

1 SENATE BILL NO. 321

2 INTRODUCED BY F. THOMAS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO INITIATIVE PROCESS;
5 REQUIRING LEGISLATIVE INTERIM COMMITTEES AND THE ENVIRONMENTAL QUALITY COUNCIL TO
6 HOLD A PUBLIC HEARING ON THE TEXT AND STATEMENTS OF PROPOSED INITIATIVES; ALLOWING
7 PROPONENTS TO REVISE THE INITIATIVE TEXT AND STATEMENTS AFTER THE PUBLIC HEARING;
8 REQUIRING THE LEGISLATIVE SERVICES DIVISION TO MAKE MINUTES AND MATERIALS FROM THE
9 HEARING AVAILABLE TO THE PUBLIC; AMENDING SECTIONS 5-5-215, 5-5-229, 5-5-231, 13-27-202, AND
10 75-1-324, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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14 **Section 1.** Section 5-5-215, MCA, is amended to read:15 **"5-5-215. Duties of interim committees.** (1) Each interim committee shall:

16 (a) review administrative rules within its jurisdiction;

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

18 (c) conduct public hearings to receive comments on proposed initiatives as provided in 13-27-202;19 ~~(c)~~(d) monitor the operation of assigned executive branch agencies with specific attention to the
20 following:

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

22 (ii) opportunities to improve existing law through the analysis of problems experienced with the application
23 of the law by an agency; and24 (iii) experiences of the state's citizens with the operation of an agency that may be amenable to
25 improvement through legislative action;26 ~~(d)~~(e) review statutorily established advisory councils and required reports of assigned agencies to make
27 recommendations to the next legislature on retention or elimination of any advisory council or required reports
28 pursuant to 5-11-210;29 ~~(e)~~(f) review proposed legislation of assigned agencies or entities as provided in the joint legislative rules;

30 and

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

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

6 (3) The legislative services division shall keep accurate records of the activities and proceedings of each
7 interim committee."
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9 **Section 2.** Section 5-5-229, MCA, is amended to read:

10 **"5-5-229. State-tribal relations committee.** There is a state-tribal relations committee. The committee
11 is treated as an interim committee for the purposes of 5-5-211 through 5-5-214. The committee shall:

- 12 (1) act as a liaison with tribal governments;
13 (2) encourage state-tribal and local government-tribal cooperation;
14 (3) conduct interim studies as assigned pursuant to 5-5-217; ~~and~~
15 (4) conduct public hearings to receive comments on proposed initiatives as provided in 13-27-202; and
16 ~~(4)~~(5) report its activities, findings, recommendations, and any proposed legislation as provided in
17 5-11-210."
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19 **Section 3.** Section 5-5-231, MCA, is amended to read:

20 **"5-5-231. Water policy committee.** (1) There is a water policy committee. Except as provided in
21 subsection (2), the committee is treated as an interim committee for the purposes of 5-5-211 through 5-5-214.
22 The committee shall:

- 23 (a) determine which water policy issues it examines;
24 (b) conduct interim studies as assigned pursuant to 5-5-217;
25 (c) subject to the provisions of 5-5-202(4), coordinate with the environmental quality council and other
26 interim committees to avoid duplication of efforts; ~~and~~
27 (d) conduct public hearings to receive comments on proposed initiatives as provided in 13-27-202; and
28 ~~(d)~~(e) report its activities, findings, recommendations, and any proposed legislation as provided in
29 5-11-210.

30 (2) At least two members of the committee must possess experience in agriculture."

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Section 4. Section 13-27-202, MCA, is amended to read:

"13-27-202. Recommendations -- approval of form required. (1) A proponent of a ballot issue shall submit the text of the proposed ballot issue to the secretary of state together with draft ballot issue statements intended to comply with 13-27-312. Petitions may not be circulated for the purpose of signature gathering more than 1 year prior to the final date for filing the signed petition with the county election administrator. The secretary of state shall forward a copy of the text of the proposed issue and statements to the legislative services division for review.

(2) (a) The legislative services division staff shall review the text and statements for clarity, consistency, and conformity with the most recent edition of the bill drafting manual furnished by the legislative services division, the requirements of 13-27-312, and any other factors that the staff considers when drafting proposed legislation.

(b) Within 14 days after submission of the text and statements, the legislative services division staff shall recommend in writing to the proponent revisions to the text and revisions to the statements to make them consistent with any recommendations for change to the text and the requirements of 13-27-312 or state that no revisions are recommended.

(c) (i) The proponent shall consider the recommendations and respond in writing to the legislative services division, accepting, rejecting, or modifying each of the recommended revisions. Except as provided in subsection (2)(c)(ii), if revisions are not recommended, a response is not required.

(ii) If the text and statements are for an initiative and not for a referendum initiated by the voters, the legislative services division shall, upon completion of its review, immediately forward the text and statements of the initiative to the appropriate legislative interim committee for a public hearing as provided in subsection (3).

(3) (a) An interim committee established in 5-5-202, 5-5-229, 5-5-531, or 5-16-101 shall hold a public hearing on the text and statements to receive input and comments.

(b) The proponent shall consider the recommendations and may revise the text or statements based on comments received during the hearing. If the proponent revises the text or statements, the proponent shall resubmit the text and statements to the legislative services division for review as provided in subsection (2) except that a second public hearing is not required to be held on the revised text and statements.

(c) The legislative services division shall make any hearing minutes and materials available on its website and shall provide a copy of the minutes and materials to any person upon request.

~~(3)~~(4) The legislative services division shall furnish a copy of the correspondence provided for in

1 subsection (2) to the secretary of state, who shall make a copy of the correspondence available to any person
2 upon request.

3 ~~(4)~~(5) Before a petition may be circulated for signatures, the final text of the proposed issue and ballot
4 statements must be submitted to the secretary of state. The secretary of state shall reject the proposed issue if
5 the text or a ballot statement contains material not submitted to the legislative services division that is a
6 substantive change not recommended by the legislative services division or during a public hearing held pursuant
7 to subsection (3). If accepted, the secretary of state shall refer a copy of the proposed issue and statements to
8 the attorney general for a determination as to the legal sufficiency of the issue and for approval of the petitioner's
9 ballot statements and for a determination pursuant to 13-27-312 as to whether a fiscal note is necessary.

10 ~~(5)~~(6) (a) The secretary of state shall review the legal sufficiency opinion and ballot statements of the
11 petitioner, as approved by the attorney general and received pursuant to 13-27-312.

12 (b) If the attorney general approves the proposed issue, the secretary of state shall immediately send
13 to the person submitting the proposed issue a sample petition form, including the text of the proposed issue, the
14 statement of purpose and implication, and the yes and no statements, as prepared by the petitioner, reviewed
15 by the legislative services division, and approved by the attorney general and in the form provided by this part.
16 A signature gatherer may circulate the petition only in the form of the sample prepared by the secretary of state.
17 The secretary of state shall immediately provide a copy of the sample petition form to any interested parties who
18 have made a request to be informed of an approved petition.

19 (c) If the attorney general rejects the proposed issue, the secretary of state shall send written notice to
20 the person who submitted the proposed issue of the rejection, including the attorney general's legal sufficiency
21 opinion.

22 (d) If an action is filed challenging the validity of the petition, the secretary of state shall immediately
23 notify the person who submitted the proposed issue."
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25 **Section 5.** Section 75-1-324, MCA, is amended to read:

26 **"75-1-324. Duties of environmental quality council.** The environmental quality council shall:

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

1 and trends;

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

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

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

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

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

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

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

21 (9) review and evaluate operating programs in the environmental field in the several agencies to identify
22 actual or potential conflicts, both among the activities and with a general ecologic perspective, and suggest
23 legislation to remedy the situations; and

24 (10) conduct public hearings to receive comments on proposed initiatives as provided in 13-27-202; and

25 ~~(10)~~(11) perform the administrative rule review, draft legislation review, program evaluation, and
26 monitoring functions of an interim committee for the following executive branch agencies and the entities attached
27 to the agencies for administrative purposes:

28 (a) department of environmental quality;

29 (b) department of fish, wildlife, and parks; and

30 (c) department of natural resources and conservation."

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2 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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