

Senate Bill 315

In The Senate

January 29, 1981

Introduced and referred
to Committee on Judiciary.

Fiscal note requested.

February 5, 1981

Fiscal note returned.

April 23, 1981

Died in Committee.

1 *Senate* BILL NO. 315
 2 INTRODUCED BY *Turnage*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE
 5 PUBLICATION OF THE MONTANA CODE ANNOTATED AND THE OFFICE OF
 6 CODE COMMISSIONER FROM THE LEGISLATIVE COUNCIL TO THE
 7 DEPARTMENT OF ADMINISTRATION; PROVIDING FOR CONSULTATION
 8 WITH THE SUPREME COURT; AMENDING SECTIONS 1-11-201,
 9 1-11-203, AND 1-11-301 THROUGH 1-11-303, MCA; AND PROVIDING
 10 AN EFFECTIVE DATE."

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

12 Section 1. Section 1-11-201, MCA, is amended to read:
 13 "1-11-201. Office of code commissioner created. There
 14 is created within the ~~legislative-council~~ department of
 15 ~~administration~~ the office of code commissioner."

16 Section 2. Section 1-11-203, MCA, is amended to read:
 17 "1-11-203. Supervision by ~~legislative-council~~ director
 18 ~~of administration and supreme court.~~ (1) Except as provided
 19 ~~in subsection (2), the~~ The code commissioner is subject to
 20 the general supervision and policy of the ~~legislative~~
 21 ~~council~~ director of administration.

22 (2) ~~The Montana supreme court has supervisory power~~
 23 ~~over the code commissioner in all matters relating to the~~
 24 ~~compilation, publications, and distribution of the Montana~~

1 Code Annotated."

2 Section 3. Section 1-11-301, MCA, is amended to read:
 3 "1-11-301. Publication and sale of Montana Code
 4 Annotated. (1) The ~~legislative-council~~ director of
 5 ~~administration~~ with the advice of the code commissioner
 6 shall decide on the quantity, quality, style, format, and
 7 grade of all publications prior to having the code
 8 commissioner call for bids for the printing and binding and
 9 contract for their publication. The code commissioner shall
 10 follow the requirements of state law relating to contracts
 11 and bids, except as herein provided.

12 (2) The methods of sale to the public of the Montana
 13 Code Annotated and supplements or other subsequent and
 14 ancillary publications thereto may be included as an
 15 alternative specification and bid and as a part of a
 16 contract to be let by bids by the code commissioner.

17 (3) The sales price to the public shall be fixed by
 18 the ~~legislative-council~~ director of administration but may
 19 not exceed the cost price plus 20%. All revenues generated
 20 from the sale of the Montana Code Annotated or ancillary
 21 publications shall be deposited in the revolving fund, from
 22 which fund appropriations may be made for the use of the
 23 office and facilities of the ~~legislative-council~~ department
 24 ~~of administration~~ under this chapter.

25 (4) Sets of the Montana Code Annotated purchased by

1 the state or local governmental agencies that are supported
2 by public funds shall be for the cost price of the sets."

3 Section 4. Section 1-11-302, MCA, is amended to read:

4 "1-11-302. Updates of Montana Code Annotated. (1) The
5 publication of updates to the Montana Code Annotated may be
6 as a cumulative supplement or replacement volume or in any
7 other format approved by the ~~legislative-council~~ director of
8 administration.

9 (2) The supplements or replacements shall be
10 certified, published, copyrighted, and deposited with the
11 secretary of state. The supplements and replacements become
12 effective on the date deposited with and certified to the
13 secretary of state."

14 Section 5. Section 1-11-303, MCA, is amended to read:

15 "1-11-303. Authority to issue ancillary publications.
16 The ~~legislative-council~~ department of administration may
17 issue such supplementary and ancillary publications as it
18 considers necessary or desirable in aid of the general use
19 and purposes of the Montana Code Annotated and the
20 supplements or replacements thereto."

21 Section 6. Transfer of funds. All funds appropriated
22 to the legislative council for use of the code commissioner
23 remaining after [the effective date of this act] shall be
24 transferred to the department of administration for funding
25 of the code commissioner.

1 Section 7. Effective date. This act is effective on
2 January 1, 1982.

-End-

STATE OF MONTANA

REQUEST NO. 255-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 30, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 315 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:

Senate Bill 315 transfers the publication of the Montana Code Annotated and the Office of the Code Commissioner from the Legislative Council to the Department of Administration with the Montana Supreme Court exercising supervision over the Code Commissioner in all matters relating to the compilation, publication, and distribution of the Montana Code Annotated.

ASSUMPTIONS

1. The act would be effective January 1, 1982.
2. The Department of Administration would create a separate Division-level organization within the Department to accommodate Code Commissioner functions.
3. The Department of Administration would have to hire staff with experience at least equivalent to the existing staff providing Montana Code Annotated services for the Code Commissioner but in accordance with State Classification requirements that are not currently binding on the Legislative Council.
4. The majority of expenses associated with the six-year recodification project would be incurred prior to the transfer of the Code Commissioner functions to the Department of Administration.
5. The revolving account for the Montana Code Annotated would transfer to the Department of Administration.
6. The existing responsibilities and computer capabilities would be retained by the Legislative Council for bill drafting, vote reporting, and bill status reporting for each legislative session.
7. The Department of Administration would contract for computer capability comparable to the existing capability within the Legislative Council.
8. The General Fund will continue to subsidize the development of the Montana Code Annotated through support of personal services costs and developmental operating expenses.

FISCAL IMPACT

It is estimated that the net cost to be incurred by the Department of Administration in the operation of the Code Commissioners Office will be:

<u>FY 1982</u>	<u>FY 1983</u>	<u>TOTAL BIENNIUM</u>
\$438,841	\$676,928	\$1,115,769

Legislative Council Reduction:

<u>(\$156,017)</u>	<u>(\$154,406)</u>	<u>(\$310,423)</u>
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\$282,824	\$522,522	\$805,346	NET COST
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David M Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-5-81

Office of the Legislative Fiscal Analyst

Room 109

STATE CAPITOL

HELENA, MONTANA 59601

406/449-2986



JOHN D. LaFAVER
LEGISLATIVE FISCAL ANALYST

February 2, 1981

S.B. 315

Senator Jean Turnage, President
Montana State Senate
State Capitol Station
Helena, MT 59620

Dear Senator Turnage:

In response to your request, we addressed three activities in assessing all code-related costs of the Montana Codes, as performed by the legislative council. These include:

1. legal services;
2. legislative services, which provides data-processing services; and
3. printing and distribution of the codes and code annotations.

Each of these areas will be discussed separately with code-related costs estimated for each. Costs of these three programs are aggregated below.

TABLE I
Consolidation of the Estimated Code-Related Costs
(1980-1983)

	Actual	Approp.	---Requested---		TOTAL
	1980	1981	1982	1983	
Personal Services	\$ 378,507	\$396,088	\$ 547,653	\$465,866	\$1,788,114
Operating	1,022,508	299,889	649,014	357,693	2,329,104
Capital	13,604	2,000	25,000	15,000	55,604
TOTAL	\$1,414,619	\$697,977	\$1,221,667	\$838,559	\$4,172,822

1. Legal Services

The legal services staff includes a director, seven attorneys, a legal researcher, two code indexers, and a secretary. Staff commitment to code-related responsibilities in fiscal 1980 and 1981, estimated with the assistance of the legislative council is shown in Table II.

TABLE II
Distribution of Code-Related Responsibilities
Among Legal Staff

	Non-Session Year <u> </u> %	Session Year <u> </u> %
Administrator	80	40
Secretary	30	20
Attorneys (6)	85	47
Attorney (1)	30	0
Legal Researcher	85	47
Indexers	100	100
Total percent of personal services expenses paid:	82	39.8

The second year is significantly different due to other session-related responsibilities such as bill drafting. However, there is a concentrated staff effort immediately after session to codify new laws as well as integrate changes made to existing sections of the codes.

The administrator felt the present distribution of staff time between a session year and a nonsession year would be similar for the 1983 biennium because: remaining titles to be included in the annotations, as well as any new titles, would be completed in December, 1982; and session-related responsibilities would remain essentially the same, with codification of new laws immediately following.

The legal services staff also includes two full-time indexers. These indexers are responsible for compiling the automated "Daily Bill Index" during session, which is finalized into the "Combined Final Status" and Journal Index at the end of the session. The former listing provides the basis for automating the Legislative Review, which indexes all bills passed into law. This document becomes the basis for the index to the Montana Session Laws which is later integrated into the master code index.

Session-related responsibilities are an integral part of compiling the revised code index after each session. These responsibilities, in a sense, form the "building blocks" for compiling the new index. Therefore, it is difficult to define any specific activity as specifically unrelated to code responsibilities.

The administrator indicated that the annotations would be completed in December, 1983. However, she does not feel that the staff could be reduced as they would be used for the following functions in the 1985 biennium:

1. updating annotations (estimates 3.0 FTE will be needed),
2. adding new titles to annotations,
3. providing legal staff support to interim committees.

Therefore, the council was unable to provide an estimate regarding how much of the projected personal services and operating expenses could be factored out if code-related responsibilities were reduced or eliminated.

Table III shows the expenses related to the code this biennium and the upcoming biennium.

TABLE III
Legal Services
Estimated Code-Related Expenses

	Actual <u>1980</u>	Approp. <u>1981</u>	---Requested--- <u>1982</u>	<u>1983</u>
Personal Services	\$160,832	\$95,259	\$239,502	\$128,196
Operating Expenses*	<u>6,313</u>	<u>5,186</u>	<u>13,058</u>	<u>8,937</u>
TOTAL	\$167,145	\$100,445	\$255,560	\$137,133

* A proportionate share of operating expenses was allocated based on the percentage of staff time shown in personal services. This includes 30 percent of the communication expenses actually charged to the management division in 1980. This expense was inflated for the following three years, using LFA inflation factors.

2. Legislative Services

The legislative services division provides support services to the ALTER system. This automated information system allows the council to input all bills during session, update as necessary, and subsequently integrate all new statutes into a code file. This code file automatically prints the codes into camera-ready copy.

Session laws and session journals are also printed from this system and finally, the Montana Codes. Bills input onto the system and subsequently passed into law act as a "building block" to the new set of Montana Codes. Therefore, we could assume that all session-related work on the ALTER system is directly code-related. Such activity entails about eight to nine months of staff time during the session.

During nonsession periods, the division has been involved in automating annotation data, and proofing minutes of the Constitutional Convention. Time expended on constitutional convention activities are not factored out of Table IV.

During a nonsession year, expenses in this function would be limited to maintenance costs of software packages if no code-related responsibilities were assigned.

TABLE IV
Legislative Services
Estimated Code-Related Expenses

	Actual <u>1980</u>	Approp. <u>1981</u>	---Requested--- <u>1982</u>	<u>1983</u>
Personal Services	\$210,519	\$290,726 ^a	\$308,151	\$337,670 ^a
Operating Expenses	401,516	269,703 ^b	317,756	306,756 ^b
Capital	<u>13,604</u>	<u>2,000</u>	<u>25,000</u>	<u>15,000</u>
TOTAL	\$625,639	\$562,429	\$650,907	\$659,426

^aNonsession personal services only.

^bSession-related portion (estimated at 30%) is not included.

Printing and Distribution

Printing and distribution of the annotations is reported as a separate budget. Table V shows operating expenses significantly higher in 1980 since the total amount appropriated for printing the annotations in addition to printing of the codes was accrued. Thirty-four titles will be printed and distributed in 1981. The remaining seventeen titles are expected to be printed in fiscal 1982. Reprinting of the codes and replacement pages for the annotations is requested in 1983.


Personal services are eliminated in 1982 and 1983 as duties of a code clerk, budgeted in 1980 and 1981, have been distributed to other staff for the coming biennium.

TABLE V
Printing and Distribution
Estimated Code-Related Expenses

	Actual <u>1980</u>	Approp. <u>1981</u>	---Requested--- <u>1982</u>	<u>1983</u>
Personal Services	\$ 7,156	\$10,103		
Operating Expenses	<u>614,679</u>	<u>25,000</u>	<u>318,200</u>	<u>42,000</u>
TOTAL	\$621,835	\$35,103	\$318,200	\$42,000

It is not possible to state precisely the costs of producing the Montana Codes Annotated since many of the functions performed during session are interrelated to the code work. Should you have any questions about the assumptions, please contact us.

Sincerely,



Judy Rippingale
Acting Legislative Fiscal Analyst

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