

1 HOUSE BILL NO. 578

2 INTRODUCED BY M. REINHART

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A WRITTEN RECORD BE KEPT OF
5 LEGISLATIVE MEETINGS; REQUIRING THE LEGISLATIVE COUNCIL TO PROPOSE POLICIES REGARDING
6 THE WRITTEN RECORDS OF LEGISLATIVE COMMITTEE MEETINGS; AND AMENDING SECTION 5-11-105,
7 MCA."

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9 WHEREAS, Article V, section 11, of the Montana Constitution prohibits the Legislature from passing a
10 bill that is so altered or amended on its passage through the Legislature as to change its original purpose; and

11 WHEREAS, Montana statutes frequently require various agencies to implement the law adopted by the
12 Legislature and to administer the law in the context of the Legislature's intent when it adopted the law; and

13 WHEREAS, whenever the judiciary is unable to adjudicate a question of law from the clear meaning of
14 a statute, the judge or court is obliged to rely, in part, upon the Legislature's intent when it adopted the law; and

15 WHEREAS, the Legislature's intent in adopting a law may be discernible only by understanding the
16 discussion had by legislators while in committee; and

17 WHEREAS, the discussion had by legislators while in committee is currently recorded by means of audio
18 or video technology that usually, but not always, functions at a reliable and useable level of quality and that is
19 subject to relatively rapid functional and economic obsolescence.

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

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23 NEW SECTION. **Section 1. Written records of committee proceedings.** (1) Each house of the
24 legislature shall, pursuant to the rules of the respective houses, keep a detailed written record of each hearing
25 and of all executive action, including committee discussion, held in or taken by each of its standing committees
26 and select committees, in all subcommittees of standing or select committees, and in the committee of the whole.

27 (2) Each legislature shall, pursuant to its joint rules, keep a detailed written record of:

28 (a) each hearing and all executive action, including committee discussion, held in or taken by each of
29 its:

30 (i) conference committees;

- 1 (ii) free conference committees;
 2 (iii) joint meetings of house and senate standing committees or subcommittees; and
 3 (iv) joint meetings of house and senate select committees or subcommittees;
 4 (b) joint meetings of the house and senate; and
 5 (c) any other meetings or activities as designated in the joint rules.

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 7 **Section 2.** Section 5-11-105, MCA, is amended to read:
 8 **"5-11-105. Powers and duties of council.** (1) The legislative council shall:
 9 (a) employ and, in accordance with the rules for classification and pay established as provided in this
 10 section, set the salary of an executive director of the legislative services division, who serves at the pleasure of
 11 and is responsible to the legislative council;
 12 (b) with the concurrence of the legislative audit committee and the legislative finance committee, adopt
 13 rules for classification and pay of legislative branch employees, other than those of the office of consumer
 14 counsel;
 15 (c) with the concurrence of the legislative audit committee and the legislative finance committee, adopt
 16 rules governing personnel management of branch employees, other than those of the office of consumer counsel;
 17 (d) adopt procedures to administer legislator claims for reimbursements authorized by law for interim
 18 activity;
 19 (e) establish time schedules, ~~and deadlines, and recordkeeping requirements~~ for the interim committees
 20 of the legislature, including dates for requesting bills and completing interim work;
 21 (f) review proposed legislation for agencies or entities that are not assigned to an interim committee, as
 22 provided in 5-5-223 through 5-5-228, or to the environmental quality council, as provided in 75-1-324; ~~and~~
 23 (g) propose to each legislature policies for the scope, form, format, preparation, and delivery of written
 24 records of legislative committee meetings pursuant to [section 1]; and
 25 ~~(g)(h)~~ perform other duties assigned by law.
 26 (2) If a question of statewide importance arises when the legislature is not in session and a legislative
 27 interim committee has not been assigned to consider the question, the legislative council shall assign the question
 28 to an appropriate interim committee, as provided in 5-5-202, or to the appropriate statutorily created committee."
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30 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 5, chapter 2, part 2, and the provisions of Title 5, chapter 2, part 2, apply to [section 1].

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