

SENATE BILL NO. 10

INTRODUCED BY E. STONINGTON

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING INTERIM COMMITTEES AND INTERIM COMMITTEE FUNCTIONS; PROVIDING FOR COMMITTEE REVIEW OF STATEMENTS OF REASONABLE NECESSITY FOR ADMINISTRATIVE RULES; CLARIFYING THE ADOPTION DATE FOR AN ADMINISTRATIVE RULE; CREATING THE STATE-TRIBAL RELATIONS COMMITTEE; ASSIGNING LOCAL GOVERNMENT LIAISON RESPONSIBILITY; ASSIGNING RESPONSIBILITY FOR REVIEWING DRAFT LEGISLATION; REVISING COMMITTEE NAMES; CLARIFYING THE PROCESS FOR ASSIGNING INTERIM STUDIES; REVISING THE METHOD OF REPORTING TO THE LEGISLATURE; AMENDING SECTIONS 2-4-110, 2-4-302, 2-4-305, 2-4-306, 5-5-202, 5-5-211, 5-5-215, 5-5-216, 5-5-217, 5-5-223, 5-5-224, 5-5-225, 5-5-226, 5-5-227, 5-5-228, 5-11-106, 5-11-210, AND 75-1-324, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 2-4-110, MCA, is amended to read:

**"2-4-110. Departmental review of rule notices.** (1) The head of each department of the executive branch shall appoint an existing attorney, paralegal, or other qualified person from that department to review each departmental rule proposal notice, adoption notice, or other notice relating to administrative rulemaking. Notice of the name of the person appointed under this subsection and of any successor must be given to the secretary of state and the appropriate administrative rule review committee within 10 days of the appointment.

(2) The person appointed under subsection (1) shall review each notice by any division, bureau, or other unit of the department, including units attached to the department for administrative purposes only under 2-15-121, for compliance with this chapter before the notice is filed with the secretary of state. The reviewer shall pay particular attention to 2-4-302 and 2-4-305. The review must include but is not limited to consideration of:

(a) the adequacy of the ~~rationale~~ statement of reasonable necessity for the intended action and

1 whether the intended action is reasonably necessary to effectuate the purpose of the code section or  
2 sections implemented;

3 (b) whether the proper statutory authority for the rule is cited;

4 (c) whether the citation of the code section or sections implemented is correct; and

5 (d) whether the intended action is contrary to the code section or sections implemented or to other  
6 law.

7 (3) The person appointed under subsection (1) shall sign each notice for which this section  
8 requires a review. The act of signing is an affirmation that the review required by this section has been  
9 performed to the best of the reviewer's ability. The secretary of state may not accept for filing a notice  
10 that does not have the signature required by this section."

11

12 **Section 2.** Section 2-4-302, MCA, is amended to read:

13 **"2-4-302. Notice, hearing, and submission of views.** (1) Prior to the adoption, amendment, or  
14 repeal of any rule, the agency shall give written notice of its intended action. The notice must include a  
15 statement of either the terms or substance of the intended action or a description of the subjects and  
16 issues involved, the ~~rationale~~ reasonable necessity for the intended action, and the time when, place  
17 where, and manner in which interested persons may present their views on the intended action. The  
18 ~~rationale~~ reasonable necessity must be written in plain, easily understood language. If the agency proposes  
19 to adopt, increase, or decrease a monetary amount that a person shall pay or will receive, such as a fee,  
20 cost, or benefit, the notice must include an estimate, if known, of:

21 (a) the cumulative amount for all persons of the proposed increase, decrease, or new amount; and

22 (b) the number of persons affected.

23 (2) (a) The notice must be filed with the secretary of state for publication in the register, as  
24 provided in 2-4-312, and mailed within 3 days of publication to the sponsor of the legislative bill that  
25 enacted the section that is cited as implemented in the notice if the notice is the initial proposal to  
26 implement the section, to interested persons who have made timely requests to the agency to be informed  
27 of its rulemaking proceedings, and to the office of any professional, trade, or industrial society or  
28 organization or member of those entities who has filed a request with the appropriate administrative rule  
29 review committee when the request has been forwarded to the agency as provided in subsection (2)(b).  
30 Each agency shall create and maintain a list of interested persons and the subject or subjects in which each

1 person on the list is interested. A person who submits a written comment or attends a hearing in regard  
2 to proposed agency action under this part must be informed of the list by the agency. An agency complies  
3 with this subsection if it includes in the notice an advisement explaining how persons may be placed on  
4 the list of interested persons and if it complies with subsection (7).

5 (b) The appropriate administrative rule review committee shall forward a list of all organizations  
6 or persons who have submitted a request to be informed of agency actions to the agencies that the  
7 committee oversees that publish rulemaking notices in the register. The list must be amended by the  
8 agency upon request of any person requesting to be added to or deleted from the list.

9 (c) The notice required by subsections (1) and (2)(a) must be published and mailed at least 30  
10 days in advance of the agency's intended action. In addition to publishing and mailing the notice under  
11 subsection (2)(a), the agency shall post the notice on a state electronic access system or other electronic  
12 communications system available to the public.

13 (d) The agency shall also, at the time that its personnel begin to work on the substantive content  
14 and the wording of the initial rule proposal to implement one or more statutes, notify the sponsor of the  
15 legislative bill that enacted the section.

16 (3) If a statute provides for a method of publication different from that provided in subsection (2),  
17 the affected agency shall comply with the statute in addition to the requirements contained in this section.  
18 However, the notice period may not be less than 30 days or more than 6 months.

19 (4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested  
20 persons at least 20 days' notice of a hearing and at least 28 days from the day of the original notice to  
21 submit data, views, or arguments, orally or in writing. If an amended or supplemental notice is filed,  
22 additional time may be allowed for oral or written submissions. In the case of substantive rules, the notice  
23 of proposed rulemaking must state that opportunity for oral hearing must be granted if requested by either  
24 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a  
25 governmental subdivision or agency, by the appropriate administrative rule review committee, or by an  
26 association having not less than 25 members who will be directly affected. If the proposed rulemaking  
27 involves matters of significant interest to the public, the agency shall schedule an oral hearing.

28 (5) An agency may continue a hearing date for cause. In the discretion of the agency, contested  
29 case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise  
30 required by statute, nothing in this section alters that requirement.

1 (6) If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and  
2 the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be  
3 considered a new proposal for purposes of compliance with this chapter.

4 (7) At the commencement of a hearing on the intended action, the person designated by the  
5 agency to preside at the hearing shall:

6 (a) read aloud the "Notice of Function of Administrative Rule Review Committee" appearing in the  
7 register; and

8 (b) inform the persons at the hearing of the provisions of subsection (2)(a) and provide them an  
9 opportunity to place their names on the list.

10 (8) For purposes of notifying sponsors under subsections (2)(a) and (2)(d) who are no longer  
11 members of the legislature, a former legislator who wishes to receive notice may keep the former  
12 legislator's name, address, and telephone number on file with the secretary of state. An agency proposing  
13 rules shall consult the register when providing sponsor notice."

14

15 **Section 3.** Section 2-4-305, MCA, is amended to read:

16 **"2-4-305. Requisites for validity -- authority and statement of reasons.** (1) The agency shall fully  
17 consider written and oral submissions respecting the proposed rule. Upon adoption of a rule, an agency  
18 shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the  
19 statement the reasons for overruling the considerations urged against its adoption. If substantial  
20 differences exist between the rule as proposed and as adopted and the differences have not been  
21 described or set forth in the adopted rule as that rule is printed in the register, the differences must be  
22 described in the statement of reasons for and against agency action. When written or oral submissions  
23 have not been received, an agency may omit the statement of reasons.

24 (2) Rules may not unnecessarily repeat statutory language. Whenever it is necessary to refer to  
25 statutory language in order to convey the meaning of a rule interpreting the language, the reference must  
26 clearly indicate the portion of the language that is statutory and the portion that is an amplification of the  
27 language.

28 (3) Each proposed and adopted rule must include a citation to the specific grant of rulemaking  
29 authority pursuant to which the rule or any part of the rule is adopted. In addition, each proposed and  
30 adopted rule must include a citation to the specific section or sections in the Montana Code Annotated that

1 the rule purports to implement. A substantive rule may not be proposed or adopted unless:

2 (a) a statute granting the agency authority to adopt rules clearly and specifically lists the subject  
3 matter of the rule as a subject upon which the agency shall or may adopt rules; or

4 (b) the rule implements and relates to a subject matter or an agency function that is clearly and  
5 specifically included in a statute to which the grant of rulemaking authority extends.

6 (4) Each rule that is proposed and adopted by an agency and that implements a policy of a  
7 governing board or commission must include a citation to and description of the policy implemented. Each  
8 agency rule implementing a policy and the policy itself must be based on legal authority and otherwise  
9 comply with the requisites for validity of rules established by this chapter.

10 (5) To be effective, each substantive rule adopted must be within the scope of authority conferred  
11 and in accordance with standards prescribed by other provisions of law.

12 (6) Whenever by the express or implied terms of any statute a state agency has authority to adopt  
13 rules to implement, interpret, make specific, or otherwise carry out the provisions of the statute, an  
14 adoption, amendment, or repeal of a rule is not valid or effective unless it is:

15 (a) consistent and not in conflict with the statute; and

16 (b) reasonably necessary to effectuate the purpose of the statute. A statute mandating that the  
17 agency adopt rules establishes the necessity for rules but does not, standing alone, constitute reasonable  
18 necessity for a rule. The agency shall also address the reasonableness component of the reasonable  
19 necessity requirement by, as indicated in 2-4-302(1) and subsection (1) of this section, stating the  
20 principal reasons and the rationale for its intended action and for the particular approach that it takes in  
21 complying with the mandate to adopt rules. Subject to the provisions of subsection (8), reasonable  
22 necessity must be clearly and thoroughly demonstrated for each adoption, amendment, or repeal of a rule  
23 in the agency's notice of proposed rulemaking and in the written and oral data, views, comments, or  
24 testimony submitted by the public or the agency and considered by the agency. A statement that merely  
25 explains what the rule provides is not a statement of the reasonable necessity for the rule.

26 (7) A rule is not valid unless notice of it is given and it is adopted in substantial compliance with  
27 2-4-302, 2-4-303, or 2-4-306 and this section and unless notice of adoption of the rule is published within  
28 6 months of the publishing of notice of the proposed rule. If an amended or supplemental notice of either  
29 proposed or final rulemaking, or both, is published concerning the same rule, the 6-month limit must be  
30 determined with reference to the latest notice in all cases.

1 (8) An agency may use an amended proposal notice or the adoption notice to correct deficiencies  
2 in citations of authority for rules and in citations of sections implemented by rules. An agency may use  
3 an amended proposal notice but, except for clerical corrections, may not use the adoption notice to correct  
4 deficiencies in a statement of reasonable necessity.

5 (9) If a majority of the members of the appropriate administrative rule review committee notify  
6 the committee presiding officer that those members object to a notice of proposed rulemaking, the  
7 committee shall notify the agency in writing that the committee objects to the proposal notice and will  
8 address the objections at the next committee meeting. Following notice by the committee to the agency,  
9 the proposal notice may not be adopted until publication of the last issue of the register that is published  
10 before expiration of the 6-month period during which the adoption notice must be published, unless prior  
11 to that time, the committee meets and does not make the same objection. A copy of the committee's  
12 notification to the agency must be included in the committee's records."

13

14 **Section 4.** Section 2-4-306, MCA, is amended to read:

15 **"2-4-306. Filing, format, and adoption and effective date dates -- dissemination of emergency**  
16 **rules.** (1) Each agency shall file with the secretary of state a copy of each rule adopted by it or a reference  
17 to the rule as contained in the proposal notice. A rule is adopted on the date that the adoption notice is  
18 filed with the secretary of state and is effective on the date referred to in subsection (4), except that if  
19 the secretary of state requests corrections to the adoption notice, the rule is adopted on the date that the  
20 revised notice is filed with the secretary of state.

21 (2) The secretary of state may prescribe a format, style, and arrangement for notices and rules  
22 that are filed pursuant to this chapter and may refuse to accept the filing of any notice or rule that is not  
23 in compliance with this chapter. The secretary of state shall keep and maintain a permanent register of all  
24 notices and rules filed, including superseded and repealed rules, that must be open to public inspection and  
25 shall provide copies of any notice or rule upon request of any person. Unless otherwise provided by  
26 statute, the secretary of state may require the payment of the cost of providing copies.

27 (3) In the event that the appropriate administrative rule review committee has conducted a poll  
28 of the legislature in accordance with 2-4-403, the results of the poll must be published with the rule.

29 (4) Each rule is effective after publication in the register, as provided in 2-4-312, except that:

30 (a) if a later date is required by statute or specified in the rule, the later date is the effective date;

1 (b) subject to applicable constitutional or statutory provisions:

2 (i) a temporary rule is effective immediately upon filing with the secretary of state or at a stated  
3 date following publication in the register; and

4 (ii) an emergency rule is effective at a stated date following publication in the register or  
5 immediately upon filing with the secretary of state if the agency finds that this effective date is necessary  
6 because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief  
7 statement of reasons for the finding must be filed with the rule. The agency shall, in addition to the  
8 required publication in the register, take appropriate and extraordinary measures to make emergency rules  
9 known to each person who may be affected by them.

10 (c) if, following written administrative rule review committee notification to an agency under  
11 2-4-305(9), the committee meets and under 2-4-406(1) objects to all or some portion of a proposed rule  
12 before the rule is adopted, the rule or portion of the rule objected to is not effective until the day after final  
13 adjournment of the regular session of the legislature that begins after the notice proposing the rule was  
14 published by the secretary of state, unless, following the committee's objection under 2-4-406(1):

15 (i) the committee withdraws its objection under 2-4-406 before the rule is adopted; or

16 (ii) the rule or portion of a rule objected to is adopted with changes that in the opinion of a majority  
17 of the committee members, as communicated in writing to the committee presiding officer and staff, make  
18 it comply with the committee's objection and concerns."

19

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

21 **"5-5-202. Interim committees.** (1) During an interim when the legislature is not in session, the  
22 committees listed in subsection (2) are the interim committees of the legislature. They are empowered to  
23 sit as committees and may act in their respective areas of responsibility. The functions of the legislative  
24 council, legislative audit committee, legislative finance committee, ~~and~~ environmental quality council, and  
25 state-tribal relations committee are provided for in the statutes governing those committees.

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

27 (a) ~~business and labor~~ economic affairs committee;

28 (b) education and local government committee;

29 (c) children, families, health, and human services committee;

30 (d) law, and justice, ~~and Indian affairs~~ committee;

1 (e) revenue and ~~taxation~~ TRANSPORTATION committee; and

2 (f) state administration, ~~public retirement systems~~, and veterans' affairs committee.

3 (3) An interim committee or the environmental quality council may refer an issue to another  
4 committee that the referring committee determines to be more appropriate for the consideration of the  
5 issue. Upon the acceptance of the referred issue, the accepting committee shall consider the issue as if  
6 the issue were originally within its jurisdiction. If the committee that is referred an issue declines to accept  
7 the issue, the original committee retains jurisdiction.

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

11

12 **Section 6.** Section 5-5-211, MCA, is amended to read:

13 **"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee  
14 members must be appointed by the committee on committees.

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

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

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

20 (5) (a) Subject to subsection (5)(b), the composition of each interim committee must be as follows:

21 (i) four members of the house, no more than two of whom may be of one political party; and

22 (ii) four members of the senate, no more than two of whom may be of one political party.

23 (b) If the committee workload requires, the legislative council may request the appointing authority  
24 to appoint one or two additional interim committee members from each political party.

25 (6) The membership of the interim committees must be provided for by legislative rules. The rules  
26 must identify the committees from which members are selected, and the appointing authority shall attempt  
27 to select not less than 50% of the members from the standing committees that consider issues within the  
28 jurisdiction of the interim committee. In making the appointments, the appointing authority shall take into  
29 account term limits of members so that committee members will be available to follow through on  
30 committee activities and recommendations in the next legislative session.



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

8

9 **Section 7.** Section 5-5-215, MCA, is amended to read:

10 **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

11 (a) review administrative rules within its jurisdiction;

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

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

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

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

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

20 (d) review proposed legislation of assigned agencies or entities as provided in the joint legislative  
 21 rules; and

22 ~~(d)~~(e) accumulate, compile, analyze, and furnish information bearing upon its assignment and  
 23 relevant to existing or prospective legislation as it determines, on its own initiative, to be pertinent to the  
 24 adequate completion of its work.

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

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

29

30 **Section 8.** Section 5-5-216, MCA, is amended to read:

1           **"5-5-216. Recommendations of ~~subcommittees~~ committees.** ~~A subcommittee~~ An interim  
 2 committee or a statutory committee ~~appointed for the purpose of~~ making a study designated by the  
 3 legislative council may make recommendations for legislation. These recommendations and ~~the study a~~  
 4 report, if one is written, shall ~~must~~ be submitted to the legislature as provided in 5-11-210."

5

6           **Section 9.** Section 5-5-217, MCA, is amended to read:

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

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

18           (3) The legislative services division shall inform the ~~committee on interim~~ interim committees and  
 19 statutory committees ~~speaker of the house~~ of those studies that have been selected and to which ~~joint~~  
 20 ~~subcommittee~~ interim committee or statutory committee each study has been assigned. ~~The committee~~  
 21 ~~on committees and speaker shall then proceed under 5-5-211 to appoint the subcommittees.~~ An interim  
 22 committee or a statutory committee may recommend to the legislative council that an interim study  
 23 assigned to that committee should be reassigned to another interim committee or statutory committee or  
 24 should not be conducted. The legislative council may adopt, reject, or modify the interim committee  
 25 recommendation."

26

27           **Section 10.** Section 5-5-223, MCA, is amended to read:

28           **"5-5-223. ~~Business and labor~~ Economic affairs interim committee.** The ~~business and labor~~  
 29 economic affairs interim committee has administrative rule review, draft legislation review, program  
 30 evaluation, and monitoring functions for the following executive branch agencies and the entities attached

- 1 to agencies for administrative purposes:
- 2 (1) department of agriculture;
- 3 (2) department of commerce;
- 4 (3) department of labor and industry;
- 5 (4) department of livestock;
- 6 (5) department of public service regulation; and
- 7 (6) office of the state auditor and insurance commissioner."

8

9 **Section 11.** Section 5-5-224, MCA, is amended to read:

10 **"5-5-224. Education and local government interim committee.** (1) The education and local  
 11 government interim committee shall act as a liaison with local governments. The education and local  
 12 government interim committee has administrative rule review, draft legislation review, program evaluation,  
 13 and monitoring functions for the following executive branch agencies and the entities attached to agencies  
 14 for administrative purposes:

- 15 (a) state board of education;
- 16 (b) board of public education;
- 17 (c) board of regents of higher education; and
- 18 (d) office of public instruction.
- 19 (2) The committee shall:
- 20 (a) provide information to the board of regents in the following areas:
- 21 (i) annual budget allocations;
- 22 (ii) annual goal statement development;
- 23 (iii) long-range planning;
- 24 (iv) outcome assessment programs; and
- 25 (v) any other area that the committee considers to have significant educational or fiscal policy  
 26 impact;
- 27 (b) periodically review the success or failure of the university system in meeting its annual goals  
 28 and long-range plans;
- 29 (c) periodically review the results of outcome assessment programs;
- 30 (d) develop mechanisms to ensure strict accountability of the ~~revenues~~ revenue and expenditures

1 of the university system;

2 (e) study and report to the legislature on the advisability of adjustments to the mechanisms used  
3 to determine funding for the university system, including criteria for determining appropriate levels of  
4 funding;

5 (f) act as a liaison between both the legislative and executive branches and the board of regents;

6 ~~and~~

7 (g) encourage cooperation between the legislative and executive branches and the board of  
8 regents;

9 (H) PROMOTE AND STRENGTHEN LOCAL GOVERNMENT THROUGH RECOGNITION OF THE PRINCIPLE THAT STRONG  
10 COMMUNITIES, WITH EFFECTIVE, DEMOCRATIC GOVERNMENTAL INSTITUTIONS, ARE ONE OF THE BEST ASSURANCES OF A  
11 STRONG MONTANA;

12 (I) BRING TOGETHER REPRESENTATIVES OF STATE AND LOCAL GOVERNMENT FOR CONSIDERATION OF COMMON  
13 PROBLEMS;

14 (J) PROVIDE A FORUM FOR DISCUSSING STATE OVERSIGHT OF LOCAL FUNCTIONS, REALISTIC LOCAL AUTONOMY,  
15 AND INTERGOVERNMENTAL COOPERATION;

16 (K) IDENTIFY AND PROMOTE THE MOST DESIRABLE ALLOCATION OF STATE AND LOCAL GOVERNMENT FUNCTIONS,  
17 RESPONSIBILITIES, AND REVENUE;

18 (L) PROMOTE CONCISE, CONSISTENT, AND UNIFORM REGULATION FOR LOCAL GOVERNMENT;

19 (M) COORDINATE AND SIMPLIFY LAWS, RULES, AND ADMINISTRATIVE PRACTICES IN ORDER TO ACHIEVE MORE  
20 ORDERLY AND LESS COMPETITIVE FISCAL AND ADMINISTRATIVE RELATIONSHIPS BETWEEN AND AMONG STATE AND LOCAL  
21 GOVERNMENTS;

22 (N) REVIEW STATE MANDATES TO LOCAL GOVERNMENTS THAT ARE SUBJECT TO 1-2-112 AND 1-2-114  
23 THROUGH 1-2-116;

24 (O) MAKE RECOMMENDATIONS TO THE LEGISLATURE, EXECUTIVE BRANCH AGENCIES, AND LOCAL GOVERNING  
25 BODIES CONCERNING;

26 (I) CHANGES IN STATUTES, RULES, ORDINANCES, AND RESOLUTIONS THAT WILL PROVIDE CONCISE, CONSISTENT,  
27 AND UNIFORM GUIDANCE AND REGULATIONS FOR LOCAL GOVERNMENT;

28 (II) CHANGES IN TAX LAWS THAT WILL ACHIEVE MORE ORDERLY AND LESS COMPETITIVE FISCAL RELATIONSHIPS  
29 BETWEEN LEVELS OF GOVERNMENT;

30 (III) METHODS OF COORDINATING AND SIMPLIFYING COMPETITIVE PRACTICES TO ACHIEVE MORE ORDERLY

1 ADMINISTRATIVE RELATIONSHIPS AMONG LEVELS OF GOVERNMENT; AND  
 2 (IV) TRAINING PROGRAMS AND TECHNICAL ASSISTANCE FOR LOCAL GOVERNMENT OFFICERS AND EMPLOYEES THAT  
 3 WILL PROMOTE EFFECTIVENESS AND EFFICIENCY IN LOCAL GOVERNMENT; AND  
 4 (P) CONDUCT INTERIM STUDIES AS ASSIGNED."

5

6 **Section 12.** Section 5-5-225, MCA, is amended to read:

7 **"5-5-225. Children, families, health, and human services interim committee.** The children, families,  
 8 health, and human services interim committee has administrative rule review, draft legislation review,  
 9 program evaluation, and monitoring functions for the department of public health and human services and  
 10 the entities attached to the department for administrative purposes."

11

12 **Section 13.** Section 5-5-226, MCA, is amended to read:

13 **"5-5-226. Law, ~~and justice, and Indian affairs~~ interim committee.** The law, and justice, and Indian  
 14 ~~affairs~~ interim committee has administrative rule review, draft legislation review, program evaluation, and  
 15 monitoring functions for the department of corrections and the department of justice and the entities  
 16 attached to the departments for administrative purposes. The committee shall act as a liaison with the  
 17 judiciary ~~and shall act as a liaison and forum for state and tribal relations."~~

18

19 **Section 14.** Section 5-5-227, MCA, is amended to read:

20 **"5-5-227. Revenue and ~~taxation~~ TRANSPORTATION interim committee.** The revenue and ~~taxation~~  
 21 TRANSPORTATION interim committee has administrative rule review, draft legislation review, program  
 22 evaluation, and monitoring functions for the department of revenue and the department of transportation  
 23 and the entities attached to the departments for administrative purposes."

24

25 **Section 15.** Section 5-5-228, MCA, is amended to read:

26 **"5-5-228. State administration, ~~public retirement systems, and veterans' affairs~~ interim**  
 27 **committee.** The state administration, ~~public retirement systems, and veterans' affairs~~ interim committee  
 28 has administrative rule review, draft legislation review, program evaluation, and monitoring functions FOR  
 29 THE PUBLIC EMPLOYEE RETIREMENT PLANS AND for the following executive branch agencies and the entities  
 30 attached to the agencies for administrative purposes:

- 1 (1) department of administration;  
 2 (2) department of military affairs; and  
 3 (3) office of the secretary of state."

4

5 **NEW SECTION. Section 16. State-tribal relations committee.** There is a state-tribal relations  
 6 committee. The committee is treated as an interim committee for the purposes of 5-5-211 through  
 7 5-5-214. The committee shall:

- 8 (1) act as a liaison with tribal governments;  
 9 (2) encourage state-tribal and local government-tribal cooperation;  
 10 (3) conduct interim studies as assigned pursuant to 5-5-217; and  
 11 (4) report its activities, findings, recommendations, and any proposed legislation as provided in  
 12 5-11-210.

13

14 **Section 17.** Section 5-11-106, MCA, is amended to read:

15 **"5-11-106. Authority to investigate and examine.** The legislative services division, on behalf of  
 16 standing committees, and select committees, or interim committees and any subcommittees of those  
 17 committees, may investigate and examine state governmental activities and may examine and inspect all  
 18 records, books, and files of any department, agency, commission, board, or institution of the state of  
 19 Montana."

20

21 **Section 18.** Section 5-11-210, MCA, is amended to read:

22 **"5-11-210. Clearinghouse for reports to legislature.** (1) For the purposes of this section, "report"  
 23 means a report required by law to be given to or filed with the legislature.

24 (2) On or before September 1 of each year preceding the convening of a regular session of the  
 25 legislature, an entity required to report to the legislature shall provide, in writing, to the ~~executive director~~  
 26 ~~of the legislative services division~~ appropriate interim or statutory committee:

- 27 (a) the final title of the report;  
 28 (b) an abstract or description of the contents of the report, not to exceed 100 words;  
 29 (c) a recommendation on how many copies of the report should be provided to the legislature;  
 30 (d) the reasons why the number of copies recommended is, in the opinion of the reporting entity,

1 the appropriate number of copies; and

2 (e) an estimated cost for each copy of the report.

3 (3) After considering all of the information available about the report, including the number of  
4 legislators requesting copies of the report pursuant to subsection (7), the ~~legislative council or the~~  
5 ~~executive director~~ appropriate interim or statutory committee shall, in writing, direct the reporting entity  
6 to provide a specific number of copies. The number of copies required is at the sole discretion of the  
7 ~~legislative council~~ appropriate interim or statutory committee. The ~~legislative council or the executive~~  
8 ~~director~~ appropriate interim or statutory committee may require the reporting entity to mail the copies of  
9 the report.

10 (4) The ~~legislative council~~ appropriate interim or statutory committee may require that the report  
11 be submitted in an electronic format usable on the legislature's current computer hardware, in a microform,  
12 such as microfilm or microfiche, or in a CD-ROM format, meaning compact disc read-only memory.

13 (5) Costs of preparing and distributing a report to the legislature, including writing, printing,  
14 postage, distribution, and all other costs, accrue to the reporting agency. Costs incurred in meeting the  
15 requirements of this section may not accrue to the legislative services division.

16 (6) The executive director of the legislative services division shall cause to be prepared a list of  
17 all reports required to be presented to the legislature from the list of titles received under subsection (2).

18 (7) The executive director shall, as soon as possible following a general election, mail to each  
19 holdover senator, senator-elect, and representative-elect a list of the titles of the reports, along with the  
20 abstracts prepared pursuant to subsection (2)(b). The list must include a form on which each member or  
21 member-elect receiving the list may indicate the report or reports that the member or member-elect would  
22 like to receive.

23 (8) The executive director of the legislative services division shall make copies of reports requested  
24 pursuant to subsection (7) available to those members or members-elect by either requiring that copies  
25 be mailed pursuant to subsection (3) or by delivering copies of the reports during the first week of the  
26 legislative session.

27 (9) The executive director of the legislative services division may keep as many copies of a report  
28 as are necessary and discard the rest.

29 (10) The procedure outlined in this section may also be used for a report required to be made to  
30 the legislature under the Multistate Tax Compact contained in 15-1-601, the Vehicle Equipment Safety

1 Compact contained in 61-2-201, the Multistate Highway Transportation Agreement contained in  
2 61-10-1101, or the Western Interstate Nuclear Compact contained in 90-5-201."

3

4 **Section 19.** Section 75-1-324, MCA, is amended to read:

5 **"75-1-324. Duties of environmental quality council.** The environmental quality council shall:

6 (1) gather timely and authoritative information concerning the conditions and trends in the quality  
7 of the environment, both current and prospective, analyze and interpret the information for the purpose  
8 of determining whether the conditions and trends are interfering or are likely to interfere with the  
9 achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the  
10 legislature studies relating to the conditions and trends;

11 (2) review and appraise the various programs and activities of the state agencies, in the light of  
12 the policy set forth in 75-1-103, for the purpose of determining the extent to which the programs and  
13 activities are contributing to the achievement of the policy and make recommendations to the governor  
14 and the legislature with respect to the policy;

15 (3) develop and recommend to the governor and the legislature state policies to foster and  
16 promote the improvement of environmental quality to meet the conservation, social, economic, health, and  
17 other requirements and goals of the state;

18 (4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems  
19 and environmental quality;

20 (5) document and define changes in the natural environment, including the plant and animal  
21 systems, and accumulate necessary data and other information for a continuing analysis of these changes  
22 or trends and an interpretation of their underlying causes;

23 (6) make and furnish studies, reports on studies, and recommendations with respect to matters  
24 of policy and legislation as the legislature requests;

25 (7) analyze legislative proposals in clearly environmental areas and in other fields in which  
26 legislation might have environmental consequences and assist in preparation of reports for use by  
27 legislative committees, administrative agencies, and the public;

28 (8) consult with and assist legislators who are preparing environmental legislation to clarify any  
29 deficiencies or potential conflicts with an overall ecologic plan;

30 (9) review and evaluate operating programs in the environmental field in the several agencies to



1 identify actual or potential conflicts, both among the activities and with a general ecologic perspective,  
2 and suggest legislation to remedy the situations; and  
3 (10) perform the administrative rule review, draft legislation review, program evaluation, and  
4 monitoring functions of an interim committee for the:  
5 (a) department of environmental quality;  
6 (b) department of fish, wildlife, and parks; and  
7 (c) department of natural resources and conservation."  
8

9 NEW SECTION. Section 20. Codification instruction. [Section 16] is intended to be codified as  
10 an integral part of Title 5, chapter 5, part 2, and the provisions of Title 5, chapter 5, part 2, apply to  
11 [section 16].  
12

13 NEW SECTION. SECTION 21. COORDINATION INSTRUCTION. IF [THIS ACT] AND SENATE BILL NO. 137 ARE  
14 BOTH PASSED AND APPROVED, SENATE BILL NO. 137 IS VOID.  
15

16 NEW SECTION. Section 22. Effective date. [This act] is effective on passage and approval.  
17

- END -