

**Unofficial Draft Copy**

As of: August 29, 2008 (4:11PM)

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\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act creating a local government committee and establishing the duties of the committee; changing the name of the education and local government interim committee to the education interim committee; reassigning certain interim committee functions; providing an appropriation; providing for transition; amending sections 5-5-202, 5-5-224, 5-11-105, and 20-7-101; and providing an 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 committee 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;

(1) 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 concerning:

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

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

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

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

(10) conduct interim studies as assigned.

**Section 2.** Section 5-5-202

, MCA, is amended to read:

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

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

- (a) economic affairs committee;
- (b) education ~~and local government~~ committee;
- (c) children, families, health, and human services committee;
- (d) law and justice committee;
- (e) energy and telecommunications committee;
- (f) revenue and transportation committee; and

(g) state administration and veterans' affairs committee.

(3) An interim committee, the local government committee,  
the state-tribal relations committee, or the environmental  
quality council may refer an issue to another committee that the  
referring committee determines to be more appropriate for the  
consideration of the issue. Upon the acceptance of the referred  
issue, the accepting committee shall consider the issue as if the  
issue were originally within its jurisdiction. If the committee  
that is referred an issue declines to accept the issue, the  
original committee retains jurisdiction.

(4) If there is a dispute between committees as to which  
committee has proper jurisdiction over a subject, the legislative  
council shall determine the most appropriate committee and assign  
the subject to that committee."

{*Internal References to 5-5-202:*

5-11-105      47-1-105 }

**Section 3.** Section 5-5-224

, MCA, is amended to read:

**"5-5-224. ~~Education and local government interim committee.~~**

(1) ~~The education and local government interim committee shall~~  
~~act as a liaison with local governments.~~ The education and local  
~~government~~ interim committee has administrative rule review,  
draft legislation review, program evaluation, and monitoring  
functions for the following executive branch agencies and the

entities attached to agencies for administrative purposes:

- (a) state board of education;
- (b) board of public education;
- (c) board of regents of higher education; and
- (d) office of public instruction.

(2) The committee shall:

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

- (i) annual budget allocations;
- (ii) annual goal statement development;
- (iii) long-range planning;
- (iv) outcome assessment programs; and
- (v) any other area that the committee considers to have significant educational or fiscal policy impact;

(b) periodically review the success or failure of the university system in meeting its annual goals and long-range plans;

(c) periodically review the results of outcome assessment programs;

(d) develop mechanisms to ensure strict accountability of the revenue and expenditures of the university system;

(e) study and report to the legislature on the advisability of adjustments to the mechanisms used to determine funding for the university system, including criteria for determining appropriate levels of funding;

(f) act as a liaison between both the legislative and

executive branches and the board of regents;

(g) encourage cooperation between the legislative and executive branches and the board of regents;

~~(h) 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;~~

~~(i) bring together representatives of state and local government for consideration of common problems;~~

~~(j) provide a forum for discussing state oversight of local functions, realistic local autonomy, and intergovernmental cooperation;~~

~~(k) identify and promote the most desirable allocation of state and local government functions, responsibilities, and revenue;~~

~~(l) promote concise, consistent, and uniform regulation for local government;~~

~~(m) 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;~~

~~(n) review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;~~

~~(o) make recommendations to the legislature, executive branch agencies, and local governing bodies concerning:~~

~~(i) changes in statutes, rules, ordinances, and resolutions~~

~~that will provide concise, consistent, and uniform guidance and regulations for local government;~~

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

~~(iii) methods of coordinating and simplifying competitive practices to achieve more orderly administrative relationships among levels of government; and~~

~~(iv) training programs and technical assistance for local government officers and employees that will promote effectiveness and efficiency in local government; and~~

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

{ *Internal References to 5-5-224:*

5-11-105\* }

**Section 4.** Section 5-11-105

, MCA, is amended to read:

**"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, the local government committee, as provided in [section 1], the state-tribal relations committee, as provided in 5-5-229, 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."

{Internal References to 5-11-105:

5-11-111      5-13-305 }

**Section 5.** Section 20-7-101

, MCA, is amended to read:

**"20-7-101. Standards of accreditation.** (1) Standards of accreditation for all schools must be adopted by the board of public education upon the recommendations of the superintendent of public instruction.

(2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal to the education ~~and local government~~ interim committee for review. The interim committee shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall provide its analysis to the interim committee and to the office of budget and program planning to be used in the preparation of the executive budget.

(3) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial fiscal impact, the board may not implement the standard until July 1 following the next regular legislative session and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

(4) Standards for the retention of school records must be as provided in 20-1-212."

{ *Internal References to 20-7-101:*

20-2-121      20-3-106 }

NEW SECTION.    **Section 6. Appropriation.** There is appropriated from the general fund to the legislative services division \$37,445 for the biennium ending June 30, 2011, to pay for the costs of the local government committee established in [section 1]

NEW SECTION.    **Section 7. Transition.** For the 2009-2010 legislative interim, the membership of the local government committee created in [section 1] must be appointed by the time of adjournment of the legislative session or within 30 days after [the effective date of this act], whichever is later.

NEW SECTION.    **Section 8. {standard} Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 5, chapter 5, part 2, and the provisions of Title 5, chapter 5, part 2, apply to [section 1].

NEW SECTION.    **Section 9. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties

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that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 10. Contingent voidness.** If neither [this act] nor House Bill No. 2 includes a general fund appropriation of at least \$37,445 for the biennium ending June 30, 2011, to pay for the costs of the local government committee established in [section 1], then [this act] is void.

NEW SECTION. **Section 11. {standard} Effective date.** [This act] is effective on passage and approval.

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