

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS FOR STATE AGENCIES PROVIDING
5 INFORMATION TO LEGISLATORS; ALLOWING LEGISLATORS TO SUBMIT A COMPLAINT TO A
6 COMMITTEE WHEN A STATE AGENCY HAS NOT PRODUCED REQUESTED INFORMATION WITHIN 5
7 LEGISLATIVE DAYS OF A WRITTEN REQUEST; PROVIDING FOR A HEARING BY A COMMITTEE;
8 PROVIDING FOR THE COMMITTEE TO VOTE TO REDUCE A STATE AGENCY BUDGET BY NO MORE
9 THAN 5%; PROVIDING THAT INFORMATION FROM THE HEARING BE PRESENTED TO CERTAIN
10 ELECTED OFFICIALS; PROVIDING A DEFINITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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14 **NEW SECTION. Section 1. Legislator request for information from state agency -- complaint**

15 **process.** (1) If a legislator makes a written request for information from a state agency during the regular
16 legislative session, the state agency shall respond with the requested information within 5 legislative days of
17 receiving the legislator's written request. The legislator's written request must be provided to the director of the
18 agency on the same day the request is made to that agency's staff.

19 (2) After the deadline for responding has passed, the legislator may submit a written complaint with
20 the committee that has the general appropriations act in its possession. The complaint must contain the
21 following information:

22 (a) the name of the legislator;

23 (b) the state agency from which information was requested;

24 (c) a copy of the written request for information;

25 (d) a copy of the director's response to the written request, if any; and

26 (e) the legislator's proposed reduction to that agency's budget.

27 (3) The committee in possession of the general appropriations act shall schedule a hearing on the
28 complaint within 3 legislative days of receiving the complaint.

1 (a) Notice of the time and place of the hearing must be provided to the legislator and the director of
2 the agency within 48 hours of the hearing.

3 (b) The hearing may be postponed by the presiding officer of the committee if either the legislator
4 or the director of the agency is unavailable to attend in person or cannot attend remotely by electronic means
5 due to hospitalization or catastrophic event. The hearing must be rescheduled by the presiding officer of the
6 committee at the earliest date when both the legislator and the director of the agency are available to attend the
7 hearing.

8 (c) The hearing, discussion of the committee, and vote of the committee must be recorded.

9 (4) After the hearing, the committee may vote to reduce the agency's budget by no more than 5%
10 for failing to provide the requested information.

11 (5) The recording of the hearing, discussion of the committee, and vote of the committee must be
12 provided by the committee clerk to the president of the senate, the speaker of the house, and the governor
13 within 10 days of the committee's vote.

14 (6) The governor may determine to include the committee's vote in the director's personnel record
15 and may subject the director to disciplinary measures, including termination.

16 (7) For the purposes of this section:

17 (a) "State agency" means a department, board, quasi-judicial board, commission, committee,
18 authority, council, division, bureau, section, office or any other entity or instrumentality of the executive branch
19 of state government, or any unit of state government over which there is legislative oversight.

20 (b) Written communication includes electronic communication.

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22 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
23 integral part of Title 5, chapter 5, part 1, and the provisions of Title 5, chapter 5, part 1, apply to [section 1].
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25 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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