

HOUSE BILL NO. 695
INTRODUCED BY DAVIS, KENNEDY

IN THE HOUSE

FEBRUARY 8, 1991

INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 12, 1991

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

FEBRUARY 13, 1991

CONSENT CALENDAR, QUESTIONS AND ANSWERS.

ENGROSSING REPORT.

FEBRUARY 14, 1991

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

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1991

INTRODUCED AND REFERRED TO COMMITTEE
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.

1 House BILL NO. 695
 2 INTRODUCED BY George Kennedy

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
 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
 15 governor, including the superintendents of the state's
 16 institutions and the presidents of the units of the state's
 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.
 21 (c) The board of public education, the board of regents
 22 of higher education, the state board of education, the
 23 attorney general, the state auditor, the secretary of state,
 24 and the superintendent of public instruction may create
 25 advisory councils, which shall serve at their pleasure,

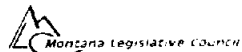
1 without the approval of the governor. They must file a
 2 record of each council created by them in the office of the
 3 governor and the office of the secretary of state in
 4 accordance with subsection (9) of this section.

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).

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



1 compensated for their service as members but are entitled to
2 be reimbursed for travel expenses as provided for in
3 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.

8 (7) Unless otherwise specified by the creating
9 authority, each advisory council shall meet at least
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
13 advisory council may not meet outside the city of Helena
14 without the express prior authorization of the creating
15 authority.

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

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

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

3 (b) composition;

4 (c) names and addresses of the appointed members;

5 (d) purpose;

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

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

-End-

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.


ROD SUNDSTED, BUDGET DIRECTOR 2-13-91 DATE
Office of Budget and Program Planning


ERVIN DAVIS, PRIMARY SPONSOR 2/14/91 DATE

Fiscal Note for HB0695, as introduced

HB 695

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 2 INTRODUCED BY James Kennedy

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 14 state government other than a department head or the
 15 governor, including the superintendents of the state's
 16 institutions and the presidents of the units of the state's
 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.

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

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).

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



1 compensated for their service as members but are entitled to
2 be reimbursed for travel expenses as provided for in
3 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.

8 (7) Unless otherwise specified by the creating
9 authority, each advisory council shall meet at least
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
13 advisory council may not meet outside the city of Helena
14 without the express prior authorization of the creating
15 authority.

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

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19 section, an advisory council may not be created or appointed
20 by a department head or any other official without the
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2 section;
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8 (10) An advisory council may not be created to remain in
9 existence longer than 2 years after the date of its creation
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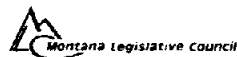
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