

HOUSE BILL NO. 134

INTRODUCED BY B. NOONEY

BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A LOCAL GOVERNMENT COMMITTEE AND ESTABLISHING THE DUTIES OF THE COMMITTEE; REMOVING LOCAL GOVERNMENT DUTIES FROM THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE AND CHANGING THE COMMITTEE'S NAME; REVISING CERTAIN PROVISIONS GOVERNING INTERIM COMMITTEES TO REFLECT CREATION OF A LOCAL GOVERNMENT COMMITTEE; PROVIDING AN APPROPRIATION; PROVIDING FOR TRANSITION; AMENDING SECTIONS 5-5-202, 5-5-224, AND 20-7-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Local government committee.** There is a local government committee.

The committee is treated as an interim committee for the purposes of 5-5-211 through 5-5-214. The local government committee shall:

- (1) act as the legislature's liaison with local governments;
- (2) provide a forum for discussing intergovernmental cooperation;
- (3) provide a forum for citizens and local government officials to discuss citizen interactions with local governments and whether they may be improved through changes in state law;
- (4) monitor implementation of past legislative action and identify areas where future legislative action may be warranted;
- (5) in its consideration of current laws and potential legislation, refer to Article XI of the Montana constitution, the authority given to local governments with general powers and self-government powers, and the requirement in Article XI, section 4, that the powers of incorporated cities and towns and counties be liberally construed;
- (6) conduct interim studies as assigned; and
- (7) report its findings and recommendations to the legislature as the committee determines is necessary.

1           **Section 2.** Section 5-5-202, MCA, is amended to read:

2           **"5-5-202. Interim committees.** (1) During an interim when the legislature is not in session, the  
3 committees listed in subsection (2) are the interim committees of the legislature. They are empowered to sit as  
4 committees and may act in their respective areas of responsibility. The functions of the legislative council,  
5 legislative audit committee, legislative finance committee, environmental quality council, ~~and state-tribal relations~~  
6 ~~committee, and local government committee~~ are provided for in the statutes governing those committees.

7           (2) The following are the interim committees of the legislature:

- 8           (a) economic affairs committee;
- 9           (b) education ~~and local government~~ committee;
- 10          (c) children, families, health, and human services committee;
- 11          (d) law and justice committee;
- 12          (e) energy and telecommunications committee;
- 13          (f) revenue and transportation committee; and
- 14          (g) state administration and veterans' affairs committee.

15          (3) An interim committee, ~~or the environmental quality council, the state-tribal relations committee, or~~  
16 ~~the local government committee~~ may refer ~~an issue~~ a policy matter to another committee that the referring  
17 committee determines to be more appropriate for the consideration of the issue matter. Upon ~~the acceptance of~~  
18 ~~the referred issue, accepting the referral,~~ the accepting committee shall consider the issue policy matter as if ~~the~~  
19 ~~issue~~ it were originally within its jurisdiction. If the committee that is referred ~~an issue~~ a policy matter declines to  
20 accept ~~the issue~~ it, the original committee retains jurisdiction.

21          (4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject,  
22 the legislative council shall determine the most appropriate committee and assign the subject to that committee."  
23

24           **Section 3.** Section 5-5-224, MCA, is amended to read:

25           **"5-5-224. Education and local government interim committee.** (1) ~~The education and local~~  
26 ~~government interim committee shall act as a liaison with local governments.~~ The education and local government  
27 interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring  
28 functions for the following executive branch agencies and the entities attached to agencies for administrative  
29 purposes:

- 30          (a) state board of education;

- 1 (b) board of public education;
- 2 (c) board of regents of higher education; and
- 3 (d) office of public instruction.
- 4 (2) The committee shall:
- 5 (a) provide information to the board of regents in the following areas:
- 6 (i) annual budget allocations;
- 7 (ii) annual goal statement development;
- 8 (iii) long-range planning;
- 9 (iv) outcome assessment programs; and
- 10 (v) any other area that the committee considers to have significant educational or fiscal policy impact;
- 11 (b) periodically review the success or failure of the university system in meeting its annual goals and
- 12 long-range plans;
- 13 (c) periodically review the results of outcome assessment programs;
- 14 (d) develop mechanisms to ensure strict accountability of the revenue and expenditures of the university
- 15 system;
- 16 (e) study and report to the legislature on the advisability of adjustments to the mechanisms used to
- 17 determine funding for the university system, including criteria for determining appropriate levels of funding;
- 18 (f) act as a liaison between both the legislative and executive branches and the board of regents;
- 19 (g) encourage cooperation between the legislative and executive branches and the board of regents;
- 20 ~~(h) promote and strengthen local government through recognition of the principle that strong~~
- 21 ~~communities, with effective, democratic governmental institutions, are one of the best assurances of a strong~~
- 22 ~~Montana;~~
- 23 ~~———(i) bring together representatives of state and local government for consideration of common problems;~~
- 24 ~~———(j) provide a forum for discussing state oversight of local functions, realistic local autonomy, and~~
- 25 ~~intergovernmental cooperation;~~
- 26 ~~———(k) identify and promote the most desirable allocation of state and local government functions,~~
- 27 ~~responsibilities, and revenue;~~
- 28 ~~———(l) promote concise, consistent, and uniform regulation for local government;~~
- 29 ~~———(m) coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly and~~
- 30 ~~less competitive fiscal and administrative relationships between and among state and local governments;~~

- 1 ~~\_\_\_\_\_ (n) review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;~~  
 2 ~~\_\_\_\_\_ (o) make recommendations to the legislature, executive branch agencies, and local governing bodies~~  
 3 ~~concerning:~~  
 4 ~~\_\_\_\_\_ (i) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and~~  
 5 ~~uniform guidance and regulations for local government;~~  
 6 ~~\_\_\_\_\_ (ii) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between~~  
 7 ~~levels of government;~~  
 8 ~~\_\_\_\_\_ (iii) methods of coordinating and simplifying competitive practices to achieve more orderly administrative~~  
 9 ~~relationships among levels of government; and~~  
 10 ~~\_\_\_\_\_ (iv) training programs and technical assistance for local government officers and employees that will~~  
 11 ~~promote effectiveness and efficiency in local government; and~~  
 12 ~~(p)(h) conduct interim studies as assigned."~~

13  
 14 **Section 4.** Section 20-7-101, MCA, is amended to read:

15 **"20-7-101. Standards of accreditation.** (1) Standards of accreditation for all schools must be adopted  
 16 by the board of public education upon the recommendations of the superintendent of public instruction.

17 (2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal  
 18 to the education and local government interim committee for review. The interim committee shall request a fiscal  
 19 analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall provide its analysis  
 20 to the interim committee and to the office of budget and program planning to be used in the preparation of the  
 21 executive budget.

22 (3) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial  
 23 fiscal impact, the board may not implement the standard until July 1 following the next regular legislative session  
 24 and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal  
 25 impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

26 (4) Standards for the retention of school records must be as provided in 20-1-212."  
 27

28 **NEW SECTION. Section 5. Appropriation.** There is appropriated from the general fund to the  
 29 legislative services division \$37,445 for the biennium ending June 30, 2011, to pay for the costs of the local  
 30 government committee established in [section 1].

