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House BILL NO. 499

INTRODUCED BY JOHN HOLLINGER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN OFFICE OF THE STATE COORDINATOR FOR ETHNIC AFFAIRS; DEFINING THE DUTIES AND RESPONSIBILITIES OF THE COORDINATOR FOR ETHNIC AFFAIRS; AND AMENDING SECTION 2-18-103, MCA."

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

NEW SECTION. Section 1. Legislative findings. The legislature finds that:

- (1) people of different cultures in this state are confronted by problems such as unemployment, underemployment, and the lack of economic and educational opportunity;
- (2) the problems facing people of different cultures are perpetuated because there has been no concerted or faithful effort to eliminate the factors contributing to undesirable social and economic conditions for people of different cultures in the state; and
- (3) there is a need to increase the awareness of both the public and private sectors in order to address the current problems and conditions confronting people of different cultures in Montana.

NEW SECTION. Section 2. Purpose. Consistent with the findings stated in [section 1], the legislature declares that it is the purpose of [sections 1 through 7] to assist and enable people of different cultures to take their rightful place in society.

NEW SECTION. Section 3. Definitions. For purposes of [sections 1 through 7], unless the context requires otherwise, the following definitions apply:

- (1) "Coordinator for ethnic affairs" means the person appointed by the governor to serve in the office of the state coordinator for ethnic affairs as provided in [section 5].
- (2) "People of different cultures" means people of Hispanic, black, Asian, or American Indian descent.

NEW SECTION. Section 4. Office of state coordinator for ethnic affairs. There is an office of state

1 coordinator for ethnic affairs within the commission for human rights, as provided for in 2-15-1706.

2
3 **NEW SECTION. Section 5. Appointment of coordinator for ethnic affairs.** (1) The governor shall
4 appoint the coordinator for ethnic affairs from a list of qualified people of different cultures that must
5 include the names of persons submitted by organizations representing people of different cultures in the
6 state.

7 (2) The governor shall set the salary of the coordinator for ethnic affairs.

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9 **NEW SECTION. Section 6. Term -- vacancy in office.** (1) The coordinator for ethnic affairs shall
10 serve a term of 4 years and may be reappointed by the governor.

11 (2) A vacancy in the office must be filled in the same manner as the original appointment.

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13 **NEW SECTION. Section 7. Duties and responsibilities.** The coordinator for ethnic affairs shall:

14 (1) become acquainted with the problems confronting people of different cultures in Montana;

15 (2) focus attention on the problems of people of different cultures in the state in order to foster
16 better understanding and concern for the problems of people of different cultures;

17 (3) inform the governor and the legislature of the problems of people of different cultures and
18 recommend ways to address these problems;

19 (4) serve as a representative for people of different cultures in all matters of state government of
20 special concern to people of different cultures in the state; and

21 (5) carry out any other responsibilities consistent with the purpose of [sections 1 through 7].

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23 **Section 8.** Section 2-18-103, MCA, is amended to read:

24 "2-18-103. Officers and employees excepted. (1) Parts 1 and 2 do not apply to the following
25 positions in state government:

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27 (b) county assessors and their chief deputy;

28 (c) employees of the office of consumer counsel;

29 (d) judges and employees of the judicial branch;

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- 1 state officials;
- 2 (f) officers or members of the militia;
- 3 (g) agency heads appointed by the governor;
- 4 (h) academic and professional administrative personnel with individual contracts under the authority
- 5 of the board of regents of higher education;
- 6 (i) academic and professional administrative personnel and live-in houseparents who have entered
- 7 into individual contracts with the state school for the deaf and blind under the authority of the state board
- 8 of public education;
- 9 (j) teachers under the authority of the department of corrections or the department of public health
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- 16 technology development;
- 17 (o) executive director and employees of the state compensation insurance fund;
- 18 (p) state racing stewards employed by the executive secretary of the Montana board of
- 19 horseracing;
- 20 (q) executive director of the Montana wheat and barley committee;
- 21 (r) commissioner of banking and financial institutions; ~~and~~
- 22 (s) training coordinator for county attorneys; and
- 23 (t) state coordinator for ethnic affairs.
- 24 (2) Employees of an entity of the legislative branch, other than the office of consumer counsel, are
- 25 exempt from the application of 2-18-1011 through 2-18-1013. With respect to entities of the legislative
- 26 branch, other than the office of consumer counsel:
- 27 (a) as used in parts 1 through 3 of this chapter, references to the "department of administration"
- 28 or "department" apply to the legislative council established by 5-11-101, which may delegate administrative
- 29 duties to the legislative services division established by 5-11-111;
- 30 (b) as used in 2-18-102, the term "governor" applies to the legislature; and

1 (c) as used in 2-18-204, the term "budget director" applies to the "approving authority" as defined
2 in 17-7-102."

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4 NEW SECTION. **Section 9. Codification instruction.** [Sections 1 through 7] are intended to be
5 codified as an integral part of Title 90, and the provisions of Title 90 apply to [sections 1 through 7].

6

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0499, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a state coordinator of ethnic affairs, appointed by the Governor, attached to the Human Rights Commission.

ASSUMPTIONS:


1. The appointment would be effective October 1, 1997.
2. The governor would set a salary for the position approximately equal to a grade 17, entry level.
3. The coordinator would receive administrative support from existing Human Rights Commission staff.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	0.75	1.00
Personal Services	30,541	40,722
Operating Expenses	11,625	12,512
Equipment	<u>3,000</u>	<u>0</u>
Total	45,166	53,234
<u>Funding:</u>		
General Fund (01)	45,166	53,234
<u>Net Impact:</u>		
General Fund (01)	(45,166)	(53,234)

TECHNICAL NOTES:

It may be inconsistent with 2-15-121, MCA, to have an entity administratively attached to the Human Rights Commission, which is itself administratively attached to the Department of Labor and Industry. Section 2-15-121, MCA, implements Article VI, Section 7 of the Montana Constitution and provides for administrative attachment to a department.

 2-13-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JOHN BOHLINGER, PRIMARY SPONSOR DATE
Fiscal Note for HB0499, as introduced

HB499

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7 DATE."

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

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11 NEW SECTION. Section 1. Legislative findings. The legislature finds that:

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14 (2) the problems facing people of different cultures are perpetuated because there has been no
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17 (3) there is a need to increase the awareness of both the public and private sectors in order to
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22 cultures to take their rightful place in society.

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26 (1) "Coordinator for ethnic affairs" means the person appointed by the governor to serve in the
27 office of the state coordinator for ethnic affairs as provided in [section 5].

28 (2) "People of different cultures" means people of ~~Hispanic, black, Asian, or American Indian~~
29 ~~descent~~ ANY ETHNIC MINORITY.

1 **NEW SECTION. Section 4. Office of state coordinator for ethnic affairs.** (1) There is an office of
2 state coordinator for ethnic affairs within the commission for human rights, as provided for in 2-15-1706.

3 **(2) FUNDING FOR THE OFFICE AND FOR THE COORDINATOR FOR ETHNIC AFFAIRS MUST BE**
4 **PROVIDED FROM THE BUDGET OF THE COMMISSION FOR HUMAN RIGHTS.**

5 **(3) THE OFFICE OF THE COORDINATOR FOR ETHNIC AFFAIRS MUST BE LOCATED WITHIN THE**
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7 **BASED ON THE LATEST U.S. CENSUS.**

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10 appoint the coordinator for ethnic affairs from a list of qualified people of different cultures that must
11 include the names of persons submitted by organizations representing people of different cultures in the
12 state.

13 (2) The governor shall set the salary of the coordinator for ethnic affairs.

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15 **NEW SECTION. Section 6. Term -- vacancy in office.** (1) The coordinator for ethnic affairs shall
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17 (2) A vacancy in the office must be filled in the same manner as the original appointment.

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19 **NEW SECTION. Section 7. Duties and responsibilities.** The coordinator for ethnic affairs shall:

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21 (2) focus attention on the problems of people of different cultures in the state in order to foster
22 better understanding and concern for the problems of people of different cultures;

23 (3) inform the governor and the legislature of the problems of people of different cultures and
24 recommend ways to address these problems;

25 (4) serve as a representative for people of different cultures in all matters of state government of
26 special concern to people of different cultures in the state; and

27 (5) carry out any other responsibilities consistent with the purpose of [sections 1 through 7].

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- 4 (c) employees of the office of consumer counsel;
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- 6 (e) members of boards and commissions appointed by the governor, the legislature, or other elected
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- 8 (f) officers or members of the militia;
- 9 (g) agency heads appointed by the governor;
- 10 (h) academic and professional administrative personnel with individual contracts under the authority
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- 13 into individual contracts with the state school for the deaf and blind under the authority of the state board
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- 24 (p) state racing stewards employed by the executive secretary of the Montana board of
- 25 horseracing;
- 26 (q) executive director of the Montana wheat and barley committee;
- 27 (r) commissioner of banking and financial institutions; ~~and~~
- 28 (s) training coordinator for county attorneys; and
- 29 (t) state coordinator for ethnic affairs.
- 30 (2) Employees of an entity of the legislative branch, other than the office of consumer counsel, are

1 exempt from the application of 2-18-1011 through 2-18-1013. With respect to entities of the legislative
2 branch, other than the office of consumer counsel:

3 (a) as used in parts 1 through 3 of this chapter, references to the "department of administration"
4 or "department" apply to the legislative council established by 5-11-101, which may delegate administrative
5 duties to the legislative services division established by 5-11-111;

6 (b) as used in 2-18-102, the term "governor" applies to the legislature; and

7 (c) as used in 2-18-204, the term "budget director" applies to the "approving authority" as defined
8 in 17-7-102."

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10 NEW SECTION. Section 9. Codification instruction. [Sections 1 through 7] are intended to be
11 codified as an integral part of Title 90, and the provisions of Title 90 apply to [sections 1 through 7].

12

13 NEW SECTION. SECTION 10. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
14 APPROVAL.

15

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0499, second reading

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing an Office of the State Coordinator for Ethnic Affairs; defining the duties and responsibilities of the coordinator for ethnic affairs.

ASSUMPTIONS:

1. Although there is an immediate effective date, no expenditures would occur until July 1, 1997 (fiscal 1998).
2. The Governor would set the salary for the position which is assumed to be approximately an entry level grade 17.
3. The coordinator would not receive administrative support from existing Human Rights Commission staff in Helena because of the requirement that the coordinator's office be located in Billings.
4. Operating expenses associated with an office located in Billings would increase anticipated annual expenses of \$12,512 by approximately \$5,000.

FISCAL IMPACT:

	<u>FY98</u> <u>Difference</u>	<u>FY99</u> <u>Difference</u>
<u>Expenditures:</u>		
FTE	1.00	1.00
Personal Services	40,722	40,722
Operating Expenses	17,512	17,512
Equipment	3,000	0
Total	<u>61,234</u>	<u>58,234</u>
<u>Funding:</u>		
General Fund (01)	61,234	58,234
<u>Net Impact:</u>		
General Fund (01)	(61,234)	(58,234)

TECHNICAL NOTES:

1. It may be inconsistent with 2-15-121, MCA, to have an entity administratively attached to the Human Rights Commission, which is itself administratively attached to the Department of Labor and Industry. 2-15-121 implements Article VI, Section 7 of the Montana Constitution and provides for administrative attachment to a department.
2. Subsection (2) of Section 4 of the bill suggests that funding for this activity should come from the existing budget of the Human Rights Commission. If the Commission is required to fund this activity it would require that resources be redirected from case processing activity. This would reduce the number of cases the Commission is able to complete on an annual basis, thereby increasing backlog.

Dave Lewis 3.4.97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

JOHN BOHLINGER, PRIMARY SPONSOR DATE
 Fiscal Note for HB499, second reading

HB 499-#2

1 HOUSE BILL NO. 499
2 INTRODUCED BY BOHLINGER

3
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