



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,



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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