

## 1 SENATE BILL NO. 122

2 INTRODUCED BY K. REGIER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION OF LEGISLATORS APPOINTED  
 5 TO LEGISLATIVE INTERIM AND STATUTORY COMMITTEES TO REFLECT THE MAJORITY AND  
 6 MINORITY COMPOSITION OF THE LEGISLATURE; AMENDING SECTIONS 2-2-135, 5-5-211, 5-5-234, 5-11-  
 7 101, 5-12-202, 5-13-202, 5-15-101, AND 5-16-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 8 DATE."

9

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

11

12 **Section 1.** Section 2-2-135, MCA, is amended to read:13 **"2-2-135. Ethics committees.** (1) Each house of the legislature shall establish an ethics committee.

14 ~~Subject to 5-5-234, the~~ The committee must consist of ~~two~~ three members of the majority party and ~~two~~  
 15 ~~members~~ one member of the minority party. The committees may meet jointly. Each committee shall educate  
 16 members concerning the provisions of this part concerning legislators and may consider conflicts between  
 17 public duty and private interest as provided in 2-2-112. The joint committee may consider matters affecting the  
 18 entire legislature.

19 (2) Pursuant to Article V, section 10, of the Montana constitution, the legislature is responsible for  
 20 enforcement of the provisions of this part concerning legislators."

21

22 **Section 2.** Section 5-5-211, MCA, is amended to read:

23 **"5-5-211. Appointment and composition of interim committees.** (1) Senate interim committee  
 24 members must be appointed by the committee on committees.

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

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

28 (4) A legislator may not serve on more than two interim committees unless no other legislator is

1 available or is willing to serve.

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

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

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

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

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

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

19 (7) An interim committee or the environmental quality council may create subcommittees.  
20 Nonlegislative members may serve on a subcommittee. Unless the person is a full-time salaried officer or  
21 employee of the state or a political subdivision of the state, a nonlegislative member appointed to a  
22 subcommittee is entitled to salary and expenses to the same extent as a legislative member. If the appointee is  
23 a full-time salaried officer or employee of the state or of a political subdivision of the state, the appointee is  
24 entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503."  
25

26 **Section 3.** Section 5-5-234, MCA, is amended to read:

27 **"5-5-234. Appointments.** (1) (a) Whenever a legislative appointing authority is required or authorized  
28 to appoint more than one legislative member of the majority party to a committee, subcommittee, or other

1 statutorily recognized or authorized entity, the appointing authority may appoint a member of a party other than  
2 the majority party.

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

7 (2) (a) Whenever an elected state official, as defined in 5-7-102, is required or authorized to appoint  
8 more than one legislative member of the majority party to a statutorily recognized or authorized entity, the  
9 elected state official may, if requested by the senate president for a senate appointee or if requested by the  
10 speaker of the house for a house appointee, appoint a member of a party other than the majority party instead  
11 of a member of the majority party.

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

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

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

26 (5) The appointing authority for a legislative administrative or interim committee provided for in Title 5  
27 and composed of nine or more members shall appoint members in a manner that reflects the majority and  
28 minority composition of the legislature."

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2 **Section 4.** Section 5-11-101, MCA, is amended to read:

3 **"5-11-101. Appointment and composition of council.** (1) There is a legislative council. Subject to  
4 subsection (2), the legislative council consists of:

5 (a) the speaker of the house, the minority leader of the house, and, ~~subject to 5-5-234,~~ four members  
6 chosen by the speaker of the house, ~~two~~ three from the majority party and ~~two~~ one from the minority party; and

7 (b) the president of the senate, the minority leader of the senate, and, ~~subject to 5-5-234,~~ four  
8 members chosen by the committee on committees, ~~two~~ three from the majority party and ~~two~~ one from the  
9 minority party.

10 (2) If a legislator is or would be a member of the legislative council by virtue of a legislative leadership  
11 position and the legislator will not serve in the following legislative session because of term limits, the legislator  
12 may designate another member of the same house and the same political party to serve on the legislative  
13 council in the legislator's place."

14

15 **Section 5.** Section 5-12-202, MCA, is amended to read:

16 **"5-12-202. Appointment of members.** (1) The legislative finance committee consists of:

17 (a) four members of the senate finance and claims committee appointed by the presiding officer, three  
18 from the majority party and one from the minority party;

19 (b) ~~subject to 5-5-234,~~ two members of the senate appointed at large by the committee on  
20 committees, one from the majority party and one from the minority party;

21 (c) four members of the house of representatives appropriations committee appointed by the  
22 presiding officer, three from the majority party and one from the minority party; and

23 (d) ~~subject to 5-5-234,~~ two members of the house appointed at large by the speaker, one from the  
24 majority party and one from the minority party.

25 (2) These members must be appointed before the end of each legislative session. ~~Three members of~~  
26 ~~each house, two committee members and one at-large member, must be from the majority party and the other~~  
27 ~~three members appointed from that house must be from the minority party."~~

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1           **Section 6.** Section 5-13-202, MCA, is amended to read:

2           **"5-13-202. Appointment and term of members -- officers -- vacancies.** (1) The legislative audit  
3 committee consists of six members of the senate and six members of the house of representatives appointed  
4 before the end of each regular session in the same manner as standing committees of the respective houses  
5 are appointed. ~~Subject to 5-5-234, three~~ Four of the appointees of each house must be members of the majority  
6 party and ~~three~~ two of the appointees of each house must be members of the minority party.

7           (2) A member of the committee shall serve until the member's term of office as a legislator ends or  
8 until a successor is appointed, whichever occurs first.

9           (3) The committee shall elect one of its members as presiding officer and other officers as it considers  
10 necessary.

11           (4) A vacancy on the committee occurring when the legislature is not in session must be filled by the  
12 selection of a member of the legislature by the remaining members of the committee. If there is a vacancy on  
13 the committee at the beginning of a legislative session because a member's term of office as a legislator has  
14 ended, a member of the same political party must be appointed in the same manner as the original  
15 appointment, no later than the 10th legislative day, to serve until a successor is appointed under subsection  
16 (1)."

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18           **Section 7.** Section 5-15-101, MCA, is amended to read:

19           **"5-15-101. Legislative consumer committee -- appointment and composition.** (1) There is a  
20 legislative consumer committee consisting of two members of the senate and two members of the house of  
21 representatives. Three members must be from the majority party and one from the minority party.

22           (2) Members shall be appointed in the same manner as standing committees of the respective  
23 houses before the 60th legislative day of the legislative session following the expiration of the terms of the  
24 members of the committee. ~~No more than one of the appointees of each house may be members of the same~~  
25 ~~political party.~~"

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27           **Section 8.** Section 5-16-101, MCA, is amended to read:

28           **"5-16-101. Appointment and composition.** The environmental quality council consists of 17

1 members as follows:

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

4 (2) six members of the senate and six members of the house of representatives appointed before the  
5 50th legislative day in the same manner as standing committees of the respective houses are appointed.  
6 ~~Subject to 5-5-234, three~~ Four of the appointees of each house must be members of the majority party and  
7 ~~three~~ two appointees of each house must be members of the minority party.

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

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12 NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval.

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