

## **Laws governing Legislative Branch Entities**

**Montana Constitution. Article V. Section 10. Organization and procedure.** (1) Each house shall judge the election and qualifications of its members. It may by law vest in the courts the power to try and determine contested elections. Each house shall choose its officers from among its members, keep a journal, and make rules for its proceedings. Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members.

(2) A majority of each house constitutes a quorum. A smaller number may adjourn from day to day and compel attendance of absent members.

(3) The sessions of the legislature and of the committee of the whole, all committee meetings, and all hearings shall be open to the public.

(4) *The legislature may establish a legislative council and other interim committees. The legislature shall establish a legislative post-audit committee which shall supervise post-auditing duties provided by law.*

(5) Neither house shall, without the consent of the other, adjourn or recess for more than three days or to any place other than that in which the two houses are sitting.

### **Code Commissioner (1975) - Title 1, chapter 11, part 2.**

**1-11-201. Code commissioner.** There is within the legislative services division a code commissioner.

**1-11-202. Qualifications of code commissioner.** To be eligible to be code commissioner, a person must be licensed to practice law in Montana for at least 5 years and demonstrate a knowledge of code arranging and recodification procedures.

**1-11-203. Supervision by legislative council.** *The code commissioner is subject to the general supervision and policy of the legislative council.*

**1-11-204. Duties of code commissioner.** (1) Prior to November 1 immediately preceding each regular legislative session, the code commissioner shall prepare and submit to the legislative council a report, in tabular or other form, indicating the commissioner's recommendations for legislation that will:

- (a) eliminate archaic or outdated laws;
- (b) eliminate obsolete or redundant wording of laws;
- (c) eliminate duplications in law and any laws repealed directly or by implication;
- (d) clarify existing laws;
- (e) correct errors and inconsistencies within the laws.

(2) The commissioner shall cause to be prepared for publication with the Montana Code Annotated the following material:

- (a) the statutory history of each code section;

- (b) annotations of state and federal court decisions relating to the subject matter of the code;
  - (c) editorial notes, cross-references, and other matter the commissioner considers desirable or advantageous;
  - (d) the Declaration of Independence;
  - (e) the Constitution of the United States of America and amendments to the constitution;
  - (f) acts of congress relating to the authentication of laws and records;
  - (g) the Organic Act of the Territory of Montana;
  - (h) The Enabling Act;
  - (i) The 1972 Constitution of the State of Montana and any amendments to the constitution;
  - (j) ordinances relating to federal relations and elections;
  - (k) rules of civil, criminal, and appellate procedure and other rules of procedure the Montana supreme court may adopt; and
  - (l) a complete subject index, a popular name index, and comparative disposition tables or cross-reference indexes relating sections of the Montana Code Annotated to prior compilations and session laws.
- (3) (a) After publication of the Montana Code Annotated, the code commissioner shall:
- (i) annotate, arrange, and prepare for publication all laws of a general and permanent nature enacted at each legislative session and assign catchlines and code section numbers to each new section;
  - (ii) continue to codify, index, arrange, rearrange, and generally update the Montana Code Annotated to maintain an orderly and logical arrangement of the laws in order to avoid future need for bulk revision;
  - (iii) prepare and publish a report entitled "Official Report of the Montana Code Commissioner--(year)" that indicates, in tabular or other form, all changes made during the continuous recodification, other than punctuation, spelling, and capitalization, to clearly indicate the character of each change made since the last report.
- (b) In carrying out the duty imposed by subsection (3)(a)(ii), the commissioner shall recodify the Montana Code Annotated on a title-by-title basis. The recodification is intended to be secondary to the completion of other interim duties.
- (4) From time to time, the commissioner shall confer with members of the judiciary and the state bar relative to recodification procedures.

### **Legislative Branch Consolidation (1995) - Title 5, chapter 2, part 5.**

**5-2-501. Declaration of policy and purpose.** *It is the public policy of this state and the purpose of this part:*

*(1) to create a structure of the legislative branch of state government that is efficient and responsive to the needs of the people of this state and is sufficiently flexible to meet changing conditions;*

- (2) *to strengthen the legislative branch capacity to administer its affairs effectively and efficiently on behalf of the people of the state;*
- (3) *to provide means for coordination of branch activities; and*
- (4) *to eliminate unnecessary overlapping and duplication of effort within the legislative branch of state government.*

**5-2-502. Structure of legislative branch.** The legislature established in Article V, section 1, of the Montana constitution and the committees established by law constitute the legislative branch. The functional organization of the legislative branch is governed by the joint rules of the legislature and the laws governing the several components of the branch. *The administrative organization of the legislative branch is consolidated as provided in this part.*

**5-2-503. Consolidation of legislative branch entities for specified purposes.** (1) An entity of the legislative branch that is consolidated as provided in 5-2-504 shall:

- (a) *exercise its substantive functions independently as provided by law;*
  - (b) *adhere to administrative policies, including personnel policies, adopted by the legislative council;*
  - (c) *submit its budget proposals through the legislative council; and*
  - (d) *submit reports required of it as provided in 5-11-210.*
- (2) *The legislative services division shall:*
- (a) *coordinate budgeting, recordkeeping, reporting, and related administrative and clerical functions as a consolidated entity, including acknowledgment of actions by the approving authority of the consolidated entity;*
  - (b) *include within legislative branch budgets the budget proposals for the legislature and the consolidated entities, separately identified;*
  - (c) *provide separate identification for appropriations and expenditures for the legislature and for each of the consolidated entities;*
  - (d) *establish procedures for approval of expenditures by the legislature and by each of the consolidated entities; and*
  - (e) *provide personnel administration for the legislative branch. The senate and the house of representatives or a consolidated entity with statutory hiring authority may hire its own personnel, subject to administrative procedures established by the legislature and legislative council.*
- (3) *The legislative council shall allocate office space occupied by the legislative branch for the use of a consolidated entity as necessary. Space occupied by the senate or the house of representatives may not be reallocated except as provided in 2-17-108. The location of the chambers of the house of representatives and the senate must be determined as provided by 2-17-101.*

**5-2-504. Legislative branch consolidated.** The following legislative branch entities are consolidated, as provided in 5-2-503 and this section:

(1) the senate and the house of representatives provided for in Article V, section 1, of the Montana constitution;

(2) the legislative council established by 5-11-101;

(3) the legislative services division established by 5-11-111;

(4) the legislative finance committee established by 5-12-201;

(5) the legislative fiscal division established by 5-12-301;

(6) the legislative audit committee established by 5-13-201;

(7) the legislative audit division established by 5-13-301; and

(8) the environmental quality council established by 5-16-101.

### **Interim Committees (1999) - Title 5, chapter 5.**

**5-5-214. Interim activity.** The interim committees shall perform their functions when the legislature is not in session. *The personnel, data, and facilities of the legislative services division and other appropriate legislative entities must be made available to the interim committees.*

### **Interns (1974) Title 5, chapter 6, part 1.**

**5-6-107. Assignment of interns.** Each legislative intern is assigned to a legislator by the legislative council.

**5-6-108. Legislative council to establish guidelines.** Each legislative intern is subject to guidelines established by the legislative council.

### **Legislative Council (1957) - Title 5, chapter 11.**

**5-11-105. Powers and duties of council.** (1) *The legislative council shall:*

(a) *employ and, in accordance with the rules for classification and pay established as provided in this section, set the salary of an executive director of the legislative services division, who serves at the pleasure of and is responsible to the legislative council;*

(b) *with the concurrence of the legislative audit committee and the legislative finance committee, adopt rules for classification and pay of legislative branch employees, other than those of the office of consumer counsel;*

(c) *with the concurrence of the legislative audit committee and the legislative finance committee, adopt rules governing personnel management of branch employees, other than those of the office of consumer counsel;*

(d) adopt procedures to administer legislator claims for reimbursements authorized by law for interim activity;

(e) establish time schedules and deadlines for the interim committees of the legislature, including dates for requesting bills and completing interim work;

(f) review proposed legislation for agencies or entities that are not assigned to an interim committee, as provided in 5-5-223 through 5-5-228, or to the environmental quality council, as provided in 75-1-324; and

(g) perform other duties assigned by law.

(2) If a question of statewide importance arises when the legislature is not in session and a legislative interim committee has not been assigned to consider the question, the legislative council shall assign the question to an appropriate interim committee, as provided in 5-5-202, or to the appropriate statutorily created committee.

**5-11-111. Legislative services division.** *There is a legislative services division under the direction of an executive director employed by the legislative council under 5-11-105. The executive director may engage personnel and consultants to fulfill the duties of the legislative services division within the limits of appropriations to the legislative services division. The executive director shall fix the compensation of the employees of the legislative services division in accordance with the rules for classification and pay adopted by the legislative council.*

**5-11-112. Functional organization and responsibilities.** *(1) The legislative council may establish a functional organization within the legislative services division in order to effectively and efficiently carry out all of the responsibilities delegated to the division by law or legislative rule. The responsibilities of the legislative services division include the following:*

*(a) document services:*

- (i) bill drafting and preparation for introduction;
- (ii) engrossing and enrolling;
- (iii) distribution of legislative bills and information;
- (iv) coordination of legislative printing; and
- (v) publication of legislative records;

*(b) research and reference services:*

- (i) general and specialized legislative research; and
- (ii) legislative reference and information;

*(c) legal services:*

- (i) legal review of draft bills;
- (ii) legal counseling on legislative matters;
- (iii) legal support for consolidated entities; and
- (iv) support for the functions of the code commissioner provided in 1-11-201;

*(d) committee services:*

(i) research, legal, and administrative staff support for consolidated committees as assigned, including support for interim committees organized under Title 5, chapter 5, part 2; and

(ii) research and legal support for legislative standing and select committees;

*(e) broadcasting services, in accordance with Title 5, chapter 11, part 11;*

*(f) management and business services:*

- (i) financial records;

- (ii) claims and payrolls;
- (iii) coordination of procurement of printing, supplies, and equipment; and
- (iv) maintenance of property inventories;
- (g) *personnel and administrative services*:
  - (i) rules for classification and pay; and
  - (ii) personnel and administrative policies; and
- (h) *information technology services*:
  - (i) legislative branch network support services;
  - (ii) application support and development;
  - (iii) communications support and coordination; and
  - (iv) information technology planning.

(2) *The responsibilities of the legislative services division must be fulfilled collaboratively with consolidated entities whenever the efficient operation of the legislative branch is served.*

**5-11-120. Legislative branch retirement termination reserve account.** (1) There is a legislative branch retirement termination reserve account in the state special revenue fund. Money may be deposited in the account through an allocation of money to the account or as provided in 17-7-304.

(2) (a) The money in the account is statutorily appropriated, as provided in 17-7-502, to the legislative services division to be used only for staff retirement termination pay in the legislative branch.

(b) The money in the account may be expended only with the approval of the appropriate branch division director for eligible termination pay expenditures for division staff.

(3) The account is limited to an amount to be calculated at the beginning of each biennium based on an analysis by branch division directors of the staff eligible for retirement within the biennium. For the 2009 biennium, the limit is set at \$400,000.

(4) The money in the account must be invested pursuant to Title 17, chapter 6. The income and earnings on the account must be deposited in the account.

**5-11-202. Printing of session laws.** *The legislative services division shall deliver to the appropriate printer, at the earliest practicable day after the final adjournment of each session of the legislature, copies of all laws and resolutions passed or adopted during the session. The session laws must be delivered to the appropriate printer in the form provided for in 5-11-205 and 5-11-206.*

**5-11-205. Publication of laws -- format.** (1) *The legislative services division shall publish all laws and resolutions passed or adopted by each session of the legislature in a publication to be known as the Laws of Montana.*

(2) Laws of each session must be printed in the Laws of Montana in the order that they have been filed in the office of the secretary of state with the chapter number assigned by the secretary of state as the heading. The chapter number must also appear as part of each page

heading. In all laws containing amendments to an existing law, the new parts designated in the act by underlining must be printed in italics in the Laws of Montana and deleted provisions must be shown as stricken. The senate or house bill number may be omitted from each act.

(3) Reference to the laws of a legislative session may be made as follows: "Chapter.... (giving number), Laws of.... (giving the year enacted)".

(4) Resolutions adopted by each session of the legislature must be printed in a separate section of the Laws of Montana with the type of resolution and its number as a heading.

(5) The legislative services division shall also publish in the Laws of Montana the indexes required by 5-11-206.

**5-11-206. Index -- list.** (1) *The legislative services division shall prepare a suitable index of all the laws and resolutions passed or adopted at each session of the legislature. The index must be a thorough index of the laws and resolutions and of each subject contained in or covered by the laws and resolutions, together with a cross-index to assist in readily finding any subject contained in each volume. A separate index must be prepared for appropriation bills passed by each session of the legislature.*

(2) For the purpose of uniformity in indexes, the index of each succeeding publication of the session laws must conform as nearly as practicable with those of the volumes preceding it.

(3) *There must also be prepared for each publication of the session laws a "code sections affected list" showing what sections of the Montana Code Annotated have been amended or repealed by any laws enacted by that session of the legislature.*

**5-11-207. Description of county boundaries included in session laws.** *The legislative services division shall include in the published session laws a description of the county boundaries of any new counties of the state created by petition and election, commencing with counties created after January 1, 1921, by inserting in each set of session laws new counties that have been created since the publication of the laws of the previous session.*

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

(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity required to report to the legislature shall provide, in writing, to the appropriate interim or statutory committee:

(a) the final title of the report;

(b) an abstract or description of the contents of the report, not to exceed 100 words;

(c) a recommendation on how many copies of the report should be provided to the legislature;

(d) the reasons why the number of copies recommended is, in the opinion of the reporting entity, the appropriate number of copies; and

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

(3) After considering all of the information available about the report, including the number of legislators requesting copies of the report pursuant to subsection (7), the appropriate

interim or statutory committee shall, in writing, direct the reporting entity to provide a specific number of copies. The number of copies required is at the sole discretion of the appropriate interim or statutory committee. The appropriate interim or statutory committee may require the reporting entity to mail the copies of the report.

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

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

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

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

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

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

(10) The procedure outlined in this section may also be used for a report required to be made to the legislature under the Multistate Tax Compact contained in 15-1-601, the Vehicle Equipment Safety Compact contained in 61-2-201, the Multistate Highway Transportation Agreement contained in 61-10-1101, or the Western Interstate Nuclear Compact contained in 90-5-201.

(11) *Each report to the legislature required under 17-6-230, 19-2-405, 19-2-407, and 19-20-201 must be provided to the legislative services division as soon as the report is published. The legislative services division shall ensure that legislators are notified pursuant to this section of the report's availability. During the interim, the legislative services division shall ensure that members of the state administration and veterans' affairs interim committee and the legislative finance committee receive copies of the reports.*

**5-11-212. Fees for proceedings.** (1) *A complete set of the proceedings of a regular or special session of the legislature may be purchased from the legislative services division for the amount prescribed by the legislative council. Upon receipt of payment, the executive director of the legislative services division shall supply the purchaser with a complete set of the proceedings.*



(2) A purchaser who requests that a set of the proceedings be mailed shall pay an additional fee as prescribed by the council for each complete set that is mailed.

(3) *Single copies of bills, resolutions, or amendments to bills or resolutions may be purchased from the legislative services division for a price varying with the length of the document as prescribed by the legislative council.*

(4) Single copies of status sheets or status of proceedings may be purchased from the legislative services division for a price per copy as prescribed by the legislative council. A person may subscribe to receive daily copies of the status sheets or status of proceedings by mail for a fee set by the legislative council to cover the costs of the service.

(5) *The executive director of the legislative services division shall account for all funds collected under this section and shall transmit the funds to the treasurer of the state of Montana, who shall credit them to the general fund.*

**5-11-304. Legislative council's role in interstate, international, and intergovernmental cooperation.** *The legislative council shall:*

(1) encourage the state of Montana to develop and maintain mutually constructive contact and relations with interstate, international, and intergovernmental entities;

(2) promote mutually beneficial exchanges of information between the state of Montana and interstate, international, and intergovernmental entities;

(3) endeavor to advance cooperation between the state of Montana and interstate, international, and intergovernmental entities; and

(4) *facilitate participation of the state of Montana as a member of appropriate interstate, international, and intergovernmental entities.*

**5-11-305. Legislative council appointments to interstate, international, and intergovernmental entities.** *(1) Unless otherwise provided by law, the legislative council shall appoint legislators to serve as members of appropriate interstate, international, and intergovernmental entities.*

(2) The president of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house may recommend nominees for the legislative council's consideration in making appointments to interstate, international, and intergovernmental entities.

(3) *If the legislative council appoints more than one legislator to participate as a member in an interstate, international, or intergovernmental entity, the number of legislators appointed from the majority party and the minority party must be equal.*

(4) *If funds are available that the legislative council has the authority to expend, the legislative council, as the appropriate funding authority, may authorize that a legislator appointed as a member to an interstate, international, or intergovernmental entity be compensated, as provided in 5-2-302, for salary and expenses associated with participating in an entity-sponsored activity.*

(5) If a vacancy occurs in membership to an interstate, international, or intergovernmental entity, appointment to fill the vacancy must be made in the same manner as the original appointment.

(6) *The legislative council shall make appointments to any policy committee established by the Pacific Northwest economic region as provided in 5-11-707(2).*

**5-11-401. Purpose.** It is the purpose of this part to establish a mechanism for computer system planning encompassing broad policy needs, long-term direction for computer use, and the effective implementation of a detailed plan for the legislative branch. It is the purpose of the plan to assure coordination of information system decisions so that the overall effectiveness of the senate, the house of representatives, and legislative agencies may be improved. It is the further purpose of the plan to enhance the coordination of legislative branch systems with executive branch systems wherever possible.

**5-11-404. Technical support.** *(1) The executive director of the legislative services division shall provide technical staff support to the legislative branch computer system planning council. In performing this duty, the legislative services division shall assist the planning council by:*

- (a) developing or having developed analyses of existing and alternate systems;
- (b) providing technical solutions and advice related to the standards set by the planning council;
- (c) assisting in assessing benefits and costs of optional solutions;
- (d) apprising the planning council of developments and directions in the industry;
- (e) maintaining a liaison with and informing the planning council of plans and directions within the executive branch;
- (f) assisting in the selection and purchasing of supplies and equipment; and
- (g) providing other assistance as may be requested.

*(2) The executive director shall encourage participation of appropriate personnel of the senate, the house of representatives, and other legislative entities in the provision of technical support.*

**5-11-405. Legislative branch computer system plan -- adoption.** *The legislative branch computer system plan must be approved and adopted by the legislative council.*

**5-11-407. Legislative branch reserve account.** (1) There is a legislative branch reserve account in the state special revenue fund. Money may be deposited in the account through an allocation of money to the account or as provided in 17-7-304.

(2) *(a) The money in the account is statutorily appropriated, as provided in 17-7-502, to the legislative services division to be used only for major legislative branch information technology projects, including the purchase of hardware, software, and consulting services for new initiatives and replacement and upgrading of existing systems.*

*(b) The money in the account may be expended only with the approval of the legislative council. The legislative branch computer system planning council may make recommendations to the legislative council for the use of the money in the account.*

(3) The money in the account must be invested pursuant to Title 17, chapter 6. The income and earnings on the account must be deposited in the account.

**5-11-1102. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Broadcasting" means any application of communication technologies to deliver live or delayed programming to a viewing audience, including but not limited to over-the-air television broadcasts, cable television, and the streaming of compressed audio or video signals over the internet.

*(2) "Division" means the legislative services division provided for in 5-11-111.*

(3) "Gavel-to-gavel coverage" means that any camera that is used to capture and transmit legislative or administrative proceedings is activated when the presiding officer of a floor session or committee calls the meeting to order and is deactivated on adjournment.

(4) "Operator" means a private, nonprofit organization exempt from taxation under section 501(c) of the Internal Revenue Code.

**5-11-1111. State government broadcasting -- structure and governance.** (1) *There is a state government broadcasting service administered by the division. The division shall:*

*(a) develop and issue a request for proposals for the provision of gavel-to-gavel coverage of legislative and administrative proceedings as well as other public affairs programming that is approved by the legislative council;*

*(b) evaluate proposals and, on the basis of selection criteria established by the division, execute a contract for services with the most qualified operator; and*

*(c) cooperate with executive branch and judicial branch officials to facilitate broadcast coverage of state government activities and events that are pertinent to the purpose set forth in 5-11-1101.*

(2) *The legislative council shall assist the division in exercising oversight of the contract with the operator to ensure that broadcasts conform with the following principles of good conduct:*

(a) Programming must be fair, accurate, and balanced without regard to partisanship or ideology.

(b) Programming must be scheduled in a manner that acknowledges the importance of timeliness in the delivery of information.

(c) Issue coverage and the scheduling of broadcasts must reflect a thoughtful balance of subject areas, geographic sensitivities, and attention to the various committees and other deliberative bodies engaged in the legislative process.

(d) Programming must always be intended to increase public understanding of both the substantive issues and the processes by which the legislature and other bodies seek to resolve problems, address challenges, and seize opportunities for the public good.

(e) Programming must reflect the importance of each branch of government.

(f) Production values must be of the highest attainable quality to accurately convey the genuine pace and tenor of governmental activity.

(g) Camera angles, shot selection, graphic subtitling, and other aspects of broadcast style and audiovisual content must be subject to guidance and monitoring by the division to ensure impartiality and respect for the decorum of the legislature and other governmental institutions.

(3) The division is responsible for ensuring that the audio components of the broadcasting service are maintained in good working order.

(4) Operations and maintenance of the cameras, cabling, wiring, electronics, recording equipment, and associated computer technology in the capitol and the adjacent broadcast production facility are the responsibility of the operator that the division selects, as provided in subsection (1)(b). However, the division and the department of administration shall cooperate with the operator to ensure broadcast system reliability.

(5) *The operator and the division shall develop and implement a plan to provide the maximum attainable distribution of broadcasts, and the contract between the operator and the division may require the operator to enter into agreements with one or more Montana public television organizations, telecommunications firms, nonprofit organizations, or state telecommunications networks.*

## **Legislative Finance Committee (1975) - Title 5, chapter 12, part 2.**

### **5-12-205. Powers and duties of committee.** *The committee:*

(1) may organize, adopt rules to govern its proceedings, and meet as often as necessary, upon the call of the presiding officer, to advise and consult with the legislative fiscal analyst;

(2) *may employ and, in accordance with the rules for classification and pay adopted by the legislative council, set the salary of the legislative fiscal analyst. The legislative fiscal analyst shall serve at the pleasure of and be responsible for providing services to the committee.*

(3) may exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title;

(4) shall monitor the information technology policies of the department of administration with specific attention to:

(a) identification of information technology issues likely to require future legislative attention; and

(b) the evaluation of proposed information technology policy changes and the fiscal implications of the proposed changes and shall provide written responses to the department of administration communicating the committee's positions and concerns on proposed policy changes;

(5) may accumulate, compile, analyze, and provide information relevant to existing or proposed legislation on how information technology can be used to impact the welfare of the state;

(6) may prepare legislation to implement any proposed changes involving information technology; and

(7) shall, before each regular and special legislative session involving budgetary matters, prepare recommendations to the house appropriations committee and the senate finance and claims committee on the application of certain budget issues. At a minimum, the recommendations must include procedures for the consistent application during each session of inflation factors, the allocation of fixed costs, and the personal services budget. The committee may also make recommendations on other issues of major concern in the budgeting process, such as estimating the cost of implementing particular programs based upon present law.

**5-12-301. Legislative fiscal division.** *There is a legislative fiscal division. The legislative fiscal analyst shall manage the legislative fiscal division to support the legislative finance committee and carry out the provisions of this chapter.*

**5-12-302. Fiscal analyst's duties.** *The legislative fiscal analyst shall:*

- (1) provide for fiscal analysis of state government and accumulate, compile, analyze, and furnish information bearing upon the financial matters of the state that is relevant to issues of policy and questions of statewide importance, including but not limited to investigation and study of the possibilities of effecting economy and efficiency in state government;
- (2) estimate revenue from existing and proposed taxes;
- (3) analyze the executive budget and budget requests of selected state agencies and institutions, including proposals for the construction of capital improvements;
- (4) make the reports and recommendations that the legislative fiscal analyst considers desirable to the legislature and make reports and recommendations as requested by the legislative finance committee and the legislature;
- (5) assist committees of the legislature and individual legislators in compiling and analyzing financial information; and
- (6) assist the revenue and transportation interim committee in performing its revenue estimating duties.

**5-12-303. Fiscal analysis information from state agencies.** (1) *The legislative fiscal analyst may investigate and examine the costs and revenue of state government activities and may examine and obtain copies of the records, books, and files of any state agency, including confidential records.*

(2) *When confidential records and information are obtained from a state agency, the legislative fiscal analyst and staff must be subject to the same penalties for unauthorized disclosure of the confidential records and information provided for under the laws administered by the state agency. The legislative fiscal analyst shall develop policies to prevent the unauthorized disclosure of confidential records and information obtained from state agencies.*

(3) (a) *The department of revenue shall make Montana individual income tax information available by removing names, addresses, and social security numbers and substituting in their place a state accounting record identifier number. Except for the purposes of complying with federal law, the department may not alter the data in any other way.*

(b) The department of revenue shall provide the name and address of a taxpayer on written request of the legislative fiscal analyst when the values on the requested return, including estimated payments, are considered necessary by the legislative fiscal analyst to properly analyze state revenue and are of a sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the effect of the return or payments on the analysis being performed.

(4) Within 1 day after the legislative finance committee presents its budget analysis to the legislature, the budget director and the legislative fiscal analyst shall exchange expenditure and disbursement recommendations by second-level expenditure detail and by funding sources detailed by accounting entity. This information must be filed in the respective offices and be made available to the legislature and the public. In preparing the budget analysis for the next biennium for submission to the legislature, the legislative fiscal analyst shall use the base budget, the present law base, and new proposals as defined in 17-7-102.

(5) This section does not authorize publication or public disclosure of information if the law prohibits publication or disclosure or if the department of revenue notifies the fiscal analyst that specified records or information may contain confidential information.

**5-12-304. Employees and consultants.** *The legislative fiscal analyst may engage personnel and consultants to fulfill the duties of the division within the limits of appropriations for the division. The legislative fiscal analyst may define the duties of personnel engaged and shall fix the salaries of employees in accordance with the rules for classification and pay adopted by the legislative council.*

### **Legislative Audit Committee (1967) - Title 5, chapter 13.**

**5-13-201. Legislative audit committee.** *There is a legislative audit committee which is a permanent joint committee of the legislature.*

**5-13-301. Legislative audit division.** *There is a legislative audit division. The legislative auditor is responsible to manage the division in order to perform the duties imposed by this chapter.*

**5-13-302. Appointment and qualifications.** (1) *The committee shall appoint the legislative auditor and set the legislative auditor's salary in accordance with the rules for classification and pay adopted by the legislative council.*

(2) The legislative auditor shall hold a degree from an accredited college or university with a major in accounting or an allied field and shall have at least 2 years' experience in the field of governmental accounting and auditing.

**5-13-303. Term and removal.** *The legislative auditor is responsible solely to the legislature. The legislative auditor shall hold office for a term of 2 years beginning with July 1 of*

*each even-numbered year. The committee may remove the legislative auditor for misfeasance, malfeasance, or nonfeasance in office at any time after notice and hearing.*

**5-13-302. Appointment and qualifications.** *(1) The committee shall appoint the legislative auditor and set the legislative auditor's salary in accordance with the rules for classification and pay adopted by the legislative council.*

*(2) The legislative auditor shall hold a degree from an accredited college or university with a major in accounting or an allied field and shall have at least 2 years' experience in the field of governmental accounting and auditing.*

**5-13-304. Powers and duties.** *The legislative auditor shall:*

*(1) conduct a financial and compliance audit of every state agency every 2 years covering the 2-year period since the last audit, unless otherwise required by state law;*

*(2) conduct an audit to meet the standards and accomplish the objectives required in 5-13-308 whenever the legislative auditor determines it necessary and shall advise the members of the legislative audit committee;*

*(3) make a complete written report of each audit. A copy of each report must be furnished to the department of administration, the state agency that was audited, each member of the committee, and the legislative services division.*

*(4) report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information available relative to the violation;*

*(5) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;*

*(6) report immediately to the commissioner of political practices any instances of apparent violations of the state code of ethics provided for in Title 2, chapter 2, part 1;*

*(7) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.*

*(8) have the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency shall obtain the written consent of the grantee to the audit provided for in this subsection.*

**5-13-305. Employees, consultants, and legal counsel -- cure for impairment.** *(1) The legislative auditor may appoint and define the duties of employees and consultants who are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations. The legislative auditor shall set the pay for employees in accordance with the rules for classification and pay adopted by the legislative council. The legislative auditor may employ legal counsel to conduct proceedings under this chapter.*

(2) The legislative auditor shall inform the legislative council and the legislative audit committee in writing of an administrative policy or rule adopted under 5-11-105 that may impair the independence of the division, along with a statement of the reasons for the opinion and suggested changes to cure the impairment. The legislative council shall review the rule in question and adopt a revision that is generally applicable to the legislative branch and that is designed to cure the impairment. While the impairment exists, the legislative audit committee may adopt a specific exemption to the questioned rule that states the alternative rule to be employed under the exemption.

**5-13-306. Legislative auditor to assist legislature during sessions.** *During sessions of the legislature, the legislative auditor and the audit staff, when requested, shall assist the legislature, its committees, and its members by gathering and analyzing information relating to the fiscal affairs of state government.*

**5-13-307. Recommendations of legislative auditor -- implementation costs.** (1) *The reports of the legislative auditor may include comments, recommendations, and suggestions, but the legislative auditor does not have the power to enforce them and may not otherwise influence or direct executive or legislative action.*

(2) Whenever significant costs are associated with the implementation of audit recommendations, the legislative auditor shall, if practicable, note this fact and the estimated amount of the costs in the appropriate audit report.

**5-13-311. Legislative auditor to establish and maintain toll-free number for reporting fraud, waste, and abuse -- procedures.** (1) *The legislative auditor shall establish and maintain a toll-free telephone number for use by Montana residents for the reporting of fraud, waste, and abuse in state government. The legislative auditor shall review all telephone calls received at the toll-free number and shall maintain a record of each call. The legislative auditor shall:*

(a) analyze and verify the information received from each telephone call; or  
(b) refer the information for appropriate action to the agency that is or appears to be the subject of the call.

(2) A state agency that receives information referred to it by the legislative auditor pursuant to this section shall take adequate and appropriate action to investigate and remedy any fraud, waste, or abuse discovered as a result of the referral. The agency shall report in writing to the legislative auditor concerning the results of its investigation and those measures taken to correct any fraud, waste, or abuse discovered as a result of the referral.

(3) Information received at the toll-free number is confidential until the time that the legislative auditor or other appropriate agency determines the validity of the information and takes corrective action. After the legislative auditor or other appropriate agency takes action to verify the fraud, waste, or abuse complained of and takes any corrective action, information concerning the subject of the complaint and the remedy, if any, is public information unless precluded by law.



- (4) The legislative auditor shall, as directed by the legislative audit committee, periodically report to the committee on:
- (a) the use of the toll-free number;
  - (b) the results of the reviews, verifications, and referrals; and
  - (c) any corrective actions taken by the appropriate agencies.
- (5) Information received at the toll-free number concerning a governmental entity other than state government may be referred by the legislative auditor to an appropriate federal, state, or local government agency.
- (6) If the legislative auditor determines that as a result of a review and verification or referral pursuant to this section, a waste of state resources has occurred, the legislative auditor shall report the matter in writing to the legislative fiscal analyst.
- (7) The legislative auditor shall advertise the existence and purpose of the toll-free number in an appropriate manner.

**5-13-411. Legislative auditor to approve contracts for audit services.** No contract for an audit of a state agency may be entered into without the approval of the legislative auditor.

**Environmental Quality Council (1971) Title 5, chapter 16, part 1 and Title 75, chapter 1, part 3.**

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

- (1) the governor or the governor's designated representative is an ex officio member of the council and shall participate in council meetings as a nonvoting member;
- (2) six members of the senate and six members of the house of representatives appointed before the 50th legislative day in the same manner as standing committees of the respective houses are appointed. Subject to 5-5-234, three of the appointees of each house must be members of the majority party and three appointees of each house must be members of the minority party.
- (3) four members of the general public. Two public members must be appointed by the speaker of the house with the consent of the house minority leader, and two must be appointed by the president of the senate with the consent of the senate minority leader.

**75-1-323. Staff for environmental quality council.** *The legislative services division shall provide sufficient and appropriate support to the environmental quality council in order that it may carry out its statutory duties, within the limitations of legislative appropriations. The environmental quality council staff is a principal subdivision within the legislative services division. There is within the legislative services division a legislative environmental analyst. The legislative environmental analyst is the primary staff person for the environmental quality council and shall supervise staff assigned to the environmental quality council. The environmental quality council shall select the legislative environmental analyst with the concurrence of the legislative council.*

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

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

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

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

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

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

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

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

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

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

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

- (a) department of environmental quality;
- (b) department of fish, wildlife, and parks; and
- (c) department of natural resources and conservation.