

SENATE BILL NO. 451

Introduced: 02/16/83

Referred to Committee on Legislative Administration: 02/16/83

Hearing: 2/17/83

Report: 02/18/83, Do Pass

2nd Reading: 02/21/83

3rd Reading: 02/22/83, As Amended

3rd Reading: 02/23/83

Transmitted to House: 02/23/83

Referred to Committee on Legislative Administration: 02/28/83

Hearing: 3/8/83

Report: 03/28/83, Be Concurred In, As Amended

2nd Reading: 03/28/83, Be Concurred In

3rd Reading: 03/28/83, Be Concurred In

Returned To Senate With Amendments: 3/29/83

2nd Reading: 04/07/83, Be Not Concurred In

Free Conference Committee Appointed: 4/8/83

Free Conference Committee Report: 04/20/83

Senate

2nd Reading: 04/20/83, Be Adopted

On Motion, 4/21/83, That The Bill Be Taken From 2nd Reading

And Rereferred to 2nd Reading. Motion Passed Unanimously.

2nd Reading: 04/21/83, Be Not Adopted

House

Indefinitely Postponed

Reconsidered Action 4/21/83

2nd Reading: 04/21/83, Be Not Concurred In

Free Conference Committee Dissolved: 04/21/83

New Free Conference Committee Appointed: 04/21/83

New Free Conference Committee Report: 04/21/83

Senate

2nd Reading: 04/21/83, Be Adopted

3rd Reading: 04/21/83, Be Adopted

House

2nd Reading: 04/21/83, Be Not Concurred In

Bill Killed.

1 *Senate* BILL NO. *451*
2 INTRODUCED BY *STEPHENS*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CENTRALIZE THE
5 ADMINISTRATION OF LEGISLATIVE SUPPORT SERVICES; CREATING A
6 LEGISLATIVE SERVICES COMMITTEE TO REPLACE THE LEGISLATIVE
7 COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE
8 AUDIT COMMITTEE, THE ENVIRONMENTAL QUALITY COUNCIL, AND
9 OTHER LEGISLATIVE COMMITTEES; AMENDING SECTIONS 2-4-102,
10 5-12-102, 5-13-304, 5-18-101, 75-1-201, 75-1-301, 90-4-108,
11 AND 90-4-302, MCA; REPEALING SECTIONS 2-4-401, 5-11-101
12 THROUGH 5-11-112, 5-12-201 THROUGH 5-12-205, 5-12-304,
13 5-13-201 THROUGH 5-13-203, 5-13-305, 5-14-101 THROUGH
14 5-14-104, 5-16-101 THROUGH 5-16-105, 5-17-101 THROUGH
15 5-17-104, 5-18-102 THROUGH 5-18-106, AND 90-4-303, MCA; AND
16 PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR A PORTION OF THE
17 ACT."
18

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

20 NEW SECTION. Section 1. Appointment and composition
21 of the legislative services committee -- definition. (1)
22 There is a 12-member, equally bipartisan legislative
23 services committee that consists of the president and
24 minority leader of the senate and two members appointed by
25 each of them and the speaker and minority leader of the

1 house of representatives and two members appointed by each
2 of them.

3 (2) As used in this chapter, unless the context
4 indicates otherwise, "committee" means the legislative
5 services committee.

6 NEW SECTION. Section 2. Term. Membership on the
7 committee is for 2 years and terminates with the appointment
8 of a new committee or on the 50th legislative day of the
9 next regular session following the one in which the
10 appointment was made, whichever occurs first. A new
11 committee must be appointed no later than the 50th day of
12 each regular session.

13 NEW SECTION. Section 3. Vacancies. A vacancy on the
14 committee occurring when the legislature is not in session
15 must be filled by the selection of another member by the
16 same method as the original appointment.

17 NEW SECTION. Section 4. Officers -- rules of
18 procedure -- records. The committee shall organize
19 immediately following appointment by electing one of its
20 members as its chairman and by electing such other officers
21 from among its membership as the members consider desirable.
22 The committee may adopt rules of procedure and rules to
23 carry out the purpose for which it is created and may make
24 all arrangements for its meetings. The committee shall keep
25 accurate records of its activities and proceedings.

-2- INTRODUCED BILL

SB 451

1 NEW SECTION. Section 5. Powers and duties of
2 committee. (1) The committee may appoint appropriate
3 subcommittees to address questions of statewide importance
4 arising when the legislature is not in session or to perform
5 such other functions as the committee considers necessary.

6 (2) The committee shall assist in the preparation and
7 submission of all standing and select committee and
8 subcommittee reports and recommendations to the legislature.
9 This section does not permit the committee to approve or
10 disapprove any substantive portions or recommendations of a
11 standing or select committee or subcommittee report, except
12 with respect to subcommittees appointed by it.

13 (3) The committee shall employ an executive director,
14 a legislative counsel, a legislative fiscal analyst, a
15 legislative auditor, and such other staff as it considers
16 necessary and shall establish salaries and other personnel
17 policies.

18 (4) All legislative travel reimbursement is under the
19 control of the committee.

20 (5) The committee may employ the services of any
21 research or consulting agency that it considers necessary in
22 the discharge of its duties.

23 NEW SECTION. Section 6. Authority to investigate and
24 examine. The committee, on behalf of standing and select
25 committees and subcommittees, may investigate and examine

1 the costs of state governmental activities and may examine
2 and inspect all records, books, and files of any department,
3 agency, commission, board, or institution of the state.

4 NEW SECTION. Section 7. Powers relating to hearings.
5 (1) In the discharge of its duties on behalf of standing and
6 select committees and subcommittees, the committee may hold
7 hearings, administer oaths, issue subpoenas, compel the
8 attendance of witnesses and the production of papers, books,
9 accounts, documents, and testimony, and cause depositions of
10 witnesses to be taken in the manner prescribed by law for
11 taking depositions in civil actions in district court.

12 (2) If a person disobeys a subpoena issued by the
13 committee on behalf of a standing or select committee or
14 subcommittee or if a witness refuses to testify on any
15 matter regarding which he may be lawfully interrogated, the
16 district court of any county shall, on application of the
17 committee, compel obedience by proceedings for contempt as
18 in the case of disobedience of the requirements of a
19 subpoena issued from such court or a refusal to testify
20 therein.

21 NEW SECTION. Section 8. Capitol area master plan. (1)
22 The committee shall establish and maintain a master plan for
23 the orderly development of state buildings in the immediate
24 area of the capital city. The master plan must be developed
25 and maintained with consideration given to the following

1 factors:

2 (a) the needs of the state relative to the location
3 and design of buildings to be constructed, purchase of land,
4 parking facilities, traffic management, and landscaping;

5 (b) the ordinances, plans, proposed improvements, and
6 requirements of the city of Helena and Lewis and Clark
7 County, based without limitation upon zoning regulations,
8 population trends, and plans for rapid transit development;
9 and

10 (c) any other factors that bear upon the orderly,
11 integrated, and cooperative development of the state, the
12 city of Helena, Lewis and Clark County, and of state
13 property in the immediate area of the capital city.

14 (2) The committee shall consult with and advise the
15 department of administration concerning the assignment of
16 space in the capitol complex and the actual placement of
17 busts, statues, memorials, or art displays of a permanent
18 nature within public areas of the capitol complex. No such
19 item may be permanently displayed unless authorized by the
20 legislature.

21 (3) The committee shall serve as a long-range building
22 committee to recommend to the legislature and the department
23 of administration construction and remodeling priorities for
24 the capitol complex.

25 (4) The committee shall prepare a written report of

1 its recommendations and present the report to the
2 legislature at each regular session.

3 **NEW SECTION.** Section 9. Organization. (1) There is a
4 legislative counsel, a legislative fiscal analyst, and a
5 legislative auditor, who are appointed by and serve at the
6 pleasure of the legislative services committee.

7 (2) The committee may establish functional divisions
8 within the staff in order to carry out the responsibilities
9 delegated to the committee by law or by legislative rule.
10 The divisions must include at least the following:

11 (a) legislative council division, which is headed by
12 the legislative counsel and which shall perform research,
13 legal, drafting, payroll, and other legislative services;

14 (b) finance division, which is headed by the
15 legislative fiscal analyst and which shall perform the
16 duties assigned to the legislative fiscal analyst;

17 (c) audit division, which is headed by the legislative
18 auditor and which shall perform financial compliance and
19 performance audits and other duties assigned to the
20 legislative auditor.

21 **NEW SECTION.** Section 10. Functions transferred to
22 legislative services committee. (1) The functions of the
23 legislative council, the legislative finance committee, the
24 legislative audit committee, the administrative code
25 committee, the environmental quality council, the capitol

1 building and planning committee, the revenue oversight
2 committee, and the energy policy committee, as specified by
3 law or by legislative rule, are transferred to the
4 legislative services committee.

5 (2) Unless inconsistent with this act, any reference
6 in the MCA, whether in existing language or in language
7 passed by the 48th legislature and approved by the governor,
8 to any legislative committee or council listed in subsection
9 (1) is changed to "legislative services committee" and the
10 code commissioner shall change such references accordingly.
11 The code commissioner shall make any incidental changes in
12 the MCA, consistent with this act, necessary to effect the
13 purposes of this act without changing the meaning.

14 Section 11. Section 2-4-102, MCA, is amended to read:

15 "2-4-102. Definitions. For purposes of this chapter,
16 the following definitions apply:

17 (1) "~~Administrative~~----code Legislative---services
18 committee" or "committee" means the committee provided for
19 in ~~title 5, chapter 14~~ [section 1].

20 (2) "Agency" means any agency, as defined in 2-3-102,
21 of the state government, except that the provisions of this
22 chapter do not apply to the following:

23 (a) the state board of pardons, except that the board
24 shall be subject to the requirements of 2-4-103, 2-4-201,
25 2-4-202, and 2-4-306 and its rules shall be published in the

1 administrative rules of Montana and Montana administrative
2 register;

3 (b) the supervision and administration of any penal
4 institution with regard to the institutional supervision,
5 custody, control, care, or treatment of youths or prisoners;

6 (c) the board of regents and the Montana university
7 system;

8 (d) the financing, construction, and maintenance of
9 public works.

10 (3) "ARM" means the administrative rules of Montana.

11 (4) "Contested case" means any proceeding before an
12 agency in which a determination of legal rights, duties, or
13 privileges of a party is required by law to be made after an
14 opportunity for hearing. The term includes but is not
15 restricted to ratemaking, price fixing, and licensing.

16 (5) "License" includes the whole or part of any agency
17 permit, certificate, approval, registration, charter, or
18 other form of permission required by law but does not
19 include a license required solely for revenue purposes.

20 (6) "Licensing" includes any agency process respecting
21 the grant, denial, renewal, revocation, suspension,
22 annulment, withdrawal, limitation, transfer, or amendment of
23 a license.

24 (7) "Party" means any person named or admitted as a
25 party or properly seeking and entitled as of right to be

admitted as a party, but nothing herein shall be construed to prevent an agency from admitting any person as a party for limited purposes.

(8) "Person" means any individual, partnership, corporation, association, governmental subdivision, agency, or public organization of any character.

(9) "Register" means the Montana administrative register.

(10) "Rule" means each agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of an agency. The term includes the amendment or repeal of a prior rule but does not include:

(a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) formal opinions of the attorney general and declaratory rulings issued pursuant to 2-4-501;

(c) rules relating to the use of public works, facilities, streets, and highways when the substance of such rules is indicated to the public by means of signs or signals;

(d) seasonal rules adopted annually relating to hunting, fishing, and trapping when there is a statutory

requirement for the publication of such rules and rules adopted annually relating to the seasonal recreational use of lands and waters owned or controlled by the state when the substance of such rules is indicated to the public by means of signs or signals;

(e) rules implementing the state personnel classification plan, the state wage and salary plan, or the statewide budgeting and accounting system;

(f) uniform rules adopted pursuant to interstate compact, except that such rules shall be filed in accordance with 2-4-306 and shall be published in the administrative rules of Montana.

(11) "Substantive rules" are either:

(a) legislative rules, which if adopted in accordance with this chapter and under expressly delegated authority to promulgate rules to implement a statute have the force of law and when not so adopted are invalid; or

(b) adjective or interpretive rules, which may be adopted in accordance with this chapter and under express or implied authority to codify an interpretation of a statute. Such interpretation lacks the force of law."

Section 12. Section 5-12-102, MCA, is amended to read:

"5-12-102. Definitions. In this chapter, the following definitions apply:

(1) "Budget amendment" means a request submitted

through the budget director to the committee for executive branch agencies to expend funds in excess of those appropriated by the legislature.

(2) "Budget director" means the budget director appointed pursuant to 17-7-103.

(3) "Committee" means the legislative finance services committee created by this chapter [section 1].

(4) "State agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public moneys by virtue of an appropriation from the legislature, that handles money on behalf of the state, or that holds any trust or agency moneys from any source."

Section 13. Section 5-13-304, MCA, is amended to read:

"5-13-304. Powers and duties. The legislative auditor shall:

(1) audit the financial affairs and transactions of every state agency;

(2) make a complete written report of each audit. A copy of each report shall be furnished to the department of administration, the state agency which was audited, and each member of the committee ~~and the legislative council~~.

(3) report immediately in writing to the attorney general and the governor any apparent violation of penal

statutes disclosed by the audit of a state agency and furnish the attorney general with all information in his possession relative to the violation;

(4) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

(5) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.

(6) report to the legislature during the first week of each regular session. The report shall contain, among other things, copies of or summaries of audit reports on state agencies and any recommendations relating to such reports.

(7) have the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency must obtain the written consent of the grantee to the audit provided for in this subsection."

Section 14. Section 5-18-101, MCA, is amended to read:

"5-18-101. Definitions. In this chapter "committee" means the revenue-overight legislative services committee created in ~~5-18-102~~ [section 1]."

Section 15. Section 75-1-301, MCA, is amended to read:

"75-1-301. Definition of ~~counet~~ committee. In this part "~~counet~~" "committee" means the ~~environmental-quality~~ legislative services committee provided for in ~~5-18-102~~ [section 1]."

Section 16. Section 75-1-201, MCA, is amended to read:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in this chapter;

(b) all agencies of the state, except as provided in subsection (2), shall:

(i) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(ii) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration

in decisionmaking along with economic and technical considerations;

(iii) include in every recommendation or report on proposals for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment, a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(C) alternatives to the proposed action;

(D) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(E) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(iv) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(v) recognize the national and long-range character of environmental problems and, where consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize

1 national cooperation in anticipating and preventing a
2 decline in the quality of mankind's world environment;

3 (vi) make available to counties, municipalities,
4 institutions, and individuals advice and information useful
5 in restoring, maintaining, and enhancing the quality of the
6 environment;

7 (vii) initiate and utilize ecological information in
8 the planning and development of resource-oriented projects;
9 and

10 (viii) assist the ~~environmental-quality-council~~
11 ~~legislative-services-committee~~ established by ~~5-16-10~~
12 ~~[section 1]~~; and

13 (c) prior to making any detailed statement as provided
14 in subsection (1)(b)(iii), the responsible state official
15 shall consult with and obtain the comments of any state
16 agency which has jurisdiction by law or special expertise
17 with respect to any environmental impact involved. Copies of
18 such statement and the comments and views of the appropriate
19 state, federal, and local agencies which are authorized to
20 develop and enforce environmental standards shall be made
21 available to the governor, the environmental quality
22 council, and the public and shall accompany the proposal
23 through the existing agency review processes.

24 (2) The department of public service regulation, in
25 the exercise of its regulatory authority over rates and

1 charges of railroads, motor carriers, and public utilities,
2 is exempt from the provisions of this chapter."

3 Section 17. Section 90-4-108, MCA, is amended to read:

4 "90-4-108. Oversight function of ~~environmental-quality~~
5 ~~council legislative-services-committee~~. The department shall
6 submit periodic reports to the ~~environmental-quality-council~~
7 ~~legislative-services-committee~~ established in ~~5-16-10~~
8 ~~[section 1]~~ for review and evaluation. The ~~environmental~~
9 ~~quality-council legislative-services-committee~~ shall make
10 such recommendations as it considers necessary to assure the
11 greatest possible benefit of the program to the people of
12 the state as a whole. Such recommendations may include
13 proposals for legislation."

14 Section 18. Section 90-4-302, MCA, is amended to read:

15 "90-4-302. Definitions. As used in this part, the
16 following definitions apply:

17 (1) "Energy facility" means a facility which produces,
18 extracts, converts, transports, or stores energy.

19 (2) "Energy" means petroleum or other liquid fuels,
20 natural or synthetic fuel gas, or electricity.

21 (3) "Person" means an individual, partnership, joint
22 venture, private or public corporation, cooperative,
23 association, firm, public utility, political subdivision,
24 municipal corporation, government agency, joint operating
25 agency, or any other entity, public or private, however

1 organized.

2 (4) "Committee" means the energy--policy legislative
3 services committee established in 90-4-303 [section 1].

4 (5) "Distributor" means any person, private
5 corporation, partnership, producer, individual
6 proprietorship, public utility, joint operating agency or
7 cooperative which engages in or is authorized to engage in
8 the activity of generating, producing, transmitting, or
9 distributing energy in this state.

10 (6) "Energy emergency" means an existing or imminent
11 domestic, regional, or national shortage of energy which
12 will result in curtailment of essential services or
13 production of essential goods or the disruption of
14 significant sectors of the economy unless action is taken to
15 conserve or limit the use of the energy form involved and
16 the allocation of available energy supplies among users.

17 (7) "Energy supply alert" means a condition of energy
18 supply on a national, regional, state, or local basis which
19 foreseeably will affect significantly the availability of
20 essential energy supplies within the ensuing 90-day period
21 unless action is taken under 90-4-309 to reduce energy usage
22 by state agencies and political subdivisions.

23 (8) "Petroleum products" means propane, butane,
24 propane/butane mix, motor gasoline, kerosene and other
25 middle distillates, aviation gasoline, jet fuel, number 4

1 fuel oil, residual fuel oil, and alcohol fuels, whether in
2 natural or synthetic form.

3 (9) "Refinery" means an industrial plant, regardless
4 of capacity, that processes fossil or renewable feedstock or
5 manufactures refined petroleum products, except when the
6 plant exclusively produces petrochemicals.

7 (10) "Refiner" means a person that owns, operates, or
8 controls the operations of one or more refineries located in
9 Montana.

10 (11) "Prime petroleum supplier" means the person who
11 makes the first sale of a petroleum product into the state
12 distribution system. Any person who is considered to be a
13 Montana prime supplier by the U.S. department of energy is
14 included in this definition.

15 (12) "Petroleum pipeline company" means a person who
16 owns or operates in Montana any pipeline used for the
17 transportation of petroleum products or their derivatives.
18 This definition does not include pipelines used to transport
19 crude petroleum from producing wells to refineries.

20 (13) "Bulk pipeline terminal" means a facility that is
21 primarily used for storage for marketing of petroleum
22 products and that has total bulk storage capacity of 50,000
23 gallons or more."

24 NEW SECTION. Section 19. Repealer. Sections 2-4-401,
25 5-11-101 through 5-11-112, 5-12-201 through 5-12-205,

1 5-12-304, 5-13-201 through 5-13-203, 5-13-305, 5-14-101
2 through 5-14-104, 5-16-101 through 5-16-105, 5-17-101
3 through 5-17-104, 5-18-102 through 5-18-106, and 90-4-303,
4 MCA, are repealed.

5 NEW SECTION. Section 20. Transition. Members of
6 committees and councils terminated by this act shall serve
7 until October 1, 1983. The legislative services committee
8 created by this act must be appointed, must organize, and
9 must employ an executive director prior to October 1, 1983,
10 but may not assume other functions until October 1, 1983.

11 NEW SECTION. Section 21. Codification instruction.
12 Sections 1 through 9 are intended to be codified as an
13 integral part of Title 5, chapter 11.

14 NEW SECTION. Section 22. Effective date. Sections 1
15 through 4 and the provision in section 5(3) relating to the
16 employment of an executive director for the legislative
17 services committee are effective on passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 465-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 18, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 451 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 451 is an act to centralize the administration of legislative support services and create a legislative service committee to replace several other committees.

ASSUMPTIONS:

- 1) The present duties of the several legislative agencies will continue at the same level.
- 2) The present committees will be abolished but smaller sub-committees may be established.
- 3) The legislative agencies can be reorganized and restructured to improve efficiency and effectiveness by reducing redundant functions and staff.
- 4) The amount of operational costs can be reduced, especially in the area of travel cost.

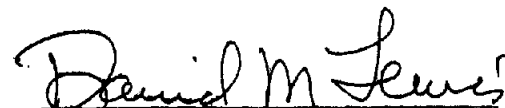
FISCAL IMPACT:

The current level budgets of the agencies involved are:

	<u>FTE'S</u>	<u>1985 BIENNIUM REQUEST</u>
Legislative Auditor	65.00	\$ 4,937,891
Legislative Fiscal Analyst	15.00	1,202,678
Legislative Council	52.25 (Average)	4,910,881
Consumer Council	4.25	1,139,588
Environmental Quality Council	4.75	429,853
	<u>141.25</u>	<u>\$ 12,620,891</u>

If the Executive Director were instructed to consolidate functions and reduce costs there would be substantial savings, the amount would be dependant on the extent of consolidation acheived.

FISCAL NOTE 17:E/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-21-83

1 5-12-304, 5-13-201 through 5-13-203, 5-13-305, 5-14-101
2 through 5-14-104, 5-16-101 through 5-16-105, 5-17-101
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16 employment of an executive director for the legislative
17 services committee are effective on passage and approval.

-End-

1 organized.

2 (4) "Committee" means the energy--policy legislative
3 services committee established in 90-4-303 [section 1].

4 (5) "Distributor" means any person, private
5 corporation, partnership, producer, individual
6 proprietorship, public utility, joint operating agency or
7 cooperative which engages in or is authorized to engage in
8 the activity of generating, producing, transmitting, or
9 distributing energy in this state.

10 (6) "Energy emergency" means an existing or imminent
11 domestic, regional, or national shortage of energy which
12 will result in curtailment of essential services or
13 production of essential goods or the disruption of
14 significant sectors of the economy unless action is taken to
15 conserve or limit the use of the energy form involved and
16 the allocation of available energy supplies among users.

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18 supply on a national, regional, state, or local basis which
19 foreseeably will affect significantly the availability of
20 essential energy supplies within the ensuing 90-day period
21 unless action is taken under 90-4-309 to reduce energy usage
22 by state agencies and political subdivisions.

23 (8) "Petroleum products" means propane, butane,
24 propane/butane mix, motor gasoline, kerosene and other
25 middle distillates, aviation gasoline, jet fuel, number 4

1 fuel oil, residual fuel oil, and alcohol fuels, whether in
2 natural or synthetic form.

3 (9) "Refinery" means an industrial plant, regardless
4 of capacity, that processes fossil or renewable feedstock or
5 manufactures refined petroleum products, except when the
6 plant exclusively produces petrochemicals.

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8 controls the operations of one or more refineries located in
9 Montana.

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18 This definition does not include pipelines used to transport
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22 products and that has total bulk storage capacity of 50,000
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25 5-11-101 through 5-11-112, 5-12-201 through 5-12-205,

1 national cooperation in anticipating and preventing a
2 decline in the quality of mankind's world environment;

3 (vi) make available to counties, municipalities,
4 institutions, and individuals advice and information useful
5 in restoring, maintaining, and enhancing the quality of the
6 environment;

7 (vii) initiate and utilize ecological information in
8 the planning and development of resource-oriented projects;
9 and

10 (viii) assist the ~~environmental-quality-council~~
11 ~~legislative-services-committee~~ established by ~~5-16-10~~
12 ~~[section 1]~~; and

13 (c) prior to making any detailed statement as provided
14 in subsection (1)(b)(iii), the responsible state official
15 shall consult with and obtain the comments of any state
16 agency which has jurisdiction by law or special expertise
17 with respect to any environmental impact involved. Copies of
18 such statement and the comments and views of the appropriate
19 state, federal, and local agencies which are authorized to
20 develop and enforce environmental standards shall be made
21 available to the governor, the environmental quality
22 council, and the public and shall accompany the proposal
23 through the existing agency review processes.

24 (2) The department of public service regulation, in
25 the exercise of its regulatory authority over rates and

1 charges of railroads, motor carriers, and public utilities,
2 is exempt from the provisions of this chapter."

3 Section 17. Section 90-4-108, MCA, is amended to read:

4 "90-4-108. Oversight function of ~~environmental-quality~~
5 ~~council legislative-services-committee~~. The department shall
6 submit periodic reports to the ~~environmental-quality-council~~
7 ~~legislative-services-committee~~ established in ~~5-16-10~~
8 ~~[section 1]~~ for review and evaluation. The ~~environmental~~
9 ~~quality-council legislative-services-committee~~ shall make
10 such recommendations as it considers necessary to assure the
11 greatest possible benefit of the program to the people of
12 the state as a whole. Such recommendations may include
13 proposals for legislation."

14 Section 18. Section 90-4-302, MCA, is amended to read:

15 "90-4-302. Definitions. As used in this part, the
16 following definitions apply:

17 (1) "Energy facility" means a facility which produces,
18 extracts, converts, transports, or stores energy.

19 (2) "Energy" means petroleum or other liquid fuels,
20 natural or synthetic fuel gas, or electricity.

21 (3) "Person" means an individual, partnership, joint
22 venture, private or public corporation, cooperative,
23 association, firm, public utility, political subdivision,
24 municipal corporation, government agency, joint operating
25 agency, or any other entity, public or private, however

"5-18-101. Definitions. In this chapter "committee" means the revenue-overstight legislative services committee created in 5-18-102 [section 1]."

Section 15. Section 75-1-301, MCA, is amended to read:

"75-1-301. Definition of ~~council~~ committee. In this part "~~council~~" "committee" means the ~~environmental-quality council~~ legislative services committee provided for in 5-16-102 [section 1]."

Section 16. Section 75-1-201, MCA, is amended to read:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in this chapter;

(b) all agencies of the state, except as provided in subsection (2), shall:

(i) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(ii) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration

in decisionmaking along with economic and technical considerations;

(iii) include in every recommendation or report on proposals for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment, a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(C) alternatives to the proposed action;

(D) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(E) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(iv) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(v) recognize the national and long-range character of environmental problems and, where consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize

1 through the budget director to the committee for executive
2 branch agencies to expend funds in excess of those
3 appropriated by the legislature.

4 (2) "Budget director" means the budget director
5 appointed pursuant to 17-7-103.

6 (3) "Committee" means the legislative finance ~~services~~
7 committee created by ~~this chapter [section 1]~~.

8 (4) "State agency" means all offices, departments,
9 boards, commissions, institutions, universities, colleges,
10 and any other person or any other administrative unit of
11 state government that spends or encumbers public moneys by
12 virtue of an appropriation from the legislature, that
13 handles money on behalf of the state, or that holds any
14 trust or agency moneys from any source."

15 Section 13. Section 5-13-304, MCA, is amended to read:

16 "5-13-304. Powers and duties. The legislative auditor
17 shall:

18 (1) audit the financial affairs and transactions of
19 every state agency;

20 (2) make a complete written report of each audit. A
21 copy of each report shall be furnished to the department of
22 administration, the state agency which was audited, and each
23 member of the committee ~~and the legislative council~~.

24 (3) report immediately in writing to the attorney
25 general and the governor any apparent violation of penal

1 statutes disclosed by the audit of a state agency and
2 furnish the attorney general with all information in his
3 possession relative to the violation;

4 (4) report immediately in writing to the governor any
5 instances of misfeasance, malfeasance, or nonfeasance by a
6 state officer or employee disclosed by the audit of a state
7 agency;

8 (5) report immediately to the surety upon the bond of
9 an official or employee when an audit discloses a shortage
10 in the accounts of the official or employee. Failure to
11 notify the surety does not release the surety from any
12 obligation under the bond.

13 (6) report to the legislature during the first week of
14 each regular session. The report shall contain, among other
15 things, copies of or summaries of audit reports on state
16 agencies and any recommendations relating to such reports.

17 (7) have the authority to audit records of
18 organizations and individuals receiving grants from or on
19 behalf of the state to determine that the grants are
20 administered in accordance with the grant terms and
21 conditions. Whenever a state agency enters into an agreement
22 to grant resources under its control to others, the agency
23 must obtain the written consent of the grantee to the audit
24 provided for in this subsection."

25 Section 14. Section 5-18-101, MCA, is amended to read:

1 admitted as a party, but nothing herein shall be construed
2 to prevent an agency from admitting any person as a party
3 for limited purposes.

4 (8) "Person" means any individual, partnership,
5 corporation, association, governmental subdivision, agency,
6 or public organization of any character.

7 (9) "Register" means the Montana administrative
8 register.

9 (10) "Rule" means each agency regulation, standard, or
10 statement of general applicability that implements,
11 interprets, or prescribes law or policy or describes the
12 organization, procedures, or practice requirements of an
13 agency. The term includes the amendment or repeal of a prior
14 rule but does not include:

15 (a) statements concerning only the internal management
16 of an agency and not affecting private rights or procedures
17 available to the public;

18 (b) formal opinions of the attorney general and
19 declaratory rulings issued pursuant to 2-4-501;

20 (c) rules relating to the use of public works,
21 facilities, streets, and highways when the substance of such
22 rules is indicated to the public by means of signs or
23 signals;

24 (d) seasonal rules adopted annually relating to
25 hunting, fishing, and trapping when there is a statutory

1 requirement for the publication of such rules and rules
2 adopted annually relating to the seasonal recreational use
3 of lands and waters owned or controlled by the state when
4 the substance of such rules is indicated to the public by
5 means of signs or signals;

6 (e) rules implementing the state personnel
7 classification plan, the state wage and salary plan, or the
8 statewide budgeting and accounting system;

9 (f) uniform rules adopted pursuant to interstate
10 compact, except that such rules shall be filed in accordance
11 with 2-4-306 and shall be published in the administrative
12 rules of Montana.

13 (11) "Substantive rules" are either:

14 (a) legislative rules, which if adopted in accordance
15 with this chapter and under expressly delegated authority to
16 promulgate rules to implement a statute have the force of
17 law and when not so adopted are invalid; or

18 (b) adjective or interpretive rules, which may be
19 adopted in accordance with this chapter and under express or
20 implied authority to codify an interpretation of a statute.
21 Such interpretation lacks the force of law."

22 Section 12. Section 5-12-102, MCA, is amended to read:

23 "5-12-102. Definitions. In this chapter, the following
24 definitions apply:

25 (1) "Budget amendment" means a request submitted

1 building and planning committee, the revenue oversight
2 committee, and the energy policy committee, as specified by
3 law or by legislative rule, are transferred to the
4 legislative services committee.

5 (2) Unless inconsistent with this act, any reference
6 in the MCA, whether in existing language or in language
7 passed by the 48th legislature and approved by the governor,
8 to any legislative committee or council listed in subsection
9 (1) is changed to "legislative services committee" and the
10 code commissioner shall change such references accordingly.
11 The code commissioner shall make any incidental changes in
12 the MCA, consistent with this act, necessary to effect the
13 purposes of this act without changing the meaning.

14 Section 11. Section 2-4-102, MCA, is amended to read:

15 "2-4-102. Definitions. For purposes of this chapter,
16 the following definitions apply:

17 (1) "~~Administrative~~----code Legislative----services
18 committee" or "committee" means the committee provided for
19 in ~~title 57-chapter 14~~ [section 11].

20 (2) "Agency" means any agency, as defined in 2-3-102,
21 of the state government, except that the provisions of this
22 chapter do not apply to the following:

23 (a) the state board of pardons, except that the board
24 shall be subject to the requirements of 2-4-103, 2-4-201,
25 2-4-202, and 2-4-306 and its rules shall be published in the

1 administrative rules of Montana and Montana administrative
2 register;

3 (b) the supervision and administration of any penal
4 institution with regard to the institutional supervision,
5 custody, control, care, or treatment of youths or prisoners;

6 (c) the board of regents and the Montana university
7 system;

8 (d) the financing, construction, and maintenance of
9 public works.

10 (3) "ARM" means the administrative rules of Montana.

11 (4) "Contested case" means any proceeding before an
12 agency in which a determination of legal rights, duties, or
13 privileges of a party is required by law to be made after an
14 opportunity for hearing. The term includes but is not
15 restricted to ratemaking, price fixing, and licensing.

16 (5) "License" includes the whole or part of any agency
17 permit, certificate, approval, registration, charter, or
18 other form of permission required by law but does not
19 include a license required solely for revenue purposes.

20 (6) "Licensing" includes any agency process respecting
21 the grant, denial, renewal, revocation, suspension,
22 annulment, withdrawal, limitation, transfer, or amendment of
23 a license.

24 (7) "Party" means any person named or admitted as a
25 party or properly seeking and entitled as of right to be

1 factors:

2 (a) the needs of the state relative to the location
3 and design of buildings to be constructed, purchase of land,
4 parking facilities, traffic management, and landscaping;

5 (b) the ordinances, plans, proposed improvements, and
6 requirements of the city of Helena and Lewis and Clark
7 County, based without limitation upon zoning regulations,
8 population trends, and plans for rapid transit development;
9 and

10 (c) any other factors that bear upon the orderly,
11 integrated, and cooperative development of the state, the
12 city of Helena, Lewis and Clark County, and of state
13 property in the immediate area of the capital city.

14 (2) The committee shall consult with and advise the
15 department of administration concerning the assignment of
16 space in the capitol complex and the actual placement of
17 busts, statues, memorials, or art displays of a permanent
18 nature within public areas of the capitol complex. No such
19 item may be permanently displayed unless authorized by the
20 legislature.

21 (3) The committee shall serve as a long-range building
22 committee to recommend to the legislature and the department
23 of administration construction and remodeling priorities for
24 the capitol complex.

25 (4) The committee shall prepare a written report of

1 its recommendations and present the report to the
2 legislature at each regular session.

3 ~~NEW SECTION.~~ Section 9. Organization. (1) There is a
4 legislative counsel, a legislative fiscal analyst, and a
5 legislative auditor, who are appointed by and serve at the
6 pleasure of the legislative services committee.

7 (2) The committee may establish functional divisions
8 within the staff in order to carry out the responsibilities
9 delegated to the committee by law or by legislative rule.

10 The divisions must include at least the following:

11 (a) legislative council division, which is headed by
12 the legislative counsel and which shall perform research,
13 legal, drafting, payroll, and other legislative services;

14 (b) finance division, which is headed by the
15 legislative fiscal analyst and which shall perform the
16 duties assigned to the legislative fiscal analyst;

17 (c) audit division, which is headed by the legislative
18 auditor and which shall perform financial compliance and
19 performance audits and other duties assigned to the
20 legislative auditor.

21 ~~NEW SECTION.~~ Section 10. Functions transferred to
22 legislative services committee. (1) The functions of the
23 legislative council, the legislative finance committee, the
24 legislative audit committee, the administrative code
25 committee, the environmental quality council, the capitol

NEW SECTION. Section 5. Powers and duties of committee. (1) The committee may appoint appropriate subcommittees to address questions of statewide importance arising when the legislature is not in session or to perform such other functions as the committee considers necessary.

(2) The committee shall assist in the preparation and submission of all standing and select committee and subcommittee reports and recommendations to the legislature. This section does not permit the committee to approve or disapprove any substantive portions or recommendations of a standing or select committee or subcommittee report, except with respect to subcommittees appointed by it.

(3) The committee shall employ an executive director, a legislative counsel, a legislative fiscal analyst, a legislative auditor, and such other staff as it considers necessary and shall establish salaries and other personnel policies.

(4) All legislative travel reimbursement is under the control of the committee.

(5) The committee may employ the services of any research or consulting agency that it considers necessary in the discharge of its duties.

NEW SECTION. Section 6. Authority to investigate and examine. The committee, on behalf of standing and select committees and subcommittees, may investigate and examine

the costs of state governmental activities and may examine and inspect all records, books, and files of any department, agency, commission, board, or institution of the state.

NEW SECTION. Section 7. Powers relating to hearings. (1) In the discharge of its duties on behalf of standing and select committees and subcommittees, the committee may hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in district court.

(2) If a person disobeys a subpoena issued by the committee on behalf of a standing or select committee or subcommittee or if a witness refuses to testify on any matter regarding which he may be lawfully interrogated, the district court of any county shall, on application of the committee, compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

NEW SECTION. Section 8. Capitol area master plan. (1) The committee shall establish and maintain a master plan for the orderly development of state buildings in the immediate area of the capital city. The master plan must be developed and maintained with consideration given to the following

Approved by Comm.
on Leg. Admin.

1 Senate BILL NO. 451
2 INTRODUCED BY STEPHENS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CENTRALIZE THE
5 ADMINISTRATION OF LEGISLATIVE SUPPORT SERVICES; CREATING A
6 LEGISLATIVE SERVICES COMMITTEE TO REPLACE THE LEGISLATIVE
7 COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE
8 AUDIT COMMITTEE, THE ENVIRONMENTAL QUALITY COUNCIL, AND
9 OTHER LEGISLATIVE COMMITTEES; AMENDING SECTIONS 2-4-102,
10 5-12-102, 5-13-304, 5-18-101, 75-1-201, 75-1-301, 90-4-108,
11 AND 90-4-302, MCA; REPEALING SECTIONS 2-4-401, 5-11-101
12 THROUGH 5-11-112, 5-12-201 THROUGH 5-12-205, 5-12-304,
13 5-13-201 THROUGH 5-13-203, 5-13-305, 5-14-101 THROUGH
14 5-14-104, 5-16-101 THROUGH 5-16-105, 5-17-101 THROUGH
15 5-17-104, 5-18-102 THROUGH 5-18-106, AND 90-4-303, MCA; AND
16 PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR A PORTION OF THE
17 ACT."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 NEW SECTION. Section 1. Appointment and composition
21 of the legislative services committee -- definition. (1)
22 There is a 12-member, equally bipartisan legislative
23 services committee that consists of the president and
24 minority leader of the senate and two members appointed by
25 each of them and the speaker and minority leader of the

1 house of representatives and two members appointed by each
2 of them.

3 (2) As used in this chapter, unless the context
4 indicates otherwise, "committee" means the legislative
5 services committee.

6 NEW SECTION. Section 2. Term. Membership on the
7 committee is for 2 years and terminates with the appointment
8 of a new committee or on the 50th legislative day of the
9 next regular session following the one in which the
10 appointment was made, whichever occurs first. A new
11 committee must be appointed no later than the 50th day of
12 each regular session.

13 NEW SECTION. Section 3. Vacancies. A vacancy on the
14 committee occurring when the legislature is not in session
15 must be filled by the selection of another member by the
16 same method as the original appointment.

17 NEW SECTION. Section 4. Officers -- rules of
18 procedure -- records. The committee shall organize
19 immediately following appointment by electing one of its
20 members as its chairman and by electing such other officers
21 from among its membership as the members consider desirable.
22 The committee may adopt rules of procedure and rules to
23 carry out the purpose for which it is created and may make
24 all arrangements for its meetings. The committee shall keep
25 accurate records of its activities and proceedings.

SENATE BILL NO. 451
INTRODUCED BY STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CENTRALIZE THE ADMINISTRATION OF LEGISLATIVE SUPPORT SERVICES; CREATING A LEGISLATIVE SERVICES COMMITTEE TO REPLACE ~~THE--LEGISLATIVE COUNCIL--THE--LEGISLATIVE-FINANCE-COMMITTEE,~~ THE LEGISLATIVE AUDIT COMMITTEE, THE ENVIRONMENTAL QUALITY COUNCIL, AND OTHER LEGISLATIVE COMMITTEES ~~AND SUPERVISE STAFFING AND EMPLOYEE COMPENSATION OF THE LEGISLATIVE COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, AND THE LEGISLATIVE AUDIT COMMITTEE;~~ AMENDING SECTIONS 2-4-102, ~~5-12-102 5-11-105, 5-12-205,~~ 5-13-304, 5-18-101, 75-1-201, 75-1-301, 90-4-108, AND 90-4-302, MCA; REPEALING SECTIONS 2-4-401, ~~5-11-101 THROUGH--5-11-112,--5-12-201--THROUGH--5-12-205,--5-12-304, 5-13-201--THROUGH--5-13-203, 5-13-305, 5-14-101 THROUGH 5-14-104, 5-16-101 THROUGH 5-16-105, 5-17-101 THROUGH 5-17-104, 5-18-102 THROUGH 5-18-106 5-18-110,~~ AND 90-4-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR A PORTION OF THE ACT."

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

NEW SECTION. Section 1. Appointment and composition of the legislative services committee -- definition. (1) There is a 12-member, equally bipartisan legislative

services committee that consists of the president and minority leader of the senate and two members appointed by each of them and the speaker and minority leader of the house of representatives and two members appointed by each of them.

(2) As used in this chapter, unless the context indicates otherwise, "committee" means the legislative services committee.

NEW SECTION. Section 2. Term. Membership on the committee is for 2 years and terminates with the appointment of a new committee or on the 50th legislative day of the next regular session following the one in which the appointment was made, whichever occurs first. A new committee must be appointed no later than the 50th day of each regular session.

NEW SECTION. Section 3. Vacancies. A vacancy on the committee occurring when the legislature is not in session must be filled by the selection of another member by the same method as the original appointment.

NEW SECTION. Section 4. Officers -- rules of procedure -- records. The committee shall organize immediately following appointment by electing one of its members as its chairman and by electing such other officers from among its membership as the members consider desirable. The committee may adopt rules of procedure and rules to

1 carry out the purpose for which it is created and may make
2 all arrangements for its meetings. The committee shall keep
3 accurate records of its activities and proceedings.

4 **NEW SECTION.** Section 5. Powers and duties of
5 committee. (1) The committee may appoint ~~AN~~ appropriate
6 ~~subcommittees~~ BIPARTISAN COMMITTEE OF LEGISLATORS to address
7 questions of statewide importance arising when the
8 legislature is not in session or to perform such other
9 functions as the committee considers necessary.

10 (2) The committee shall assist in the preparation and
11 submission of all standing and select committee and
12 subcommittee reports and recommendations to the legislature.
13 This section does not permit the committee to approve or
14 disapprove any substantive portions or recommendations of a
15 standing or select committee or subcommittee report, except
16 with respect to subcommittees appointed by it.

17 (3) The committee shall employ an executive director,
18 a legislative counsel, a legislative fiscal analyst, a
19 legislative auditor, and such other staff as it considers
20 necessary and shall establish salaries and other personnel
21 policies.

22 (4) All legislative travel reimbursement is under the
23 control of the committee.

24 (5) The committee may employ the services of any
25 research or consulting agency that it considers necessary in

1 the discharge of its duties.

2 **NEW SECTION.** Section 6. Authority to investigate and
3 examine. The committee, on behalf of standing and select
4 committees and subcommittees, may investigate and examine
5 the costs of state governmental activities and may examine
6 and inspect all records, books, and files of any department,
7 agency, commission, board, or institution of the state.

8 **NEW SECTION.** Section 7. Powers relating to hearings.
9 (1) In the discharge of its duties on behalf of standing and
10 select committees and subcommittees, the committee may hold
11 hearings, administer oaths, issue subpoenas, compel the
12 attendance of witnesses and the production of papers, books,
13 accounts, documents, and testimony, and cause depositions of
14 witnesses to be taken in the manner prescribed by law for
15 taking depositions in civil actions in district court.

16 (2) If a person disobeys a subpoena issued by the
17 committee on behalf of a standing or select committee or
18 subcommittee or if a witness refuses to testify on any
19 matter regarding which he may be lawfully interrogated, the
20 district court of any county shall, on application of the
21 committee, compel obedience by proceedings for contempt as
22 in the case of disobedience of the requirements of a
23 subpoena issued from such court or a refusal to testify
24 therein.

25 **NEW SECTION.** Section 8. Capitol area master plan. (1)

1 The committee shall establish and maintain a master plan for
2 the orderly development of state buildings in the immediate
3 area of the capital city. The master plan must be developed
4 and maintained with consideration given to the following
5 factors:

6 (a) the needs of the state relative to the location
7 and design of buildings to be constructed, purchase of land,
8 parking facilities, traffic management, and landscaping;

9 (b) the ordinances, plans, proposed improvements, and
10 requirements of the city of Helena and Lewis and Clark
11 County, based without limitation upon zoning regulations,
12 population trends, and plans for rapid transit development;
13 and

14 (c) any other factors that bear upon the orderly,
15 integrated, and cooperative development of the state, the
16 city of Helena, Lewis and Clark County, and of state
17 property in the immediate area of the capital city.

18 (2) The committee shall consult with and advise the
19 department of administration concerning the assignment of
20 space in the capitol complex and the actual placement of
21 busts, statues, memorials, or art displays of a permanent
22 nature within public areas of the capitol complex. No such
23 item may be permanently displayed unless authorized by the
24 legislature.

25 (3) The committee shall serve as a long-range building

1 committee to recommend to the legislature and the department
2 of administration construction and remodeling priorities for
3 the capitol complex.

4 (4) The committee shall prepare a written report of
5 its recommendations and present the report to the
6 legislature at each regular session.

7 ~~NEW SECTION.~~ Section 9. Organization. (1) There is a
8 legislative counsel, a legislative fiscal analyst, and a
9 legislative auditor, who are appointed by and serve at the
10 pleasure of the legislative services committee.

11 (2) The committee may establish functional divisions
12 within the staff in order to carry out the responsibilities
13 delegated to the committee by law or by legislative rule.
14 The divisions must include at least the following:

15 (a) legislative council division, which is headed by
16 the legislative counsel and which shall perform research,
17 legal, drafting, payroll, and other legislative services;

18 (b) finance division, which is headed by the
19 legislative fiscal analyst and which shall perform the
20 duties assigned to the legislative fiscal analyst;

21 (c) audit division, which is headed by the legislative
22 auditor and which shall perform financial compliance and
23 performance audits and other duties assigned to the
24 legislative auditor.

25 ~~NEW SECTION.~~ Section 10. Functions transferred to

1 legislative services committee. (1) The functions of the
 2 ~~legislative council, the legislative finance committee, the~~
 3 ~~legislative audit committee, the administrative code~~
 4 ~~committee, the environmental quality council, the capitol~~
 5 ~~building and planning committee, the revenue oversight~~
 6 ~~committee, and the energy policy committee, as specified by~~
 7 ~~law or by legislative rule, are transferred to the~~
 8 legislative services committee.

9 ~~(2) THE LEGISLATIVE SERVICES COMMITTEE SHALL SUPERVISE~~
 10 ~~STAFFING AND EMPLOYEE COMPENSATION OF THE LEGISLATIVE~~
 11 ~~COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, AND THE~~
 12 ~~LEGISLATIVE AUDIT COMMITTEE.~~

13 ~~(2)(3)~~ Unless inconsistent with this act, any
 14 reference in the MCA, whether in existing language or in
 15 language passed by the 48th legislature and approved by the
 16 governor, to any legislative committee or council listed in
 17 subsection (1) is changed to "legislative services
 18 committee" and the code commissioner shall change such
 19 references accordingly. The code commissioner shall make any
 20 incidental changes in the MCA, consistent with this act,
 21 necessary to effect the purposes of this act without
 22 changing the meaning.

23 Section 11. Section 2-4-102, MCA, is amended to read:

24 "2-4-102. Definitions. For purposes of this chapter,
 25 the following definitions apply:

1 (1) "Administrative---code Legislative---services
 2 committee" or "committee" means the committee provided for
 3 in Title 5, chapter 24 [section 1].

4 (2) "Agency" means any agency, as defined in 2-3-102,
 5 of the state government, except that the provisions of this
 6 chapter do not apply to the following:

7 (a) the state board of pardons, except that the board
 8 shall be subject to the requirements of 2-4-103, 2-4-201,
 9 2-4-202, and 2-4-306 and its rules shall be published in the
 10 administrative rules of Montana and Montana administrative
 11 register;

12 (b) the supervision and administration of any penal
 13 institution with regard to the institutional supervision,
 14 custody, control, care, or treatment of youths or prisoners;

15 (c) the board of regents and the Montana university
 16 system;

17 (d) the financing, construction, and maintenance of
 18 public works.

19 (3) "ARM" means the administrative rules of Montana.

20 (4) "Contested case" means any proceeding before an
 21 agency in which a determination of legal rights, duties, or
 22 privileges of a party is required by law to be made after an
 23 opportunity for hearing. The term includes but is not
 24 restricted to ratemaking, price fixing, and licensing.

25 (5) "License" includes the whole or part of any agency

1 permit, certificate, approval, registration, charter, or
2 other form of permission required by law but does not
3 include a license required solely for revenue purposes.

4 (6) "Licensing" includes any agency process respecting
5 the grant, denial, renewal, revocation, suspension,
6 annulment, withdrawal, limitation, transfer, or amendment of
7 a license.

8 (7) "Party" means any person named or admitted as a
9 party or properly seeking and entitled as of right to be
10 admitted as a party, but nothing herein shall be construed
11 to prevent an agency from admitting any person as a party
12 for limited purposes.

13 (8) "Person" means any individual, partnership,
14 corporation, association, governmental subdivision, agency,
15 or public organization of any character.

16 (9) "Register" means the Montana administrative
17 register.

18 (10) "Rule" means each agency regulation, standard, or
19 statement of general applicability that implements,
20 interprets, or prescribes law or policy or describes the
21 organization, procedures, or practice requirements of an
22 agency. The term includes the amendment or repeal of a prior
23 rule but does not include:

24 (a) statements concerning only the internal management
25 of an agency and not affecting private rights or procedures

1 available to the public;

2 (b) formal opinions of the attorney general and
3 declaratory rulings issued pursuant to 2-4-501;

4 (c) rules relating to the use of public works,
5 facilities, streets, and highways when the substance of such
6 rules is indicated to the public by means of signs or
7 signals;

8 (d) seasonal rules adopted annually relating to
9 hunting, fishing, and trapping when there is a statutory
10 requirement for the publication of such rules and rules
11 adopted annually relating to the seasonal recreational use
12 of lands and waters owned or controlled by the state when
13 the substance of such rules is indicated to the public by
14 means of signs or signals;

15 (e) rules implementing the state personnel
16 classification plan, the state wage and salary plan, or the
17 statewide budgeting and accounting system;

18 (f) uniform rules adopted pursuant to interstate
19 compact, except that such rules shall be filed in accordance
20 with 2-4-306 and shall be published in the administrative
21 rules of Montana.

22 (11) "Substantive rules" are either:

23 (a) legislative rules, which if adopted in accordance
24 with this chapter and under expressly delegated authority to
25 promulgate rules to implement a statute have the force of

law and when not so adopted are invalid; or

(b) adjective or interpretive rules, which may be adopted in accordance with this chapter and under express or implied authority to codify an interpretation of a statute. Such interpretation lacks the force of law."

SECTION 12. SECTION 5-11-105, MCA, IS AMENDED TO READ:

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

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

~~(3)(1) The legislative council shall assist in the preparation and submission of all standing and select committee and subcommittee reports and recommendations to the Legislature.~~

~~(4)(2) This section shall not be construed to permit the council to approve or disapprove of any substantive portions or recommendations of a standing or select committee or subcommittee report."~~

SECTION 13. SECTION 5-12-205, MCA, IS AMENDED TO READ:

"5-12-205. Powers and duties of committee. The committee may:

(1) organize, adopt rules to govern its proceedings,

and meet as often as necessary, upon the call of the chairman, to advise and consult with the legislative fiscal analyst;

~~(2) employ and set the salary of the legislative fiscal analyst who shall serve at the pleasure of and be responsible to the committee; and~~

~~(3)(2) exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title."~~

Section 12. Section 5-12-102, MCA, is amended to read:
"5-12-102. Definitions. In this chapter the following definitions apply:

(1) "Budget amendment" means a request submitted through the budget director to the committee for executive branch agencies to expend funds in excess of those appropriated by the legislature;

(2) "Budget director" means the budget director appointed pursuant to 17-7-103;

(3) "Committee" means the legislative finance ~~agency~~ committee created by this chapter ~~[section 13]~~;

(4) "State agency" means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public moneys by virtue of an appropriation from the legislature that handles money on behalf of the state or that holds any

1 ~~trust-or-agency-moneys-from-any-source."~~

2 Section 14. Section 5-13-304, MCA, is amended to read:

3 "5-13-304. Powers and duties. The legislative auditor
4 shall:

5 (1) audit the financial affairs and transactions of
6 every state agency;

7 (2) make a complete written report of each audit. A
8 copy of each report shall be furnished to the department of
9 administration, the state agency which was audited, ~~and~~ each
10 member of the LEGISLATIVE AUDIT committee, ~~---and---the~~
11 ~~legislative--council, AND EACH MEMBER OF THE LEGISLATIVE~~
12 ~~SERVICES COMMITTEE.~~

13 (3) report immediately in writing to the attorney
14 general and the governor any apparent violation of penal
15 statutes disclosed by the audit of a state agency and
16 furnish the attorney general with all information in his
17 possession relative to the violation;

18 (4) report immediately in writing to the governor any
19 instances of misfeasance, malfeasance, or nonfeasance by a
20 state officer or employee disclosed by the audit of a state
21 agency;

22 (5) report immediately to the surety upon the bond of
23 an official or employee when an audit discloses a shortage
24 in the accounts of the official or employee. Failure to
25 notify the surety does not release the surety from any

1 obligation under the bond.

2 (6) report to the legislature during the first week of
3 each regular session. The report shall contain, among other
4 things, copies of or summaries of audit reports on state
5 agencies and any recommendations relating to such reports.

6 (7) have the authority to audit records of
7 organizations and individuals receiving grants from or on
8 behalf of the state to determine that the grants are
9 administered in accordance with the grant terms and
10 conditions. Whenever a state agency enters into an agreement
11 to grant resources under its control to others, the agency
12 must obtain the written consent of the grantee to the audit
13 provided for in this subsection."

14 Section 15. Section 5-18-101, MCA, is amended to read:

15 "5-18-101. Definitions. In this chapter "committee"
16 means the ~~revenue-over-sight legislative-services~~ committee
17 created in 5-18-102 [section 1]."

18 Section 16. Section 75-1-301, MCA, is amended to read:

19 "75-1-301. Definition of ~~council~~ committee. In this
20 part "~~council~~" "committee" means the ~~environmental-quality~~
21 ~~council~~ legislative-services-committee provided for in
22 5-16-101 [section 1]."

23 Section 17. Section 75-1-201, MCA, is amended to read:

24 "75-1-201. General directions -- environmental impact
25 statements. (1) The legislature authorizes and directs that,

1 to the fullest extent possible:

2 (a) the policies, regulations, and laws of the state
3 shall be interpreted and administered in accordance with the
4 policies set forth in this chapter;

5 (b) all agencies of the state, except as provided in
6 subsection (2), shall:

7 (i) utilize a systematic, interdisciplinary approach
8 which will insure the integrated use of the natural and
9 social sciences and the environmental design arts in
10 planning and in decisionmaking which may have an impact on
11 man's environment;

12 (ii) identify and develop methods and procedures which
13 will insure that presently unquantified environmental
14 amenities and values may be given appropriate consideration
15 in decisionmaking along with economic and technical
16 considerations;

17 (iii) include in every recommendation or report on
18 proposals for projects, programs, legislation, and other
19 major actions of state government significantly affecting
20 the quality of the human environment, a detailed statement
21 on:

22 (A) the environmental impact of the proposed action;

23 (B) any adverse environmental effects which cannot be
24 avoided should the proposal be implemented;

25 (C) alternatives to the proposed action;

1 (D) the relationship between local short-term uses of
2 man's environment and the maintenance and enhancement of
3 long-term productivity; and

4 (E) any irreversible and irretrievable commitments of
5 resources which would be involved in the proposed action
6 should it be implemented;

7 (iv) study, develop, and describe appropriate
8 alternatives to recommend courses of action in any proposal
9 which involves unresolved conflicts concerning alternative
10 uses of available resources;

11 (v) recognize the national and long-range character of
12 environmental problems and, where consistent with the
13 policies of the state, lend appropriate support to
14 initiatives, resolutions, and programs designed to maximize
15 national cooperation in anticipating and preventing a
16 decline in the quality of mankind's world environment;

17 (vi) make available to counties, municipalities,
18 institutions, and individuals advice and information useful
19 in restoring, maintaining, and enhancing the quality of the
20 environment;

21 (vii) initiate and utilize ecological information in
22 the planning and development of resource-oriented projects;
23 and

24 (viii) assist the ~~environmental-quality-council~~
25 ~~legislative-services-committee~~ established by ~~5-16-1981~~

1 ~~[section 1]~~; and

2 (c) prior to making any detailed statement as provided
3 in subsection (1)(b)(iii), the responsible state official
4 shall consult with and obtain the comments of any state
5 agency which has jurisdiction by law or special expertise
6 with respect to any environmental impact involved. Copies of
7 such statement and the comments and views of the appropriate
8 state, federal, and local agencies which are authorized to
9 develop and enforce environmental standards shall be made
10 available to the governor, the environmental quality
11 council, and the public and shall accompany the proposal
12 through the existing agency review processes.

13 (2) The department of public service regulation, in
14 the exercise of its regulatory authority over rates and
15 charges of railroads, motor carriers, and public utilities,
16 is exempt from the provisions of this chapter."

17 Section 18. Section 90-4-108, MCA, is amended to read:

18 "90-4-108. Oversight function of ~~environmental-quality~~
19 ~~council legislative services committee~~. The department shall
20 submit periodic reports to the ~~environmental-quality-council~~
21 ~~legislative services committee~~ established in 5-16-101
22 ~~[section 1]~~ for review and evaluation. The ~~environmental~~
23 ~~quality-council legislative services committee~~ shall make
24 such recommendations as it considers necessary to assure the
25 greatest possible benefit of the program to the people of

1 the state as a whole. Such recommendations may include
2 proposals for legislation."

3 Section 19. Section 90-4-302, MCA, is amended to read:
4 "90-4-302. Definitions. As used in this part, the
5 following definitions apply:

6 (1) "Energy facility" means a facility which produces,
7 extracts, converts, transports, or stores energy.

8 (2) "Energy" means petroleum or other liquid fuels,
9 natural or synthetic fuel gas, or electricity.

10 (3) "Person" means an individual, partnership, joint
11 venture, private or public corporation, cooperative,
12 association, firm, public utility, political subdivision,
13 municipal corporation, government agency, joint operating
14 agency, or any other entity, public or private, however
15 organized.

16 (4) "Committee" means the ~~energy--policy legislative~~
17 ~~services~~ committee established in 90-4-303 ~~[section 1]~~.

18 (5) "Distributor" means any person, private
19 corporation, partnership, producer, individual
20 proprietorship, public utility, joint operating agency or
21 cooperative which engages in or is authorized to engage in
22 the activity of generating, producing, transmitting, or
23 distributing energy in this state.

24 (6) "Energy emergency" means an existing or imminent
25 domestic, regional, or national shortage of energy which

1 will result in curtailment of essential services or
2 production of essential goods or the disruption of
3 significant sectors of the economy unless action is taken to
4 conserve or limit the use of the energy form involved and
5 the allocation of available energy supplies among users.

6 (7) "Energy supply alert" means a condition of energy
7 supply on a national, regional, state, or local basis which
8 foreseeably will affect significantly the availability of
9 essential energy supplies within the ensuing 90-day period
10 unless action is taken under 90-4-309 to reduce energy usage
11 by state agencies and political subdivisions.

12 (8) "Petroleum products" means propane, butane,
13 propane/butane mix, motor gasoline, kerosene and other
14 middle distillates, aviation gasoline, jet fuel, number 4
15 fuel oil, residual fuel oil, and alcohol fuels, whether in
16 natural or synthetic form.

17 (9) "Refinery" means an industrial plant, regardless
18 of capacity, that processes fossil or renewable feedstock or
19 manufactures refined petroleum products, except when the
20 plant exclusively produces petrochemicals.

21 (10) "Refiner" means a person that owns, operates, or
22 controls the operations of one or more refineries located in
23 Montana.

24 (11) "Prime petroleum supplier" means the person who
25 makes the first sale of a petroleum product into the state

1 distribution system. Any person who is considered to be a
2 Montana prime supplier by the U.S. department of energy is
3 included in this definition.

4 (12) "Petroleum pipeline company" means a person who
5 owns or operates in Montana any pipeline used for the
6 transportation of petroleum products or their derivatives.
7 This definition does not include pipelines used to transport
8 crude petroleum from producing wells to refineries.

9 (13) "Bulk pipeline terminal" means a facility that is
10 primarily used for storage for marketing of petroleum
11 products and that has total bulk storage capacity of 50,000
12 gallons or more."

13 NEW SECTION. Section 20. Repealer. Sections 2-4-401,
14 ~~5-11-101 through 5-11-112, 5-12-201 through 5-12-205,~~
15 ~~5-12-304, 5-13-201 through 5-13-203,~~ 5-13-305, 5-14-111
16 through 5-14-104, 5-16-101 through 5-16-105, 5-17-101
17 through 5-17-104, 5-18-102 through ~~5-18-106~~ 5-18-110, and
18 90-4-303, MCA, are repealed.

19 NEW SECTION. Section 21. Transition. Members of
20 committees and councils terminated by this act shall serve
21 until October 1, 1983. The legislative services committee
22 created by this act must be appointed, must organize, and
23 must employ an executive director prior to October 1, 1983,
24 but may not assume other functions until October 1, 1983.

25 NEW SECTION. Section 22. Codification instruction.

1 Sections 1 through 9 are intended to be codified as an
2 integral part of Title 5, chapter 11.

3 ~~NEW SECTION.~~ Section 23. Effective date. Sections 1
4 through 4 and the provision in section 5(3) relating to the
5 employment of an executive director for the legislative
6 services committee are effective on passage and approval.

-End-

SENATE BILL NO. 451

INTRODUCED BY STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CENTRALIZE THE ADMINISTRATION OF LEGISLATIVE SUPPORT SERVICES; CREATING A LEGISLATIVE SERVICES COMMITTEE TO REPLACE THE--LEGISLATIVE COUNCIL,--THE--LEGISLATIVE-FINANCE-COMMITTEE,--THE--LEGISLATIVE AUDIT-COMMITTEE, THE ENVIRONMENTAL QUALITY COUNCIL, AND OTHER LEGISLATIVE COMMITTEES AND SUPERVISE STAFFING AND EMPLOYEE COMPENSATION OF THE LEGISLATIVE COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, AND THE LEGISLATIVE AUDIT COMMITTEE; AMENDING SECTIONS 2-4-102, 5-12-102 5-11-105, 5-12-205, 5-13-304, 5-18-101, 75-1-201, 75-1-301, 90-4-108, AND 90-4-302, MCA; REPEALING SECTIONS 2-4-401, 5-11-101 THROUGH--5-11-112,--5-12-201--THROUGH--5-12-205,--5-12-304, 5-13-201--THROUGH--5-13-203, 5-13-305, 5-14-101 THROUGH 5-14-104, 5-16-101 THROUGH 5-16-105, 5-17-101 THROUGH 5-17-104, 5-18-102 THROUGH 5-18-106 5-18-110, AND 90-4-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR A PORTION OF THE ACT."

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

NEW SECTION. Section 1. Appointment and composition of the legislative services committee -- definition. (1) There is a 12-member, equally bipartisan legislative

services committee that consists of the president and minority leader of the senate and two members appointed by each of them and the speaker and minority leader of the house of representatives and two members appointed by each of them.

(2) As used in this chapter, unless the context indicates otherwise, "committee" means the legislative services committee.

NEW SECTION. Section 2. Term. Membership on the committee is for 2 years and terminates with the appointment of a new committee or on the 50th legislative day of the next regular session following the one in which the appointment was made, whichever occurs first. A new committee must be appointed no later than the 50th day of each regular session.

NEW SECTION. Section 3. Vacancies. A vacancy on the committee occurring when the legislature is not in session must be filled by the selection of another member by the same method as the original appointment.

NEW SECTION. Section 4. Officers. -- rules of procedure -- records. The committee shall organize immediately following appointment by electing one of its members as its chairman and by electing such other officers from among its membership as the members consider desirable. The committee may adopt rules of procedure and rules to

1 carry out the purpose for which it is created and may make
2 all arrangements for its meetings. The committee shall keep
3 accurate records of its activities and proceedings.

4 NEW SECTION. Section 5. Powers and duties of
5 committee. (1) The committee may appoint ~~AN~~ appropriate
6 ~~subcommittees~~ BIPARTISAN COMMITTEE OF LEGISLATORS to address
7 questions of statewide importance arising when the
8 legislature is not in session or to perform such other
9 functions as the committee considers necessary.

10 (2) The committee shall assist in the preparation and
11 submission of all standing and select committee and
12 subcommittee reports and recommendations to the legislature.
13 This section does not permit the committee to approve or
14 disapprove any substantive portions or recommendations of a
15 standing or select committee or subcommittee report, except
16 with respect to subcommittees appointed by it.

17 (3) The committee shall employ an executive director,
18 a legislative counsel, a legislative fiscal analyst, a
19 legislative auditor, and such other staff as it considers
20 necessary and shall establish salaries and other personnel
21 policies.

22 (4) All legislative travel reimbursement is under the
23 control of the committee.

24 (5) The committee may employ the services of any
25 research or consulting agency that it considers necessary in

1 the discharge of its duties.

2 NEW SECTION. Section 6. Authority to investigate and
3 examine. The committee, on behalf of standing and select
4 committees and subcommittees, may investigate and examine
5 the costs of state governmental activities and may examine
6 and inspect all records, books, and files of any department,
7 agency, commission, board, or institution of the state.

8 NEW SECTION. Section 7. Powers relating to hearings.
9 (1) In the discharge of its duties on behalf of standing and
10 select committees and subcommittees, the committee may hold
11 hearings, administer oaths, issue subpoenas, compel the
12 attendance of witnesses and the production of papers, books,
13 accounts, documents, and testimony, and cause depositions of
14 witnesses to be taken in the manner prescribed by law for
15 taking depositions in civil actions in district court.

16 (2) If a person disobeys a subpoena issued by the
17 committee on behalf of a standing or select committee or
18 subcommittee or if a witness refuses to testify on any
19 matter regarding which he may be lawfully interrogated, the
20 district court of any county shall, on application of the
21 committee, compel obedience by proceedings for contempt as
22 in the case of disobedience of the requirements of a
23 subpoena issued from such court or a refusal to testify
24 therein.

25 NEW SECTION. Section 8. Capitol area master plan. (1)

1 The committee shall establish and maintain a master plan for
 2 the orderly development of state buildings in the immediate
 3 area of the capital city. The master plan must be developed
 4 and maintained with consideration given to the following
 5 factors:

6 (a) the needs of the state relative to the location
 7 and design of buildings to be constructed, purchase of land,
 8 parking facilities, traffic management, and landscaping;

9 (b) the ordinances, plans, proposed improvements, and
 10 requirements of the city of Helena and Lewis and Clark
 11 County, based without limitation upon zoning regulations,
 12 population trends, and plans for rapid transit development;
 13 and

14 (c) any other factors that bear upon the orderly,
 15 integrated, and cooperative development of the state, the
 16 city of Helena, Lewis and Clark County, and of state
 17 property in the immediate area of the capital city.

18 (2) The committee shall consult with and advise the
 19 department of administration concerning the assignment of
 20 space in the capitol complex and the actual placement of
 21 busts, statues, memorials, or art displays of a permanent
 22 nature within public areas of the capitol complex. No such
 23 item may be permanently displayed unless authorized by the
 24 legislature.

25 (3) The committee shall serve as a long-range building

1 committee to recommend to the legislature and the department
 2 of administration construction and remodeling priorities for
 3 the capitol complex.

4 (4) The committee shall prepare a written report of
 5 its recommendations and present the report to the
 6 legislature at each regular session.

7 NEW SECTION. Section 9. Organization. (1) There is a
 8 legislative counsel, a legislative fiscal analyst, and a
 9 legislative auditor, who are appointed by and serve at the
 10 pleasure of the legislative services committee.

11 (2) The committee may establish functional divisions
 12 within the staff in order to carry out the responsibilities
 13 delegated to the committee by law or by legislative rule.
 14 The divisions must include at least the following:

15 (a) legislative council division, which is headed by
 16 the legislative counsel and which shall perform research,
 17 legal, drafting, payroll, and other legislative services;

18 (b) finance division, which is headed by the
 19 legislative fiscal analyst and which shall perform the
 20 duties assigned to the legislative fiscal analyst;

21 (c) audit division, which is headed by the legislative
 22 auditor and which shall perform financial compliance and
 23 performance audits and other duties assigned to the
 24 legislative auditor.

25 NEW SECTION. Section 10. Functions transferred to

1 legislative services committee. (1) The functions of the
2 ~~legislative council, the legislative finance committee, the~~
3 ~~legislative audit committee,~~ the administrative code
4 committee, the environmental quality council, the capitol
5 building and planning committee, the revenue oversight
6 committee, and the energy policy committee, as specified by
7 law or by legislative rule, are transferred to the
8 legislative services committee.

9 (2) THE LEGISLATIVE SERVICES COMMITTEE SHALL SUPERVISE
10 STAFFING AND EMPLOYEE COMPENSATION OF THE LEGISLATIVE
11 COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, AND THE
12 LEGISLATIVE AUDIT COMMITTEE.

13 ~~(2)(3)~~ Unless inconsistent with this act, any
14 reference in the MCA, whether in existing language or in
15 language passed by the 48th legislature and approved by the
16 governor, to any legislative committee or council listed in
17 subsection (1) is changed to "legislative services
18 committee" and the code commissioner shall change such
19 references accordingly. The code commissioner shall make any
20 incidental changes in the MCA, consistent with this act,
21 necessary to effect the purposes of this act without
22 changing the meaning.

23 Section 11. Section 2-4-102, MCA, is amended to read:
24 "2-4-102. Definitions. For purposes of this chapter,
25 the following definitions apply:

1 (1) "Administrative---code Legislative---services
2 committee" or "committee" means the committee provided for
3 in Title 5, chapter 14 [section 1].

4 (2) "Agency" means any agency, as defined in 2-3-102,
5 of the state government, except that the provisions of this
6 chapter do not apply to the following:

7 (a) the state board of pardons, except that the board
8 shall be subject to the requirements of 2-4-103, 2-4-201,
9 2-4-202, and 2-4-306 and its rules shall be published in the
10 administrative rules of Montana and Montana administrative
11 register;

12 (b) the supervision and administration of any penal
13 institution with regard to the institutional supervision,
14 custody, control, care, or treatment of youths or prisoners;

15 (c) the board of regents and the Montana university
16 system;

17 (d) the financing, construction, and maintenance of
18 public works.

19 (3) "ARM" means the administrative rules of Montana.

20 (4) "Contested case" means any proceeding before an
21 agency in which a determination of legal rights, duties, or
22 privileges of a party is required by law to be made after an
23 opportunity for hearing. The term includes but is not
24 restricted to ratemaking, price fixing, and licensing.

25 (5) "License" includes the whole or part of any agency.

1 permit, certificate, approval, registration, charter, or
2 other form of permission required by law but does not
3 include a license required solely for revenue purposes.

4 (5) "Licensing" includes any agency process respecting
5 the grant, denial, renewal, revocation, suspension,
6 annulment, withdrawal, limitation, transfer, or amendment of
7 a license.

8 (7) "Party" means any person named or admitted as a
9 party or properly seeking and entitled as of right to be
10 admitted as a party, but nothing herein shall be construed
11 to prevent an agency from admitting any person as a party
12 for limited purposes.

13 (8) "Person" means any individual, partnership,
14 corporation, association, governmental subdivision, agency,
15 or public organization of any character.

16 (9) "Register" means the Montana administrative
17 register.

18 (10) "Rule" means each agency regulation, standard, or
19 statement of general applicability that implements,
20 interprets, or prescribes law or policy or describes the
21 organization, procedures, or practice requirements of an
22 agency. The term includes the amendment or repeal of a prior
23 rule but does not include:

24 (a) statements concerning only the internal management
25 of an agency and not affecting private rights or procedures

1 available to the public;

2 (b) formal opinions of the attorney general and
3 declaratory rulings issued pursuant to 2-4-501;

4 (c) rules relating to the use of public works,
5 facilities, streets, and highways when the substance of such
6 rules is indicated to the public by means of signs or
7 signals;

8 (d) seasonal rules adopted annually relating to
9 hunting, fishing, and trapping when there is a statutory
10 requirement for the publication of such rules and rules
11 adopted annually relating to the seasonal recreational use
12 of lands and waters owned or controlled by the state when
13 the substance of such rules is indicated to the public by
14 means of signs or signals;

15 (e) rules implementing the state personnel
16 classification plan, the state wage and salary plan, or the
17 statewide budgeting and accounting system;

18 (f) uniform rules adopted pursuant to interstate
19 compact, except that such rules shall be filed in accordance
20 with 2-4-306 and shall be published in the administrative
21 rules of Montana.

22 (11) "Substantive rules" are either:

23 (a) legislative rules, which if adopted in accordance
24 with this chapter and under expressly delegated authority to
25 promulgate rules to implement a statute have the force of

1 law and when not so adopted are invalid; or

2 (b) adjective or interpretive rules, which may be
3 adopted in accordance with this chapter and under express or
4 implied authority to codify an interpretation of a statute.
5 Such interpretation lacks the force of law."

6 SECTION 12. SECTION 5-11-105, MCA, IS AMENDED TO READ:

7 "5-11-105. Powers and duties of council. ~~{1}-if-a~~
8 ~~question-of-statewide-importance-arises-when-the-legislature~~
9 ~~is-not-in-session-and-a-subcommittee-has-not-been-appointed~~
10 ~~to-consider-the-question-the-legislative-council-shall~~
11 ~~assign-the-question-to-an-appropriate-subcommittee.~~

12 ~~{2}-The-legislative-council-shall-supervise-the~~
13 ~~activities-of-the-council-staff.~~

14 {3}{1} The legislative council shall assist in the
15 preparation and submission of all standing and select
16 committee and subcommittee reports and recommendations to
17 the legislature.

18 {4}{2} This section shall not be construed to permit
19 the council to approve or disapprove of any substantive
20 portions or recommendations of a standing or select
21 committee or subcommittee report."

22 SECTION 13. SECTION 5-12-205, MCA, IS AMENDED TO READ:

23 "5-12-205. Powers and duties of committee. The
24 committee may:

25 (1) organize, adopt rules to govern its proceedings,

1 and meet as often as necessary, upon the call of the
2 chairman, to advise and consult with the legislative fiscal
3 analyst;

4 ~~{2}-employ-and-set-the-salary-of-the-legislative~~
5 ~~fiscal-analyst-who-shall-serve-at-the-pleasure-of-and-be~~
6 ~~responsible-to-the-committee-and~~

7 ~~{3}{2}~~ exercise the investigatory powers of a standing
8 committee under chapter 5, part 1, of this title."

9 Section 12. Section 5-12-102, MCA, is amended to read:
10 "5-12-102. Definitions. In this chapter, the
11 following definitions apply:

12 {1}-"Budget amendment" means a request submitted
13 through the budget director to the committee for executive
14 branch agencies to expend funds in excess of those
15 appropriated by the legislature.

16 {2}-"Budget director" means the budget director
17 appointed pursuant to 17-7-103.

18 {3}-"Committee" means the legislative finance services
19 committee created by this chapter ~~{section 13}~~

20 {4}-"State agency" means all offices, departments,
21 boards, commissions, institutions, universities, colleges,
22 and any other person or any other administrative unit of
23 state government that spends or encumbers public moneys by
24 virtue of an appropriation from the legislature that
25 handles money on behalf of the state or that holds any

1 ~~trust or agency moneys from any source."~~

2 Section 14. Section 5-13-304, MCA, is amended to read:
3 "5-13-304. Powers and duties. The legislative auditor
4 shall:

5 (1) audit the financial affairs and transactions of
6 every state agency;

7 (2) make a complete written report of each audit. A
8 copy of each report shall be furnished to the department of
9 administration, the state agency which was audited, and each
10 member of the LEGISLATIVE AUDIT committee, ~~and the~~
11 ~~legislative council, and each member of the LEGISLATIVE~~
12 ~~SERVICES COMMITTEE.~~

13 (3) report immediately in writing to the attorney
14 general and the governor any apparent violation of penal
15 statutes disclosed by the audit of a state agency and
16 furnish the attorney general with all information in his
17 possession relative to the violation;

18 (4) report immediately in writing to the governor any
19 instances of misfeasance, malfeasance, or nonfeasance by a
20 state officer or employee disclosed by the audit of a state
21 agency;

22 (5) report immediately to the surety upon the bond of
23 an official or employee when an audit discloses a shortage
24 in the accounts of the official or employee. Failure to
25 notify the surety does not release the surety from any

1 obligation under the bond.

2 (6) report to the legislature during the first week of
3 each regular session. The report shall contain, among other
4 things, copies of or summaries of audit reports on state
5 agencies and any recommendations relating to such reports.

6 (7) have the authority to audit records of
7 organizations and individuals receiving grants from or on
8 behalf of the state to determine that the grants are
9 administered in accordance with the grant terms and
10 conditions. Whenever a state agency enters into an agreement
11 to grant resources under its control to others, the agency
12 must obtain the written consent of the grantee to the audit
13 provided for in this subsection."

14 Section 15. Section 5-18-101, MCA, is amended to read:
15 "5-18-101. Definitions. In this chapter "committee"
16 means the revenue oversight legislative services committee
17 created in 5-18-102 [section 1]."

18 Section 16. Section 75-1-301, MCA, is amended to read:
19 "75-1-301. Definition of ~~council~~ committee. In this
20 part "council" "committee" means the environmental quality
21 council legislative services committee provided for in
22 5-16-101 [section 1]."

23 Section 17. Section 75-1-201, MCA, is amended to read:
24 "75-1-201. General directions -- environmental impact
25 statements. (1) The legislature authorizes and directs that,

1 to the fullest extent possible:

2 (a) the policies, regulations, and laws of the state
3 shall be interpreted and administered in accordance with the
4 policies set forth in this chapter;

5 (b) all agencies of the state, except as provided in
6 subsection (2), shall:

7 (i) utilize a systematic, interdisciplinary approach
8 which will insure the integrated use of the natural and
9 social sciences and the environmental design arts in
10 planning and in decisionmaking which may have an impact on
11 man's environment;

12 (ii) identify and develop methods and procedures which
13 will insure that presently unquantified environmental
14 amenities and values may be given appropriate consideration
15 in decisionmaking along with economic and technical
16 considerations;

17 (iii) include in every recommendation or report on
18 proposals for projects, programs, legislation, and other
19 major actions of state government significantly affecting
20 the quality of the human environment, a detailed statement
21 on:

22 (A) the environmental impact of the proposed action;

23 (B) any adverse environmental effects which cannot be
24 avoided should the proposal be implemented;

25 (C) alternatives to the proposed action;

1 (D) the relationship between local short-term uses of
2 man's environment and the maintenance and enhancement of
3 long-term productivity; and

4 (E) any irreversible and irretrievable commitments of
5 resources which would be involved in the proposed action
6 should it be implemented;

7 (iv) study, develop, and describe appropriate
8 alternatives to recommend courses of action in any proposal
9 which involves unresolved conflicts concerning alternative
10 uses of available resources;

11 (v) recognize the national and long-range character of
12 environmental problems and, where consistent with the
13 policies of the state, lend appropriate support to
14 initiatives, resolutions, and programs designed to maximize
15 national cooperation in anticipating and preventing a
16 decline in the quality of mankind's world environment;

17 (vi) make available to counties, municipalities,
18 institutions, and individuals advice and information useful
19 in restoring, maintaining, and enhancing the quality of the
20 environment;

21 (vii) initiate and utilize ecological information in
22 the planning and development of resource-oriented projects;
23 and

24 (viii) assist the ~~environmental quality council~~
25 ~~legislative services committee~~ established by 5-16-101

1 ~~[section 1]~~; and

2 (c) prior to making any detailed statement as provided
3 in subsection (1)(b)(iii), the responsible state official
4 shall consult with and obtain the comments of any state
5 agency which has jurisdiction by law or special expertise
6 with respect to any environmental impact involved. Copies of
7 such statement and the comments and views of the appropriate
8 state, federal, and local agencies which are authorized to
9 develop and enforce environmental standards shall be made
10 available to the governor, the environmental quality
11 council, and the public and shall accompany the proposal
12 through the existing agency review processes.

13 (2) The department of public service regulation, in
14 the exercise of its regulatory authority over rates and
15 charges of railroads, motor carriers, and public utilities,
16 is exempt from the provisions of this chapter."

17 Section 16. Section 90-4-108, MCA, is amended to read:

18 "90-4-108. Oversight function of ~~environmental-quality~~
19 ~~council legislative services committee~~. The department shall
20 submit periodic reports to the ~~environmental-quality-council~~
21 ~~legislative services committee~~ established in 5-16-70
22 ~~[section 1]~~ for review and evaluation. The ~~environmental~~
23 ~~quality-council legislative services committee~~ shall make
24 such recommendations as it considers necessary to assure the
25 greatest possible benefit of the program to the people of

1 the state as a whole. Such recommendations may include
2 proposals for legislation."

3 Section 19. Section 90-4-302, MCA, is amended to read:

4 "90-4-302. Definitions. As used in this part, the
5 following definitions apply:

6 (1) "Energy facility" means a facility which produces,
7 extracts, converts, transports, or stores energy.

8 (2) "Energy" means petroleum or other liquid fuels,
9 natural or synthetic fuel gas, or electricity.

10 (3) "Person" means an individual, partnership, joint
11 venture, private or public corporation, cooperative,
12 association, firm, public utility, political subdivision,
13 municipal corporation, government agency, joint operating
14 agency, or any other entity, public or private, however
15 organized.

16 (4) "Committee" means the ~~energy-policy legislative~~
17 ~~services committee~~ established in 90-4-303 ~~[section 1]~~.

18 (5) "Distributor" means any person, private
19 corporation, partnership, producer, individual
20 proprietorship, public utility, joint operating agency or
21 cooperative which engages in or is authorized to engage in
22 the activity of generating, producing, transmitting, or
23 distributing energy in this state.

24 (6) "Energy emergency" means an existing or imminent
25 domestic, regional, or national shortage of energy which

1 will result in curtailment of essential services or
2 production of essential goods or the disruption of
3 significant sectors of the economy unless action is taken to
4 conserve or limit the use of the energy form involved and
5 the allocation of available energy supplies among users.

6 (7) "Energy supply alert" means a condition of energy
7 supply on a national, regional, state, or local basis which
8 foreseeably will affect significantly the availability of
9 essential energy supplies within the ensuing 90-day period
10 unless action is taken under 90-4-309 to reduce energy usage
11 by state agencies and political subdivisions.

12 (8) "Petroleum products" means propane, butane,
13 propane/butane mix, motor gasoline, kerosene and other
14 middle distillates, aviation gasoline, jet fuel, number 4
15 fuel oil, residual fuel oil, and alcohol fuels, whether in
16 natural or synthetic form.

17 (9) "Refinery" means an industrial plant, regardless
18 of capacity, that processes fossil or renewable feedstock or
19 manufactures refined petroleum products, except when the
20 plant exclusively produces petrochemicals.

21 (10) "Refiner" means a person that owns, operates, or
22 controls the operations of one or more refineries located in
23 Montana.

24 (11) "Prime petroleum supplier" means the person who
25 makes the first sale of a petroleum product into the state

1 distribution system. Any person who is considered to be a
2 Montana prime supplier by the U.S. department of energy is
3 included in this definition.

4 (12) "Petroleum pipeline company" means a person who
5 owns or operates in Montana any pipeline used for the
6 transportation of petroleum products or their derivatives.
7 This definition does not include pipelines used to transport
8 crude petroleum from producing wells to refineries.

9 (13) "Bulk pipeline terminal" means a facility that is
10 primarily used for storage for marketing of petroleum
11 products and that has total bulk storage capacity of 50,000
12 gallons or more."

13 NEW SECTION. Section 20. Repealer. Sections 2-4-401,
14 ~~5-11-101 through 5-11-112, 5-12-201 through 5-12-205,~~
15 ~~5-12-304, 5-13-201 through 5-13-203, 5-13-305, 5-14-101~~
16 ~~through 5-14-104, 5-16-101 through 5-16-105, 5-17-101~~
17 ~~through 5-17-104, 5-18-102 through 5-18-106 5-18-110,~~ and
18 ~~90-4-303, MCA, are repealed.~~

19 NEW SECTION. Section 21. Transition. Members of
20 committees and councils terminated by this act shall serve
21 until October 1, 1983. The legislative services committee
22 created by this act must be appointed, must organize, and
23 must employ an executive director prior to October 1, 1983,
24 but may not assume other functions until October 1, 1983.

25 NEW SECTION. Section 22. Codification instruction.

1 Sections 1 through 9 are intended to be codified as an
2 integral part of Title 5, chapter 11.

3 ~~NEW SECTION.~~ Section 23. Effective date. Sections 1
4 through 4 and the provision in section 5(3) relating to the
5 employment of an executive director for the legislative
6 services committee are effective on passage and approval.

-End-

March 26, 1983

HOUSE LEGISLATIVE ADMINISTRATION COMMITTEE

Amendments to SB 451 Third reading (blue) copy

1. Title, line 4.

Strike: "CENTRALIZE"

Insert: "IMPROVE"

2. Title, line 6.

Strike: "SERVICES"

Insert: "MANAGEMENT IMPROVEMENT"

Strike: "TO REPLACE"

3. Title, lines 8 through 12.

Following: "~~COMMITTEE~~," on line 8

Strike: the remainder of line 8 through "2-4-102,"
on line 12.

4. Title, line 12 through line 14.

Strike: "5-11-105," on line 12 through the end of line
14.

5. Title, line 16 through line 18.

Following: "~~5-13-2037~~" on line 16

Strike: the remainder of line 16 through "THROUGH" on
line 18.

6. Title, line 18.

Strike: "5-18-110, and 90-4-303,"

7. Title, line 19.

Strike: "MCA"

Strike: "IMMEDIATE"

Strike: "FOR A PORTION"

8. Title, line 20.

Strike: "OF THE ACT"

Insert: "AND TERMINATION DATE"

9. Page 1, line 22.

Following: the enacting clause

Strike: everything after the enacting clause

Insert: "Section 1. Legislative management improvement
committee -- establishment -- membership. (1) There
is a legislative management improvement committee.

(2) The committee consists of the president and
minority leader of the senate, the chairman and
senior minority member of the senate committee on
legislative administration, the speaker and minority
leader of the house of representatives, the chairman
and senior minority member of the house committee on
legislative administration, and the chairman and vice
chairman of the legislative council, legislative audit
committee, legislative finance committee, and the
environmental quality council. If the chairman or vice

chairman of one of the permanent legislative agencies sits on the legislative management improvement committee by virtue of holding one of the legislative offices listed, the members of the permanent legislative agency shall select one of their members of the same political party to serve on the committee.

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

Section 2. Duties of the legislative management improvement committee. (1) The legislative management improvement committee shall develop:

(a) a plan for the provision of uniform personnel policies among the legislative agencies including procedures which result in equitable compensation for legislative employees;

(b) a plan for uniform development and submission of budget proposals for the legislative branch; and

(c) plans or recommendations considered appropriate by the committee for improving coordination, efficiency, and effectiveness of the legislature and its staff services.

(2) The committee shall submit recommendations requiring changes in the rules of the legislature or statutes to the legislature for its approval prior to implementation.

Section 3. Duties of legislative agencies. The legislative council, legislative audit committee, legislative finance committee, and environmental quality council shall cooperate with and assist the legislative management improvement committee in performing its duties.

Section 4. Legislative management improvement committee -- compensation and expenses. Members of the legislative management improvement committee are entitled to compensation and expenses as provided in 5-2-302 for their work on the committee. Leadership members of the committee shall be paid from money available in the appropriation to the legislature for leadership travel. Legislative agency members of the committee shall be paid from money appropriated to the several agencies.

Section 5. Effective date and termination date. This act is effective July 1, 1983, and terminates April 20, 1985."

SENATE BILL NO. 451

INTRODUCED BY STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CENTRALIZE IMPROVE
THE ADMINISTRATION OF LEGISLATIVE SUPPORT SERVICES; CREATING
A LEGISLATIVE SERVICES MANAGEMENT IMPROVEMENT COMMITTEE TO
REPLACE THE LEGISLATIVE COUNCIL, THE LEGISLATIVE FINANCE
COMMITTEE, THE LEGISLATIVE AUDIT COMMITTEE, THE
ENVIRONMENTAL QUALITY COUNCIL AND OTHER LEGISLATIVE
COMMITTEES AND SUPERVISE STAFFING AND EMPLOYEE COMPENSATION
BE THE LEGISLATIVE COUNCIL, THE LEGISLATIVE FINANCE
COMMITTEE AND THE LEGISLATIVE AUDIT COMMITTEE AMENDING
SECTIONS 2-4-102, 5-11-105, 5-12-205, 5-13-304,
5-10-101, 75-1-201, 75-1-301, 90-4-100, AND 90-4-302, MEA;
REPEALING SECTIONS 2-4-401, 5-11-101, THROUGH 5-11-112,
5-12-201, THROUGH 5-12-205, 5-12-304, 5-13-201, THROUGH
5-13-203, 5-13-305, 5-14-101, THROUGH 5-14-104, 5-16-101,
THROUGH 5-16-105, 5-17-101, THROUGH 5-17-104, 5-19-102,
THROUGH 5-19-106, 5-19-110, AND 90-4-303, MEA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE FOR A PORTION OF THE ACT AND
TERMINATION DATE."

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

{Refer to Third Reading Bill}

Strike everything after the enacting clause and insert:

Section 1. Legislative management improvement
committee -- establishment -- membership. (1) There is a
legislative management improvement committee.

(2) The committee consists of the president and
minority leader of the senate, the chairman and senior
minority member of the senate committee on legislative
administration, the speaker and minority leader of the house
of representatives, the chairman and senior minority member
of the house committee on legislative administration, and
the chairman and vice-chairman of the legislative council,
legislative audit committee, legislative finance committee,
and the environmental quality council. If the chairman or
vice-chairman of one of the permanent legislative agencies
sits on the legislative management improvement committee by
virtue of holding one of the legislative offices listed, the
members of the permanent legislative agency shall select one
of their members of the same political party to serve on the
committee.

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

Section 2. Duties of the legislative management
improvement committee. (1) The legislative management
improvement committee shall develop:

(a) a plan for the provision of uniform personnel
policies among the legislative agencies including procedures

1 which result in equitable compensation for legislative
2 employees;

3 (b) a plan for uniform development and submission of
4 budget proposals for the legislative branch; and

5 (c) plans or recommendations considered appropriate by
6 the committee for improving coordination, efficiency, and
7 effectiveness of the legislature and its staff services.

8 (2) The committee shall submit recommendations
9 requiring changes in the rules of the legislature or
10 statutes to the legislature for its approval prior to
11 implementation.

12 Section 3. Duties of legislative agencies. The
13 legislative council, legislative audit committee,
14 legislative finance committee, and the environmental quality
15 council shall cooperate with and assist the legislative
16 management improvement committee in performing its duties.

17 Section 4. Legislative management improvement
18 committee -- compensation and expenses. Members of the
19 legislative management improvement committee are entitled to
20 compensation and expenses as provided in 5-2-302 for their
21 work on the committee. Leadership members of the committee
22 shall be paid from money available in the appropriation to
23 the legislature for leadership travel. Legislative agency
24 members of the committee shall be paid from money
25 appropriated to the several agencies.

1 Section 5. Effective date and termination date. This
2 act is effective July 1, 1983, and terminates April 20,
3 1985."

-End-

1 NEW SECTION. Section 1. Appointment and composition
2 of legislative management committee -- definition. (1) There
3 is an eight-member, equally bipartisan legislative
4 management committee that consists of the president and
5 minority leader of the senate, the speaker and minority
6 leader of the house of representatives, and either the
7 chairman or vice-chairman of the legislative council,
8 finance committee, audit committee, and environmental
9 quality council. The four legislative leadership members
10 shall appoint representatives from the legislative council,
11 finance committee, audit committee, and environmental
12 quality council in a manner which will preserve the partisan
13 balance.

14 (2) As used in this chapter, unless the context
15 indicates otherwise, "committee" means the legislative
16 management committee.

17 NEW SECTION. Section 2. Term. Membership on the
18 committee is for 2 years and terminates with the appointment
19 of a new committee or on the last legislative day of the
20 next regular session following the one in which the
21 appointment was made, whichever occurs first. A new
22 committee must be appointed no later than the last day of
23 each regular session.

24 NEW SECTION. Section 3. Vacancies. A vacancy on the
25 committee occurring when the legislature is not in session

1 must be filled by the selection of another member by the
2 same method as the original appointment.

3 NEW SECTION. Section 4. Officers -- rules of
4 procedure -- records -- staff support. (1) The committee
5 shall organize immediately following appointment by electing
6 one of its members as its chairman and by electing such
7 other officers from among its membership as the members
8 consider desirable.

9 (2) The committee may adopt rules of procedure and
10 rules to carry out the purpose for which it is created and
11 may make all arrangements for its meetings. The committee
12 shall keep accurate records of its activities and
13 proceedings.

14 (3) The legislative council, audit committee, finance
15 committee, and environmental quality council shall cooperate
16 with and assist the committee in performing its duties. The
17 legislative council shall provide clerical support.

18 NEW SECTION. Section 5. Powers and duties of
19 committee. (1) The committee may appoint appropriate
20 bipartisan subcommittees of legislators to address questions
21 of statewide importance arising when the legislature is not
22 in session or to perform such other functions as the
23 committee considers necessary.

24 (2) The committee shall develop the budget requests
25 for all legislative support agencies in consultation with

1 those agencies and shall establish uniform personnel
2 management policies, staffing levels, and compensation for
3 all legislative branch agencies.

4 (3) The committee may employ the services of any
5 research or consulting agency that it considers necessary in
6 the discharge of its duties.

7 (4) The committee shall develop plans or
8 recommendations considered appropriate by the committee for
9 improving coordination, efficiency, and effectiveness of the
10 legislature and its staff services.

11 Section 6. Section 5-2-302, MCA, is amended to read:

12 "5-2-302. Compensation and expenses when legislature
13 not in session. When the legislature is not in session,
14 members of the legislative management committee, the
15 legislative council, legislative subcommittees, and select
16 and interim committees, while engaged in authorized
17 committee business, are entitled to:

- 18 (1) a mileage allowance as provided in 2-18-503;
19 (2) expenses as provided in 2-18-501 and 2-18-502; and
20 (3) a salary equal to one full day's pay at the rate
21 of a classified state employee, described in 5-2-301 for
22 each 24-hour period of time (from midnight to midnight), or
23 portion thereof, spent away from home on authorized
24 committee business. However, if time spent for business
25 other than authorized committee business results in

1 lengthening a legislator's stay away from home into an
2 additional 24-hour period, he may not be compensated for the
3 additional day."

4 Section 7. Section 5-11-105, MCA, is amended to read:

5 "5-11-105. Powers and duties of council. ~~if a~~
6 ~~question of statewide importance arises when the legislature~~
7 ~~is not in session and a subcommittee has not been appointed~~
8 ~~to consider the question, the legislative council shall~~
9 ~~assign the question to an appropriate subcommittee.~~

10 ~~(2)(1)~~ The legislative council shall supervise the
11 activities of the council staff.

12 ~~(3)(2)~~ The legislative council shall assist in the
13 preparation and submission of all standing and select
14 committee and subcommittee reports and recommendations to
15 the legislature.

16 ~~(4)(3)~~ This section shall not be construed to permit
17 the council to approve or disapprove of any substantive
18 portions or recommendations of a standing or select
19 committee or subcommittee report."

20 Section 8. Section 5-11-111, MCA, is amended to read:

21 "5-11-111. Executive director, personnel, and
22 consultants. The legislative council may employ an executive
23 director and such other personnel, not members of the
24 council, as it considers necessary to assist in the
25 preparation of proposed legislative acts and standing and

1 select committee and subcommittee reports and
 2 recommendations and to carry out other council activities.
 3 The council shall fix the compensation of such employees
 4 subject to the approval of the legislative management
 5 committee. it may also employ the services of any research
 6 agency which it considers necessary in the discharge of its
 7 duties."

8 Section 9. Section 5-11-301, MCA, is amended to read:

9 "5-11-301. Functions of legislative council management
 10 committee -- interstate cooperation. It shall be a function
 11 of the legislative council management committee to:

12 (1) carry forward the participation of the state of
 13 Montana as a member of the council of state governments, and
 14 the legislative council management committee is hereby
 15 designated as the Montana commission on interstate
 16 cooperation;

17 (2) encourage and assist the government of this state
 18 to develop and maintain friendly contact by correspondence,
 19 by conference, and otherwise with the other states, with the
 20 federal government, and with local units of government;

21 (3) establish such delegations and committees as may
 22 be deemed advisable, including delegations to the national
 23 conference of state legislatures, to confer with similar
 24 delegations and committees from other states concerning
 25 problems of mutual interest. The membership of such

1 delegations and committees may consist of legislators and
 2 employees of the state other than members of the legislative
 3 council management committee. Members of such delegations
 4 and committees ~~shall serve without pay, but they~~ may be
 5 reimbursed for expenses as provided by law.

6 (4) endeavor to advance cooperation between this state
 7 and other units of government whenever it seems advisable to
 8 do so by formulating proposals for interstate compacts and
 9 reciprocal or uniform legislation and by facilitating the
 10 adoption of uniform or reciprocal administrative rules and
 11 regulations, informal cooperation of governmental offices,
 12 personal cooperation among governmental officials and
 13 employees, interchange and clearance of research and
 14 information, and any other suitable process."

15 Section 10. Section 5-12-304, MCA, is amended to read:

16 "5-12-304. Employees and consultants. The legislative
 17 fiscal analyst may, subject to the approval of the
 18 legislative management committee, employ, fix the salaries,
 19 and define the duties of such staff and consultants as may
 20 be necessary, within the limits of his appropriation."

21 Section 11. Section 5-13-304, MCA, is amended to read:

22 "5-13-304. Powers and duties. The legislative auditor
 23 shall:

24 (1) audit the financial affairs and transactions of
 25 every state agency;

(2) make a complete written report of each audit. A copy of each report shall be furnished to the department of administration, the state agency which was audited, each member of the legislative audit committee, ~~and the legislative council, and each member of the legislative management committee.~~

(3) report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information in his possession relative to the violation;

(4) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

(5) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.

(6) report to the legislature during the first week of each regular session. The report shall contain, among other things, copies of or summaries of audit reports on state agencies and any recommendations relating to such reports.

(7) have the authority to audit records of

organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency must obtain the written consent of the grantee to the audit provided for in this subsection."

Section 12. Section 5-13-305, MCA, is amended to read:

"5-13-305. Employees, consultants, and legal counsel. ~~The Subject to the approval of the legislative management committee,~~ the legislative auditor may appoint whatever employees and consultants are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations. The legislative auditor may employ legal counsel to conduct proceedings under this chapter."

Section 13. Section 75-1-323, MCA, is amended to read:

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

NEW SECTION. Section 14. Codification instruction. Sections 1 through 5 are intended to be codified as in

SB 0451

- 1 integral part of Title 5, chapter 20.
- 2 ~~NEW SECTION.~~ Section 15. Effective date. This act is
- 3 effective on passage and approval.

-End-