

HOUSE BILL NO. 571

INTRODUCED BY K. WILLIAMS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LEGISLATIVE AND ELECTION CALENDAR TO
5 PROVIDE FOR A SESSION HELD LATER IN THE BIENNIUM TO ALLOW FOR INTERIM TRAINING AND
6 WORK; PROVIDING FOR STUDY OF THE BUDGET PROCESS AND CHANGES NECESSARY TO
7 IMPLEMENT A NEW SCHEDULE; REVISING INTERIM COMMITTEE LAWS ONLY FOR THE PURPOSE OF
8 ALLOWING LEADERSHIP TO APPOINT VARIED NUMBER OF MEMBERS AND MAINTAINING THE
9 BIPARTISAN NATURE OF INTERIM COMMITTEES; REVISING DATES OF FILING FOR OFFICE AND THE
10 PRIMARY ELECTION; AMENDING SECTIONS 5-2-103, 5-2-202, 5-2-205, 5-5-211, 5-5-215, 5-5-217, 13-1-107,
11 13-10-201, 13-10-204, 13-10-325, 13-10-504, 13-12-201, 13-15-401, 13-36-102, AND 13-37-126, MCA; AND
12 PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

13

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

15

16 **Section 1.** Section 5-2-103, MCA, is amended to read:

17 **"5-2-103. Time and place of meeting.** (1) Each regular session of the legislature shall ~~shall~~ must be
18 convened at the seat of government at 12 noon on the first Monday of January of each odd-numbered year or,
19 if January 1 is a Monday, on the first Wednesday. The legislature shall meet for no more than 6 legislative days
20 to organize, adopt rules and a budget for the legislative session, make certain standing committee appointments,
21 confirm gubernatorial appointments, provide for training, and organize for interim work. The house and senate
22 shall recess to a date certain as provided in joint rules.

23 [(2) Upon recess:24 (a) the house or senate taxation committee shall meet as necessary in public hearings for the purpose
25 of adopting a standing committee report on the revenue estimating resolution; and26 (b) the joint appropriation subcommittees shall meet as necessary in public hearings to prepare the
27 recommendation for the full house appropriations committee, which shall meet as necessary to adopt a standing
28 committee report.29 (3) Upon receipt of a standing committee report from the house appropriations and house or senate
30 taxation committees, the legislature shall reconvene for the purpose of adopting a balanced budget for fiscal year

1 2018. The legislature shall meet only as necessary to adopt a balanced budget and shall recess upon completion
 2 and reconvene as provided in subsection (4).]

3 (4) The legislature shall reconvene on the first Monday of January of each even-numbered year or, if
 4 January 1 is a Monday, on the first Wednesday to organize committees and to consider general legislation and
 5 a biennial budget [for fiscal years 2019 and 2020]. The combined duration of legislative days with the legislative
 6 days in the odd-numbered year may not exceed 90 legislative days, unless once in the session of the
 7 odd-numbered year, the legislature increases the limit on the length of the subsequent session as provided in
 8 Article V, section 6, of the Montana constitution.

9 (5) (a) In the odd-numbered year interim period following organization of the legislature, interim
 10 committees must be appointed as provided in 5-5-211 and shall meet for the purposes provided in 5-5-215.

11 (b) In the interim period following sine die of the legislature in the even-numbered year, select or interim
 12 committees may meet upon a specific assignment by the legislative council for followup on an issue related to
 13 legislation, study resolutions, public policy, budget and expenditures, or audit findings.

14 (6) The legislature shall meet at other times when convened by the governor or by the written request
 15 of a majority of the legislators or, when the legislature is in session, by a recorded vote of a majority of the
 16 legislators."

17

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

19 **"5-2-202. Pre-session and recess activity.** (1) Members of the legislature nominated to leadership
 20 positions during the pre-session caucus provided for in 5-2-201 and members nominated or appointed to the
 21 committee on committees and rules committees may meet and perform necessary organizational tasks prior to
 22 the regular session, including but not limited to appointing committees, hiring staff, and assigning space and
 23 seating.

24 (2) Members of the house appropriations committee and of the senate finance and claims committee
 25 named prior to the regular session may begin reviewing requests for appropriations immediately or during the
 26 first recess and may visit state agencies and institutions to discuss requests.

27 (3) Members of the house taxation committee and the senate taxation committee named prior to the
 28 regular session may begin reviewing the revenue estimating resolution immediately or during the first recess."

29

30 **Section 3.** Section 5-2-205, MCA, is amended to read:

1 **"5-2-205. Authority for standing committees to meet during interim.** (1) Except as provided in
 2 5-2-103, 5-2-202, and subsection (2) of this section, a standing committee of the legislature, as provided for in
 3 legislative rules, may not meet during the interim between regular legislative sessions or in a time of recess.

4 (2) The leadership may approve the meeting of standing committees in the period of recess for the
 5 purposes of conducting session business, including the requesting and introduction of legislation for consideration
 6 during the session.

7 ~~(2)(3)~~ Upon approval of the president of the senate or the speaker of the house of representatives, a
 8 standing committee may meet before a special session, as provided in 5-3-101, or during a special session."
 9

10 **Section 4.** Section 5-5-211, MCA, is amended to read:

11 **"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee
 12 members must be appointed by the committee on committees.

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

14 (3) Appointments to interim committees must be made by ~~the time of adjournment of the legislative~~
 15 ~~session~~ February 1 following the organization of the legislature.

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

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

20 ~~——(i) four members of the house and senate in an equal number, two and members equal in number from~~
 21 ~~the majority party and two from the minority party; and~~

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

23 (b) If the committee workload requires, the legislative council may request the appointing authority to
 24 appoint one or two additional interim committee members from the majority party and the minority party,
 25 maintaining equal number of members from the majority and minority parties.

26 (6) The membership of the interim committees must be provided for by legislative rules. The rules must
 27 identify the committees from which members are selected, and the appointing authority shall attempt to select
 28 ~~not less than 50% of the~~ members from the standing committees that consider issues within the jurisdiction of
 29 the interim committee and at least one member from the joint subcommittee that considers the related agency
 30 budgets. In making the appointments, the appointing authority shall take into account term limits of members so

1 that committee members will be available to follow through on committee activities and recommendations in the
2 next legislative session.

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

9

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

11 **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

12 (a) review administrative rules within its jurisdiction;

13 (b) subject to 5-5-217~~(3)~~, prepare a list of study priorities for submission to the legislative council and
14 conduct interim studies as assigned;

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

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

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

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

21 (d) review statutorily established advisory councils and required reports of assigned agencies to make
22 recommendations to the next legislature on retention or elimination of any advisory council or required reports
23 pursuant to 5-11-210;

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

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

29 (2) Each interim committee shall prepare bills and resolutions that, in its opinion, the welfare of the state
30 may require for presentation to the next regular session of the legislature.

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

3

4 **Section 6.** Section 5-5-217, MCA, is amended to read:

5 **"5-5-217. Selection and assignment of interim studies.** (1) ~~Immediately following adjournment sine~~
6 ~~die, the legislative services division shall prepare a list of study requests adopted. A copy of the list must be~~
7 ~~distributed to each legislator with a request that the legislator rank the study requests in the order of importance~~
8 ~~that the legislator ascribes to them. The lists, with the priorities assigned, must be returned to the legislative~~
9 ~~services division. Following appointment, each interim committee shall organize and discuss possible interim~~
10 ~~study topics and prepare a prioritized list for submission to the legislative council.~~

11 (2) The legislative council shall review the priority lists returned by ~~legislators~~ interim committees, review
12 estimated costs and staff assistance associated with the requested studies, and designate those studies to be
13 assigned. In designating studies, the legislative council may combine requests as one study when the subject
14 matter of those requests is closely related. The legislative council shall designate the interim committees and
15 statutory committees to be assigned the studies and shall assign related studies to the same committee.

16 (3) The legislative services division shall inform the interim committees and statutory committees of those
17 studies that have been selected and to which interim committee or statutory committee each study has been
18 assigned. An interim committee or a statutory committee may recommend to the legislative council that an interim
19 study assigned to that committee should be reassigned to another interim committee or statutory committee or
20 should not be conducted. The legislative council may adopt, reject, or modify the interim committee
21 recommendation.

22 (4) The interim committees shall meet at least three times each interim following the organizational
23 meeting."

24

25 **NEW SECTION. Section 7. Study of revising budget process.** (1) The legislative finance committee
26 shall study the budgeting process found in Title 17 and make recommendations necessary to transition the
27 budget cycle to accommodate the revised legislative calendar as provided in 5-2-103.

28 (2) The legislative finance committee shall meet with and keep the legislative council informed of its
29 progress and consult with the legislative council on other procedural or rule changes necessary to implement the
30 transition.

1 (3) The legislative council and the interim committees provided for in Title 5, chapter 5, part 2, shall
 2 review related statutory obligations and legislative processes and provide recommendations for a complete
 3 transition by September 1, 2016.

4
 5 **NEW SECTION. Section 8. Transition.** (1) By September 1, 2016, the legislative finance committee
 6 shall adopt proposed legislation for preintroduction by which the 65th legislature may adopt a budget for fiscal
 7 year 2018 and revise the budget process to enable the proposal and adoption of a biennial budget for the fiscal
 8 years 2019 and 2020 at the reconvened legislative session in January of 2018.

9 (2) Contingent upon passage of the legislation required in subsection (1), the 65th legislature shall meet
 10 and adopt a budget for only fiscal year 2018 by the end of fiscal year 2017.

11 (3) The 65th legislature shall make the necessary budget calculations to carry out the provisions of [this
 12 act].

13
 14 **Section 9.** Section 13-1-107, MCA, is amended to read:

15 **"13-1-107. Times for holding primary elections.** (1) On the ~~first~~ Tuesday after the ~~first~~ second Monday
 16 in ~~June~~ August preceding the general election provided for in 13-1-104(1), a primary election ~~shall~~ must be held
 17 throughout the state.

18 (2) On the Tuesday following the second Monday in September preceding the general election provided
 19 for in 13-1-104(2), a primary election, if required, ~~shall~~ must be held throughout the state.

20 (3) If the general election for a municipality required to hold annual elections is held in November, as
 21 provided in 13-1-104(4), a primary election, if required, ~~shall~~ must be held on the Tuesday following the second
 22 Monday in September. In an even-numbered year, the cost of this election must be paid by the municipality."

23
 24 **Section 10.** Section 13-10-201, MCA, is amended to read:

25 **"13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election,
 26 except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for
 27 nomination with the secretary of state or election administrator. Except for a candidate who files under 13-38-201,
 28 a candidate may not file for more than one public office. Each candidate for governor shall file a joint declaration
 29 for nomination with a candidate for lieutenant governor.

30 (2) A declaration for nomination must be filed in the office of:

1 (a) the secretary of state for placement of a name on the ballot for the presidential preference primary,
2 a congressional office, a state or district office to be voted for in more than one county, a member of the
3 legislature, or a judge of the district court;

4 (b) the election administrator for a county, municipal, precinct, or district office (other than a member of
5 the legislature or judge of the district court) to be voted for in only one county.

6 (3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an
7 indigent candidate, send with it the documents required by 13-10-203. Unless filed electronically with the
8 secretary of state, the declaration for nomination must be acknowledged by an officer empowered to acknowledge
9 signatures or by the officer of the office at which the filing is made.

10 (4) The declaration for nomination must include an oath of the candidate that includes wording
11 substantially as follows: "I hereby affirm that I possess, or will possess within constitutional and statutory
12 deadlines, the qualifications prescribed by the Montana constitution and the laws of the United States and the
13 state of Montana." The candidate affirmation included in this oath is presumed to be valid unless proven otherwise
14 in a court of law.

15 (5) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by
16 the elector's party. For a partisan election, an elector may not file a declaration for more than one party's
17 nomination.

18 (6) (a) The declaration for nomination must be in the form and contain the information prescribed by the
19 secretary of state.

20 (b) A person seeking nomination to the legislature shall provide the secretary of state with a street
21 address, legal description, or road designation to indicate the person's place of residence. If a candidate for the
22 legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state
23 on a form prescribed by the secretary of state.

24 (c) The secretary of state and election administrator shall furnish declaration for nomination forms to
25 individuals requesting them.

26 (7) (a) Except as provided in 13-10-211 and subsection (7)(b) of this section, a candidate's declaration
27 for nomination must be filed no sooner than 135 days before the election in which the office first appears on the
28 ballot and no later than 5 p.m., 75 days before the date of the primary election.

29 (b) For an election held pursuant to 13-1-104(1)(a) or 13-1-107(1) or for a political subdivision that holds
30 an election on the date of either of those elections, a candidate's declaration for nomination must be filed no

1 sooner than ~~45~~ 100 days before the election in which the office first appears on the ballot and no later than
 2 5 p.m., ~~85~~ 70 days before the date of the primary election.

3 (8) A properly completed and signed declaration for nomination form may be sent by facsimile
 4 transmission, electronically mailed, delivered in person, or mailed to the election administrator or to the secretary
 5 of state.

6 (9) For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of
 7 state shall apply the following conditions:

8 (a) A term of office for an official serving in the office or a candidate seeking the office is considered to
 9 begin on January 1 of the term for which the official is elected or for which the candidate seeks election and end
 10 on December 31 of the term for which the official is elected or for which the candidate seeks election.

11 (b) A year is considered to start on January 1 and end on the following December 31.

12 (c) "Current term", as used in Article IV, section 8, of the Montana constitution, has the meaning provided
 13 in 2-16-214."

14

15 **Section 11.** Section 13-10-204, MCA, is amended to read:

16 **"13-10-204. Write-in nominations.** (1) An individual nominated by having the individual's name written
 17 in and counted as provided in 13-15-206(5) or otherwise placed on the primary ballot and desiring to accept the
 18 nomination may not have the individual's name appear on the general election ballot unless the individual:

19 (a) received at least 5% of the total votes cast for the successful candidate for the same office at the last
 20 general election;

21 (b) files with the secretary of state or election administrator, no later than ~~40~~ 5 days after the official
 22 canvass, a written declaration indicating acceptance of the nomination; and

23 (c) complies with the provisions of 13-37-126.

24 (2) A write-in candidate who was exempt from filing a declaration of intent under 13-10-211 shall, at the
 25 time of filing the declaration of acceptance, pay the filing fee specified in 13-10-202 or, if indigent, file the
 26 appropriate documents described in 13-10-203."

27

28 **Section 12.** Section 13-10-325, MCA, is amended to read:

29 **"13-10-325. Withdrawal from nomination.** (1) (a) A candidate for nomination or candidate for election
 30 to an office may withdraw from the election by sending a statement of withdrawal to the officer with whom the

1 candidate's declaration, petition, or acceptance of nomination was filed. The statement must contain all
2 information necessary to identify the candidate and the office sought. Unless filed electronically with the secretary
3 of state, the statement of withdrawal from nomination must be acknowledged by an officer empowered to
4 acknowledge signatures or by the officer of the office at which the filing is made.

5 (b) Except as provided in subsection (1)(c), a candidate may not withdraw later than 85 days before a
6 general election or 75 days before a primary election.

7 (c) A candidate may not withdraw later than ~~85~~ 70 days before a general election conducted pursuant
8 to 13-1-104(1)(a) or a primary election conducted pursuant to 13-1-107(1).

9 (2) Filing fees paid by the candidate may not be refunded."
10

11 **Section 13.** Section 13-10-504, MCA, is amended to read:

12 **"13-10-504. Independent or minor party candidates for president or vice president.** (1) An individual
13 who desires to run for president or vice president as an independent candidate or as a candidate of a party not
14 qualified under 13-10-601 shall file a petition for nomination with the secretary of state ~~76~~ 70 days prior to the date
15 of the general election.

16 (2) The petition and the affidavits of circulation required by 13-27-302 must first be submitted, at least
17 1 week before the deadline for filing, to the election administrator in the county where the signer resides for
18 verification and certification by the procedures provided in 13-27-303 through 13-27-306.

19 (3) The petition must have the signatures of electors equal to 5% or more of the total votes cast for the
20 successful candidate for governor at the last general election or 5,000 electors, whichever is less. The names
21 of the candidates for the required number of presidential electors allowable to Montana must be certified to the
22 secretary of state no later than ~~76~~ 70 days before the general election.

23 (4) A qualified independent presidential candidate may amend the petition and designate or choose a
24 named vice presidential candidate until the filing date provided in 13-25-101."
25

26 **Section 14.** Section 13-12-201, MCA, is amended to read:

27 **"13-12-201. Secretary of state to certify ballot.** (1) ~~Seventy-five~~ Sixty-five days or more before a
28 federal general election, the secretary of state shall certify to the election administrators the name and party or
29 other designation of each candidate entitled to appear on the ballot and the ballot issues as shown in the official
30 records of the secretary of state's office, which must include the notification specified in 13-37-126.

1 (2) The election administrator shall certify the name and party or other designation of each candidate
2 entitled to appear on the ballot and the ballot issues as shown in the official records of the election administrator's
3 office, which must include the notification specified in 13-37-126, and shall have the official ballots prepared.

4 (3) If a candidate for the legislature is no longer eligible under Article V, section 4, of the Montana
5 constitution to seek the office for which the candidate has filed because the candidate has changed residence,
6 the secretary of state shall notify the candidate that the candidate is required to withdraw as provided in
7 13-10-325."

8

9 **Section 15.** Section 13-15-401, MCA, is amended to read:

10 **"13-15-401. Governing body as board of county canvassers.** (1) The governing body of a county or
11 consolidated local government is ex officio a board of county canvassers and shall meet as the board of county
12 canvassers at the usual meeting place of the governing body within ~~14~~ 5 days after each election, at a time
13 determined by the board, to canvass the returns.

14 (2) If one or more of the members of the governing body cannot attend the meeting, the member's place
15 must be filled by one or more county officers chosen by the remaining members of the governing body so that
16 the board of county canvassers' membership equals the membership of the governing body.

17 (3) The governing body of any political subdivision in the county that participated in the election may join
18 with the governing body of the county or consolidated local government in canvassing the votes cast at the
19 election.

20 (4) The election administrator is secretary of the board of county canvassers and shall keep minutes of
21 the meeting of the board and file them in the official records of the administrator's office."

22

23 **Section 16.** Section 13-36-102, MCA, is amended to read:

24 **"13-36-102. Time for commencing contest.** (1) ~~Five~~ Three days or less after a candidate has been
25 certified as nominated, a person wishing to contest the nomination to any public office shall give notice in writing
26 to the candidate whose nomination the person intends to contest, briefly stating the cause for the contest. The
27 contestant shall make application to the district court in the county where the contest is to be had. The judge shall
28 then set the time for the hearing. The contestant shall serve notice 3 days before the hearing is scheduled. The
29 notice must state the time and place of the hearing.

30 (2) Any action to contest the right of a candidate to be declared elected to an office or to annul and set

1 aside the election or to remove from or deprive any person of an office of which the person is the incumbent for
2 any offense mentioned in this title must, unless a different time is stated, be commenced within 1 year after the
3 day of election at which the offense was committed."

4

5 **Section 17.** Section 13-37-126, MCA, is amended to read:

6 **"13-37-126. Names not to appear on ballot.** (1) The name of a candidate may not appear on the official
7 ballot for an election if the candidate or a treasurer for a candidate fails to file any statement or report as required
8 by 2-2-106 or this chapter.

9 (2) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not
10 by the name of the same candidate.

11 (3) (a) In carrying out the mandate of this section, the commissioner shall, by a written statement, notify
12 the secretary of state or the election administrator that a candidate or a candidate's treasurer has not complied
13 with the provisions of this chapter, as described in subsection (1), and that a candidate's name may not appear
14 on the official ballot.

15 (b) The commissioner shall provide the notification:

16 (i) within 8 calendar days after the earliest certification deadline provided in 13-10-208(1) for primary
17 elections held pursuant to 13-1-107(1); or

18 (ii) by the earliest date specified under 13-10-208(2) for the county election administrator to certify the
19 ballot for primary elections held pursuant to 13-1-107(2) or (3); and

20 (iii) by no later than 7 4 days before the ballot certification deadline provided in 13-12-201 for general
21 elections."

22

23 **NEW SECTION. Section 18. Effective dates.** (1) Except as provided in subsection (2), [this act] is
24 effective October 1, 2015.

25 (2) [Sections 7 and 8] and this section are effective on passage and approval.

26

27 **NEW SECTION. Section 19. Termination.** [Sections 7 and 8] and the bracketed language in [section
28 1] terminate December 31, 2016.

29

- END -