

1 HOUSE BILL NO. 188

2 INTRODUCED BY E. STAFMAN, B. EDWARDS, S. FYANT, T. RUNNING WOLF, D. FERN, S. HOWELL, J.

3 KARLEN, M. ROMANO, K. SULLIVAN, P. TUSS, M. MARLER

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE APPOINTMENT AND

6 COMPOSITION OF INTERIM COMMITTEES; REQUIRING THE SPEAKER OF THE HOUSE TO APPOINT

7 INTERIM COMMITTEE MEMBERS WITH ADVICE FROM THE MINORITY LEADER; PROVIDING THAT THE

8 TOTAL NUMBER OF MEMBERS APPOINTED FROM EACH CHAMBER REFLECT THE PARTISAN MAKEUP

9 OF THE CHAMBER; PROHIBITING AN INTERIM COMMITTEE FROM HAVING A MAJORITY OF ITS

10 MEMBERS FROM THE MINORITY PARTY; REVISING THE MEMBERSHIP OF THE ENVIRONMENTAL

11 QUALITY COUNCIL; AMENDING SECTIONS 5-5-211, 5-5-234, AND 5-16-101, MCA; AND PROVIDING AN

12 IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

13

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

15

16 **Section 1.** Section 5-5-211, MCA, is amended to read:

17 **"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee

18 members must be appointed by the committee on committees.

19 (2) House interim committee members must be appointed by the speaker of the house with advice

20 from the minority leader.

21 (3) Appointments to interim committees must be made by the time of adjournment of the legislative

22 session.

23 (4) A legislator may not serve on more than two interim committees unless no other legislator is

24 available or is willing to serve.

25 (5) (a) Subject to 5-5-234 and ~~subsection~~ subsections (5)(b) through (5)(d) of this section, the

26 composition of each interim committee must be as follows:

27 (i) four members of the house, ~~three from the majority party and one from the minority party~~; and

28 (ii) four members of the senate, ~~three from the majority party and one from the minority party~~.

1 (b) For each chamber, the total number of appointments to interim committees must reflect the
2 majority and minority composition of that chamber.

3 ~~(b)(c)~~ Subject to subsection (5)(c), if the committee workload requires, the legislative council may
4 request the appointing authority to appoint one or two additional interim committee members from the majority
5 party and the minority party.

6 ~~(c)~~ If additional members are appointed, members must be appointed in a manner that reflects the
7 majority and minority composition of the legislature.

8 (d) An interim committee may not have a majority of its members be from the minority party.

9 (6) The membership of the interim committees must be provided for by legislative rules. The rules
10 must identify the committees from which members are selected, and the appointing authority shall attempt to
11 select not less than 50% of the members from the standing committees that consider issues within the
12 jurisdiction of the interim committee and at least one member from the joint subcommittee that considers the
13 related agency budgets. In making the appointments, the appointing authority shall take into account term limits
14 of members so that committee members will be available to follow through on committee activities and
15 recommendations in the next legislative session.

16 (7) An interim committee, the environmental quality council, or the modernization and risk analysis
17 committee may create subcommittees. Nonlegislative members may serve on a subcommittee. Unless the
18 person is a full-time salaried officer or employee of the state or a political subdivision of the state, a
19 nonlegislative member appointed to a subcommittee or to the modernization and risk analysis committee is
20 entitled to salary and expenses to the same extent as a legislative member. If the appointee is a full-time
21 salaried officer or employee of the state or of a political subdivision of the state, the appointee is entitled to
22 reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503."

23
24 **Section 2.** Section 5-5-234, MCA, is amended to read:

25 **"5-5-234. Appointments.** (1) (a) Whenever a legislative appointing authority is required or authorized
26 to appoint more than one legislative member of the majority party to a committee, subcommittee, or other
27 statutorily recognized or authorized entity, the appointing authority may appoint a member of a party other than
28 the majority party.

1 (b) Whenever a legislative appointing authority is required or authorized to appoint more than one
2 legislative member of the minority party to a committee, subcommittee, other statutorily recognized or
3 authorized entity, the appointing authority may, if requested by the minority leader, appoint a member of a party
4 other than the minority party or majority party instead of a member of the minority party.

5 (2) (a) Whenever an elected state official, as defined in 5-7-102, is required or authorized to
6 appoint more than one legislative member of the majority party to a statutorily recognized or authorized entity,
7 the elected state official may, if requested by the senate president for a senate appointee or if requested by the
8 speaker of the house for a house appointee, appoint a member of a party other than the majority party instead
9 of a member of the majority party.

10 (b) Whenever an elected state official, as defined in 5-7-102, is required or authorized to appoint
11 more than one legislative member of the minority party to a statutorily recognized or authorized entity, the
12 elected state official may, if requested by the senate minority leader for a senate appointee or if requested by
13 the house minority leader for a house appointee, appoint a member of a party other than the minority party or
14 majority party instead of a member of the minority party.

15 (3) If a vacancy occurs in the membership of a committee, subcommittee, or statutorily recognized
16 or authorized entity because of the resignation or disqualification of a member appointed under the provisions
17 of subsection (1) or (2), the appointing authority authorized or required to make an appointment to fill the
18 vacancy is subject to the provisions of subsections (1) and (2).

19 (4) If an individual appointed under subsection (1) or (2) is not a member of either the majority
20 party or minority party and resigns from or is otherwise disqualified from serving, the appointing authority shall
21 fill the vacancy under the provisions of subsection (1) or (2) as if the appointment were an initial appointment,
22 and the appointing authority is not required to fill the vacancy with an individual who is a member of the same
23 party of which the individual whose resignation or disqualification caused the vacancy.

24 (5) The appointing authority for an interim committee provided for in Title 5 and composed of nine
25 or more members shall appoint members ~~in a manner that reflects the majority and minority composition of the~~
26 legislature as provided in 5-5-211(5)(b) through (5)(d)."

27
28 **Section 3.** Section 5-16-101, MCA, is amended to read:

1 **"5-16-101. Appointment and composition.** The environmental quality council consists of 17
2 members as follows:
3 (1) the governor or the governor's designated representative is an ex officio member of the council
4 and shall participate in council meetings as a nonvoting member;
5 (2) six members of the senate and six members of the house of representatives appointed before
6 the 50th legislative day in the same manner as ~~standing committees of the respective houses are appointed.~~
7 ~~Four of the appointees of each house must be members of the majority party and two appointees of each~~
8 ~~house must be members of the minority party provided in 5-5-211(5)(b) through (5)(d).~~
9 (3) four members of the general public. Two public members must be appointed by the speaker of
10 the house with the consent of the house minority leader, and two must be appointed by the president of the
11 senate with the consent of the senate minority leader."

12
13 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

14
15 NEW SECTION. **Section 5. Retroactive applicability.** [This act] applies retroactively, within the
16 meaning of 1-2-109, to interim committee appointments made on or before [the effective date of this act].

17 - END -