

SENATE BILL NO. 193

INTRODUCED BY M. DUNWELL, T. FRANCE, A. OLSEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LEGAL REVIEW NOTE PROCESS ON UNINTRODUCED LEGISLATION TO REQUIRE ATTACHMENT TO A BILL AND PUBLICATION ON THE LEGISLATURE'S WEBSITE; PROVIDING A DEFINITION; AND AMENDING SECTION 5-11-112, MCA."

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

NEW SECTION. Section 1. Legal review note -- publication -- website. (1) If a legal review note is prepared and a bill is introduced with potential constitutional conformity issues identified in the legal review note, the legislative services division shall attach the legal review note to the introduced bill and post a copy of the legal review note on the legislature's website.

(2) For the purposes of this section, "legal review note" has the same meaning as provided in 5-11-112.

Section 2. Section 5-11-112, MCA, is amended to read:

"5-11-112. Functional organization and responsibilities -- definition. (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:

- 1 (i) general and specialized legislative research; and
- 2 (ii) legislative reference and information;
- 3 (c) legal services:
- 4 (i) legal review of draft bills and legal review note preparation;
- 5 (ii) legal counseling on legislative matters;
- 6 (iii) legal support for consolidated entities; and
- 7 (iv) support for the functions of the code commissioner provided in 1-11-201;
- 8 (d) committee services:
- 9 (i) research, legal, and administrative staff support for consolidated committees as assigned,
- 10 including support for interim committees organized under Title 5, chapter 5, part 2; and
- 11 (ii) research and legal support for legislative standing and select committees;
- 12 (e) broadcasting services, in accordance with Title 5, chapter 11, part 11;
- 13 (f) management and business services:
- 14 (i) financial records;
- 15 (ii) claims and payrolls;
- 16 (iii) coordination of procurement of printing, supplies, and equipment; and
- 17 (iv) maintenance of property inventories;
- 18 (g) personnel and administrative services:
- 19 (i) rules for classification and pay; and
- 20 (ii) personnel and administrative policies; and
- 21 (h) information technology services:
- 22 (i) legislative branch network support services;
- 23 (ii) application support and development;
- 24 (iii) communications support and coordination; and
- 25 (iv) information technology planning.
- 26 (2) The responsibilities of the legislative services division must be fulfilled collaboratively with
- 27 consolidated entities whenever the efficient operation of the legislative branch is served.
- 28 (3) For the purposes of this section, "legal review note" means a short and concise legal analysis

1 that is prepared by an attorney employed within the legislative services division during review of draft legislation
2 and that is issued when:

3 (a) a bill as drafted may directly conflict with the plain language requirements of the Montana
4 constitution, the United States constitution, or federal law; or

5 (b) there is a Montana supreme court case or a binding federal court case that specifically
6 addresses a potential constitutional issue raised by a bill as drafted."

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8 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 5, chapter 4, part 1, and the provisions of Title 5, chapter 4, part 1, apply to [section 1].

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