6 legislative audit committee in connection with its area of  
7 responsibility.

8 (5) An interim committee may request assistance from  
9 any other legislative committee that may be established.

10 Section 9. Section 5-11-105, MCA, is amended to read:

11 "5-11-105. Powers and duties of council. (1) If a  
12 question of statewide importance arises when the legislature  
13 is not in session and a subcommittee has not been appointed  
14 ~~to consider assigned~~ the question, the legislative council  
15 shall, with the concurrence of the priorities committee,  
16 assign the question to an appropriate subcommittee.

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

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

23 (4) This section shall not be construed to permit the  
24 council to approve or disapprove of any substantive portions  
25 or recommendations of a standing or select committee or  
subcommittee report." -End-

## 1 HOUSE BILL NO. 837

2 INTRODUCED BY FAGG, GERKE, RAMIREZ, DUSSAULT, SIVERTSEN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE INTERIM  
5 COMMITTEE STRUCTURE OF THE LEGISLATURE; AUTHORIZING EXPANDED  
6 FUNCTIONS FOR LEGISLATIVE COMMITTEES; REVISING THE INTERIM  
7 ADMINISTRATIVE REVIEW AND STUDY PROCESS; PROVIDING FOR  
8 COMMITTEE AND LEGISLATIVE SUPPORT THROUGH THE LEGISLATIVE  
9 COUNCIL AND ASSISTANCE FROM OTHER COMMITTEES; AMENDING  
10 SECTIONS 5-2-202, 5-2-302, 5-5-202, ~~5-5-211~~ 5-5-213,  
11 5-5-215, 5-5-216, AND 5-11-105, MCA; AND PROVIDING AN  
12 EFFECTIVE DATE."

13  
14 WHEREAS, the legislature finds itself currently  
15 directing the operation of a state government with budget  
16 requirements in excess of \$1 billion and that employs  
17 approximately ~~7,000~~ 14,000 persons; and

18 WHEREAS, the potential for development of the state's  
19 mineral and timber reserves as well as the great likelihood  
20 for growth in our agriculture and business communities in  
21 the future also tends to create a potential for growth in  
22 the size and complexity of government; and

23 WHEREAS, in order to adequately represent the people of  
24 Montana and to obtain sufficient information to set policy  
25 and guide its implementation, a new capacity for legislative

1 oversight and policy study must be developed.

2 THEREFORE, it is the purpose of this act to develop  
3 this capacity in a manner that will:

4 (1) not abuse the constitutional prerogatives of  
5 either the executive or legislative branches of government;

6 (2) respect the wishes of Montana's people that the  
7 legislature be in session for the minimum necessary time;

8 (3) establish a system whereby legislative business  
9 can be conducted in a timely and prudent manner;

10 (4) give the legislature the ability to advise and  
11 oversee state government agencies as they carry out  
12 legislative policy;

13 (5) provide the legislature with a much greater  
14 ability to be informed about state issues, thus making the  
15 legislature a more effective body; and

16 (6) enable the legislature to guide the development of  
17 state government so as to enable the accomplishment of  
18 meaningful programs with efficiency and in a manner  
19 responsive to the needs of the state and its taxpayers.

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

22 Section 1. Section 5-2-202, MCA, is amended to read:

23 "5-2-202. Presession activity of house-appropriations  
24 ~~and-senate-finance-and-etoms~~ FINANCE committees. Members of  
25 the house appropriations-committee and of-the senate finance

1 ~~and claims--committee committees with responsibility for~~  
2 ~~considering budgeting and appropriations named at the~~  
3 ~~pre-session caucus may begin reviewing requests for~~  
4 ~~appropriations immediately and may visit state agencies and~~  
5 ~~institutions to discuss requests."~~

6 Section 2. Section 5-5-202, MCA, is amended to read:  
7 "5-5-202. Interim activities of committees. (1) During  
8 an interim when the legislature is not in session, all  
9 regularly appointed standing or select committees ~~or~~  
10 ~~subcommittees~~ of either house not formally discharged prior  
11 to the final adjournment of the preceding session shall  
12 continue as such committees. They are empowered to continue  
13 to sit as such committees as provided in this [act].

14 ~~(1) The interim committees shall meet at the call of~~  
15 ~~the committee chairman but not more than once a month at~~  
16 ~~meetings that may not exceed 2 days unless additional~~  
17 ~~meeting time is authorized by the speaker of the house and~~  
18 ~~the president of the senate, subject to available funds.~~

19 (2) INTERIM COMMITTEES SHALL MEET AT THE CALL OF THE  
20 COMMITTEE CHAIRMAN SUBJECT TO THE FOLLOWING LIMITATIONS:

21 (A) A COMMITTEE ASSIGNED AN INTERIM STUDY MAY NOT MEET  
22 MORE THAN SIX TIMES IN A YEAR.

23 (B) A COMMITTEE NOT ASSIGNED AN INTERIM STUDY MAY NOT  
24 MEET MORE THAN TWO TIMES IN A YEAR.

25 (C) NO MEETING MAY EXCEED 2 DAYS.

1 (D) LIMITATIONS SET FORTH IN THIS SUBSECTION CAN BE  
2 EXCEEDED WITH PERMISSION OF THE SPEAKER OF THE HOUSE AND THE  
3 PRESIDENT OF THE SENATE."

4 Section 3. Section 5-2-302, MCA, is amended to read:  
5 "5-2-302. Compensation and expenses when legislature  
6 not in session. When the legislature is not in session,  
7 members of the legislative council, ~~legislative~~  
8 ~~subcommittees, and select~~ and interim committees, while  
9 engaged in committee business authorized by the legislative  
10 council, are entitled to:

- 11 (1) a mileage allowance as provided in 2-18-503;
- 12 (2) expenses as provided in 2-18-501 and 2-18-502; and
- 13 (3) a salary equal to one-fourth the daily rate of a  
14 grade 8, step 1 classified state employee, for every 6 hours  
15 or fraction thereof spent away from home on committee  
16 business."

17 Section 4. ~~Section 5-5-211, MCA, is amended to read:~~

18 "5-5-211. ~~Appointment and composition of joint~~  
19 ~~subcommittees--(1) The standing committees of the house and~~  
20 ~~senate shall appoint subcommittees from each body to meet~~  
21 ~~jointly to conduct interim business on those bills and~~  
22 ~~resolutions that are designated to them by the priorities~~  
23 ~~committee. The composition of each subcommittee shall be as~~  
24 ~~follows:~~

25 ~~(a) four members of the house--standing committee~~

1 appointed-by-the-chairman-of-the-standing-committee-no-more  
 2 than-two-of-whom-may-be-of-one-political-partyt-end

3 ~~{b}--four-members--of--the--senate--standing--committee~~  
 4 ~~appointed-by-the-chairman-of-the-standing-committee-no-more~~  
 5 ~~than-two-of-whom-may-be-of-one-political-partyt~~

6 ~~{2}--The-chairman-of-the-standing-committee-may-appoint~~  
 7 ~~himself-to-the-subcommittee~~

8 ~~{2}--The-chairman-of-each-standing-committee-shall~~  
 9 ~~appoint-half-or-the-nearest-whole-number-over-half-of-the~~  
 10 ~~members-of-that-standing-committee-to-serve-on-the-interim~~  
 11 ~~committees.No-member-may-serve-on-more-than-one-interim~~  
 12 ~~committee--except--to-fill-a-vacancy-created-by-a-member-who~~  
 13 ~~declines-to-serve-or-if-no-other-member-is-available:When-a~~  
 14 ~~member-of-a-standing-committee--declines--to--serve--on--an~~  
 15 ~~interim--committee--and--the--chairman--is--unable--to--appoint--a~~  
 16 ~~member-from-his-committee--the--presiding--officer--of--the~~  
 17 ~~respective--house--shall--appoint--a--member--to--serve--on--the~~  
 18 ~~committees"~~

19 Section 4. Section 5-5-213, MCA, is amended to read:

20 "5-5-213. Officers of subcommittees. Each subcommittee  
 21 shall elect its chairman and vice-chairman from among its  
 22 members. The chairman and vice-chairman may not be members  
 23 of the same political party. must be the house or senate  
 24 chairman of the respective standing committee. The chairman  
 25 not elected must be the vice-chairman."

1 Section 5. Section 5-5-215, MCA, is amended to read:

2 "5-5-215. Duties of subcommittees. (1) Each  
 3 subcommittee shall accumulate, compile, analyze, and furnish  
 4 such information relevant to existing or prospective  
 5 legislation as it determines, on its own initiative, to be  
 6 pertinent to important issues of policy and questions of  
 7 statewide importance, including but not limited to:

8 (a) the possibilities of consolidations of  
 9 departments, commissions, boards, and institutions in state  
 10 government for:

11 (i) the elimination of unnecessary activities and  
 12 duplications in office personnel and equipment;

13 (ii) the coordination of activities;

14 (iii) the purpose of increasing efficiency of service  
 15 or effecting economies; and

16 (iv) the purpose of studying and inquiring into the  
 17 financial administration of state governments and  
 18 subdivisions thereof, including the problems of assessment  
 19 and collection of taxes; and

20 (b) all other matters pertaining to the function of  
 21 the departments and branches of state government.

22 {2} Each subcommittee shall advise and oversee the  
 23 operations of the executive branch agencies placed under its  
 24 jurisdiction by the rules of the legislature. To carry out  
 25 this function a subcommittee shall, in addition to its



1 duties under subsection (1):

2 (a) review agency rules and proposed rules and advise  
3 the agency when, in the opinion of the subcommittee, a rule  
4 or proposed rule is contrary to legislative intent;

5 (b) review the agency's budget proposals to assure  
6 they are developed in the best interest of the state; and

7 (c) generally advise the agency in regard to policy  
8 when, in the opinion of the subcommittee, an agency decision  
9 deviates from legislative intent.

10 ~~(2)~~(3) Each subcommittee shall prepare such bills and  
11 resolutions as, in its opinion, the welfare of the state may  
12 require for presentation to the next regular session of the  
13 legislature.

14 (4) Each subcommittee shall conduct interim studies  
15 assigned by the committee on priorities.

16 ~~(3)~~(5) Each subcommittee shall keep accurate records  
17 of its activities and proceedings."

18 Section 6. Section 5-5-216, MCA, is amended to read:

19 "5-5-216. Recommendations of subcommittees. A  
20 subcommittee appointed--for--the--purpose--of making a study  
21 assigned by the priorities committee may make  
22 recommendations for legislation. These recommendations and  
23 the study report shall be submitted to the legislature at  
24 the next regular session."

25 NEW SECTION. Section 7. Committee administration. (1)

1 The interim committee chairman shall prepare an estimated  
2 interim committee schedule and budget and submit them to the  
3 legislative committee on priorities for its approval. The  
4 proposed budget shall include an estimate of out-of-state  
5 travel for members of the committee in connection with  
6 committee responsibilities. Committee staffing and support  
7 services shall be administered by the legislative council.  
8 Committee costs shall be paid from funds appropriated for  
9 that purpose.

10 (2) An interim committee may request policy research  
11 and legal services assistance from the legislative council.

12 (3) An interim committee may request assistance from  
13 the legislative finance committee in connection with its  
14 budget review and development responsibility.

15 (4) An interim committee shall keep itself informed of  
16 and make recommendations concerning findings of the  
17 legislative audit committee in connection with its area of  
18 responsibility.

19 (5) An interim committee may request assistance from  
20 any other legislative committee that may be established.

21 Section 8. Section 5-11-105, MCA, is amended to read:

22 "5-11-105. Powers and duties of council. (1) If a  
23 question of statewide importance arises when the legislature  
24 is not in session and a subcommittee has not been appointed  
25 to-consider assigned the question, the legislative council

1 shall, with the concurrence of the priorities committee,  
2 assign the question to an appropriate subcommittee.

3 (2) The legislative council shall supervise the  
4 activities of the council staff.

5 (3) The legislative council shall assist in the  
6 preparation and submission of all standing and select  
7 committee and subcommittee reports and recommendations to  
8 the legislature.

9 (4) This section shall not be construed to permit the  
10 council to approve or disapprove of any substantive portions  
11 or recommendations of a standing or select committee or  
12 subcommittee report."

13 ~~SECTION 9. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~  
14 ~~ADJOURNMENT OF THE REGULAR SESSION OF THE 46TH LEGISLATURE.~~

-End-