

HOUSE BILL NO. 376

INTRODUCED BY N. NICOL, S. KLAKKEN, K. LOVE, G. OVERSTREET, C. SCHOMER, E. BUTTREY, A. REGIER, G. OBLANDER, J. ETCHART, L. DEMING, L. BREWSTER, B. MITCHELL, J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS FOR STATE AGENCIES PROVIDING INFORMATION TO LEGISLATORS; ALLOWING LEGISLATORS TO SUBMIT A COMPLAINT TO A COMMITTEE WHEN A STATE AGENCY HAS NOT PRODUCED REQUESTED INFORMATION WITHIN 5 LEGISLATIVE DAYS OF A WRITTEN REQUEST; PROVIDING FOR A HEARING BY A COMMITTEE; PROVIDING FOR THE COMMITTEE TO VOTE TO REDUCE A STATE AGENCY BUDGET BY NO MORE THAN 5%; PROVIDING THAT INFORMATION FROM THE HEARING BE PRESENTED TO CERTAIN ELECTED OFFICIALS; PROVIDING A DEFINITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Legislator request for information from state agency -- complaint process.** (1) A legislator may make informal requests for information from a state agency.

(2) (a) If a legislator makes a written request for information from a state agency during the regular legislative session, the state agency shall respond with the requested information within 5 legislative days of receiving the legislator's written request.

(b) The legislator's written request must be:

(i) provided to the director of the agency on the same day the request is made to that agency's staff; and

(ii) limited to one bill or one specific issue.

(3) A legislator may not make more than one written request as outlined in subsection (2) a week.

(4) A state agency need only respond to 20 formal requests in a week. If a legislator makes a formal request after the agency has responded to 20 formal requests that week, the agency shall notify the legislator that the request will be responded to the following week.

~~(4)~~(5) After the deadline for responding has passed, the legislator may submit a written complaint with

1 the committee that has the general appropriations act in its possession. The complaint must contain the  
2 following information:

- 3 (a) the name of the legislator;
- 4 (b) the state agency from which information was requested;
- 5 (c) a copy of the written request for information;
- 6 (d) a copy of the director's response to the written request, if any; and
- 7 (e) the legislator's proposed reduction to that agency's budget.

8 ~~(5)(6)~~ The committee in possession of the general appropriations act shall schedule a hearing on the  
9 complaint within 3 legislative days of receiving the complaint.

10 (a) Notice of the time and place of the hearing must be provided to the legislator and the director of  
11 the agency within 48 hours of the hearing.

12 (b) The hearing may be postponed by the presiding officer of the committee if either the legislator  
13 or the director of the agency is unavailable to attend in person or cannot attend remotely by electronic means  
14 due to hospitalization or catastrophic event. The hearing must be rescheduled by the presiding officer of the  
15 committee at the earliest date when both the legislator and the director of the agency are available to attend the  
16 hearing.

17 (c) The hearing, discussion of the committee, and vote of the committee must be recorded.

18 ~~(6)(7)~~ After the hearing, the committee may vote to reduce the agency's budget by no more than 5%  
19 for failing to provide the requested information.

20 ~~(7)(8)~~ The recording of the hearing, discussion of the committee, and vote of the committee must be  
21 provided by the committee clerk to the president of the senate, the speaker of the house, and the governor  
22 within 10 days of the committee's vote.

23 ~~(8)(9)~~ The governor shall include the committee's vote in the director's personnel record and may  
24 subject the director to disciplinary measures, including termination.

25 ~~(9)(10)~~ For the purposes of this section:

26 (a) "State agency" means a department, board, quasi-judicial board, commission, committee,  
27 authority, council, division, bureau, section, office or any other entity or instrumentality of the executive branch  
28 of state government, or any unit of state government over which there is legislative oversight, including the

**Amendment - 1st Reading-white - Requested by: Nelly Nicol - (H) State Administration**

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Drafter: Julie Johnson,

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1 state fund.

2 (b) Written communication includes electronic communication.

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

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7 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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