

1 SENATE BILL NO. 176

2 INTRODUCED BY K. REGIER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION OF LEGISLATORS APPOINTED  
5 TO LEGISLATIVE INTERIM COMMITTEES AND CERTAIN OTHER STATUTORY COMMITTEES TO  
6 REFLECT THE MAJORITY AND MINORITY COMPOSITION OF THE LEGISLATURE; REQUIRING A  
7 MEMBER OF THE MAJORITY PARTY TO CHAIR; REVISING BILL DRAFT REQUESTING; PROVIDING  
8 THAT INTERIM BUDGET COMMITTEE CHAIRS ARE EX OFFICIO NONVOTING MEMBERS OF THE  
9 LEGISLATIVE FINANCE COMMITTEE; AMENDING SECTIONS 5-5-211, 5-5-215, 5-5-234, 5-11-104, 5-12-  
10 202, 5-12-203, 5-13-202, 5-15-101, AND 5-16-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
11 DATE."

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

14  
15 **Section 1.** Section 5-5-211, MCA, is amended to read:

16 **"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee  
17 members must be appointed by the committee on committees.

18 (2) House interim committee members must be appointed by the speaker of the house.

19 (3) Appointments to interim committees must be made by the time of adjournment of the legislative  
20 session.

21 (4) A legislator may not serve on more than two interim committees unless no other legislator is  
22 available or is willing to serve.

23 (5) (a) Subject to 5-5-234 and subsection (5)(b) of this section, the composition of each interim  
24 committee must be as follows:

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

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

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

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

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

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

20 **Section 2.** Section 5-5-215, MCA, is amended to read:

21 **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

- 22 (a) review administrative rules within its jurisdiction;
- 23 (b) subject to 5-5-217(3), conduct interim studies as assigned;
- 24 (c) monitor the operation of assigned executive branch agencies with specific attention to the

25 following:

- 26 (i) identification of issues likely to require future legislative attention;
- 27 (ii) opportunities to improve existing law through the analysis of problems experienced with the

28 application of the law by an agency; and

1 (iii) experiences of the state's citizens with the operation of an agency that may be amenable to  
2 improvement through legislative action;

3 (d) review, if requested by any member of the interim committee, the statutorily established  
4 advisory councils and required reports of assigned agencies to make recommendations to the next legislature  
5 on retention or elimination of any advisory council or required reports pursuant to 5-11-210;

6 (e) review proposed legislation of assigned agencies or entities as provided in the joint legislative  
7 rules;

8 (f) accumulate, compile, analyze, and furnish information bearing upon its assignment and  
9 relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the  
10 adequate completion of its work; and

11 (g) review proposed ballot initiatives within the interim committee's subject area and vote to either  
12 support or not support the placement of the text of an initiative on the ballot in accordance with 13-27-202.

13 (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the  
14 state may require for presentation to the next regular session of the legislature. An interim committee may by  
15 vote request four bill drafts on a partisan basis and an unlimited number of bill drafts on a bipartisan basis.

16 (3) The legislative services division shall keep accurate records of the activities and proceedings of  
17 each interim committee.

18 (4) As used in this section:

19 (a) "bipartisan basis" means a vote in which members from more than one party vote to request a  
20 bill draft; and

21 (b) "partisan basis" means a vote in which members from only one party vote to request a bill  
22 draft."

23

24 **Section 3.** 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."

27

28 **Section 4.** Section 5-11-104, MCA, is amended to read:

1       **"5-11-104. Officers -- rules of procedure -- records.** (1) The legislative council shall organize  
 2 immediately following appointment by electing one of its members as its presiding officer and by electing other  
 3 officers from among its membership that the council considers appropriate. The presiding officer may not be  
 4 from the same chamber for more than a 2-year period from appointment. If a party has a majority of both  
 5 chambers, the presiding officer must be from that party.

6       (2)       The council may adopt rules of procedure, make arrangements for its meetings, and carry out  
 7 the purpose for which it is created. The council shall keep accurate records of its activities and proceedings."

9       **Section 5.** Section 5-12-202, MCA, is amended to read:

10       **"5-12-202. Appointment of members.** (1) The legislative finance committee consists of:

11       (a)       four members of the senate finance and claims committee appointed by the presiding officer;

12       (b)       subject to 5-5-234, two members of the senate appointed at large by the committee on  
 13 committees;

14       (c)       four members of the house of representatives appropriations committee appointed by the  
 15 presiding officer; and

16       (d)       subject to 5-5-234, two members of the house appointed at large by the speaker.

17       (2)       These members must be appointed before the end of each legislative session. Three members  
 18 of each house, two committee members and one at-large member, must be from the majority party and the  
 19 other three members appointed from that house must be from the minority party.

20       (3)       Presiding officers of interim budget committees are ex officio nonvoting members of the  
 21 legislative finance committee."

23       **Section 6.** Section 5-12-203, MCA, is amended to read:

24       **"5-12-203. Term -- officers -- compensation.** (1) Appointments are for 2 years, and a member of the  
 25 committee shall serve until the member's term of office as a legislator ends or until a successor is appointed,  
 26 whichever occurs first.

27       (2)       The committee shall elect one of its members as presiding officer and other officers that it  
 28 considers necessary. If a party has a majority of both chambers, the presiding officer must be from that party.

1 (3) Members of the committee are entitled to receive compensation and expenses as provided in  
2 5-2-302."

3

4 **Section 7.** Section 5-13-202, MCA, is amended to read:

5 **"5-13-202. Appointment and term of members -- officers -- vacancies.** (1) The legislative audit  
6 committee consists of six members of the senate and six members of the house of representatives appointed  
7 before the end of each regular session in the same manner as standing committees of the respective houses  
8 are appointed. Subject to 5-5-234, three of the appointees of each house must be members of the majority  
9 party and three of the appointees of each house must be members of the minority party.

10 (2) A member of the committee shall serve until the member's term of office as a legislator ends or  
11 until a successor is appointed, whichever occurs first.

12 (3) The committee shall elect one of its members as presiding officer and other officers as it  
13 considers necessary. If a party has a majority of both chambers, the presiding officer must be from that party.

14 (4) A vacancy on the committee occurring when the legislature is not in session must be filled by  
15 the selection of a member of the legislature by the remaining members of the committee. If there is a vacancy  
16 on the committee at the beginning of a legislative session because a member's term of office as a legislator has  
17 ended, a member of the same political party must be appointed in the same manner as the original  
18 appointment, no later than the 10th legislative day, to serve until a successor is appointed under subsection  
19 (1)."

20

21 **Section 8.** Section 5-15-101, MCA, is amended to read:

22 **"5-15-101. Legislative consumer committee -- appointment and composition.** (1) There is a  
23 legislative consumer committee consisting of:

24 (a) two three members of the senate, two from the majority party and one from the minority party;

25 and

26 (b) two three members of the house of representatives, two from the majority party and one from  
27 the minority party.

28 (2) Members shall be appointed in the same manner as standing committees of the respective

1 houses before the 60th legislative day of the legislative session following the expiration of the terms of the  
2 members of the committee. No more than one of the appointees of each house may be members of the same  
3 political party."

4

5 **Section 9.** Section 5-16-101, MCA, is amended to read:

6 **"5-16-101. Appointment and composition.** The environmental quality council consists of 17  
7 members as follows:

8 (1) the governor or the governor's designated representative is an ex officio member of the council  
9 and shall participate in council meetings as a nonvoting member;

10 (2) six members of the senate and six members of the house of representatives appointed before  
11 the 50th legislative day in the same manner as standing committees of the respective houses are appointed.  
12 ~~Subject to 5-5-234, three~~ Four of the appointees of each house must be members of the majority party and  
13 ~~three~~ two appointees of each house must be members of the minority party.

14 (3) four members of the general public. Two public members must be appointed by the speaker of  
15 the house with the consent of the house minority leader, and two must be appointed by the president of the  
16 senate with the consent of the senate minority leader."

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18 NEW SECTION. **Section 10. Effective date.** [This act] is effective on passage and approval.

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