HOUSE BILL NO. 695

INTRODUCED BY DAVIS, KENNEDY

IN THE HOUSE

FEBRUARY 8, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.

CONSENT CALENDAR, QUESTIONS AND ANSWERS.

INTRODUCED AND REFERRED TO COMMITTEE

FIRST READING.

FEBRUARY 12, 1991

COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

FEBRUARY 13, 1991

FEBRUARY 14, 1991

THIRD READING, PASSED. AYES, 95; NOES, 4.

ENGROSSING REPORT.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1991

ON STATE ADMINISTRATION.

FIRST READING.

MARCH 7, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

MARCH 9, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 11, 1991

THIRD READING, CONCURRED IN. AYES, 43; NOES, 6.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 12, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1241/01

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Facise BILL NO. 695 3 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE 4 SECRETARY OF STATE TO CREATE ADVISORY COUNCILS; AND AMENDING 5 б SECTION 2-15-122. MCA."

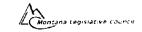
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 2-15-122, MCA, is amended to read:
10 "2-15-122. Creation of advisory councils. (1) (a) A
11 department head or the governor may create advisory
12 councils.

13 (b) An agency or an official of the executive branch of 14 state government other than a department head or the governor, including the superintendents of the state's 15 institutions and the presidents of the units of the state's 16 17 university system, may also create advisory councils but 18 only if federal law or regulation requires that such 19 official or agency create the advisory council as a 20 condition to the receipt of federal funds.

(c) The board of public education, the board of regents
of higher education, the state board of education, the
attorney general, the state auditor, the secretary of state,
and the superintendent of public instruction may create
advisory councils, which shall serve at their pleasure,



without the approval of the governor. They must file a
 record of each council created by them in the office of the
 governor and the office of the secretary of state in
 accordance with subsection (9) of this section.

5 (2) Each advisory council created under this section6 shall be known as the ".... advisory council".

7 (3) The creating authority shall prescribe the 8 composition and advisory functions of each advisory council 9 created; appoint its members, who shall serve at the 10 pleasure of the governor; and specify a date when the 11 existence of each advisory council ends.

12 (4) Advisory councils may be created only for the 13 purpose of acting in an advisory capacity as defined in 14 2-15-102(8).

(5) Unless he is a full-time salaried officer or 15 16 employee of this state or of any political subdivision of this state, each member is entitled to be paid in an amount 17 18 to be determined by the department head, not to exceed \$25 for each day in which he is actually and necessarily engaged 19 in the performance of council duties, and he is also 20 entitled to be reimbursed for travel expenses, as provided 21 22 for in 2-18-501 through 2-18-503, incurred while in the 23 performance of council duties. Members who are full-time salaried officers or employees of this state or of any 2.4political subdivision of this state are not entitled to be 25

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compensated for their service as members but are entitled to
 be reimbursed for travel expenses as provided for in
 2-18-501 through 2-18-503.

4 (6) Unless otherwise specified by the creating 5 authority, at its first meeting in each year each advisory 6 council shall elect a chairman and such other officers as it 7 considers necessary.

(7) Unless otherwise specified by the creating 8 authority, each advisory council shall meet at least 9 10 annually and shall also meet on the call of the creating authority or the governor and may meet at other times on the 11 call of the chairman or a majority of its members. An 12 13 advisory council may not meet outside the city of Helena without the express prior authorization of the creating 14 authority. 15

16 (8) A majority of the membership of an advisory council17 constitutes a quorum to do business.

(9) Except as provided in subsection (1)(c) of this 18 section, an advisory council may not be created or appointed 19 20 by a department head or any other official without the approval of the governor. In order for the creation or 21 approval of the creation of an advisory council to be 22 effective, the governor must file in his office and in the 23 office of the secretary of state a record of the council 24 25 created showing the council's:

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1 (a) name, in accordance with subsection (2) of this 2 section;

3 (b) composition;

(c) names and addresses of the appointed members;

(d) purpose;

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6 (e) term of existence, in accordance with subsection7 (10) of this section.

(10) An advisory council may not be created to remain in 8 existence longer than 2 years after the date of its creation Q. or beyond the period required to receive federal or private 10 funds, whichever occurs later, unless extended by the 11 governor or by the board of public education, the board of 12 regents of higher education, the state board of education, 13 the attorney general, the state auditor, the secretary of 14 state, or the superintendent of public instruction for those 15 advisory councils created in the manner set forth in 16 subsection (1)(c) of this section. If the existence of an 17 advisory council is extended, they shall specify a new date, 18 not more than 2 years later, when the existence of the 19 advisory council ends and file a record of the order in the 20 office of the governor and the office of the secretary of 21 state. The existence of any advisory council may be extended 22 as many times as necessary." 23

-End-

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0695, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Secretary of State to create advisory councils.

ASSUMPTIONS:

1. The current Election Advisory Council would continue at the current budget of \$2500 per year for the 1993 biennium (current advisory council appointed by approval of the Governor).

2. The Secretary of State has no plan to appoint additional advisory councils during the 1993 biennium.

FISCAL IMPACT:

No Fiscal Impact

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

General fund expenditures may increase in the Secretary of State's office if additional advisory councils are formed.

DATE

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

5/14/9/

ERVIN DAVIS, PRIMARY SPONSOR

Fiscal Note for <u>HB0695</u>, as introduced

1 2 INTRODUCED BY Kenned 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE 5 SECRETARY OF STATE TO CREATE ADVISORY COUNCILS; AND AMENDING 6 SECTION 2-15-122, MCA." 7

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(c) The board of public education, the board of regents
of higher education, the state board of education, the
attorney general, the state auditor, the secretary of state,
and the superintendent of public instruction may create
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ntana Legislative Council

1 without the approval of the governor. They must file a 2 record of each council created by them in the office of the 3 governor and the office of the secretary of state in 4 accordance with subsection (9) of this section.

5 (2) Each advisory council created under this section 6 shall be known as the ".... advisory council".

7 (3) The creating authority shall prescribe the 8 composition and advisory functions of each advisory council 9 created; appoint its members, who shall serve at the 10 pleasure of the governor; and specify a date when the 11 existence of each advisory council ends.

12 (4) Advisory councils may be created only for the
13 purpose of acting in an advisory capacity as defined in
14 2-15-102(8).

(5) Unless he is a full-time salaried officer or 15 16 employee of this state or of any political subdivision of this state, each member is entitled to be paid in an amount 17 to be determined by the department head, not to exceed \$25 18 for each day in which he is actually and necessarily engaged 19 in the performance of council duties, and he is also 20 entitled to be reimbursed for travel expenses, as provided 21 22 for in 2-18-501 through 2-18-503, incurred while in the performance of council duties. Members who are full-time 23 salaried officers or employees of this state or of any 24 political subdivision of this state are not entitled to be 25 THIRD READING

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CONSENT CALENDAR

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6 council shall elect a chairman and such other officers as it
7 considers necessary.

8 (7) Unless otherwise specified by the creating authority, each advisory council shall meet at least 9 10 annually and shall also meet on the call of the creating 11 authority or the governor and may meet at other times on the 12 call of the chairman or a majority of its members. An advisory council may not meet outside the city of Helena 13 without the express prior authorization of the creating 14 15 authority.

16 (8) A majority of the membership of an advisory council
17 constitutes a quorum to do business.

(9) Except as provided in subsection (1)(c) of this 18 section, an advisory council may not be created or appointed 19 20 by a department head or any other official without the approval of the governor. In order for the creation or 21 22 approval of the creation of an advisory council to be effective, the governor must file in his office and in the 23 office of the secretary of state a record of the council 24 25 created showing the council's:

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2 section;

3 (b) composition;

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HB 0695/02

HOUSE BILL NO. 695 1 without the approval of the governor. They must file a INTRODUCED BY DAVIS, KENNEDY 2 record of each council created by them in the office of the 3 governor and the office of the secretary of state in accordance with subsection (9) of this section. A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE 4 SECRETARY OF STATE TO CREATE ADVISORY COUNCILS; AND AMENDING 5 (2) Each advisory council created under this section shall be known as the ".... advisory council". SECTION 2-15-122, MCA." 6 7 (3) The creating authority shall prescribe the BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 composition and advisory functions of each advisory council created; appoint its members, who shall serve at the 9 Section 1. Section 2-15-122, MCA, is amended to read: 10 pleasure of the governor; and specify a date when the "2-15-122. Creation of advisory councils. (1) (a) A 11 existence of each advisory council ends. department head or the governor may create advisory 12 (4) Advisory councils may be created only for the councils. 13 purpose of acting in an advisory capacity as defined in (b) An agency or an official of the executive branch of 14 2-15-102(8). state government other than a department head or the 15 (5) Unless he is a full-time salaried officer or governor, including the superintendents of the state's 16 employee of this state or of any political subdivision of institutions and the presidents of the units of the state's this state, each member is entitled to be paid in an amount 17 university system, may also create advisory councils but 18 to be determined by the department head, not to exceed \$25 only if federal law or regulation requires that such 19 for each day in which he is actually and necessarily engaged official or agency create the advisory council as a 20 in the performance of council duties, and he is also condition to the receipt of federal funds. 21 entitled to be reimbursed for travel expenses, as provided (c) The board of public education, the board of regents 22 for in 2-18-501 through 2-18-503, incurred while in the of higher education, the state board of education, the 23 performance of council duties. Members who are full-time attorney general, the state auditor, the secretary of state, 24 salaried officers or employees of this state or of any and the superintendent of public instruction may create 25 political subdivision of this state are not entitled to be advisory councils, which shall serve at their pleasure,

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HB 695 REFERENCE BILL Consent Calendar

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