

SENATE BILL NO. 151

INTRODUCED BY D. BROWN, D. ANKNEY, M. BLASDEL, E. BUTTREY, S. HINEBAUCH, B. KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING INTERIM COMMITTEES; CREATING A LOCAL GOVERNMENT COMMITTEE ~~AND AN EDUCATION COMMITTEE~~ AND ESTABLISHING THE DUTIES OF THE ~~COMMITTEE COMMITTEES; ELIMINATING THE STATE-TRIBAL RELATIONS COMMITTEE AND CREATING THE EDUCATION AND STATE-TRIBAL RELATIONS INTERIM COMMITTEE; PROVIDING FOR MEMBERSHIP OF THE LOCAL GOVERNMENT COMMITTEE; REASSIGNING INTERIM COMMITTEE FUNCTIONS; AMENDING SECTIONS 5-5-202, 5-5-211, AND 5-5-224, MCA; REPEALING SECTION 5-5-229, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."~~

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

NEW SECTION. **Section 1. Local government committee.** There is a local government committee. The committee is treated as an interim committee for the purposes of 5-5-211 through 5-5-214. The local government committee shall:

- (1) act as a liaison with local governments;
- (2) promote and strengthen local government through recognition of the principle that strong communities with effective, democratic governmental institutions are one of the best assurances of a strong Montana;
- (3) bring together representatives of state and local government for consideration of common problems;
- (4) provide a forum for discussing state oversight of local functions, realistic local autonomy, and intergovernmental cooperation;
- (5) identify and promote the most desirable allocation of state and local government functions, responsibilities, and revenue;
- (6) promote concise, consistent, and uniform regulation for local government;
- (7) coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly and less competitive fiscal and administrative relationships between and among state and local governments;
- (8) review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;
- (9) make recommendations to the legislature, executive branch agencies, and local governing bodies

1 concerning:

2 (a) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and
3 uniform guidance and regulations for local government;

4 (b) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between
5 levels of government;

6 (c) methods of coordinating and simplifying competitive practices to achieve more orderly administrative
7 relationships among levels of government; and

8 (d) training programs and technical assistance for local government officers and employees that will
9 promote effectiveness and efficiency in local government;

10 (10) conduct interim studies as assigned pursuant to 5-5-217; and

11 (11) report its activities, findings, recommendations, and any proposed legislation as provided in
12 5-11-210.

13

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

15 **"5-5-202. Interim committees.** (1) During an interim when the legislature is not in session, the
16 committees listed in subsection (2) are the interim committees of the legislature. They are empowered to sit as
17 committees and may act in their respective areas of responsibility. The functions of the legislative council,
18 legislative audit committee, legislative finance committee, environmental quality council, ~~and state-tribal relations~~
19 STATE-TRIBAL RELATIONS COMMITTEE, AND local government committee are provided for in the statutes governing
20 those committees.

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

22 (a) economic affairs committee;

23 (b) education ~~and local government~~ state-tribal relations committee;

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

25 (d) law and justice committee;

26 (e) energy and telecommunications committee;

27 (f) revenue and transportation committee;

28 (g) state administration and veterans' affairs committee; and

29 (h) water policy committee.

30 (3) An interim committee, the local government committee, or the environmental quality council may refer

1 an issue to another committee that the referring committee determines to be more appropriate for the
 2 consideration of the issue. Upon the acceptance of the referred issue, the accepting committee shall consider
 3 the issue as if the issue were originally within its jurisdiction. If the committee that is referred an issue declines
 4 to accept the issue, the original committee retains jurisdiction.

5 (4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject,
 6 the legislative council shall determine the most appropriate committee and assign the subject to that committee.
 7 If there is an entity that is attached to an agency for administrative purposes under the jurisdiction of an interim
 8 committee and another interim committee has a justification to seek jurisdiction and petitions the legislative
 9 council, the legislative council may assign that entity to the interim committee seeking jurisdiction unless
 10 otherwise provided by law."

11

12 **SECTION 3. 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 legislative
 17 session.

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

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

22 (i) four members of the house, two from the majority party and two from the minority party; and

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

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

26 (c) For fiscal years 2018 and 2019, the legislative council may request the appointment to the local
 27 government committee of no fewer than four members and up to eight members, with membership from the
 28 house and senate and majority and minority parties in equal numbers.

29 (6) The membership of the interim committees must be provided for by legislative rules. The rules must
 30 identify the committees from which members are selected, and the appointing authority shall attempt to select

1 not less than 50% of the members from the standing committees that consider issues within the jurisdiction of
 2 the interim committee and at least one member from the joint subcommittee that considers the related agency
 3 budgets. In making the appointments, the appointing authority shall take into account term limits of members so
 4 that committee members will be available to follow through on committee activities and recommendations in the
 5 next legislative session.

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

12

13 **Section 4.** Section 5-5-224, MCA, is amended to read:

14 **"5-5-224. Education and local government ~~state-tribal relations~~ interim committee.** (1) The
 15 education and local government ~~state-tribal relations~~ interim committee shall act as a liaison with local ~~tribal~~
 16 ~~governments and encourage state-tribal and local government-tribal cooperation.~~ The education and local
 17 government ~~state-tribal relations~~ interim committee has administrative rule review, draft legislation review,
 18 program evaluation, and monitoring functions for the following executive branch agencies and the entities
 19 attached to agencies for administrative purposes:

20 (a) state board of education;

21 (b) board of public education;

22 (c) board of regents of higher education; and

23 (d) office of public instruction.

24 (2) The committee shall:

25 (a) provide information to the board of regents in the following areas:

26 (i) annual budget allocations;

27 (ii) annual goal statement development;

28 (iii) long-range planning;

29 (iv) outcome assessment programs; and

30 (v) any other area that the committee considers to have significant educational or fiscal policy impact;

- 1 (b) periodically review the success or failure of the university system in meeting its annual goals and
 2 long-range plans;
- 3 (c) periodically review the results of outcome assessment programs;
- 4 (d) develop mechanisms to ensure strict accountability of the revenue and expenditures of the university
 5 system;
- 6 (e) study and report to the legislature on the advisability of adjustments to the mechanisms used to
 7 determine funding for the university system, including criteria for determining appropriate levels of funding;
- 8 (f) act as a liaison between both the legislative and executive branches and the board of regents; and
- 9 (g) encourage cooperation between the legislative and executive branches and the board of regents;
- 10 ~~(h) promote and strengthen local government through recognition of the principle that strong
 11 communities, with effective, democratic governmental institutions, are one of the best assurances of a strong
 12 Montana;~~
- 13 ~~——(i) bring together representatives of state and local government for consideration of common problems;~~
- 14 ~~——(j) provide a forum for discussing state oversight of local functions, realistic local autonomy, and
 15 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 orderly and
 20 less competitive fiscal and administrative relationships between and among state and local governments;~~
- 21 ~~——(n) review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;~~
- 22 ~~——(o) make recommendations to the legislature, executive branch agencies, and local governing bodies
 23 concerning:~~
- 24 ~~——(i) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and
 25 uniform guidance and regulations for local government;~~
- 26 ~~——(ii) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between
 27 levels of government;~~
- 28 ~~——(iii) methods of coordinating and simplifying competitive practices to achieve more orderly administrative
 29 relationships among levels of government; and~~
- 30 ~~——(iv) training programs and technical assistance for local government officers and employees that will~~

1 promote effectiveness and efficiency in local government; and

2 ~~—— (p) conduct interim studies as assigned."~~

3

4 ~~—— NEW SECTION. Section 4. Repealer. The following section of the Montana Code Annotated is~~
5 ~~repeated:~~

6 ~~5-5-229. State tribal relations committee.~~

7

8 NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a
9 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
10 Chippewa tribe.

11

12 NEW SECTION. Section 6. Codification instruction. [Section 1] is intended to be codified as an
13 integral part of Title 5, chapter 5, part 2, and the provisions of Title 5, chapter 5, part 2, apply to [section 1].

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

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