

HOUSE BILL 38

Introduced by Harper, et al.

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

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

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

majority and one member appointed by the speaker; and

(ii) the minority leaders leader of the house; ~~no more than two of whom may be of the same political party~~ and one member appointed by the minority leader; and

(b) four members of the senate, as follows:

(i) the president of the senate and one member appointed by the committee-on-committees president; and

(ii) the minority leader of the senate; and one member appointed by the minority leader.

(2) ~~no more than two of whom~~ members of each house may be of the same political party."

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

the legislature.

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

(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:

"5-11-111. Executive director, personnel, and 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 shall fix the compensation of such council employees. It may also employ the services of any research agency which that it considers necessary in the discharge of its duties."

NEW SECTION. Section 7. Codification instructions. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 5, chapter 2, part 1, and the 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.

DESCRIPTION OF PROPOSED LEGISLATION: 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.
5. Based on the assumptions noted and the permissive language of the proposed legislation, no determination of fiscal impact can be made.

Legislative Fiscal Analyst

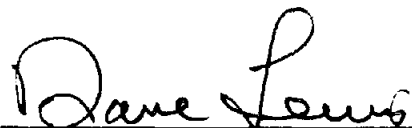
6. All SBAS entries, payroll, and employee insurance forms are completed by the Administrative Secretary. These duties are a small part of her duties.
7. Secretarial work will not be a function provided by the centralized administrative services.
8. On-line computer expenses for SBAS and payroll entry (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

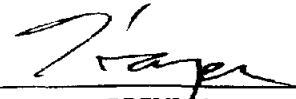
10. There will be no fiscal impact.

FISCAL IMPACT:

None.



DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



HAL HARPER, PRIMARY SPONSOR DATE
Fiscal Note for HB0038, as introduced

12/6

HB 38

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 38

INTRODUCED BY HARPER, GILBERT

A BILL FOR AN ACT ENTITLED: "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;
PROVIDING FOR TRANSITION TO THE REVISED LEGISLATIVE COUNCIL
COMPOSITION; AMENDING SECTIONS 5-11-101, 5-11-105, AND
5-11-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Management policy for
legislative branch. It is the policy of the state that
legislative members, agencies, committees, and employees
carry out their duties in a manner that is efficient,
effective, and responsive to the needs of the citizens of
Montana. The legislative branch of state government shall
coordinate and consolidate administrative and management
activities to the fullest extent possible, while
implementing the constitutional and statutory authority of
the various entities within the legislative branch.

NEW SECTION. Section 2. Legislative branch management
planning. In order to implement the policy described in

[section 1] and to carry out their duties, the executive
director of the legislative council, the legislative fiscal
analyst, the legislative auditor, the consumer counsel, and
the executive director of the environmental quality council
shall meet periodically to determine the most efficient
method to accomplish their administrative and management
responsibilities. The directors shall consult with their
committees and the legislative leadership in making
determinations.

NEW SECTION. Section 3. Joint staff for legislative
agencies. After consultation with the legislative fiscal
analyst, the legislative auditor, the consumer counsel, and
the executive director of the environmental quality council,
the legislative council may employ personnel to provide
specified support services for the legislative agencies. The
legislative council shall provide the specified services to
the legislative agencies that agree to receive the services.
Personnel must be employed by the legislative council, and
the legislative council shall include the personnel in the
legislative council budget.

Section 4. Section 5-11-101, MCA, is amended to read:
"5-11-101. Appointment and composition of council. (1)
There is a legislative council which that consists of:
++(a) four members of the house of representatives, as
follows: appointed-by

~~(i) the speaker of the house with-the-advice-of-the majority OR, IF DESIGNATED BY THE SPEAKER, THE HOUSE MAJORITY LEADER~~ and one member appointed by the speaker; and

~~(ii) the minority leaders leader of the house;--no--more than--two-of-whom-may-be-of-the-same-political-party and one member appointed by the minority leader; and~~

~~{2}~~(b) four members of the senate, as follows:

~~(i) the president of the senate OR, IF DESIGNATED BY THE PRESIDENT, THE SENATE MAJORITY LEADER and one member appointed by the committee-on-committees president; and~~

~~(ii) the minority leader of the senate, and one member appointed by the minority leader.~~

~~(2) no No more than two of-whom members of each house may be of the same political party."~~

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"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 the legislature.

(4) The legislative council shall periodically review the organizational structure and operation of the legislative branch in order to implement the policy in [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."

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NEW SECTION. SECTION 7. TRANSITION. MEMBERS OF THE

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].

12 NEW SECTION. **Section 9.** Effective date. [This act] is
13 effective on passage and approval.

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