

## 1 HOUSE BILL NO. 151

2 INTRODUCED BY C. EDMUNDS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION OF LEGISLATORS APPOINTED TO  
5 CERTAIN LEGISLATIVE COMMITTEES TO REFLECT THE PARTY PROPORTIONALITY OF EACH CHAMBER;  
6 AMENDING SECTIONS 5-5-211, 5-5-234, 5-11-101, 5-12-202, 5-13-202, AND 5-16-101, MCA; AND  
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8

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

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11 **Section 1.** Section 5-5-211, MCA, is amended to read:12 **"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee  
13 members must be appointed by the committee on committees.

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

15 (3) Appointments to interim committees must be made by the time of adjournment of the legislative  
16 session.17 (4) A legislator may not serve on more than two interim committees unless no other legislator is available  
18 or is willing to serve.19 (5) (a) Subject to 5-5-234 and subsection (5)(b) of this section, the composition of each interim  
20 committee must be as follows:21 (i) four members of the house, ~~two~~ appointed proportionally from the majority party and ~~two~~ from the  
22 minority party; and23 (ii) four members of the senate, ~~two~~ appointed proportionally from the majority party and ~~two~~ from the  
24 minority party.25 (b) If the committee workload requires, the legislative council may request the appointing authority to  
26 appoint one or two additional interim committee members from the majority party and the minority party.27 (6) The membership of the interim committees must be provided for by legislative rules. The rules must  
28 identify the committees from which members are selected, and the appointing authority shall attempt to select  
29 not less than 50% of the members from the standing committees that consider issues within the jurisdiction of  
30 the interim committee and at least one member from the joint subcommittee that considers the related agency

1 budgets. In making the appointments, the appointing authority shall take into account term limits of members so  
2 that committee members will be available to follow through on committee activities and recommendations in the  
3 next legislative session.

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

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

12 **"5-5-234. Appointments -- third-party -- proportionality.** (1) (a) Whenever a legislative appointing  
13 authority is required or authorized to appoint more than one legislative member of the majority party to a  
14 committee, subcommittee, or other statutorily recognized or authorized entity, the appointing authority may  
15 appoint a member of a party other than the majority party.

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

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

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

30 (3) If a vacancy occurs in the membership of a committee, subcommittee, or statutorily recognized or

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

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

9 (5) The appointing authority for a legislative administrative or interim committee provided for in Title 5  
 10 and composed of eight or more members shall appoint members proportionally to the number of members in the  
 11 majority and minority parties in a chamber. The number of members to be appointed proportionally from each  
 12 party must be determined by dividing the number of members of each party by the number of members in a  
 13 chamber and multiplying by the number of members to be appointed from that chamber and rounding to the  
 14 nearest whole number."

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 16 **Section 3.** Section 5-11-101, MCA, is amended to read:

17 **"5-11-101. Appointment and composition of council.** (1) There is a legislative council. Subject to  
 18 subsection (2), the legislative council consists of:

19 (a) the speaker of the house, the minority leader of the house, and, subject to 5-5-234, four members  
 20 chosen by the speaker of the house, ~~two~~ appointed proportionally from the majority party and ~~two~~ from the  
 21 minority party; and

22 (b) the president of the senate, the minority leader of the senate, and, subject to 5-5-234, four members  
 23 chosen by the committee on committees, ~~two~~ appointed proportionally from the majority party and ~~two~~ from the  
 24 minority party.

25 (2) If a legislator is or would be a member of the legislative council by virtue of a legislative leadership  
 26 position and the legislator will not serve in the following legislative session because of term limits, the legislator  
 27 may designate another member of the same house and the same political party to serve on the legislative council  
 28 in the legislator's place."

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 30 **Section 4.** Section 5-12-202, MCA, is amended to read:

1           **"5-12-202. Appointment of members.** (1) The legislative finance committee consists of:  
 2           (a) four members of the senate finance and claims committee appointed by the presiding officer;  
 3           (b) ~~subject to 5-5-234~~, two members of the senate appointed at large by the committee on committees;  
 4           (c) four members of the house of representatives appropriations committee appointed by the presiding  
 5 officer; and  
 6           (d) ~~subject to 5-5-234~~, two members of the house appointed at large by the speaker.  
 7           (2) These members must be appointed before the end of each legislative session. ~~Three~~ Subject to  
 8 5-5-234, the members of each house, ~~two committee members and one at-large member~~, must be appointed  
 9 proportionally from the majority party and ~~the other three members appointed from that house must be from the~~  
 10 minority party."

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 12           **Section 5.** Section 5-13-202, MCA, is amended to read:  
 13           **"5-13-202. Appointment and term of members -- officers -- vacancies.** (1) The legislative audit  
 14 committee consists of six members of the senate and six members of the house of representatives appointed  
 15 before the end of each regular session in the same manner as standing committees of the respective houses are  
 16 appointed. Subject to 5-5-234, ~~three of the appointees of each house must be members of~~ appointed  
 17 proportionally from the majority party and ~~three of the appointees of each house must be members of~~ the minority  
 18 party.

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

21           (3) The committee shall elect one of its members as presiding officer and other officers as it considers  
 22 necessary.

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

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 29           **Section 6.** Section 5-16-101, MCA, is amended to read:  
 30           **"5-16-101. Appointment and composition.** The environmental quality council consists of 17 members

1 as follows:

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

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

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

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12 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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