

1 H BILL NO. 287  
 2 INTRODUCED BY John Rose, Daniel F. Fagan  
 3 House

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A STATE  
 5 ADVISORY COUNCIL ON INTERGOVERNMENTAL RELATIONS."

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

8 Section 1. Policy and purpose. The legislature finds  
 9 and declares there is a need for an intergovernmental body  
 10 to:

- 11 (1) identify, study, discuss, and recommend solutions
- 12 to intergovernmental problems; and
- 13 (2) facilitate cooperation, coordination, and
- 14 communication among municipal, county, and school district
- 15 governments, state and federal agencies, and the state
- 16 legislative, executive, and judicial branches of government.

17 Section 2. Establishment of council. There is hereby  
 18 established a Montana advisory council on intergovernmental  
 19 relations.

20 Section 3. Members of council. (1) The council shall  
 21 consist of 15 members appointed as follows:

- 22 (a) two county officials, two municipal officials, and
- 23 two school district officials who shall be appointed by the
- 24 governor from lists submitted by their respective state
- 25 associations;

- 1 (b) one state senator appointed by the president of
- 2 the senate and one member of the house of representatives
- 3 appointed by the speaker of the house;

- 4 (c) the director of the department of community
- 5 affairs;

- 6 (d) one representative of the state court system
- 7 appointed by the chief justice of the Montana supreme court;

- 8 (e) one representative of federal agencies appointed
- 9 by the governor; and

- 10 (f) four representatives of the people of Montana who
- 11 shall be appointed by the governor.

12 (2) Members of the council shall be appointed without  
 13 regard to political affiliation.

14 (3) Half of the members initially appointed by the  
 15 governor shall be appointed for 2-year terms. All of the  
 16 remaining initial members and members subsequently appointed  
 17 shall be appointed for 4-year terms.

18 (4) A member appointed to succeed another member whose  
 19 term has not expired shall be appointed for the period of  
 20 the unexpired term and may be subsequently appointed for a  
 21 4-year term. Should any member cease to be an officer or  
 22 employee of the unit or agency he is appointed to represent,  
 23 his membership on the council shall terminate immediately  
 24 and a new member shall be appointed in the same manner as  
 25 his predecessor to fill the unexpired term.

1 (5) The chairman and vice-chairman of the council  
 2 shall be designated by the governor from among the members  
 3 and shall serve in these respective capacities at his  
 4 pleasure. In the event of the absence or disability of both  
 5 the chairman and vice-chairman, the members of the council  
 6 shall elect a temporary chairman by a majority vote of those  
 7 present and voting.

8 Section 4. Purpose and responsibility of the council.

9 (1) The council shall address itself to specific issues,  
 10 problems, and opportunities, the resolution of which would  
 11 produce improved cooperation, coordination, and  
 12 communication among levels of government and more effective  
 13 functioning of all levels of government.

14 (2) The council shall develop practical  
 15 recommendations that can be implemented by agencies  
 16 represented on the council.

17 (3) The council shall:

18 (a) serve as a forum for the identification,  
 19 discussion, and resolution of intergovernmental problems and  
 20 opportunities;

21 (b) engage in such activities and make such studies  
 22 and investigations as are necessary or desirable in the  
 23 accomplishment of the purposes set forth in [section 1 of  
 24 this act];

25 (c) consider, on its own initiative, ways and means of

1 fostering better relations among municipal, county, school  
 2 district, state, and federal government agencies;

3 (d) draft and disseminate proposed ordinances,  
 4 legislative bills, and constitutional amendments necessary  
 5 to implement recommendations of the council;

6 (e) encourage and, where appropriate, coordinate  
 7 studies relating to intergovernmental relations conducted by  
 8 universities, state, local, and federal agencies, and  
 9 research and consulting organizations; and

10 (f) review the recommendations of national councils  
 11 studying federal, state, and local government relationships  
 12 and problems and assess their possible application to  
 13 Montana.

14 Section 5. Council organization and procedure. (1) The  
 15 advisory council shall be attached to the department of  
 16 community affairs for administrative purposes only as  
 17 specified in 82A-108.

18 (2) The council may adopt rules for its own  
 19 organization and procedures.

20 (3) The council shall select from its membership any  
 21 additional officers it considers necessary.

22 (4) Council members shall be reimbursed for actual and  
 23 necessary expenses incurred as council members and shall be  
 24 paid compensation as provided by law for interim standing  
 25 committees of the legislature, except no member who is a

1 full-time paid public officer or employee may be paid  
2 compensation.

3 (5) A majority of the members of the council  
4 constitutes a quorum for the transaction of business, and no  
5 recommendation of the council has any effect unless adopted  
6 by a majority of the whole number of the members of the  
7 council.

8 (6) All meetings of the council shall be open to the  
9 public. The council shall hold public hearings and may use  
10 other suitable means to disseminate information and  
11 stimulate public discussion of its purposes, progress,  
12 conclusions, and recommendations.

13 (7) The chairman shall schedule meetings of the  
14 council as considered necessary. The chairman shall give due  
15 notice of the time and place of the meetings to members of  
16 the council.

17 (8) The council shall maintain a written record of its  
18 proceedings and its finances which shall be open to  
19 inspection by any person at the office of the council during  
20 regular office hours.

21 (9) Upon request, state agencies and units of local  
22 government and school districts shall cooperate with the  
23 council by furnishing assistance and data to the extent  
24 possible.

25 (10) State, municipal, county, and school officers and

1 employees, at the request of the council and with the  
2 consent of the employing agency, may be granted leave with  
3 or without pay from their agency to serve as consultants to  
4 the council. If leave with pay is granted, they shall  
5 receive no other compensation, except mileage and per diem,  
6 from the council.

7 (11) The council may establish advisory committees,  
8 including on these persons who are members of the council.

9 (12) The council is encouraged to obtain necessary  
10 information, research, and staff assistance from public  
11 agencies represented on the council.

12 (13) The council may do any and all things as are  
13 consistent with and reasonably required to perform its  
14 function under this act.

15 Section 6. Reports. The council shall issue reports of  
16 its findings and recommendations from time to time and shall  
17 issue annually a public report on its work. Copies of the  
18 annual report shall be submitted to the governor, presiding  
19 officers of the legislature, each county, municipal, and  
20 school district, and appropriate state departments and  
21 agencies. Reports of the council shall be available to the  
22 public.

23 Section 7. Council finances. (1) The council may  
24 expend appropriated funds.

25 (2) Appropriated funds may be used to match any

1 federal or private funds available for conducting the study  
2 and planning authorized by this act.

3 (3) On behalf of and for the council, the governor  
4 shall make application for any federal funds available for  
5 the study and planning authorized by this act, and he may  
6 enter into any contracts required for receipt of federal  
7 funds with the appropriate federal agency.

8 Section 8. Severability. If a part of this act is  
9 invalid, all valid parts that are severable from the invalid  
10 part remain in effect. If a part of this act is invalid in  
11 one or more of its applications, the part remains in effect  
12 in all valid applications that are severable from the  
13 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 543-77

FISCAL NOTE

Form BD 15

In compliance with a written request received February 18, 19 77, there is hereby submitted a Fiscal Note for HB 287 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 287 establishes a 15 member state advisory council on intergovernmental relations to be administratively attached to the Department of Community Affairs.

The purpose of the council is to identify, study, discuss, and recommend solutions to intergovernmental problems, and to facilitate cooperation, coordination, and communication among municipal, county, and school district governments, state and federal agencies, and the three branches of state government.

ASSUMPTION:

The council would meet 20 times per year.

FISCAL IMPACT:

	FY78	FY79
Personal Services	\$ 4,500	\$ 4,606
Operating Expenses	25,500	25,394
Total additional expenditures under proposed law	<u>\$30,000</u>	<u>\$30,000</u>

*Richard L. Zang*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-21-77

Approved by Comm.  
on Local Government

1 H BILL NO. 287  
2 INTRODUCED BY John R. ... David ... F...  
3 Hunt

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