

HOUSE BILL 148

Introduced by Harper, et al.

1/13	Introduced
1/13	Referred to Local Government
1/14	Fiscal Note Requested
1/19	Hearing
1/20	Fiscal Note Received
1/21	Fiscal Note Printed
2/01	Committee Report--Bill Passed as Amended
2/03	2nd Reading Passed
2/06	3rd Reading Passed

Transmitted to Senate

2/07	Referred to State Administration
3/15	Hearing
	Died in Committee

1 *House* BILL NO. *148*  
 2 INTRODUCED BY *Senator J. Duran*  
 3 *Vincent* *Marko* *Norman*  
 4 A BILL FOR AN ACT ENTITLED "AN ACT CREATING THE MONTANA  
 5 ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS;  
 6 PROVIDING FOR THE APPOINTMENT OF MEMBERS; PROVIDING FOR THE  
 7 PURPOSE, DUTIES, AND ADMINISTRATION OF THE COMMISSION;  
 8 PROVIDING THAT FUNDS RECEIVED BY THE COMMISSION ARE  
 9 STATUTORILY APPROPRIATED TO THE COMMISSION; AND AMENDING  
 10 SECTION 17-7-502, MCA."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1. Appointment and composition of Montana**  
 14 **advisory commission on intergovernmental relations.** There is  
 15 a Montana advisory commission on intergovernmental  
 16 relations. The commission consists of:

- 17 (1) four members of the house of representatives  
 18 appointed by the speaker of the house;  
 19 (2) four members of the senate appointed by the  
 20 committee on committees of the senate;  
 21 (3) four county officials appointed by the board of  
 22 directors of the Montana association of counties;  
 23 (4) four municipal officials appointed by the board of  
 24 directors of the Montana league of cities and towns;  
 25 (5) two private citizens, appointed by the governor,

1 who may not hold any other appointed or elected offices in  
 2 state or local government while serving as appointed members  
 3 of the commission;

4 (6) two members of the executive branch appointed by  
 5 the governor; and

6 (7) the executive directors of the Montana legislative  
 7 council, the Montana league of cities and towns, and the  
 8 Montana association of counties, or their designated  
 9 representatives, who shall serve as nonvoting members of the  
 10 commission.

11 **Section 2. Term.** Membership on the Montana advisory  
 12 commission on intergovernmental relations is for 2 years and  
 13 terminates on December 31 of the year following the year the  
 14 member was appointed. Voting members of the commission may  
 15 be reappointed but may not serve more than four consecutive  
 16 terms on the commission.

17 **Section 3. Vacancies.** A vacancy on the Montana  
 18 advisory commission on intergovernmental relations must be  
 19 filled by the selection of another member by the same method  
 20 as the original appointment.

21 **Section 4. Officers -- rules of procedure -- records.**  
 22 Immediately following appointment, the Montana advisory  
 23 commission on intergovernmental relations shall organize by  
 24 electing one of its members as chairman and by electing such  
 25 other officers from among its membership as the commission

considers desirable. The commission shall adopt rules of procedure, make all arrangements for meetings, and carry out the purpose for which it is created. The commission is directed to keep accurate records of its activities and proceedings.

**Section 5. Purpose and duties of commission.** (1) The purpose of the Montana advisory commission on intergovernmental relations is to facilitate intergovernmental cooperation among federal, state, county, and municipal government agencies and to strengthen the capacities of local government units to deliver essential community services efficiently.

(2) To accomplish its purpose, the commission shall:

(a) serve as a forum for the identification, discussion, and proposed resolution of intergovernmental problems;

(b) engage in such activities and make such investigations as are necessary or desirable in advancing the resolution of intergovernmental problems or in strengthening local government capacities;

(c) encourage and, where appropriate, sponsor research relating to intergovernmental relations and local government issues and conducted by units of the university system, federal, state, and local governmental agencies, and other research and consulting organizations;

(d) review the recommendations of national and state intergovernmental advisory agencies and assess the usefulness and applicability of such recommendations to Montana;

(e) make recommendations concerning the resolution of intergovernmental problems to the appropriate committees of the legislature and to the governing bodies of local government units;

(f) draft and disseminate model legislative bills, local ordinances, resolutions, and intergovernmental agreements necessary to implement the recommendations of the commission; and

(g) supervise the staff of the commission.

**Section 6. Executive director, personnel, and research director.** (1) The Montana advisory commission on intergovernmental relations may employ an executive director and such other staff personnel as it considers necessary to assist in the accomplishment of its purpose. Staff personnel may not be members of the commission.

(2) The primary research arm of the commission is the local government center in Bozeman, whose director also serves as the director of research for the commission.

**Section 7. Reporting.** The Montana advisory commission on intergovernmental relations may issue reports of its findings and recommendations from time to time and shall

1 annually issue a public report on its work, copies of which  
2 must be forwarded to the speaker of the house, the president  
3 of the senate, and the chairmen of the local government  
4 committees of the senate and house of representatives.

5 **Section 8. Finances.** (1) The Montana advisory  
6 commission on intergovernmental relations is authorized to  
7 apply for, contract for, and receive and expend for its  
8 purposes any appropriation or grants from the state of  
9 Montana, local government subdivisions, the federal  
10 government, or any other public or private source. Funds  
11 received pursuant to this subsection are statutorily  
12 appropriated to the commission, as provided in 17-7-502.

13 (2) Local government units are authorized to  
14 appropriate money to the commission to share in the cost of  
15 its operations.

16 **Section 9.** Section 17-7-502, MCA, is amended to read:

17 "17-7-502. Statutory appropriations -- definition --  
18 requisites for validity. (1) A statutory appropriation is an  
19 appropriation made by permanent law that authorizes spending  
20 by a state agency without the need for a biennial  
21 legislative appropriation or budget amendment.

22 (2) Except as provided in subsection (4), to be  
23 effective, a statutory appropriation must comply with both  
24 of the following provisions:

25 (a) The law containing the statutory authority must be

1 listed in subsection (3).

2 (b) The law or portion of the law making a statutory  
3 appropriation must specifically state that a statutory  
4 appropriation is made as provided in this section.

5 (3) The following laws are the only laws containing  
6 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
7 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;  
8 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;  
9 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;  
10 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;  
11 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;  
12 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;  
13 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;  
14 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101;  
15 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136;  
16 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103;  
17 section 13, House Bill No. 861, Laws of 1985; and section 1,  
18 Chapter 454, Laws of 1987, and [section 8].

19 (4) There is a statutory appropriation to pay the  
20 principal, interest, premiums, and costs of issuing, paying,  
21 and securing all bonds, notes, or other obligations, as due,  
22 that have been authorized and issued pursuant to the laws of  
23 Montana. Agencies that have entered into agreements  
24 authorized by the laws of Montana to pay the state  
25 treasurer, for deposit in accordance with 17-2-101 through

LC 0063/01

1 17-2-107, as determined by the state treasurer, an amount  
2 sufficient to pay the principal and interest as due on the  
3 bonds or notes have statutory appropriation authority for  
4 such payments. (In subsection (3): pursuant to sec. 15, Ch.  
5 607, L. 1987, the inclusion of 15-65-121 terminates June 30,  
6 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion  
7 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.  
8 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.  
9 1987, terminates July 1, 1988.)"

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB148, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating the Montana Advisory Commission on Intergovernmental Relations; providing for the appointment of members; providing for the purpose, duties, and administration of the Commission; providing that funds received by the Commission are statutorily appropriated to the Commission; and amending Section 17-7-502, MCA.

ASSUMPTIONS:

This proposal will have no fiscal impact on collections or disbursements of state funds. It is intended by the supporters of this Commission that revenues would be sought from sources external to state government.

FISCAL IMPACT:

None Noted for the State of Montana

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

No other such "Commission" is so established by ~~statue~~ nor is any other non-attached organization existing with a prescribed "Statutory Appropriation".

*statute*

*Ray Shackelford* *1/20/89*  
RAY SHACKLEFORD, BUDGET DIRECTOR      DATE  
OFFICE OF BUDGET AND PROGRAM PLANNING

*Hal Harper*  
HAL HARPER, PRIMARY SPONSOR      DATE

Fiscal Note for HB148, as introduced

**HB 148**

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

## HOUSE BILL NO. 148

INTRODUCED BY HARPER, JACOBSON, PINSONEAULT, CAMPBELL,  
WALLIN, EUDAILY, DARKO, NORMAN, ADDY, SMITH, VINCENT,  
O'KEEFE, GILBERT

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WHICH TWO WILL BE appointed by the speaker of the house AND  
TWO WILL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE;

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appointed by the committee-on-committees PRESIDENT of the  
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(3) four county officials appointed by the board of  
directors of the Montana association of counties;

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state or local government while serving as appointed members  
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Montana advisory commission on intergovernmental relations  
is for 2 years and terminates on December 31 of the year  
following the year the member was appointed. Voting members  
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than ~~four~~ TWO consecutive terms on the commission.

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Montana advisory commission on intergovernmental relations  
must be filled by the selection of another member by the  
same method as the original appointment.

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(2) The primary research arm of the commission is the local-government-center--in--Bozeman--whose--director--also serves--as--the--director--of--research--for--the--commission--MONTANA UNIVERSITY SYSTEM. THE COMMISSION'S RESEARCH DIRECTOR IS THE DIRECTOR OF THE LOCAL GOVERNMENT CENTER IN BOZEMAN, WHOSE DUTIES INCLUDE COORDINATING THE COMMISSION'S RESEARCH AND DISSEMINATING RESEARCH FINDINGS.

NEW SECTION. **Section 7. Reporting.** The Montana advisory commission on intergovernmental relations may issue reports of its findings and recommendations from time to time and shall annually issue a public report on its work, copies of which must be forwarded to the speaker of the house, the president of the senate, and the chairmen of the local government committees of the senate and house of representatives.

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(2) Local government units are authorized to appropriate money to the commission to share in the cost of

its operations.

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(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

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WALLIN, EUDAILY, DARKO, NORMAN, ADDY, SMITH, VINCENT,  
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