

HB 731 INTRODUCED BY REHBERG, ET AL.
CENTRALIZE STAFF SUPPORT FOR LEGISLATURE UNDER
REFORMED LEGISLATIVE COUNCIL

2/13 INTRODUCED
2/13 REFERRED TO RULES
2/13 FISCAL NOTE REQUESTED
2/17 HEARING
2/19 FISCAL NOTE RECEIVED
2/19 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/21 2ND READING NOT PASSED AS AMENDED 53 42

1 House BILL NO. 731
2 INTRODUCED BY Robb Berg Ramirez

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 MEMBERSHIP AND DUTIES OF THE LEGISLATIVE COUNCIL; TO
6 CENTRALIZE ALL STAFF SUPPORT SERVICES FOR THE LEGISLATIVE
7 BRANCH UNDER THE LEGISLATIVE COUNCIL; TO PLACE LEGISLATIVE
8 EMPLOYEES UNDER THE STATE CLASSIFICATION AND PAY PLAN;
9 AMENDING SECTIONS 2-18-103, 5-11-101, 5-11-105, 5-11-111,
10 5-11-112, 5-12-205, 5-12-301, 5-13-302, 5-13-303, 5-13-304,
11 5-13-306, 5-15-201, 75-1-324, AND 85-2-105, MCA; REPEALING
12 SECTIONS 5-12-304, 5-13-305, 69-1-221, AND 75-1-321 THROUGH
13 75-1-323, MCA; AND PROVIDING EFFECTIVE DATES."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 5-11-101, MCA, is amended to read:
17 "5-11-101. Appointment and composition of council.

18 There is a legislative council which consists of:

19 ~~{1}--four--members--of--the--house--of--representatives~~
20 ~~appointed-by-the-speaker-of-the-house-with-the-advice-of-the~~
21 ~~majority-and-minority-leaders-of-the-house, no more than two~~
22 ~~of-whom-may-be-of-the-same-political-party, and~~

23 ~~{2}--four--members--of--the--senate--appointed--by--the~~
24 ~~committee--on--committees-of-the-senate, no more than two of~~
25 ~~whom-may-be-of-the-same-political-party.~~

1 (1) the president and the leader of the opposite party
2 in the senate;

3 (2) the speaker and the leader of the opposite party
4 in the house of representatives; and

5 (3) two members appointed by each person listed in
6 subsections (1) and (2)."

7 Section 2. Section 5-11-105, MCA, is amended to read:

8 "5-11-105. Powers and duties of council. (1) If a
9 question of statewide importance arises when the legislature
10 is not in session and a subcommittee has not been appointed
11 to consider the question, the legislative council shall
12 assign the question to an appropriate subcommittee as
13 provided in Title 5, chapter 5, part 2, or to the
14 appropriate permanent statutory committee.

15 (2) The legislative council shall:

16 (a) provide legislative staff and bill drafting
17 services for the legislature and each of its permanent
18 statutory, standing, and select committees and
19 subcommittees;

20 (b) supervise the activities of the--council all
21 legislative staff;

22 ~~{3}{c}~~ The legislative council--shall assist in the
23 preparation and submission of all permanent statutory,
24 standing, and select committee and subcommittee reports and
25 recommendations to the legislature;



1 ~~(4)~~--This--section--shall--not--be--construed--to--permit
2 however, the council to may not approve or disapprove of any
3 substantive portions or recommendations of a permanent
4 statutory, standing, or select committee or subcommittee
5 report;

6 (d) establish uniform personnel policies applicable to
7 all full-time and session employees of the legislature and
8 its committees;

9 (e) establish centralized procurement of all supplies,
10 equipment, and services for the legislative branch, except
11 as otherwise provided by law;

12 (f) provide for the operation and development of data
13 processing systems for the legislative branch, consistent
14 with 2-17-501 and 2-17-502;

15 (g) approve all travel and expense claims for
16 legislators and legislative staff;

17 (h) establish procedures for accounting and payment of
18 all valid legislative expense claims and payrolls;

19 (i) approve and recommend a unified budget and
20 appropriation request for the operation of the legislative
21 branch; and

22 (j) from time to time recommend changes in law or
23 joint legislative rules necessary to improve the operation
24 of the legislature."

25 Section 3. Section 5-11-111, MCA, is amended to read:

1 "5-11-111. Executive director, personnel, and
2 consultants. The legislative council may employ an executive
3 director and such other personnel, not members of the
4 council, as it considers necessary to assist in the
5 preparation of proposed legislative acts and permanent
6 statutory, standing, and select committee and subcommittee
7 reports and recommendations and to carry out other council
8 activities. ~~The council shall fix the compensation of such~~
9 employees. It may also employ the services of any research
10 agency which it considers necessary in the discharge of its
11 duties."

12 Section 4. Section 5-11-112, MCA, is amended to read:

13 "5-11-112. Functional divisions. The legislative
14 council may establish functional divisions within the
15 council staff in order to carry out all of the
16 responsibilities delegated to the council by law or
17 legislative rule. The divisions shall include the following:

18 (1) legislative services a fiscal division which shall
19 include:

20 (a) engrossing-and-enrolling a fiscal analysis bureau
21 headed by the legislative fiscal analyst provided for in
22 5-12-301; and

23 (b) mailroom an audit bureau headed by the legislative
24 auditor provided for in 5-13-301;

25 ~~(e)~~--printing;

1 (2) a research and reference services division which
 2 shall provide:
 3 (a) general and specialized legislative research;
 4 (b) legislative reference and information, including
 5 preparation and publication of the Legislative Review to be
 6 sold at the cost of the publication plus postage services;
 7 (c) committee staffing when the legislature is not in
 8 session staff support; and
 9 (d) bill drafting services;
 10 (3) a legal services division which shall:
 11 (a) provide bill drafting services;
 12 (b) provide legal counseling;
 13 (c) provide committee staff support;
 14 (d) include the office of the code commissioner
 15 provided for in 1-11-201; and
 16 (e) include a consumer counsel, as required by Article
 17 XIII, section 2, of the Montana constitution.
 18 (4) management and business services division, which
 19 shall a centralized services division which shall:
 20 (a) maintain bookkeeping accounting records;
 21 (b) sign pay all valid legislative expense claims and
 22 payrolls;
 23 (c) order procure all printing, supplies, and
 24 equipment, and services for the operation of the legislature
 25 and its committees; and

1 (d) serve the house and senate during the session;
 2 (e) provide secretarial and clerical support for the
 3 other divisions and the committees; and
 4 (f) provide for the operation and development of data
 5 processing systems for the legislature, consistent with
 6 2-17-501 and 2-17-502."
 7 Section 5. Section 5-12-205, MCA, is amended to read:
 8 "5-12-205. Powers and duties of committee. The
 9 committee may:
 10 (1) organize, adopt rules to govern its proceedings,
 11 and meet as often as necessary, upon the call of the
 12 chairman, to advise and consult with the legislative fiscal
 13 analyst; and
 14 ~~(2) employ and set the salary of the legislative~~
 15 ~~fiscal analyst, who shall serve at the pleasure of and be~~
 16 ~~responsible to the committee; and~~
 17 ~~(3)~~(2) exercise the investigatory powers of a standing
 18 committee under chapter 5, part 1, of this title."
 19 Section 6. Section 5-12-301, MCA, is amended to read:
 20 "5-12-301. Office of legislative fiscal analyst. There
 21 is an office of legislative fiscal analyst. The legislative
 22 fiscal analyst must be appointed by the legislative council
 23 and shall carry out the provisions of this chapter."
 24 Section 7. Section 5-13-302, MCA, is amended to read:
 25 "5-13-302. Appointment and qualifications. (1) The

1 committee legislative council shall appoint the legislative
2 auditor ~~and set his salary.~~

3 (2) The legislative auditor shall hold a degree from
4 an accredited college or university with a major in
5 accounting or an allied field and shall have at least 2
6 years' experience in the field of governmental accounting
7 and auditing."

8 Section 8. Section 5-13-303, MCA, is amended to read:

9 "5-13-303. Term and removal. The legislative auditor
10 is responsible solely to the legislature. He shall hold
11 office for a term of 2 years beginning with July 1 of each
12 odd-numbered year. The committee legislative council may
13 remove him for misfeasance, malfeasance, or nonfeasance in
14 office at any time after notice and hearing."

15 Section 9. Section 5-13-304, MCA, is amended to read:

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

18 (1) conduct a financial and compliance audit of every
19 state agency every 2 years covering the 2-year period since
20 the last audit, unless otherwise required by state law;

21 (2) conduct a special audit whenever he determines it
22 necessary and shall so advise the members of the legislative
23 audit committee and the legislative council;

24 (3) make a complete written report of each audit. A
25 copy of each report shall be furnished to the department of

1 administration, the state agency which was audited, each
2 member of the committee, and the legislative council.

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

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

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

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

21 (8) have the authority to audit records of
22 organizations and individuals receiving grants from or on
23 behalf of the state to determine that the grants are
24 administered in accordance with the grant terms and
25 conditions. Whenever a state agency enters into an agreement

1 to grant resources under its control to others, the agency
2 must obtain the written consent of the grantee to the audit
3 provided for in this subsection."

4 Section 10. Section 5-13-306, MCA, is amended to read:

5 "5-13-306. Legislative auditor to assist legislature
6 during sessions. During sessions of the legislature, the
7 legislative auditor ~~and his staff~~, when requested, shall
8 assist the legislature, its committees, and its members by
9 gathering and analyzing information relating to the fiscal
10 affairs of state government."

11 Section 11. Section 5-15-201, MCA, is amended to read:

12 "5-15-201. Consumer counsel -- appointment and
13 qualifications. The ~~committee~~ legislative council shall
14 appoint a consumer counsel ~~and set his salary~~. The consumer
15 counsel shall have the following minimum qualifications and
16 such additional qualifications as the ~~committee~~ council
17 determines appropriate:

18 (1) a bachelor's degree or equivalent from an
19 accredited college or university with a major or minor in
20 accounting or allied fields;

21 (2) be admitted to practice law in Montana courts and
22 in the United States district court for the state of
23 Montana."

24 Section 12. Section 75-1-324, MCA, is amended to read:

25 "75-1-324. Duties ~~of executive director and staff~~ of

1 environmental quality council. It shall be the duty and
2 function of the executive director and his staff to The
3 environmental quality council shall:

4 (1) gather timely and authoritative information
5 concerning the conditions and trends in the quality of the
6 environment, both current and prospective, analyze and
7 interpret such information for the purpose of determining
8 whether such conditions and trends are interfering or are
9 likely to interfere with the achievement of the policy set
10 forth in 75-1-103, and compile and submit to the governor
11 and the legislature studies relating to such conditions and
12 trends;

13 (2) review and appraise the various programs and
14 activities of the state agencies, in the light of the policy
15 set forth in 75-1-103, for the purpose of determining the
16 extent to which such programs and activities are
17 contributing to the achievement of such policy and make
18 recommendations to the governor and the legislature with
19 respect thereto;

20 (3) develop and recommend to the governor and the
21 legislature state policies to foster and promote the
22 improvement of environmental quality to meet the
23 conservation, social, economic, health, and other
24 requirements and goals of the state;

25 (4) conduct investigations, studies, surveys,

1 research, and analyses relating to ecological systems and
2 environmental quality;

3 (5) document and define changes in the natural
4 environment, including the plant and animal systems, and
5 accumulate necessary data and other information for a
6 continuing analysis of these changes or trends and an
7 interpretation of their underlying causes;

8 (6) make and furnish such studies, reports thereon,
9 and recommendations with respect to matters of policy and
10 legislation as the legislature requests;

11 (7) analyze legislative proposals in clearly
12 environmental areas and in other fields where legislation
13 might have environmental consequences and assist in
14 preparation of reports for use by legislative committees,
15 administrative agencies, and the public;

16 (8) consult with and assist legislators who are
17 preparing environmental legislation to clarify any
18 deficiencies or potential conflicts with an overall ecologic
19 plan;

20 (9) review and evaluate operating programs in the
21 environmental field in the several agencies to identify
22 actual or potential conflicts, both among such activities
23 and with a general ecologic perspective, and suggest
24 legislation to remedy such situations;

25 (10) annually, beginning July 1, 1972, transmit to the

1 governor and the legislature and make available to the
2 general public an environmental quality report concerning
3 the state of the environment, which shall contain:

4 (a) the status and condition of the major natural,
5 manmade, or altered environmental classes of the state,
6 including but not limited to the air, the aquatic (including
7 surface water and groundwater) and the terrestrial
8 environments, including but not limited to the forest,
9 dryland, wetland, range, urban, suburban, and rural
10 environments;

11 (b) the adequacy of available natural resources for
12 fulfilling human and economic requirements of the state in
13 the light of expected population pressures;

14 (c) current and foreseeable trends in the quality,
15 management, and utilization of such environments and the
16 effects of those trends on the social, economic, and other
17 requirements of the state in the light of expected
18 population pressures;

19 (d) a review of the programs and activities (including
20 regulatory activities) of the state and local governments
21 and nongovernmental entities or individuals, with particular
22 reference to their effect on the environment and on the
23 conservation, development, and utilization of natural
24 resources; and

25 (e) a program for remedying the deficiencies of

1 existing programs and activities, together with
2 recommendations for legislation."

3 Section 13. Section 85-2-105, MCA, is amended to read:

4 "85-2-105. Water policy committee. (1) There is a
5 permanent water policy committee of the legislature. The
6 committee consists of eight members. The senate committee on
7 committees and the speaker of the house of representatives
8 shall each appoint four members on a bipartisan basis. The
9 committee shall elect its chairman and vice-chairman. The
10 committee shall meet as often as necessary, including during
11 the interim between sessions, to perform the duties
12 specified within this section.

13 (2) On a continuing basis, the committee shall:

14 (a) advise the legislature on the adequacy of the
15 state's water policy and of important state, regional,
16 national, and international developments which affect
17 Montana's water resources;

18 (b) oversee the policies and activities of the
19 department of natural resources and conservation, other
20 state executive agencies, and other state institutions, as
21 they affect the water resources of the state; and

22 (c) communicate with the public on matters of water
23 policy as well as the water resources of the state.

24 (3) On a regular basis, the committee shall:

25 (a) analyze and comment on the state water plan

1 required by 85-1-203, when filed by the department;

2 (b) analyze and comment on the report of the status of
3 the state's water development program required by 85-1-621,
4 when filed by the department;

5 (c) analyze and comment on water-related research
6 undertaken by any state agency, institution, college, or
7 university;

8 (d) analyze, verify, and comment on the adequacy of
9 and information contained in the water resources data
10 management system maintained by the department under
11 85-2-112; and

12 (e) report to the legislature, not less than once
13 every biennium.

14 (4) The ~~environmental--quality~~ legislative council
15 shall provide staff assistance to the committee. The
16 committee may contract with experts and consultants, in
17 addition to receiving assistance from the ~~environmental~~
18 quality legislative council, in carrying out its duties
19 under this section."

20 Section 14. Section 2-18-103, MCA, is amended to read:

21 "2-18-103. Officers and employees excepted. Parts 1
22 and 2 do not apply to the following positions in state
23 government:

24 (1) elected officials;

25 (2) county assessors and their chief deputy;

1 ~~{3}~~--officers--and--employees--of--the--legislative--branch;
 2 ~~{4}~~{3} judges and employees of the judicial branch;
 3 ~~{5}~~{4} members of boards and commissions appointed by
 4 the governor, appointed by the legislature, or appointed by
 5 other elected state officials;
 6 ~~{6}~~{5} officers or members of the militia;
 7 ~~{7}~~{6} agency heads appointed by the governor;
 8 ~~{8}~~{7} academic and professional administrative
 9 personnel with individual contracts under the authority of
 10 the board of regents of higher education;
 11 ~~{9}~~{8} academic and professional administrative
 12 personnel and live-in houseparents who have entered into
 13 individual contracts with the state school for the deaf and
 14 blind under the authority of the state board of public
 15 education;
 16 ~~{10}~~{9} teachers under the authority of the department
 17 of institutions;
 18 ~~{11}~~{10} investment officer and assistant investment
 19 officer of the board of investments; and
 20 ~~{12}~~{11} four professional staff positions under the
 21 board of oil and gas conservation."
 22 NEW SECTION. Section 15. Rights of legislative
 23 personnel. Each legislative officer or employee affected by
 24 the reorganization of the legislative branch of state
 25 government under sections 1 through 17 is entitled to all

1 rights which he possessed as a legislative officer or
 2 employee before the effective date of sections 2 through 17,
 3 including rights to tenure in office and of rank or grade,
 4 rights to vacation and sick pay and leave, rights under any
 5 retirement or personnel plan or labor union contract, rights
 6 to compensatory time earned, and any other rights under any
 7 law or administrative policy. This section is not intended
 8 to create any new rights for any legislative officer or
 9 employee but to continue only those rights in effect before
 10 the effective date of sections 2 through 17.

11 NEW SECTION. Section 16. Transition. If this act is
 12 passed and approved after the 50th legislative day of the
 13 50th legislature, 5-11-102 does not apply and a new
 14 legislative council must be appointed in accordance with
 15 this act within 10 days after the effective date of this
 16 act.

17 NEW SECTION. Section 17. Repealer. Sections 5-12-304,
 18 5-13-305, 69-1-221, and 75-1-321 through 75-1-323, MCA, are
 19 repealed.

20 NEW SECTION. Section 18. Effective dates. (1) This
 21 section and section 1 are effective on passage and approval.
 22 (2) Sections 2 through 17 are effective November 1,
 23 1988.

-End-

APPROVED BY COMMITTEE
ON RULES

HOUSE BILL NO. 731

INTRODUCED BY REHBERG, RAMIREZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE MEMBERSHIP---AND DUTIES OF THE LEGISLATIVE COUNCIL; TO CENTRALIZE ALL STAFF SUPPORT SERVICES FOR THE LEGISLATIVE BRANCH UNDER THE LEGISLATIVE COUNCIL; TO PLACE LEGISLATIVE EMPLOYEES UNDER THE STATE CLASSIFICATION AND PAY PLAN; AMENDING SECTIONS 2-18-103, 5-11-101, 5-11-105, 5-11-111, 5-11-112, 5-12-205, 5-12-301, 5-13-302, 5-13-303, 5-13-304, 5-13-306, 5-15-201, 75-1-324, AND 85-2-105, MCA; REPEALING SECTIONS 5-12-304, 5-13-305, 69-1-221, AND 75-1-321 THROUGH 75-1-323, MCA; AND PROVIDING EFFECTIVE DATES."

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

~~Section 1. Section 5-11-101, MCA, is amended to read:~~

~~"5-11-101. Appointment and composition of council.~~

~~There is a legislative council which consists of:~~

~~(1) four members of the house of representatives appointed by the speaker of the house with the advice of the majority and minority leaders of the house, no more than two of whom may be of the same political party; and~~

~~(2) four members of the senate appointed by the committee on committees of the senate, no more than two of whom may be of the same political party.~~

~~(1) the president and the leader of the opposite party in the senate;~~

~~(2) the speaker and the leader of the opposite party in the house of representatives; and~~

~~(3) two members appointed by each person listed in subsections (1) and (2)."~~

Section 1. 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 as provided in Title 5, chapter 5, part 2, or to the appropriate permanent statutory committee.

(2) The EXCEPT AS PROVIDED IN SUBSECTION (3), THE legislative council shall:

(a) provide legislative staff and bill drafting services for the legislature and each of its permanent statutory, standing, and select committees and subcommittees;

(b) supervise the activities of the council all legislative staff;

(3)(c) The legislative council shall assist in the preparation and submission of all permanent statutory, standing, and select committee and subcommittee reports and



1 recommendations to the legislature;

2 ~~(4) This section shall not be construed to permit~~
 3 however, the council to may not approve or disapprove of any
 4 substantive portions or recommendations of a permanent
 5 statutory, standing, or select committee or subcommittee
 6 report;

7 (d) establish uniform personnel policies applicable to
 8 all full-time and session employees of the legislature and
 9 its committees;

10 (e) establish centralized procurement of all supplies,
 11 equipment, and services for the legislative branch, except
 12 as otherwise provided by law;

13 (f) provide for the operation and development of data
 14 processing systems for the legislative branch, consistent
 15 with 2-17-501 and 2-17-502;

16 (g) approve all travel and expense claims for
 17 legislators and legislative staff;

18 (h) establish procedures for accounting and payment of
 19 all valid legislative expense claims and payrolls;

20 (i) approve and recommend a unified budget and
 21 appropriation request for the operation of the legislative
 22 branch; and

23 (j) from time to time recommend changes in law or
 24 joint legislative rules necessary to improve the operation
 25 of the legislature.

1 (3) THE LEGISLATIVE COUNCIL MAY NOT APPROVE OR
 2 DISAPPROVE THE PERFORMANCE OF ANY POSTAUDIT DUTIES PROVIDED
 3 BY LAW TO BE PERFORMED BY THE LEGISLATIVE AUDITOR OR
 4 SUPERVISED BY THE LEGISLATIVE AUDIT COMMITTEE, AND SHALL
 5 PROVIDE SUPPORT FOR SUCH ACTIVITIES AS DETERMINED NECESSARY
 6 BY THE LEGISLATIVE AUDIT COMMITTEE. THE LEGISLATIVE COUNCIL
 7 AND THE LEGISLATIVE AUDIT COMMITTEE SHALL DEVELOP PROCEDURES
 8 TO ENSURE THE INDEPENDENCE OF AUDITS PERFORMED BY THE
 9 LEGISLATIVE AUDITOR AS REQUIRED BY LAW."

10 Section 2. Section 5-11-111, MCA, is amended to read:
 11 "5-11-111. Executive director, personnel, and
 12 consultants. The legislative council may employ an executive
 13 director and such other personnel, not members of the
 14 council, as it considers necessary to assist in the
 15 preparation of proposed legislative acts and permanent
 16 statutory, standing, and select committee and subcommittee
 17 reports and recommendations and to carry out other council
 18 activities. ~~The council shall fix the compensation of such~~
 19 employees. It may also employ the services of any research
 20 agency which it considers necessary in the discharge of its
 21 duties."

22 Section 3. Section 5-11-112, MCA, is amended to read:
 23 "5-11-112. Functional divisions. The legislative
 24 council may establish functional divisions within the
 25 council staff in order to carry out all of the

1 responsibilities delegated to the council by law or
2 legislative rule. The divisions shall include the following:

3 (1) legislative-services a fiscal division which shall
4 include:

5 (a) engrossing-and-enrolling a fiscal analysis bureau
6 headed by the legislative fiscal analyst provided for in
7 5-12-301; and

8 (b) mailroom an audit bureau headed by the legislative
9 auditor provided for in 5-13-301;

10 ~~(c) printing;~~

11 (2) a research and reference services division which
12 shall provide:

13 (a) general and specialized legislative research;

14 (b) legislative reference and information;~~including~~
15 ~~preparation-and-publication-of-the-Legislative-Review-to-be~~
16 ~~sold-at-the-cost-of-the-publication-plus-postage services;~~

17 (c) ~~committee staffing when the legislature is not in~~
18 ~~session staff support; and~~

19 (d) bill drafting services;

20 (3) a legal services division which shall:

21 (a) provide bill drafting services;

22 (b) provide legal counseling;

23 (c) provide committee staff support;

24 (d) include the office of the code commissioner
25 provided for in 1-11-201; and

1 (e) include a consumer counsel, as required by Article
2 XIII, section 2, of the Montana constitution.

3 (4) ~~management-and-business-services--division,--which~~
4 ~~shall a centralized services division which shall:~~

5 (a) maintain bookkeeping accounting records;

6 (b) ~~sign~~ pay all valid legislative expense claims and
7 payrolls;

8 (c) order procure all printing, supplies, and
9 equipment, and services for the operation of the legislature
10 and its committees; and

11 (d) serve the house and senate during the session;

12 (e) provide secretarial and clerical support for the
13 other divisions and the committees; and

14 (f) provide for the operation and development of data
15 processing systems for the legislature, consistent with
16 2-17-501 and 2-17-502."

17 Section 4. Section 5-12-205, MCA, is amended to read:

18 "5-12-205. Powers and duties of committee. The
19 committee may:

20 (1) organize, adopt rules to govern its proceedings,
21 and meet as often as necessary, upon the call of the
22 chairman, to advise and consult with the legislative fiscal
23 analyst; and

24 ~~(2) employ and set the salary of the legislative~~
25 ~~fiscal analyst, who shall serve at the pleasure of and be~~

1 responsible to the committee; and
2 {3}{2} exercise the investigatory powers of a standing
3 committee under chapter 5, part 1, of this title."

4 Section 5. Section 5-12-301, MCA, is amended to read:

5 "5-12-301. Office of legislative fiscal analyst. There
6 is an office of legislative fiscal analyst. The legislative
7 fiscal analyst must be appointed by the legislative council
8 and shall carry out the provisions of this chapter."

9 ~~Section 7. Section 5-13-302, MCA, is amended to read:~~

10 ~~"5-13-302. Appointment and qualifications. (1) The~~
11 ~~committee legislative council shall appoint the legislative~~
12 ~~auditor and set his salary.~~

13 ~~(2) The legislative auditor shall hold a degree from~~
14 ~~an accredited college or university with a major in~~
15 ~~accounting or an allied field and shall have at least 2~~
16 ~~years experience in the field of governmental accounting~~
17 ~~and auditing."~~

18 ~~Section 8. Section 5-13-303, MCA, is amended to read:~~

19 ~~"5-13-303. Term and removal. The legislative auditor~~
20 ~~is responsible solely to the legislature. He shall hold~~
21 ~~office for a term of 2 years beginning with July 1 of each~~
22 ~~odd-numbered year. The committee legislative council may~~
23 ~~remove him for misfeasance, malfeasance, or nonfeasance in~~
24 ~~office at any time after notice and hearing."~~

25 Section 6. Section 5-13-304, MCA, is amended to read:

1 "5-13-304. Powers and duties. The legislative auditor
2 shall:

3 (1) conduct a financial and compliance audit of every
4 state agency every 2 years covering the 2-year period since
5 the last audit, unless otherwise required by state law;

6 (2) conduct a special audit whenever he determines it
7 necessary and shall so advise the members of the legislative
8 audit committee and the legislative council;

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

13 (4) 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 (5) 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 (6) 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 (7) 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 (8) 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 7. Section 5-13-306, MCA, is amended to read:

15 "5-13-306. Legislative auditor to assist legislature
16 during sessions. During sessions of the legislature, the
17 legislative auditor ~~and his staff~~, when requested, shall
18 assist the legislature, its committees, and its members by
19 gathering and analyzing information relating to the fiscal
20 affairs of state government."

21 Section 8. Section 5-15-201, MCA, is amended to read:

22 "5-15-201. Consumer counsel -- appointment and
23 qualifications. The committee legislative council shall
24 appoint a consumer counsel ~~and set his salary~~. The consumer
25 counsel shall have the following minimum qualifications and

1 such additional qualifications as the committee council
2 determines appropriate:

3 (1) a bachelor's degree or equivalent from an
4 accredited college or university with a major or minor in
5 accounting or allied fields;

6 (2) be admitted to practice law in Montana courts and
7 in the United States district court for the state of
8 Montana."

9 Section 9. Section 75-1-324, MCA, is amended to read:

10 "75-1-324. Duties ~~of executive director and staff of~~
11 environmental quality council. ~~It shall be the duty and~~
12 ~~function of the executive director and his staff to~~ The
13 environmental quality council shall:

14 (1) gather timely and authoritative information
15 concerning the conditions and trends in the quality of the
16 environment, both current and prospective, analyze and
17 interpret such information for the purpose of determining
18 whether such conditions and trends are interfering or are
19 likely to interfere with the achievement of the policy set
20 forth in 75-1-103, and compile and submit to the governor
21 and the legislature studies relating to such conditions and
22 trends;

23 (2) review and appraise the various programs and
24 activities of the state agencies, in the light of the policy
25 set forth in 75-1-103, for the purpose of determining the

1 extent to which such programs and activities are
2 contributing to the achievement of such policy and make
3 recommendations to the governor and the legislature with
4 respect thereto;

5 (3) develop and recommend to the governor and the
6 legislature state policies to foster and promote the
7 improvement of environmental quality to meet the
8 conservation, social, economic, health, and other
9 requirements and goals of the state;

10 (4) conduct investigations, studies, surveys,
11 research, and analyses relating to ecological systems and
12 environmental quality;

13 (5) document and define changes in the natural
14 environment, including the plant and animal systems, and
15 accumulate necessary data and other information for a
16 continuing analysis of these changes or trends and an
17 interpretation of their underlying causes;

18 (6) make and furnish such studies, reports thereon,
19 and recommendations with respect to matters of policy and
20 legislation as the legislature requests;

21 (7) analyze legislative proposals in clearly
22 environmental areas and in other fields where legislation
23 might have environmental consequences and assist in
24 preparation of reports for use by legislative committees,
25 administrative agencies, and the public;

1 (8) consult with and assist legislators who are
2 preparing environmental legislation to clarify any
3 deficiencies or potential conflicts with an overall ecologic
4 plan;

5 (9) review and evaluate operating programs in the
6 environmental field in the several agencies to identify
7 actual or potential conflicts, both among such activities
8 and with a general ecologic perspective, and suggest
9 legislation to remedy such situations;

10 (10) annually, beginning July 1, 1972, transmit to the
11 governor and the legislature and make available to the
12 general public an environmental quality report concerning
13 the state of the environment, which shall contain:

14 (a) the status and condition of the major natural,
15 manmade, or altered environmental classes of the state,
16 including but not limited to the air, the aquatic (including
17 surface water and groundwater) and the terrestrial
18 environments, including but not limited to the forest,
19 dryland, wetland, range, urban, suburban, and rural
20 environments;

21 (b) the adequacy of available natural resources for
22 fulfilling human and economic requirements of the state in
23 the light of expected population pressures;

24 (c) current and foreseeable trends in the quality,
25 management, and utilization of such environments and the

1 effects of those trends on the social, economic, and other
2 requirements of the state in the light of expected
3 population pressures;

4 (d) a review of the programs and activities (including
5 regulatory activities) of the state and local governments
6 and nongovernmental entities or individuals, with particular
7 reference to their effect on the environment and on the
8 conservation, development, and utilization of natural
9 resources; and

10 (e) a program for remedying the deficiencies of
11 existing programs and activities, together with
12 recommendations for legislation."

13 Section 10. Section 85-2-105, MCA, is amended to read:

14 "85-2-105. Water policy committee. (1) There is a
15 permanent water policy committee of the legislature. The
16 committee consists of eight members. The senate committee on
17 committees and the speaker of the house of representatives
18 shall each appoint four members on a bipartisan basis. The
19 committee shall elect its chairman and vice-chairman. The
20 committee shall meet as often as necessary, including during
21 the interim between sessions, to perform the duties
22 specified within this section.

23 (2) On a continuing basis, the committee shall:

24 (a) advise the legislature on the adequacy of the
25 state's water policy and of important state, regional,

1 national, and international developments which affect
2 Montana's water resources;

3 (b) oversee the policies and activities of the
4 department of natural resources and conservation, other
5 state executive agencies, and other state institutions, as
6 they affect the water resources of the state; and

7 (c) communicate with the public on matters of water
8 policy as well as the water resources of the state.

9 (3) On a regular basis, the committee shall:

10 (a) analyze and comment on the state water plan
11 required by 85-1-203, when filed by the department;

12 (b) analyze and comment on the report of the status of
13 the state's water development program required by 85-1-621,
14 when filed by the department;

15 (c) analyze and comment on water-related research
16 undertaken by any state agency, institution, college, or
17 university;

18 (d) analyze, verify, and comment on the adequacy of
19 and information contained in the water resources data
20 management system maintained by the department under
21 85-2-112; and

22 (e) report to the legislature, not less than once
23 every biennium.

24 (4) The ~~environmental-quality~~ legislative council
25 shall provide staff assistance to the committee. The

1 committee may contract with experts and consultants, in
2 addition to receiving assistance from the ~~environmental~~
3 ~~quality legislative~~ council, in carrying out its duties
4 under this section."

5 Section 11. Section 2-18-103, MCA, is amended to read:
6 "2-18-103. Officers and employees excepted. Parts 1
7 and 2 do not apply to the following positions in state
8 government:

- 9 (1) elected officials;
- 10 (2) county assessors and their chief deputy;
- 11 ~~{3}--officers-and-employees-of-the-legislative--branch;~~
- 12 {4}{3} judges and employees of the judicial branch;
- 13 {5}{4} members of boards and commissions appointed by
14 the governor, appointed by the legislature, or appointed by
15 other elected state officials;
- 16 {6}{5} officers or members of the militia;
- 17 {7}{6} agency heads appointed by the governor;
- 18 {8}{7} academic and professional administrative
19 personnel with individual contracts under the authority of
20 the board of regents of higher education;
- 21 {9}{8} academic and professional administrative
22 personnel and live-in houseparents who have entered into
23 individual contracts with the state school for the deaf and
24 blind under the authority of the state board of public
25 education;

1 ~~{10}{9}~~ teachers under the authority of the department
2 of institutions;

3 ~~{11}{10}~~ investment officer and assistant investment
4 officer of the board of investments; and

5 ~~{12}{11}~~ four professional staff positions under the
6 board of oil and gas conservation."

7 NEW SECTION. Section 12. Rights of legislative
8 personnel. Each legislative officer or employee affected by
9 the reorganization of the legislative branch of state
10 government under sections 1 through 17 is entitled to all
11 rights which he possessed as a legislative officer or
12 employee before the effective date of sections 2 through 17,
13 including rights to tenure in office and of rank or grade,
14 rights to vacation and sick pay and leave, rights under any
15 retirement or personnel plan or labor union contract, rights
16 to compensatory time earned, and any other rights under any
17 law or administrative policy. This section is not intended
18 to create any new rights for any legislative officer or
19 employee but to continue only those rights in effect before
20 the effective date of sections 2 through 17.

21 NEW SECTION. Section 13. Transition. If this act is
22 passed and approved after the 50th legislative day of the
23 50th legislature, 5-11-102 does not apply and a new
24 legislative council must be appointed in accordance with
25 this act within 10 days after the effective date of this

1 act.

2 NEW SECTION. Section 14. Repealer. Sections 5-12-304,
3 5-13-305, 69-1-221, and 75-1-321 through 75-1-323, MCA, are
4 repealed.

5 NEW SECTION. Section 15. Effective dates. (1) This
6 section and section 1 are effective on passage and approval.

7 (2) Sections 2 through 17 are effective November 1,
8 1988.

-End-