

SENATE BILL NO. 176

INTRODUCED BY K. REGIER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION OF LEGISLATORS APPOINTED TO LEGISLATIVE INTERIM COMMITTEES AND CERTAIN OTHER STATUTORY COMMITTEES TO REFLECT THE MAJORITY AND MINORITY COMPOSITION OF THE LEGISLATURE; AMENDING SECTIONS 5-5-211, 5-5-234, 5-15-101, AND 5-16-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 5-5-211, MCA, is amended to read:

**"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee

members must be appointed by the committee on committees.

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

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

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

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

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

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

(b) ~~If Subject to subsection (5)(c), if~~ the committee workload requires, the legislative council may request the appointing authority to appoint one or two additional interim committee members from the majority party and the minority party.

1           (c) If additional members are appointed, members must be appointed in a manner that reflects the  
2 majority and minority composition of the legislature.

3           (6) The membership of the interim committees must be provided for by legislative rules. The rules  
4 must identify the committees from which members are selected, and the appointing authority shall attempt to  
5 select not less than 50% of the members from the standing committees that consider issues within the  
6 jurisdiction of the interim committee and at least one member from the joint subcommittee that considers the  
7 related agency budgets. In making the appointments, the appointing authority shall take into account term limits  
8 of members so that committee members will be available to follow through on committee activities and  
9 recommendations in the next legislative session.

10           (7) An interim committee or the environmental quality council may create subcommittees.  
11 Nonlegislative members may serve on a subcommittee. Unless the person is a full-time salaried officer or  
12 employee of the state or a political subdivision of the state, a nonlegislative member appointed to a  
13 subcommittee is entitled to salary and expenses to the same extent as a legislative member. If the appointee is  
14 a full-time salaried officer or employee of the state or of a political subdivision of the state, the appointee is  
15 entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503."  
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17           **Section 2.** Section 5-5-234, MCA, is amended to read:

18           **"5-5-234. Appointments.** (1) (a) Whenever a legislative appointing authority is required or authorized  
19 to appoint more than one legislative member of the majority party to a committee, subcommittee, or other  
20 statutorily recognized or authorized entity, the appointing authority may appoint a member of a party other than  
21 the majority party.

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

26           (2) (a) Whenever an elected state official, as defined in 5-7-102, is required or authorized to  
27 appoint more than one legislative member of the majority party to a statutorily recognized or authorized entity,  
28 the elected state official may, if requested by the senate president for a senate appointee or if requested by the

1 speaker of the house for a house appointee, appoint a member of a party other than the majority party instead  
2 of a member of the majority party.

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

8 (3) If a vacancy occurs in the membership of a committee, subcommittee, or statutorily recognized  
9 or authorized entity because of the resignation or disqualification of a member appointed under the provisions  
10 of subsection (1) or (2), the appointing authority authorized or required to make an appointment to fill the  
11 vacancy is subject to the provisions of subsections (1) and (2).

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

17 (5) The appointing authority for an interim committee provided for in Title 5 and composed of nine  
18 or more members shall appoint members in a manner that reflects the majority and minority composition of the  
19 legislature."

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21 **Section 3.** Section 5-15-101, MCA, is amended to read:

22 **"5-15-101. Legislative consumer committee -- appointment and composition.** (1) There is a  
23 legislative consumer committee consisting of:

24 (a) two three members of the senate, two from the majority party and one from the minority party;

25 and

26 (b) two three members of the house of representatives, two from the majority party and one from  
27 the minority party.

28 (2) Members shall be appointed in the same manner as standing committees of the respective

1 houses before the 60th legislative day of the legislative session following the expiration of the terms of the  
 2 members of the committee. No more than one of the appointees of each house may be members of the same  
 3 political party."

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5 **Section 4.** Section 5-16-101, MCA, is amended to read:

6 **"5-16-101. Appointment and composition.** The environmental quality council consists of 17  
 7 members as follows:

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

10 (2) six members of the senate and six members of the house of representatives appointed before  
 11 the 50th legislative day in the same manner as standing committees of the respective houses are appointed.

12 ~~Subject to 5-5-234, three~~ Four of the appointees of each house must be members of the majority party and  
 13 ~~three~~ two appointees of each house must be members of the minority party.

14 (3) four members of the general public. Two public members must be appointed by the speaker of  
 15 the house with the consent of the house minority leader, and two must be appointed by the president of the  
 16 senate with the consent of the senate minority leader."

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18 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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