

1 SENATE BILL NO. 358

2 INTRODUCED BY E. WALKER

3

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

8

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

10

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~~ three from the majority party and ~~two~~ one from the minority party; and22 (ii) four members of the senate, ~~two~~ three from the majority party and ~~two~~ one 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 (6) The membership of the interim committees must be provided for by legislative rules. The rules must
26 identify the committees from which members are selected, and the appointing authority shall attempt to select
27 not less than 50% of the members from the standing committees that consider issues within the jurisdiction of
28 the interim committee and at least one member from the joint subcommittee that considers the related agency
29 budgets. In making the appointments, the appointing authority shall take into account term limits of members so
30 that committee members will be available to follow through on committee activities and recommendations in the

1 next legislative session.

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

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

10 **"5-5-234. Appointments -- third-party.** (1) (a) Whenever a legislative appointing authority is required
11 or authorized to appoint more than one legislative member of the majority party to a committee, subcommittee,
12 or other statutorily recognized or authorized entity, the appointing authority may appoint a member of a party other
13 than the majority party.

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

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

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

28 (3) If a vacancy occurs in the membership of a committee, subcommittee, or statutorily recognized or
29 authorized entity because of the resignation or disqualification of a member appointed under the provisions of
30 subsection (1) or (2), the appointing authority authorized or required to make an appointment to fill the vacancy

1 is subject to the provisions of subsections (1) and (2).

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

7 (5) The appointing authority for a legislative administrative or interim committee provided for in Title 5
8 and composed of eight or more members shall appoint members resulting in the majority party having half the
9 members plus one additional member."

10

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

12 **"5-11-101. Appointment and composition of council.** (1) There is a legislative council. Subject to
13 subsection (2), the legislative council consists of:

14 (a) the speaker of the house, the minority leader of the house, and, subject to 5-5-234, four members
15 chosen by the speaker of the house, ~~two~~ three from the majority party and ~~two~~ one from the minority party; and

16 (b) the president of the senate, the minority leader of the senate, and, subject to 5-5-234, four members
17 chosen by the committee on committees, ~~two~~ three from the majority party and ~~two~~ one from the minority party.

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

22

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

24 **"5-12-202. Appointment of members.** (1) The legislative finance committee consists of:

25 (a) four members of the senate finance and claims committee appointed by the presiding officer;

26 (b) subject to 5-5-234, two members of the senate appointed at large by the committee on committees;

27 (c) four members of the house of representatives appropriations committee appointed by the presiding
28 officer; and

29 (d) subject to 5-5-234, two members of the house appointed at large by the speaker.

30 (2) These members must be appointed before the end of each legislative session. ~~Three~~ Four members

1 of each house, ~~two~~ three committee members and one at-large member, must be from the majority party and the
2 other ~~three~~ two members appointed from that house must be from the minority party."

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4 **Section 5.** Section 5-13-202, MCA, is amended to read:

5 **"5-13-202. Appointment and term of members -- officers -- vacancies.** (1) The legislative audit
6 committee consists of six members of the senate and six members of the house of representatives appointed
7 before the end of each regular session in the same manner as standing committees of the respective houses are
8 appointed. Subject to 5-5-234, ~~three~~ of the appointees of each house must be ~~members of~~ appointed
9 proportionally from the majority party and ~~three of the appointees of each house must be members of~~ the minority
10 party.

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

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

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

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21 **Section 6.** Section 5-16-101, MCA, is amended to read:

22 **"5-16-101. Appointment and composition.** The environmental quality council consists of 17 members
23 as follows:

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

26 (2) six members of the senate and six members of the house of representatives appointed before the
27 50th legislative day in the same manner as standing committees of the respective houses are appointed. Subject
28 to 5-5-234, ~~three~~ four of the appointees of each house must be members of the majority party and ~~three~~ two
29 appointees of each house must be members of the minority party.

30 (3) four members of the general public. Two public members must be appointed by the speaker of the

1 house with the consent of the house minority leader, and two must be appointed by the president of the senate
2 with the consent of the senate minority leader."
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4 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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