

SB 42      INTRODUCED BY NEUMAN  
REVISE MEMBERSHIP AND DUTIES OF LEGISLATIVE COUNCIL

1/05    INTRODUCED  
1/05    REFERRED TO STATE ADMINISTRATION  
1/06    FISCAL NOTE REQUESTED  
1/12    REREFERRED TO RULES  
1/13    FISCAL NOTE RECEIVED  
2/03    REREFERRED TO STATE ADMINISTRATION  
2/11    HEARING  
2/13    ADVERSE COMMITTEE REPORT ADOPTED                      46    3

1                    SENATE    BILL NO.    42  
 2    INTRODUCED BY NEUMAN  
 3  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
 5    MEMBERSHIP AND DUTIES OF THE LEGISLATIVE COUNCIL; TO  
 6    CENTRALIZE ADMINISTRATIVE SUPPORT SERVICES FOR THE  
 7    LEGISLATIVE BRANCH AGENCIES; TO PROVIDE UNIFORM  
 8    ADMINISTRATIVE POLICIES FOR THE LEGISLATIVE BRANCH AGENCIES;  
 9    AMENDING SECTIONS 5-11-101, 5-11-105, 5-11-111, 5-12-205,  
 10    5-12-304, 5-13-302, 5-13-305, 5-15-201, 69-1-221, 75-1-321,  
 11    AND 75-1-323, MCA; REPEALING SECTION 5-11-112, MCA; AND  
 12    PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
 13  
 14    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 15            Section 1. Section 5-11-101, MCA, is amended to read:  
 16            "5-11-101. Appointment and composition of council.  
 17    There is a legislative council which consists of:  
 18            (1) the speaker and minority leader of the house of  
 19    representatives;  
 20            (2) the president and minority leader of the senate;  
 21            ~~{1}(3)~~ four two members of the house of  
 22    representatives appointed by the speaker of the house with  
 23    the advice of the majority and minority leaders of the  
 24    house, ~~no-more-than-two-of-whom-may-be-of-the-same-political~~  
 25    ~~party;~~ and each of whom must be of a different political

1    party and one of whom is a member of the legislative finance  
 2    committee and one of whom is a member of the environmental  
 3    quality council; and  
 4            ~~{2}(4)~~ four two members of the senate appointed by the  
 5    committee on committees of the senate, ~~no-more-than--two--of~~  
 6    ~~whom-may-be-of-the-same-political-party~~ each of whom must be  
 7    of a different political party and one of whom is a member  
 8    of the legislative audit committee and one of whom is a  
 9    member of the legislative consumer committee."  
 10            Section 2. Section 5-11-105, MCA, is amended to read:  
 11            "5-11-105. Powers and duties of council. (1) If a  
 12    question of statewide importance arises when the legislature  
 13    is not in session and a subcommittee has not been appointed  
 14    to consider the question, the legislative council shall  
 15    assign the question to an appropriate subcommittee as  
 16    provided in Title 5, chapter 5, part 2, or to the  
 17    appropriate statutorily created committee.  
 18            (2) The legislative council shall:  
 19            (a) provide legislative staff and bill drafting  
 20    services for the legislature and its committees, except as  
 21    otherwise provided by law;  
 22            (b) supervise the activities of the council staff;  
 23            ~~{3}(c)~~ The--legislative--council--shall assist in the  
 24    preparation and submission of all standing and select  
 25    committee and subcommittee reports and recommendations to

1 the legislature.

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

6 (d) institute policies to ensure coordination of the  
 7 activities of the permanent legislative committees and their  
 8 staffs;

9 (e) establish an employee classification and pay plan  
 10 applicable to all full-time and session employees of the  
 11 legislature and its committees;

12 (f) establish uniform personnel policies applicable to  
 13 all full-time and session employees of the legislature and  
 14 its committees;

15 (g) establish centralized procurement of all supplies,  
 16 equipment, and services for the operation of the  
 17 legislature, except as otherwise provided by law;

18 (h) provide for the operation and development of data  
 19 processing systems for the legislature, consistent with  
 20 2-17-501 and 2-17-502;

21 (i) establish uniform procedures for accounting and  
 22 payment of all valid legislative claims and payrolls;

23 (j) approve and recommend a unified budget for the  
 24 legislative branch of government; and

25 (k) from time to time recommend changes in law or

1 joint legislative rules necessary to improve the operation  
 2 of the legislature."

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

4 "5-11-111. Executive director, personnel, and  
 5 consultants. The legislative council may employ an executive  
 6 director and such other personnel, not members of the  
 7 council, as it considers necessary to assist in the  
 8 preparation of proposed legislative acts and standing and  
 9 select committee and subcommittee reports and  
 10 recommendations and to carry out other council activities.  
 11 The council shall fix the compensation of such employees  
 12 consistent with the employee classification and pay plan  
 13 established under 5-11-105. It may also employ the services  
 14 of any research agency which it considers necessary in the  
 15 discharge of its duties."

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

17 "5-12-205. Powers and duties of committee. The  
 18 committee may:

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

23 (2) consistent with the employee classification and  
 24 pay plan established under 5-11-105, employ and set the  
 25 salary of the legislative fiscal analyst, who shall serve at

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

4 Section 5. Section 5-12-304, MCA, is amended to read:  
 5 "5-12-304. Employees and consultants. The legislative  
 6 fiscal analyst may employ, fix the salaries, and define the  
 7 duties of such staff and consultants as may be necessary,  
 8 within the limits of his legislative appropriation and  
 9 consistent with administrative policies established under  
 10 5-11-105."

11 Section 6. Section 5-13-302, MCA, is amended to read:  
 12 "5-13-302. Appointment and qualifications. (1) The  
 13 committee shall appoint the legislative auditor and set his  
 14 salary, consistent with the employee classification and pay  
 15 plan established under 5-11-105.

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

21 Section 7. Section 5-13-305, MCA, is amended to read:  
 22 "5-13-305. Employees, consultants, and legal counsel.  
 23 The legislative auditor may appoint whatever employees and  
 24 consultants are necessary to carry out the provisions of  
 25 this chapter, within the limitations of legislative

1 appropriations and consistent with administrative policies  
 2 established under 5-11-105. The legislative auditor may  
 3 employ legal counsel to conduct proceedings under this  
 4 chapter."

5 Section 8. Section 5-15-201, MCA, is amended to read:  
 6 "5-15-201. Consumer counsel -- appointment and  
 7 qualifications. The committee shall appoint a consumer  
 8 counsel and set his salary, consistent with the employee  
 9 classification and pay plan established under 5-11-105. The  
 10 consumer counsel shall have the following minimum  
 11 qualifications and such additional qualifications as the  
 12 committee determines appropriate:

13 (1) a bachelor's degree or equivalent from an  
 14 accredited college or university with a major or minor in  
 15 accounting or allied fields;

16 (2) be admitted to practice law in Montana courts and  
 17 in the United States district court for the state of  
 18 Montana."

19 Section 9. Section 69-1-221, MCA, is amended to read:  
 20 "69-1-221. Staff of consumer counsel. The consumer  
 21 counsel may, with the approval of the committee, appoint  
 22 employees and consultants necessary to carry out the  
 23 provisions of this part and part 2 of chapter 2, within the  
 24 limits of legislative appropriation and consistent with  
 25 administrative policies established under 5-11-105."

1 Section 10. Section 75-1-321, MCA, is amended to read:

2 "75-1-321. Appointment and qualifications of executive  
3 director. The council shall appoint the executive director  
4 and set his salary, consistent with the employee  
5 classification and pay plan established under 5-11-105. The  
6 executive director shall hold a degree from an accredited  
7 college or university with a major in one of the several  
8 environmental sciences and shall have at least 3 years of  
9 responsible experience in the field of environmental  
10 management. He shall be a person who, as a result of his  
11 training, experience, and attainments, is exceptionally well  
12 qualified to analyze and interpret environmental trends and  
13 information of all kinds; to appraise programs and  
14 activities of the state government in the light of the  
15 policy set forth in 75-1-103; to be conscious of and  
16 responsive to the scientific, economic, social, aesthetic,  
17 and cultural needs and interests of the state; and to  
18 formulate and recommend state policies to promote the  
19 improvement of the quality of the environment."

20 Section 11. Section 75-1-323, MCA, is amended to read:

21 "75-1-323. Appointment of employees. The executive  
22 director, subject to the approval of the council, may  
23 appoint whatever employees are necessary to carry out the  
24 provisions of parts 1 through 3, within the limitations of  
25 legislative appropriations and consistent with the

1 administrative policies established under 5-11-105."

2 NEW SECTION. Section 12. Transition. If this act is  
3 passed and approved after the 50th legislative day of the  
4 50th legislature, 5-11-102 does not apply and a new  
5 legislative council must be appointed in accordance with  
6 this act within 10 days after the effective date of this  
7 act.

8 NEW SECTION. Section 13. Repealer. Section 5-11-112,  
9 MCA, is repealed.

10 NEW SECTION. Section 14. Effective date. This act is  
11 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15


In compliance with a written request, there is hereby submitted a Fiscal Note for SB042, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise the membership and duties of the Legislative Council; to centralize administrative support services, for the legislative branch agencies; to provide uniform administrative polices for the legislative branch agencies; amending sections 5-11-101, 5-11-105, 5-11-111, 5-12-205, 5-12-304, 5-13-302, 5-13-305, 5-15-201, 69-1-221, 75-1-321, and 75-1-323, MCA; repealing Section 5-11-112, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. This fiscal note contains composite information as submitted by the five legislative agencies.
2. In general, current goals and objectives of the agencies will not be changed.
3. Net costs or savings cannot be accurately estimated because they are based upon decisions within the discretion of the committee.
4. The major impact of the bill on the agencies would be the requirement to establish and maintain a classification and pay plan. To do that would require:
  - a. professional assistance to develop and install a plan; this is estimated to cost not more than \$30,000 in the first year of the biennium.
  - b. an additional FTE legislative personnel officer at a cost of \$27,000 a year (approximately grade 15).  
(An alternative assumption would be to put the legislative branch employees under the Payroll, Personnel, Position Control (PPP) system that exists for other state agencies. There would be no additional costs since the system is mandated for other state agencies and is operational.)
5. Certain costs will be experienced either as intangible reductions in service levels or as actual future costs, for example:
  - a. adoption of a uniform salary plan could result in higher personal services costs in some agencies, the amount depending on the plan.
  - b. adoption of uniform personnel polices could result in higher costs or reduced services as a result of additional compensatory time off. This was estimated by one agency, for example, at a cost of \$79,000 a year.
  - c. as much as one FTE of management time could be required in responding to the needs of working with the committee in planning and implementing consolidated and uniform policies.

 DATE 1/12/87  
DAVID L. HUNTER, BUDGET DIRECTOR  
Office of Budget and Program Planning

DATE \_\_\_\_\_  
TED NEUMAN, PRIMARY SPONSOR  
Fiscal Note for SB042, as introduced.

51342

Fiscal Note Request, SB042, as introduced.

Form BD-15

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FISCAL IMPACT:

	<u>FY88</u>			<u>FY89</u>		
	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>	<u>Current</u>	<u>Proposed</u>	<u>Difference</u>
	<u>Law</u>	<u>Law</u>		<u>Law</u>	<u>Law</u>	
<u>Expenditures:</u>	\$7,024,797	\$7,081,797	\$ 57,000	\$10,710,311	\$10,737,311	\$ 27,000
<u>Revenues:</u>						
General Fund	\$4,322,323	\$4,379,323	\$ 57,000	\$ 8,828,918	\$ 8,855,918	\$ 27,000
Earmarked Special Revenue Fund	\$2,702,474	\$2,702,474	\$ 0	\$ 1,881,393	\$ 1,881,393	\$ 0

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

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