



Legislative Council

64th Montana Legislature

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SUSAN FOX, Executive Director
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May 15, 2015

To: Legislative Council
 From: Susan B. Fox
 Re: Funding interim committee study bills

By Joint Rule 40-65, appropriations are required for bills requesting interim studies. Following is a table that lists the study bills that passed and the status of the appropriation in the bill:

Bill	Sponsor	Short Title	Committee type	Appropriation status	Notes/ recommend
SB 224	Wolken	Create a commission to study criminal justice system	New Commission	Appropriation line-item vetoed	Needs funding -- see options outlined below
HB 422	Ehli	Improve outcomes for youth in the children's mental health system	Assigned to CFHHS	Appropriation line-item vetoed	CFHHS will absorb within budget, time, and staff resources
SB 418	L. Jones	Authorizing transfers to implement HB 2	Assigned to CFHHS	No appropriation	CFHHS will absorb within budget, time, and staff resources
SB 390	Arntzen	Study fees charged relating to boards	Assigned to EAIC	Has appropriation. Vetoed - Veto override mail poll in progress	If override is successful, EAIC will absorb within budget, time, and staff resources
HB 430	Fitzpatrick	Provide for an interim judicial redistricting commission	New Commission	Has appropriation	Staff resources absorbed with existing staff
HB 627	Brodehl	Task force to study the office of public defender	New Task Force	Has appropriation	Staff resources absorbed with existing staff
SB 128	Hansen	Establish decennial school funding study	New commission	Has appropriation	Staff resources absorbed with existing staff

Limited resources

Although some of the study bills have appropriations within the bill, the staffing is assigned to Legislative Services and will compete with committee and staff time. Statutory interim committee duties and study bills priority over resolutions and the resources available for additional meetings or committee-driven issues may be limited.

Funding options

Senate Bill No. 224 - Although the Governor supports the concept of the study, in his veto letter he states:

As Governor, I may line-item veto the following items in an appropriations bill: (1) a specific appropriation contained in the bill; (2) a condition that limits the use to which an appropriation may be put but only if the appropriation to which it is attached is vetoed as well; and (3) a rider. My line-item veto strikes the \$28,000 appropriation from SB 224, because the Legislature has the resources needed to support the interim study without increased funding. Under HB 2, \$1.3 million is appropriated to support legislative committees and activities during the interim, including studies of the kind required under SB 224.

We have an opportunity to have the CSG Justice Center assist us with this study. If we do not get the grant, there will be limited staff resources for the study. It will still require staff resources and will be staffed by the LJIC staffer.

The bill, fiscal note, and appropriation assumed that the commission on sentencing would consist of 15 members (four legislative members, seven members who are employees of the state or a political subdivision, and four members of the public).

Section 1, subsection 8, provides that members of the commission must be compensated as provided in 2-15-124, MCA. It is assumed that this provision applies to the four commission members who are members of the public. Subsection 8 of Section 1 also provides that legislative members must be compensated as provided in 5-2-302, MCA, and members who are full-time salaried officers or employees of this state or political subdivision are entitled to their regular compensation. All commission members would be entitled to travel expenses as provided in 2-18-501 through 2-18-503, MCA.

The biennial cost for the commission was estimated at \$28,000, to compensate the members and to provide for contract secretarial support and operational expenses. I am most concerned about reimbursing legislators and public members. Members who are full-time salaried officers or employees of this state or political subdivision may be able to be reimbursed for travel expenses by their respective agency or political subdivision.

Options for funding

- Reduce some of the Law and Justice (or other) Interim Committee budget to fund some of the commissions.
- Use emerging issues funds that are under the Council's jurisdiction. This would preclude the use of whatever funds are used now for interim studies from being used at a later date for emerging issues in general or in other committees.
- There will be some carryforward funding from Program 21 from the 2014-15 biennium but the amount will not be known until after fiscal year end. The Council has authorized some of the Program 21 balances to be used for legislator training (PNWER, NCSL, CSG) and the amount of funding that will be carried forward will depend on how much is spent in May through June 2015.

Recommendation

Authorize partial funding until status of CSG Justice Center grant and the work plans of the Commission on Sentencing Practices and the Law and Justice Interim Committee are known. The order of priority should be established and it is recommended that the carryforward funds be used to the extent possible, then emerging issues funds to organize the Commission and determine future work plan. At the next meeting, the Council can re-evaluate the Commission work plan and funding options, including the Law and Justice Interim Committee's budget, for the remainder of the interim.

Future considerations

There were a proliferation of study bills this session. In bill drafting, staff worked with legislators to abide by the joint rule and included an appropriation for the studies. It was not anticipated that the Governor would line-item veto the appropriations. Council may wish to revisit the rule and consider how this session fared with so many additional studies.

I will be proposing that the Council state in Joint Rule 40-65 that a contingent voidness clause must also be placed in the study bill so that if an appropriation is line-item vetoed, then the study bill would be void.