SENATE BILL NO. 176

INTRODUCED BY K. REGIER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) review administrative rules within its jurisdiction;

(b) subject to 5-5-217(3), conduct interim studies as assigned;

(c) monitor the operation of assigned executive branch agencies with specific attention to the following:

(i) identification of issues likely to require future legislative attention;

(ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and

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

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

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

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

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

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

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

(4) As used in this section:

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

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

Section 3. Section 5-5-234, MCA, is amended to read:

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

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

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

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

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

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

(5) The appointing authority for an interim committee provided for in Title 5 and composed of nine or more members shall appoint members in a manner that reflects the majority and minority composition of the legislature."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- END -