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Law and Justice Interim Committee

61st Montana Legislature

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Legislative Council
P.O. Box 201706
Helena, MT 59620

August 20, 2010

Dear members of the Legislative Council,

It has been brought to the attention of the Law and Justice Interim Committee that current statutory language requires that the State Administration and Veterans' Affairs Interim Committee conduct administrative rule review and agency monitoring functions for the Office of State Public Defender because the office is administratively attached to the Department of Administration. Staff further informed our committee that these statutory duties cannot be referred or delegated.

The Law and Justice Interim Committee believes that it is in the best interest of the legislature that these statutory duties be performed by the Law and Justice Interim Committee because the nature of the work performed within the public defender system is directly relevant to law and justice matters already under the jurisdiction of the Law and Justice Interim Committee.

Thus, we would like to suggest that the Legislative Council consider sponsoring legislation for the 2011 Session that would amend the relevant statutes as follows:

5-5-226. Law and justice interim committee. The law and justice interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for, the office of state public defender, the department of corrections and the department of justice and the entities attached to the departments for administrative purposes. The committee shall act as a liaison with the judiciary.

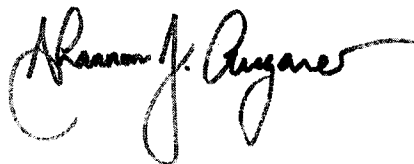
5-5-228. State administration and veterans' affairs interim committee. (1) The state administration and veterans' affairs interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the public employee retirement plans and for the following executive branch agencies and the entities attached to the agencies for administrative purposes, except as provided in 5-5-226:

- (a) department of administration;
 - (b) department of military affairs; and
 - (c) office of the secretary of state.
- (2) The committee shall:
- (a) consider the actuarial and fiscal soundness....

These statutory revisions will allow the Law and Justice Interim Committee to conduct administrative rule review and request the drafting of legislation on behalf of the Office of State Public Defender.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon J. Augare". The signature is fluid and cursive, with a large initial "S" and "A".

Representative Shannon Augare
Presiding Officer
Law and Justice Interim Committee

cc.

Senator Joe Tropila, Presiding Officer, State Administration and Veterans' Affairs Interim Committee (SAVA)

Susan Fox, Executive Director, Legislative Services Division

David Niss, Staff Attorney, SAVA

Rachel Weiss, Research Analyst, SAVA

Randi Hood, Chief, Office of State Public Defender (OSPD)

Harry Freebourn, Administrator, OSPD

Janet Kelly, Director, Dept. of Administration

Sheryl Olson, Deputy Director, Dept. of Administration

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Economic Affairs Interim Committee

61st Montana Legislature

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August 6, 2010

Rep. Dennis Himmelberger and Sen. Carol Williams
Chair and Vice-Chair
Legislative Council

Dear Rep. Himmelberger, Sen. Williams, and Legislative Council Members:

The Economic Affairs Interim Committee has asked that the Legislative Council consider a council bill that would revise the oversight responsibilities for the committee by moving the State Compensation Insurance Fund monitoring duties to the Economic Affairs Committee from the State Administration and Veterans Affairs (SAVA) Committee. SAVA has the monitoring duties because the State Compensation Insurance Fund is under the Department of Administration (DofA), and SAVA monitors DofA. The State Compensation Insurance Fund traditionally has reported to Economic Affairs informally or under a memorandum of understanding with the State Administration and Veterans Affairs Committee. Often, studies on workers' compensation involve both the Department of Labor and Industry and the State Fund, as SJR 30's study on workers' compensation does this interim. The formal authorization would help to guarantee that monitoring and oversight continues even when there are no studies that bring the State Fund into the Economic Affairs Committee sphere. In addition, the statute establishing the board of directors of the State Fund requires appointment of two Economic Affairs Committee members as liaisons to the State Fund Board. So moving oversight makes sense in many ways.

Proposed language is available from HB 80 from the 2007 session, which involved a broader attempt to make changes to the interim committee structure and was tabled in the Appropriations Committee. (See excerpted language on next page.) By simply changing the monitoring structure, there should be no cost to this bill.

The Economic Affairs Committee thanks you for your attention to this housekeeping type of issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Keane".

Senator Jim Keane
Presiding Officer

See the proposed language from HB 80, which among other changes included an effort to assign the State Tax Appeal Board to the Revenue and Transportation Committee instead of retain it with the State Administration and Veterans Affairs Committee. That language was left in this excerpt of HB 80 in section 8 (with only subsection (1) printed). There were no other changes in that section:

Section 3. Section 5-5-223, MCA, is amended to read:

"5-5-223. Economic affairs interim committee. The economic affairs interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and, unless otherwise assigned by law, the entities attached to agencies for administrative purposes:

- (1) department of agriculture;
- (2) department of commerce;
- (3) department of labor and industry;
- (4) department of livestock;
- (5) office of the state auditor and insurance commissioner; **and**
- (6) office of economic development; and
- (7) the state compensation insurance fund created in 39-71-2313, including the board of directors of the state compensation insurance fund established in 2-15-1019."

Section 8. Section 5-5-228, MCA, is amended to read:

"5-5-228. State administration and veterans' affairs interim committee. (1) The state administration and veterans' affairs interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the public employee retirement plans and for the following executive branch agencies and, unless otherwise assigned by law, the entities attached to the agencies for administrative purposes:

- (a) department of administration, except:
 - (i) the state compensation insurance fund created in 39-71-2313, including the board of directors of the state compensation insurance fund established in 2-15-1019; and
 - (ii) the state tax appeal board, established in 2-15-1015;
- (b) department of military affairs; and
- (c) office of the secretary of state.

(The remainder of section 8 was truncated for this letter because no changes were suggested in remaining subsections.)