

House BILL NO. 377

INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REORGANIZING THE ADMINISTRATION OF THE LEGISLATIVE BRANCH; CONSOLIDATING ADMINISTRATIVE ACTIVITIES OF THE BRANCH INTO A SINGLE AGENCY; PROVIDING APPROPRIATE SAFEGUARDS FOR THE FUNCTIONAL AUTONOMY OF THE COMPONENTS OF THE BRANCH; PROTECTING THE PROFESSIONAL INDEPENDENCE AND INTEGRITY OF THE LEGISLATIVE STAFF; PROVIDING FOR CLASSIFICATION AND PAY FOR LEGISLATIVE BRANCH EMPLOYEES; ESTABLISHING AUTHORITY FOR PERSONNEL MANAGEMENT IN THE LEGISLATIVE BRANCH; PROVIDING FOR A TRANSITION; AMENDING SECTIONS 1-11-201, 1-13-111, 2-18-103, 2-18-201, 5-5-214, 5-5-215, 5-11-101, 5-11-102, 5-11-103, 5-11-105, 5-11-106, 5-11-107, 5-11-111, 5-11-112, 5-11-201, 5-11-202, 5-11-203, 5-11-205, 5-11-206, 5-11-208, 5-11-209, 5-11-210, 5-11-212, 5-11-401, 5-11-403, 5-11-404, 5-11-405, 5-11-406, 5-12-205, 5-12-304, 5-13-302, 5-13-305, 5-15-201, 5-19-107, 75-1-321, AND 75-1-323, MCA; AND PROVIDING EFFECTIVE DATES."

WHEREAS, organizational arrangements for the Legislative Branch have remained an issue for many years; and

WHEREAS, the Legislature has responded to public recognition of need and constitutional requirements for branch functions supporting an independent and qualified Legislative Branch; and

WHEREAS, reorganization to achieve administrative efficiency may be achieved without jeopardizing the functional integrity of the existing components of the branch; and

WHEREAS, reorganization may also be achieved while assuring the professional and political independence of the staff assigned to support the legislative function and Legislative Branch duties.

THEREFORE, the Legislature finds that it is appropriate to reorganize the Legislative Branch into a single agency structure with significant safeguards for an appropriate level of independent operation for the various arms of the Legislative Branch.

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

NEW SECTION. Section 1. Declaration of policy and purpose. It is the public policy of this state

1 and the purpose of [sections 1 through 4]:

2 (1) to create a structure of the legislative branch of state government that is responsive to the
3 needs of the people of this state and is sufficiently flexible to meet changing conditions;

4 (2) to strengthen the legislative branch capacity to administer its affairs effectively and efficiently
5 on behalf of the people of the state;

6 (3) to provide means for coordination of branch activities; and

7 (4) to eliminate unnecessary overlapping and duplication of effort within the legislative branch of
8 state government.

9

10 **NEW SECTION. Section 2. Structure of the legislative branch.** The legislature established in Article
11 V, section 1, of the Montana constitution and the committees established by law constitute the legislative
12 branch. The functional organization of the legislative branch is governed by the joint rules of the legislature
13 and the laws governing the several components of the branch. The administrative organization of the
14 legislative branch is consolidated as provided in [sections 1 through 4].

15

16 **NEW SECTION. Section 3. Allocation of legislative branch components for administrative purposes**
17 **only.** (1) An entity of the legislative branch that is allocated to the legislative services office for
18 administrative purposes only shall:

19 (a) exercise its substantive functions independently of the legislative services office without
20 approval or control of the legislative services office;

21 (b) adhere to administrative policies, including personnel policies, adopted by the legislative council
22 for application to the legislative services office and attached entities;

23 (c) submit its budget proposals through the legislative services office; and

24 (d) submit reports required of it as provided in 5-11-210.

25 (2) The legislative services office shall:

26 (a) coordinate budgeting, recordkeeping, reporting, and related administrative and clerical functions
27 of an attached entity, including acknowledgment of actions by the approving authority of the attached
28 entity;

29 (b) include within the legislative services office budget the budget proposals for the legislature and
30 the attached entities, separately identified; and

1 (c) provide personnel support for the legislative branch. An attached entity may hire its own
2 personnel subject to procedures established by the legislature or legislative services office.

3 (3) The legislative services office shall allocate office space occupied by the legislative branch for
4 the use of an attached entity as necessary. Space occupied by the senate or the house of representatives
5 may not be reallocated except upon approval of the respective house as provided in the rules of that house.
6 The location of the chambers of the house of representatives and the senate must be determined as
7 provided by 2-17-101.

8
9 **NEW SECTION. Section 4. Legislative branch agencies attached to legislative services office.** The
10 following legislative branch entities are attached to the legislative services office for administrative purposes
11 only, as provided in [section 3]:

12 (1) the senate and the house of representatives provided for in Article V, section 1, of the Montana
13 constitution;

14 (2) the legislative council established by 5-11-101;

15 (3) the legislative finance committee established by 5-12-201;

16 (4) the office of the legislative fiscal analyst established by 5-12-301;

17 (5) the legislative audit committee established by 5-13-201;

18 (6) the office of the legislative auditor established by 5-13-301;

19 (7) the administrative code committee established by Title 5, chapter 14, part 1;

20 (8) the legislative consumer committee established by 5-15-101;

21 (9) the consumer counsel provided for in 5-15-201;

22 (10) the environmental quality council established by 5-16-101, its executive director appointed
23 under 75-1-321, and employees appointed under 75-1-323;

24 (11) the revenue oversight committee established by 5-18-102;

25 (12) the committee on Indian affairs established by 5-19-102;

26 (13) the water policy committee established by 85-2-105; and

27 (14) other committees or offices of the legislative branch that may be established and attached.

28
29 **Section 5.** Section 5-11-101, MCA, is amended to read:

30 "5-11-101. **Appointment and composition of council.** (1) There is a legislative council ~~which~~ that

1 consists of:

2 ~~(1)(a)~~ four members of the house of representatives, as follows: appointed by

3 (i) the speaker of the house with the advice of the majority and one member appointed by the
4 speaker; and

5 (ii) the minority leaders leader of the house, no more than two of whom may be of the same political
6 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 and one member appointed by the committee on committees
9 president; and

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

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

12

13 **Section 6.** Section 5-11-102, MCA, is amended to read:

14 **"5-11-102. Term.** Membership on the council is for 2 years while the member remains qualified
15 or until a successor is appointed and qualified and terminates with the appointment of a new council or on
16 the 50th legislative day of the next regular session following the one in which the appointment was made,
17 whichever event occurs first. A new council Members required to be appointed by leadership under
18 5-11-101 shall must be appointed no later than the 50th day of each regular session immediately following
19 organization of the senate and the house of representatives as provided in 5-2-212 and 5-2-213."

20

21 **Section 7.** Section 5-11-103, MCA, is amended to read:

22 **"5-11-103. Vacancies.** A vacancy on the legislative council ~~occurring when the legislature is not~~
23 ~~in session shall~~ must be filled by the selection of another member by the same method as the original
24 appointment."

25

26 **Section 8.** Section 5-11-105, MCA, is amended to read:

27 **"5-11-105. Powers and duties of council.** (1) The legislative council shall:

28 (a) employ and set the salary of the executive director, who serves at the pleasure of and is
29 responsible to the legislative council;

30 (b) adopt rules for classification and pay of legislative branch employees;

1 (c) adopt rules governing personnel management of branch employees;

2 (d) adopt procedures to administer legislator claims for reimbursements authorized by law for
3 interim activity; and

4 (e) perform other duties assigned by law.

5 (2) If a question of statewide importance arises when the legislature is not in session and a
6 subcommittee has not no legislative committee has been appointed assigned to consider the question, the
7 legislative council shall assign the question to an appropriate subcommittee as provided in Title 5, chapter
8 5, part 2, or to the appropriate statutorily created committee.

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

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

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

14
15 **Section 9.** Section 5-11-106, MCA, is amended to read:

16 **"5-11-106. Authority to investigate and examine.** The legislative council services office, on behalf
17 of standing and select committees and subcommittees, ~~shall have authority to~~ may investigate and examine
18 ~~the costs~~ of state governmental activities and may examine and inspect all records, books, and files of any
19 department, agency, commission, board, or institution of the state of Montana."

20
21 **Section 10.** Section 5-11-107, MCA, is amended to read:

22 **"5-11-107. Powers relating to hearings.** (1) In the discharge of its duties or on behalf of ~~standing~~
23 statutory committees ~~and or~~ subcommittees, the legislative council may hold hearings, administer oaths,
24 issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts,
25 documents, and testimony, and cause depositions of witnesses to be taken in the manner prescribed by
26 law for taking depositions in civil actions in district court.

27 (2) If a person disobeys a subpoena issued by the council ~~on behalf of a standing committee or~~
28 ~~subcommittee~~ or if a witness refuses to testify on any matters regarding which ~~he~~ the witness may be
29 lawfully interrogated, the district court of any county ~~or a judge thereof~~ shall, on application of the
30 legislative council, compel obedience by proceedings for contempt as in the case of disobedience of the

1 requirements of a subpoena issued from ~~such a district~~ court or a refusal to testify ~~therein in the district~~
2 court."

3

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

5 "**5-11-111. ~~Executive director, personnel, and consultants~~ Legislative services office.** ~~The legislative~~
6 ~~council may employ an~~ There is a legislative services office under the direction of the executive director
7 of the legislative council and such other personnel, not members of the council, as it considers necessary
8 to assist in the preparation of proposed legislative acts and standing and select committee and
9 subcommittee reports and recommendations and to carry out other council activities. ~~The council executive~~
10 director shall fix the compensation of such the employees of the legislative services office in accordance
11 with the rules for classification and pay adopted by the legislative council. It may also employ the services
12 of any research agency which it considers necessary in the discharge of its duties."

13

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

15 "**5-11-112. ~~Functional divisions organization and responsibilities.~~ Functional divisions organization and responsibilities.** (1) ~~The legislative council~~
16 executive director may establish a functional ~~divisions organization~~ divisions organization within the ~~council staff legislative~~
17 services office in order to effectively and efficiently carry out all of the responsibilities delegated to the
18 ~~council office~~ office by law or legislative rule. ~~The divisions shall responsibilities of the legislative services office~~
19 include the following:

20 ~~(1)(a)~~ (a) legislative document services division:

21 (i) bill drafting and preparation for introduction;

22 ~~(a)(ii)~~ (ii) engrossing and enrolling;

23 ~~(b)(iii)~~ (iii) ~~mailroom~~ distribution of legislative bills and information;

24 ~~(c)(iv)~~ (iv) coordination of legislative printing; and

25 (v) publication of legislative records;

26 ~~(d)~~ data processing;

27 ~~(2)(b)~~ (b) research and reference services division:

28 ~~(a)(i)~~ (i) general and specialized legislative research; and

29 ~~(b)(ii)~~ (ii) legislative reference and information;

30 ~~(c)~~ committee staffing, including staffing for interim committees organized under Title 5, chapter

1 ~~5, part 2;~~

2 ~~(3)(c)~~ legal services ~~division~~:

3 ~~(a)(i)~~ ~~bill drafting~~ legal review of draft bills;

4 ~~(b)(ii)~~ legal counseling on legislative matters;

5 ~~(c)(iii)~~ ~~committee staffing~~ legal support for attached entities; and

6 (iv) support for the functions of the code commissioner provided in 1-11-201;

7 (d) committee services:

8 (i) research, legal, and administrative staff support for attached committees as assigned, including
9 support for interim committees organized under Title 5, chapter 5, part 2; and

10 (ii) research and legal support for legislative standing and select committees;

11 ~~(4)(e)~~ management and business services ~~division, which shall:~~

12 ~~(a)(i)~~ ~~maintain bookkeeping~~ financial records;

13 ~~(b)(ii)~~ ~~sign~~ claims and payrolls;

14 ~~(c)(iii)~~ ~~order all~~ coordination of procurement of printing, supplies, and equipment; and

15 ~~(d)(iv)~~ ~~serve the house and senate during the session~~ maintenance of property inventories;

16 (f) personnel and administrative services:

17 (i) legislative branch rules for classification and pay; and

18 (ii) branch personnel and administrative policies;

19 (g) information technology services:

20 (i) branch network support services;

21 (ii) application support and development;

22 (iii) communications support and coordination; and

23 (iv) information technology planning.

24 (2) The responsibilities of the legislative services office must be fulfilled collaboratively with
25 attached entities whenever the efficient operation of the branch is served."

26
27 **Section 13.** Section 5-11-201, MCA, is amended to read:

28 **"5-11-201. Journals -- how authenticated -- filing.** The journal of the senate must be authenticated
29 by the signature of the president and the journal of the house of representatives by the signature of the
30 speaker. Each authenticated journal must be filed with the secretary of state. A copy of each authenticated

1 journal must be filed with the legislative ~~council~~ services office."

2

3 **Section 14.** Section 5-11-202, MCA, is amended to read:

4 **"5-11-202. Printing of session laws.** The legislative ~~council~~ services office shall deliver to the
5 appropriate printer, at the earliest practicable day after the final adjournment of each session of the
6 legislature, copies of all laws and resolutions passed or adopted during the session. The session laws must
7 be delivered to the appropriate printer in the form provided for in 5-11-205 and 5-11-206."

8

9 **Section 15.** Section 5-11-203, MCA, is amended to read:

10 **"5-11-203. Distribution of session laws -- inspection of journals.** (1) Immediately after the session
11 laws are published, the legislative ~~council~~ services office shall distribute them.

12 (2) The ~~council~~ legislative services office shall make the house and senate journals available for
13 inspection or copying by the public as provided in Title 2, chapter 6, part 1. The ~~council~~ legislative services
14 office may publish the journals in an electronic format.

15 (3) The following entities may receive the number of copies of session laws listed at no cost:

16 (a) to the library of congress, eight copies;

17 (b) to the state library, two copies;

18 (c) to the state historical library, two copies;

19 (d) to the state law librarian, four copies for the use of the library and additional copies as may be
20 required for exchange with libraries and institutions maintained by other states and territories and public
21 libraries;

22 (e) to the library of each custodial institution, one copy;

23 (f) to each Montana member of congress, each United States district judge in Montana, each of
24 the judges of the state supreme and district courts, and each of the state officers as defined in 2-2-102(8),
25 one copy;

26 (g) to any agency, board, commission, or office of the state, other than a state officer, and to any
27 other subdivision of the state upon request and approval by the legislative council, one copy;

28 (h) to each member of the legislature, the secretary of the senate, and the chief clerk of the house
29 of representatives from the session at which the laws were adopted, one copy;

30 (i) to each of the community college districts of the state, as defined in 20-15-101, and each unit

- 1 of the Montana university system, one copy;
- 2 (j) to each county clerk, one copy for the use of the county; and
- 3 (k) to each county attorney and to each clerk of a district court, one copy."

4

5 **Section 16.** Section 5-11-205, MCA, is amended to read:

6 **"5-11-205. Publication of laws -- format.** (1) The legislative ~~council~~ services office shall publish

7 all laws and resolutions passed or adopted by each session of the legislature in a publication to be known

8 as the Laws of Montana.

9 (2) Laws of each session must be printed in the Laws of Montana in the order that they have been

10 filed in the office of the secretary of state with the chapter number assigned by the secretary of state as

11 the heading. The chapter number must also appear as part of each page heading. In all laws containing

12 amendments to an existing law, the new parts designated in the act by underlining must be printed in italics

13 in the Laws of Montana and deleted provisions must be shown as stricken. The senate or house bill number

14 may be omitted from each act.

15 (3) Reference to the laws of a legislative session may be made as follows: "Chapter (giving

16 number), Laws of (giving the year enacted)".

17 (4) Resolutions adopted by each session of the legislature must be printed in a separate section

18 of the Laws of Montana with the type of resolution and its number as a heading.

19 (5) The legislative ~~council~~ services office shall also publish in the Laws of Montana the indexes

20 required by 5-11-206."

21

22 **Section 17.** Section 5-11-206, MCA, is amended to read:

23 **"5-11-206. Index -- list.** (1) The legislative ~~council~~ services office shall prepare a suitable index of

24 all the laws and resolutions passed or adopted at each session of the legislature. The index ~~shall~~ must be

25 a thorough index of the laws and resolutions and of each subject contained in or covered by the laws and

26 resolutions, together with a cross-index to assist in readily finding any subject contained in each volume.

27 A separate index must be prepared for appropriation bills passed by each session of the legislature.

28 (2) For the purpose of uniformity in indexes, the index of each succeeding publication of the

29 session laws ~~shall~~ must conform as nearly as practicable with those of the volumes preceding it.

30 (3) There ~~shall~~ must also be prepared for each publication of the session laws a "code sections

1 affected list" showing what sections of the Montana Code Annotated have been amended or repealed by
2 any laws enacted by that session of the legislature."

3

4 **Section 18.** Section 5-11-208, MCA, is amended to read:

5 "5-11-208. **Expenses.** The expenses incurred by the legislative ~~council~~ services office in carrying
6 into effect 5-11-202, 5-11-203, and 5-11-205 through 5-11-207, as amended, must be paid out of money
7 ~~specifically~~ appropriated for that purpose."

8

9 **Section 19.** Section 5-11-209, MCA, is amended to read:

10 "5-11-209. **Codes -- availability to legislators -- reserved for use by legislative committees.** (1)
11 Immediately after the Montana Code Annotated statute text and histories are bound following each
12 legislative session, the legislative ~~council~~ services office shall make available one set of these volumes to
13 each member of the legislature at a charge of \$10.

14 (2) The legislative ~~council~~ services office shall reserve 50 sets of the Montana Code Annotated
15 statute text and histories for the use of the standing and select committees of the legislature.

16 (3) Costs associated with providing code sets as required by this section ~~shall~~ must be paid out
17 of the state special revenue fund account established under 1-11-301."

18

19 **Section 20.** Section 5-11-210, MCA, is amended to read:

20 "5-11-210. **Clearinghouse for reports to legislature.** (1) For the purposes of this section, "report"
21 means a report required by law to be given to or filed with the legislature.

22 (2) On or before September 1 of each year preceding the convening of a regular session of the
23 legislature, an entity required to report to the legislature shall provide, in writing, to the executive director
24 of the legislative council:

25 (a) the final title of the report;

26 (b) an abstract or description of the contents of the report, not to exceed 100 words;

27 (c) a recommendation on how many copies of the report should be provided to the legislature;

28 (d) the reasons why the number of copies recommended is, in the opinion of the reporting entity,
29 the appropriate number of copies; and

30 (e) an estimated cost for each copy of the report.

1 (3) After considering all of the information available about the report, including the number of
2 legislators requesting copies of the report pursuant to subsection (7), the legislative council or the executive
3 director shall, in writing, direct the reporting entity to provide a specific number of copies. The number of
4 copies required is at the sole discretion of the legislative council. The legislative council or the executive
5 director may require the reporting entity to mail the copies of the report.

6 (4) The legislative council may require that the report be submitted in an electronic format usable
7 on the legislature's current computer hardware, in a microform, such as microfilm or microfiche, or in a
8 CD-ROM format, meaning compact disc read-only memory.

9 (5) Costs of preparing and distributing a report to the legislature, including writing, printing,
10 postage, distribution, and all other costs, accrue to the reporting agency. Costs incurred in meeting the
11 requirements of this section may not accrue to the legislative council or the legislative services office.

12 (6) The executive director of the legislative council shall cause to be prepared a list of all reports
13 required to be presented to the legislature from the list of titles received under subsection (2).

14 (7) The executive director shall, as soon as possible following a general election, mail to each
15 holdover senator, senator-elect, and representative-elect a list of the titles of the reports, along with the
16 abstracts prepared pursuant to subsection (2)(b). The list must include a form on which each member or
17 member-elect receiving the list may indicate the report or reports that the member or member-elect would
18 like to receive.

19 (8) The executive director of the legislative council shall make copies of reports requested pursuant
20 to subsection (7) available to those members or members-elect by either requiring that copies be mailed
21 pursuant to subsection (3) or by delivering copies of the reports during the first week of the legislative
22 session.

23 (9) The executive director of the legislative council may keep as many copies of a report as are
24 necessary and discard the rest.

25 (10) The procedure outlined in this section may also be used for a report required to be made to
26 the legislature under the Multistate Tax Compact contained in 15-1-601, the Vehicle Equipment Safety
27 Compact contained in 61-2-201, the Multistate Highway Transportation Agreement contained in
28 61-10-1101, or the Western Interstate Nuclear Compact contained in 90-5-201."

29
30 **Section 21.** Section 5-11-212, MCA, is amended to read:

1 **"5-11-212. Fees for proceedings.** (1) A complete set of the proceedings of a regular session of the
2 legislature may be purchased from the legislative ~~council~~ services office for the amount prescribed by the
3 legislative council. Upon receipt of payment, the executive director of the legislative council shall supply
4 the purchaser with a complete set of the proceedings.

5 (2) A purchaser who requests that a set of the proceedings be mailed shall pay an additional fee
6 as prescribed by the legislative council for each complete set that is mailed.

7 (3) Single copies of bills, resolutions, or amendments thereto may be purchased from the
8 legislative ~~council~~ services office for a price varying with the length of the document as prescribed by the
9 legislative council.

10 (4) Single copies of status sheets or status of proceedings may be purchased from the legislative
11 ~~council~~ services office for a price per copy as prescribed by the legislative council. A person may subscribe
12 to receive daily copies of the status sheets or status of proceedings by mail for a fee set by the legislative
13 council to cover the costs of the service.

14 (5) The executive director of the legislative council shall account for all funds collected under this
15 section and shall transmit the funds to the treasurer of the state of Montana, who shall credit them to the
16 general fund."

17
18 **Section 22.** Section 5-11-401, MCA, is amended to read:

19 **"5-11-401. Purpose.** It is the purpose of this part to establish a mechanism for computer system
20 planning encompassing broad policy needs, long-term direction for computer use, and the effective
21 implementation of a detailed plan for the legislative branch. It is the purpose of the plan to assure
22 coordination of information system decisions so that the overall effectiveness of the senate, the house of
23 representatives, and legislative ~~agencies~~ committees and offices may be improved. It is the further purpose
24 of the plan to enhance the coordination of legislative branch systems with executive branch systems
25 wherever possible."

26
27 **Section 23.** Section 5-11-403, MCA, is amended to read:

28 **"5-11-403. Duties of legislative branch computer system planning council.** (1) The legislative
29 branch computer system planning council shall develop and maintain a legislative branch computer system
30 plan. In developing and maintaining this plan, the planning council shall:

1 (a) continuously review or have reviewed existing information systems that are candidates for
 2 automation or enhancement, as well as review existing automated systems that may be improved or
 3 integrated with new applications;

4 (b) develop and maintain a description of functions or services in the legislative branch and its
 5 ~~agencies~~ committees and offices that would, through application or improvement of computer technology,
 6 provide better service to members of the legislature, legislative ~~agencies~~ committees and offices, and the
 7 public;

8 (c) develop and maintain a ranking of needs, taking into consideration the relative effectiveness
 9 and probable cost of alternative systems; and

10 (d) develop and maintain recommended system standards for the legislative branch and standard
 11 or custom software and hardware solutions appropriate to the needs and environment of the legislative
 12 branch and its ~~agencies~~ committees and offices.

13 (2) To the extent possible:

14 (a) future applications should be explicitly identified in the plan;

15 (b) current applications should allow a high degree of flexibility so that future applications are not
 16 limited; and

17 (c) both current and future applications should be coordinated and compatible with the standards
 18 and goals of the executive branch established under 2-17-501 through 2-17-503, as well as the legislative
 19 branch standards developed in accordance with the requirement in subsection (1)(d)."

20
 21 **Section 24.** Section 5-11-404, MCA, is amended to read:

22 **"5-11-404. Technical support.** (1) The ~~executive director of the legislative council~~ legislative
 23 services office shall provide technical staff support to the legislative branch computer system planning
 24 council. In performing this duty, the legislative ~~council~~ services office staff shall assist the planning council
 25 by:

26 (a) developing or having developed analyses of existing and alternate systems;

27 (b) providing technical solutions and advice related to the standards set by the planning council;

28 (c) assisting in assessing benefits and costs of optional solutions;

29 (d) apprising the planning council of developments and directions in the industry;

30 (e) maintaining a liaison with and informing the planning council of plans and directions within the

1 executive branch;

2 (f) assisting in the selection and purchasing of supplies and equipment; and

3 (g) providing other assistance as may be requested.

4 (2) The executive director shall encourage participation of appropriate personnel of the senate, the
5 house of representatives, and other legislative ~~agencies~~ committees and offices in the provision of technical
6 support."

7

8 **Section 25.** Section 5-11-405, MCA, is amended to read:

9 **"5-11-405. Legislative branch computer system plan -- adoption.** The legislative branch computer
10 system plan must be approved and adopted ~~jointly by the legislative administration committees of the~~
11 ~~senate and the house of representatives~~ by the legislative council."

12

13 **Section 26.** Section 5-11-406, MCA, is amended to read:

14 **"5-11-406. Legislative branch systems -- conformity to standards.** Computer hardware and
15 software systems installed ~~by~~ in the ~~senate, the house of representatives, and legislative branch agencies~~
16 must conform to standards established in the legislative branch computer system plan in effect at the time
17 the purchasing decision is made."

18

19 **Section 27.** Section 5-12-205, MCA, is amended to read:

20 **"5-12-205. Powers and duties of committee.** The committee may:

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

23 (2) employ and set the salary of the legislative fiscal analyst, in accordance with the rules for
24 classification and pay adopted by the legislative council, ~~who.~~ The legislative fiscal analyst shall serve at
25 the pleasure of and be responsible to the committee; ~~and.~~

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

27

28 **Section 28.** Section 5-12-304, MCA, is amended to read:

29 **"5-12-304. Employees and consultants.** The legislative fiscal analyst may employ, fix the salaries
30 in accordance with the rules for classification and pay adopted by the legislative council, and define the

1 duties of ~~such~~ the staff and consultants as may be necessary, within the limits of ~~his~~ the legislative fiscal
 2 analyst's appropriation."

3

4 **Section 29.** Section 5-13-302, MCA, is amended to read:

5 **"5-13-302. Appointment and qualifications.** (1) The committee shall appoint the legislative auditor
 6 and set ~~his~~ the legislative auditor's salary in accordance with the rules for classification and pay adopted
 7 by the legislative council.

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

11

12 **Section 30.** Section 5-13-305, MCA, is amended to read:

13 **"5-13-305. Employees, consultants, and legal counsel.** The legislative auditor may appoint
 14 ~~whatever~~ employees and consultants ~~are~~ necessary to carry out the provisions of this chapter, within the
 15 limitations of legislative appropriations. The legislative auditor may employ legal counsel to conduct
 16 proceedings under this chapter. The legislative auditor shall fix the compensation of the employees of the
 17 office of legislative auditor in accordance with the rules for classification and pay adopted by the legislative
 18 council."

19

20 **Section 31.** Section 5-15-201, MCA, is amended to read:

21 **"5-15-201. Consumer counsel -- appointment and qualifications.** The committee shall appoint a
 22 consumer counsel and set ~~his~~ the consumer counsel's salary in accordance with the rules for classification
 23 and pay adopted by the legislative council. The consumer counsel ~~shall~~ must have the following minimum
 24 qualifications and ~~such~~ additional qualifications as the committee determines appropriate:

25 (1) a bachelor's degree or equivalent from an accredited college or university with a major or minor
 26 in accounting or allied fields; and

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

29

30 **Section 32.** Section 5-19-107, MCA, is amended to read:

1 **"5-19-107. Staff assistance.** The legislative ~~council~~ services office shall provide staff assistance
 2 to the committee. The legislative ~~council~~ services office has the same authority of investigation and
 3 examination and the legislative council has the same authority to hold hearings on behalf of the committee
 4 as ~~it has~~ they have for other committees under 5-11-106 and 5-11-107."

5

6 **Section 33.** Section 75-1-321, MCA, is amended to read:

7 **"75-1-321. Appointment and qualifications of executive director.** The council shall appoint the
 8 executive director and set ~~his~~ the executive director's salary in accordance with the rules for classification
 9 and pay adopted by the legislative council. The executive director shall hold a degree from an accredited
 10 college or university with a major in one of the several environmental sciences and shall have at least 3
 11 years of responsible experience in the field of environmental management. ~~He shall~~ The executive director
 12 must be a person who, as a result of ~~his~~ training, experience, and attainments, is exceptionally well
 13 qualified to:

14 (1) analyze and interpret environmental trends and information of all kinds;

15 (2) ~~to~~ appraise programs and activities of the state government in the light of the policy set forth
 16 in 75-1-103;

17 (3) ~~to~~ be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural
 18 needs and interests of the state; and

19 (4) ~~to~~ formulate and recommend state policies to promote the improvement of the quality of the
 20 environment."

21

22 **Section 34.** Section 75-1-323, MCA, is amended to read:

23 **"75-1-323. Appointment of employees.** The executive director, subject to the approval of the
 24 council, may appoint ~~whatever~~ employees ~~are~~ necessary to carry out the provisions of parts 1 through 3,
 25 within the limitations of legislative appropriations. Employee salaries must be set in accordance with the
 26 rules for classification and pay adopted by the legislative council."

27

28 **Section 35.** Section 1-11-201, MCA, is amended to read:

29 **"1-11-201. Office of code commissioner created.** There is created within the legislative ~~council~~
 30 services office the office of code commissioner."

1 **Section 36.** Section 1-13-111, MCA, is amended to read:

2 **"1-13-111. Organizational support -- compensation.** (1) The legislative council, ~~other~~ legislative
3 ~~agencies~~ services office, and executive branch agencies shall assist the committee as required to carry out
4 its functions.

5 (2) The expenses incurred by the executive branch members and the legislative branch members
6 in the performance of their duties under this section must be paid from funds appropriated for the
7 respective offices and agencies.

8 (3) Legislative committee members are entitled to compensation and expenses as provided in
9 5-2-302."

10

11 **Section 37.** Section 2-18-103, MCA, is amended to read:

12 **"2-18-103. Officers and employees excepted.** (1) Parts 1 and 2 do not apply to the following
13 positions in state government:

14 ~~(1)~~(a) elected officials;

15 ~~(2)~~(b) county assessors and their chief deputy;

16 ~~(3) officers and employees of the legislative branch;~~

17 ~~(4)~~(c) judges and employees of the judicial branch;

18 ~~(5)~~(d) members of boards and commissions appointed by the governor, the legislature, or other
19 elected state officials;

20 ~~(6)~~(e) officers or members of the militia;

21 ~~(7)~~(f) agency heads appointed by the governor;

22 ~~(8)~~(g) academic and professional administrative personnel with individual contracts under the
23 authority of the board of regents of higher education;

24 ~~(9)~~(h) academic and professional administrative personnel and live-in houseparents who have
25 entered into individual contracts with the state school for the deaf and blind under the authority of the state
26 board of public education;

27 ~~(10)~~(i) teachers under the authority of the department of corrections and human services or family
28 services;

29 ~~(11)~~(j) investment officer, assistant investment officer, executive director, and three professional
30 staff positions of the board of investments;

- 1 ~~(12)(k)~~ four professional staff positions under the board of oil and gas conservation;
- 2 ~~(13)(l)~~ assistant director for security of the Montana state lottery;
- 3 ~~(14)(m)~~ executive director and senior investment officer of the Montana board of science and
4 technology development;
- 5 ~~(15)(n)~~ executive director and employees of the state compensation insurance fund;
- 6 ~~(16)(o)~~ state racing stewards employed by the executive secretary of the Montana board of
7 horseracing;
- 8 ~~(17)(p)~~ executive director of the Montana wheat and barley committee; and
- 9 ~~(18)(q)~~ commissioner of banking and financial institutions.

10 (2) Employees of an entity of the legislative branch are exempt from the application of 2-18-1011
11 through 2-18-1013. With respect to entities of the legislative branch:

12 (a) as used in parts 1 through 3 of this chapter, references to the "department of administration"
13 or "department" apply to the legislative council established by 5-11-101, which may delegate administrative
14 duties to the legislative services office established by 5-11-111;

15 (b) as used in 2-18-102, the term "governor" applies to the legislature; and

16 (c) as used in 2-18-204, the term "budget director" applies to the "approving authority" as defined
17 in 17-7-102."

18

19 **Section 38.** Section 2-18-201, MCA, is amended to read:

20 **"2-18-201. Development of personnel classification plan.** The department shall develop a personnel
21 classification plan for all state positions and classes of positions in state service following hearings involving
22 affected employees and employee organizations, except those exempt in 2-18-103 and 2-18-104. The
23 legislative council shall develop a classification plan for employees of the legislative branch."

24

25 **Section 39.** Section 5-5-214, MCA, is amended to read:

26 **"5-5-214. Interim activity.** The subcommittees may perform their functions when the legislature
27 is not in session. The personnel, data, and facilities of the legislative council ~~shall be made~~ services office
28 are available to such the subcommittees."

29

30 **Section 40.** Section 5-5-215, MCA, is amended to read:

1 **"5-5-215. Duties of subcommittees.** (1) Each subcommittee shall accumulate, compile, analyze,
 2 and furnish ~~such~~ information bearing upon its assignment and relevant to existing or prospective legislation
 3 as it determines, on its own initiative, to be pertinent to the adequate completion of its work, important
 4 ~~issues of policy and questions of statewide importance, including but not limited to:~~

5 ~~(a) the possibilities of consolidations of departments, commissions, boards, and institutions in state~~
 6 ~~government for:~~

7 ~~(i) the elimination of unnecessary activities and duplications in office personnel and equipment;~~

8 ~~(ii) the coordination of activities;~~

9 ~~(iii) the purpose of increasing efficiency of service or effecting economies; and~~

10 ~~(iv) the purpose of studying and inquiring into the financial administration of state governments~~
 11 ~~and subdivisions thereof, including the problems of assessment and collection of taxes; and~~

12 ~~(b) all other matters pertaining to the function of the departments and branches of state~~
 13 ~~government.~~

14 (2) Each subcommittee shall prepare ~~such~~ bills and resolutions as that, in its opinion, the welfare
 15 of the state may require for presentation to the next regular session of the legislature.

16 (3) ~~Each subcommittee~~ The legislative services office shall keep accurate records of ~~its~~ the
 17 activities and proceedings of each subcommittee."

18
 19 **NEW SECTION. Section 41. Codification instruction.** [Sections 1 through 4] are intended to be
 20 codified as an integral part of Title 5, chapter 2, and the provisions of Title 5 apply to [sections 1 through
 21 4].

22
 23 **NEW SECTION. Section 42. Transition.** (1) The members of the legislative council must be
 24 appointed as provided in 5-11-101 as soon as possible following [the effective date of this section].

25 (2) To implement the changes provided in [this act], the office of the legislative council, the office
 26 of budget and program planning, and the department of administration shall establish all necessary
 27 authorizations during the accounting preparation process known as the "turnaround" process beginning in
 28 April or May 1995 to administer the several appropriations made by any means to programs of the
 29 legislative branch for fiscal year 1996 or 1997 or the biennium ending June 30, 1997, as appropriations
 30 to the single legislative agency while maintaining the specific identification, legislative intent, and purpose

1 for which the appropriations were made. During this transition, the executive director may authenticate
2 documents as required to accomplish the purposes of [this act]. Appropriate changes on the statewide
3 budgeting and accounting system and the payroll, personnel, and position control system must also be
4 made and authorized as required to accomplish the purposes of [this act].

5

6 NEW SECTION. **Section 43. Effective dates.** (1) [Sections 5 and 42 and this section] are effective
7 on passage and approval.

8 (2) [Sections 1 through 4 and 6 through 41] are effective July 1, 1995.

9

-END-