HOUSE BILL 38

Introduced by Harper, et al.

12/01 12/01 12/01 12/04 12/06 12/06 12/08 12/09	Introduced Fiscal Note Requested Referred to State Administration First Reading Fiscal Note Received Fiscal Note Printed Hearing Committee ReportBill Passed as Amended 2nd Reading Passed 3rd Reading Passed
12/10 12/15	Transmitted to Senate First Reading Referred to Finance & Claims Hearing Tabled in Committee

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follows: appointed-by

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2	INTRODUCED BY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
5	LEGISLATIVE BRANCH MANAGEMENT POLICY; ESTABLISHING A
6	PLANNING PROCESS TO ACHIEVE THE MANAGEMENT POLICY;
7	AUTHORIZING CENTRALIZED SERVICES FOR LEGISLATIVE AGENCIES;
8	REVISING THE COMPOSITION OF THE LEGISLATIVE COUNCIL;
9	AMENDING SECTIONS 5-11-101, 5-11-105, AND 5-11-111, MCA; AND
10	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	NEW SECTION. Section 1. Management policy for
14	legislative branch. It is the policy of the state that
15	legislative members, agencies, committees, and employees
16	carry out their duties in a manner that is efficient,
17	effective, and responsive to the needs of the citizens of
18	Montana. The legislative branch of state government shall
19	coordinate and consolidate administrative and management
20	activities to the fullest extent possible, while
21	implementing the constitutional and statutory authority of
22	the various entities within the legislative branch.
23	NEW SECTION. Section 2. Legislative branch management
24	planning. In order to implement the policy described in
25	[section 1] and to carry out their duties, the executive
4 3	(Section 1) and to carry out their duties, the excedence

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2	analyst, the legislative auditor, the consumer counsel, and
3	the executive director of the environmental quality council
4	shall meet periodically to determine the most efficient
5	method to accomplish their administrative and management
5	responsibilities. The directors shall consult with their
7	committees and the legislative leadership in making
8	determinations.

NEW SECTION. Section 3. Joint staff for legislative

agencies. After consultation with the legislative fiscal

director of the legislative council, the legislative fiscal

11 analyst, the legislative auditor, the consumer counsel, and 12 the executive director of the environmental quality council, 13 the legislative council may employ personnel to provide 14 specified support services for the legislative agencies. The 15 legislative council shall provide the specified services to 16 the legislative agencies that agree to receive the services. 17 Personnel must be employed by the legislative council, and 18 the legislative council shall include the personnel in the 19 legislative council budget.

20 Section 4. Section 5-11-101, MCA, is amended to read: 21 *5-11-101. Appointment and composition of council. (1) 22 There is a legislative council which that consists of: 23 (1) (a) four members of the house of representatives, as

25 (i) the speaker of the house with-the-advice-of-the



LC 0029/01

majority and one member appointed by the speaker; and 1 (ii) the minority leaders leader of the house, -- no--more 2 than--two-of-whom-may-be-of-the-same-political-party and one 3 member appointed by the minority leader; and +2+(b) four members of the senate, as follows: 5 (i) the president of the senate and one member 6 7 appointed by the committee-on-committees president; and (ii) the minority leader of the senate; and one member 8 appointed by the minority leader. 9 (2) no No more than two of-whom members of each house 10

may be of the same political party."

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- Section 5. 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 statutorily created committee.
- (2) The legislative council shall supervise the activities of the council staff and staff providing services for legislative agencies as provided in [section 3].
- (3) The legislative council shall assist in the preparation and submission of all standing and select committee and subcommittee reports and recommendations to

- 1 the legislature.
- 2 (4) The legislative council shall periodically review
- 3 the organizational structure and operation of the
- 4 legislative branch in order to implement the policy in
- 5 [section 1].
- 6 (4)(5) This section shall may not be construed to
- 7 permit the council to approve or disapprove of any
- 8 substantive portions or recommendations of a standing or
- 9 select committee or subcommittee report."
- Section 6. 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 th
- 15 preparation of proposed legislative acts and standing and
- 16 select committee and subcommittee reports and
- 17 recommendations and to carry out other council and, subject
- 18 to [section 3], legislative agency activities. The council
- 19 shall fix the compensation of such council employees. It may
- 20 also employ the services of any research agency which that
- 21 it considers necessary in the discharge of its duties."
- 22 NEW SECTION. Section 7. Codification instructions. (1)
- 23 [Sections 1 and 2] are intended to be codified as an
- 24 integral part of Title 5, chapter 2, part 1, and the
- 25 provisions of Title 5, chapter 2, part 1, apply to (sections

- 1 1 and 2).
- 2 (2) [Section 3] is intended to be codified as an
- 3 integral part of Title 5, chapter 11, part 1, and the
- 4 provisions of Title 5, chapter 11, part 1, apply to [section
- 5 3].
- 6 NEW SECTION. Section 8. Effective date. [This act] is
- 7 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 HB0038, as introduced.

<u>DESCRIPTION OF PROPOSED LEGISLATION</u>: An act establishing a legislative branch management policy; establishing a planning process to achieve the management policy; authorizing centralized services for legislative agencies; revising the composition of the legislative council; and providing an immediate effective date.

ASSUMPTIONS:

Office of the Legislative Auditor

- 1. The Legislative Auditor is required to meet periodically with the other legislative branch directors to determine the most efficient method to accomplish their administrative and management responsibilities.
- 2. The Legislative Council may employ personnel to provide specified support services for the legislative agencies.
- 3. The Legislative Auditor must agree to receive the services or not be subject to receiving the services provided by the Legislative Council.
- 4. The legislative branch is currently completing an efficiency evaluation of the various support functions of the agencies to identify areas of potential consolidation and efficiency savings.
- Based on the assumptions noted and the permissive language of the proposed legislation, no determination of fiscal impact can be made.

Legislative Fiscal Analyst

- 6. All SBAS entries, payroll, and employee insurance forms are completed by the Administrative Secretary. These duties are a small part of her duties.
- 7. Secretarial work will not be a function provided by the centralized administrative services.
- 8. On-line computer expenses for SBAS and payroll entry (approximately \$216 in FY93) would remain the same if the functions were transferred.
- 9. There will be no fiscal impact resulting from this bill.

Legislative Council, Environmental Quality Council, and Consumer Counsel

10. There will be no fiscal impact.

FISCAL IMPACT:

None.

DAVE LEWIS, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

HAL HARPER, PRIMARY SPONSOR

Fiscal Note for HB0038, as introduced

DATE

APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1	HOUSE BILL NO. 38				
2	INTRODUCED BY HARPER, GILBERT				
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A				
5	LEGISLATIVE BRANCH MANAGEMENT POLICY; ESTABLISHING A				
6	PLANNING PROCESS TO ACHIEVE THE MANAGEMENT POLICY;				
7	AUTHORIZING CENTRALIZED SERVICES FOR LEGISLATIVE AGENCIES;				
8	REVISING THE COMPOSITION OF THE LEGISLATIVE COUNCIL;				
9	PROVIDING FOR TRANSITION TO THE REVISED LEGISLATIVE COUNCIL				
10	COMPOSITION; AMENDING SECTIONS 5-11-101, 5-11-105, AND				
11	5-11-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."				
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:				
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14	NEW SECTION. Section 1. Management policy for				
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2	director of the legislative council, the legislative fiscal
3	analyst, the legislative auditor, the consumer counsel, and
4	the executive director of the environmental quality council
5	shall meet periodically to determine the most efficient
6	method to accomplish their administrative and management
7	responsibilities. The directors shall consult with their
8	committees and the legislative leadership in making
9	determinations.

NEW SECTION. Section 3. Joint staff for legislative

[section 1] and to carry out their duties, the executive

11 agencies. After consultation with the legislative fiscal 12 analyst, the legislative auditor, the consumer counsel, and 13 the executive director of the environmental quality council, 14 the legislative council may employ personnel to provide specified support services for the legislative agencies. The 15 16 legislative council shall provide the specified services to 17 the legislative agencies that agree to receive the services. 18 Personnel must be employed by the legislative council, and 19 the legislative council shall include the personnel in the 20 legislative council budget.

- Section 4. Section 5-11-101, MCA, is amended to read:
- 22 "5-11-101. Appointment and composition of council. (1)
- 23 There is a legislative council which that consists of:
- 24 $+\frac{1}{2}$ four members of the house of representatives, as
- 25 <u>follows:</u> appointed-by

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1 (i) the speaker of the house with-the-advice-of-the majority OR, IF DESIGNATED BY THE SPEAKER. THE HOUSE 3 MAJORITY LEADER and one member appointed by the speaker: and 4 (ii) the minority leaders leader of the house, -- no -- more 5 than--two-of-whom-may-be-of-the-same-political-party and one member appointed by the minority leader; and 7 (2)(b) four members of the senate, as follows: 8 (i) the president of the senate OR, IF DESIGNATED BY 9 THE PRESIDENT, THE SENATE MAJORITY LEADER and one member 10 appointed by the committee-on-committees president; and (ii) the minority leader of the senate, and one member 11 12 appointed by the minority leader. 13 (2) no No more than two of-whom members of each house 14 may be of the same political party." Section 5. Section 5-11-105, MCA, is amended to read: 15 "5-11-105. Powers and duties of council. (1) If a 16

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(2) The legislative council shall supervise the activities of the council staff and staff providing services for legislative agencies as provided in [section 3].

1 (3) The legislative council shall assist in the 2 preparation and submission of all standing and select 3 committee and subcommittee reports and recommendations to 4 the legislature.

5 (4) The legislative council shall periodically review
6 the organizational structure and operation of the
7 legislative branch in order to implement the policy in
8 [section 1].

(4)(5) This section shall may 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 6. Section 5-11-111, MCA, is amended to read:

14 "5-11-111. Executive director, personnel, a

consultants. The legislative council may employ an executive director and such other personnel, not members of the council, as it considers necessary to assist in the preparation of proposed legislative acts and standing and

20 recommendations and to carry out other council and, subject

and

subcommittee

reports

and

21 to [section 3], legislative agency activities. The council

22 shall fix the compensation of such council employees. It may

23 also employ the services of any research agency which $\underline{\text{that}}$

24 it considers necessary in the discharge of its duties."

25 NEW SECTION. SECTION 7. TRANSITION. MEMBERS OF THE

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select

committee

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- 1 LEGISLATIVE COUNCIL SHALL CONTINUE TO SERVE UNTIL THE
- 2 APPOINTMENTS HAVE BEEN MADE UNDER [SECTION 4].
- 3 NEW SECTION. Section 8. Codification instructions. (1)
- 4 [Sections 1 and 2] are intended to be codified as an
- 5 integral part of Title 5, chapter 2, part 1, and the
- 6 provisions of Title 5, chapter 2, part 1, apply to [sections
- 7 1 and 2].
- 8 (2) [Section 3] is intended to be codified as an
- 9 integral part of Title 5, chapter 11, part 1, and the
- 10 provisions of Title 5, chapter 11, part 1, apply to [section
- 11 3].
- NEW SECTION. Section 9. Effective date. [This act] is
- 13 effective on passage and approval.

-End-

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53rd Legislature Special Session 11/93

-	ROOSE BILL NO. 30
2	INTRODUCED BY HARPER, GILBERT
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
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.9	Montana. The legislative branch of state government shall
0	coordinate and consolidate administrative and management
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2	implementing the constitutional and statutory authority of
23	the various entities within the legislative branch.
24	NEW SECTION. Section 2. Legislative branch management

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1	[section 1] and to carry out their duties, the executive
2	director of the legislative council, the legislative fiscal
3	analyst, the legislative auditor, the consumer counsel, and
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(i) the	speaker of	the house	with-the-ad	vice-of-the
majority OR,	IF DESIGNA	TED BY THE	SPEAKER,	THE HOUSE
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(ii) the	minority lead	ers <u>leader</u> o	of the house	7nomore
thantwo-of-	whom-may-be-o	f-the-same-p	oditical-pa	rty and one
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THE PRESIDEN	IT, THE SENA	TE MAJORITY	LEADER and	one member
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-3-

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*5-11-111. Executive

consultants. The legislative council may employ an executive director and such other personnel, not members of the council, as it considers necessary to assist in the preparation of proposed legislative acts and standing and select committee and subcommittee reports and recommendations and to carry out other council and, subject to [section 3], legislative agency activities. The council

director,

- 22 shall fix the compensation of such council employees. It may
- 23 also employ the services of any research agency which that
- it considers necessary in the discharge of its duties." 24
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and

- 1 LEGISLATIVE COUNCIL SHALL CONTINUE TO SERVE UNTIL THE
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- 5 integral part of Title 5, chapter 2, part 1, and the
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- 10 provisions of Title 5, chapter 11, part 1, apply to (section
- 11 3].
- 12 NEW SECTION. Section 9. Effective date. [This act] is
- 13 effective on passage and approval.

-End-