

HOUSE BILL NO. 145

INTRODUCED BY D. MCALPIN

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ALLOWANCE FOR LEGISLATORS WHILE NOT IN SESSION; AMENDING SECTIONS 2-15-1820, 2-17-803, 2-17-1105, 5-1-104, 5-2-203, 5-2-302, 5-3-101, 75-1-302, 75-6-212, AND 90-1-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-1820, MCA, is amended to read:

"2-15-1820. Economic development advisory council. (1) There is an economic development advisory council.

(2) The council is composed of up to 19 members appointed as follows:

(a) 15 members appointed by the governor to include:

(i) the director of the department of commerce;

(ii) the chief business development officer provided for in 2-15-219, who serves as presiding officer of the council;

(iii) one member from a Montana tribal government who represents a tribal economic development organization; and

(iv) up to 12 public members representing each geographic region covered by each of the regional development corporations certified by the department pursuant to 90-1-116; and

(b) (i) two representatives, including one from each party, appointed by the speaker of the house; and

(ii) two senators, including one from each party, appointed by the committee on committees.

~~(3) The governor is encouraged to appoint to the initial council two individuals who were members of the microbusiness advisory council immediately prior to its being abolished.~~

~~(4)~~(3) (a) Except as provided in subsection ~~(4)~~(3)~~(b)~~ (3)~~(b)~~, members of the council shall serve staggered 3-year terms subject to replacement at the discretion of the governor. The governor shall designate five of the initial members to serve 1-year terms and five of the initial members to serve 2-year terms.

(b) Legislative members must be appointed on or before the 10th day of each regular session of the



1 legislature and shall serve until the convening of the next regular session of the legislature. If a vacancy on the
 2 council occurs during a legislative interim, that vacancy must be filled in the same manner as the original
 3 appointment.

4 ~~(5)~~(4) Members of the council, other than legislative members, are not entitled to compensation for their
 5 services except for reimbursement of expenses as provided in 2-18-501 through 2-18-503. Legislative members
 6 of the council are entitled to compensation pursuant to 5-2-302(1), which must be paid by the department of
 7 commerce.

8 ~~(6)~~(5) The council shall:

9 (a) advise the department concerning the distribution of funds to certified regional development
 10 corporations for business development purposes in accordance with 90-1-116 and this section;

11 (b) advise the department regarding the creation, operation, and maintenance of the microbusiness
 12 finance program and the policies and operations affecting the certified microbusiness development corporations;

13 (c) advise the governor and the department on significant matters concerning economic development
 14 in Montana;

15 (d) prescribe allowable administrative expenses for which economic development funds may be used
 16 by certified regional development corporations; and

17 (e) encourage certified regional development corporations to promote economic development on Indian
 18 reservations in their regions.

19 ~~(7)~~(6) The council is allocated to the department of commerce for administrative purposes only as
 20 provided in 2-15-121."

21

22 **Section 2.** Section 2-17-803, MCA, is amended to read:

23 **"2-17-803. Capitol complex advisory council established -- membership -- staff services --**
 24 **compensation.** (1) There is a capitol complex advisory council.

25 (2) The council consists of nine members as follows:

26 (a) two members of the house of representatives appointed by the speaker on a bipartisan basis;

27 (b) two members of the senate appointed by the committee on committees on a bipartisan basis;

28 (c) a public representative appointed by the governor; and

29 (d) the director or the director's designee of each of the following agencies:

30 (i) the Montana historical society established in 22-3-101;

- 1 (ii) the Montana arts council established in 2-15-1513;
- 2 (iii) the department of administration established in 2-15-1001; and
- 3 (iv) the department of fish, wildlife, and parks established in 2-15-3401.
- 4 (3) The council shall select a presiding officer, who may call meetings to conduct council business. The
- 5 department of administration shall provide staff services to the council.
- 6 (4) (a) The council member appointed under subsection (2)(c) is entitled to compensation not to exceed
- 7 the daily allowance provided for in 5-2-301(3) for compensation of legislators for each day in which the member
- 8 is actually and necessarily engaged in performing council duties and to travel expense reimbursement as
- 9 provided in 2-18-501 through 2-18-503.
- 10 (b) A council member designated under subsection (2)(d) is not entitled to compensation for services
- 11 as a member of the council.
- 12 (c) A council member appointed under subsection (2)(a) or (2)(b) is entitled to compensation and
- 13 expenses as provided in 5-2-302(1)."

14

15 **Section 3.** Section 2-17-1105, MCA, is amended to read:

16 **"2-17-1105. Electronic government advisory council.** (1) There is an electronic government advisory

17 council. The council consists of the following members:

- 18 (a) the director of the department, who serves as presiding officer;
- 19 (b) the secretary of state or the secretary of state's designee;
- 20 (c) the attorney general or the attorney general's designee;
- 21 (d) the director of the department of commerce or the director's designee;
- 22 (e) the director of the department of revenue or the director's designee;
- 23 (f) the state librarian or the state librarian's designee;
- 24 (g) a member of the house of representatives, appointed by the speaker of the house;
- 25 (h) a member of the senate, appointed by the president of the senate;
- 26 (i) an elected local government official, appointed by the governor;
- 27 (j) two representatives from state agencies that are not represented on the council, appointed by the
- 28 governor;
- 29 (k) two members of the public, appointed by the governor; and
- 30 (l) the administrator of the information services division of the department.

- 1 (2) The advisory council shall:
- 2 (a) advise the department with regard to the creation, management, and administration of electronic
- 3 government services and information on the internet;
- 4 (b) advise the department with regard to the administration of any electronic government services
- 5 contract;
- 6 (c) advise the department on the priority of government services to be provided electronically;
- 7 (d) advise the department on convenience fees, if needed, for any electronic government service;
- 8 (e) review and advise the department on financial reports, management reports, or other data as
- 9 requested by the department;
- 10 (f) prepare reports upon the request of the governor or the legislature regarding the growth, performance,
- 11 and use of electronic government services and other measurements that the advisory council considers
- 12 necessary to implement and enhance the functioning of electronic government services;
- 13 (g) assist in identifying, evaluating, and prioritizing potential departmental and interagency electronic
- 14 government services;
- 15 (h) serve as a central coordination point for electronic government services provided by the department
- 16 or other state agencies; and
- 17 (i) study, propose, develop, or coordinate any other activity in furtherance of electronic government
- 18 services as requested by the governor or the legislature.
- 19 (3) Each member of the advisory council shall serve a 2-year term and may be reappointed.
- 20 (4) Vacancies on the advisory council must be filled in the same manner as the original appointment,
- 21 and the person appointed to fill the vacancy is appointed for the remainder of the unexpired term.
- 22 (5) Members of the advisory council who are not state employees are reimbursed and compensated as
- 23 provided in 2-15-124. Members who are state employees are not entitled to compensation but are entitled to be
- 24 reimbursed for expenses as provided in Title 2, chapter 18, part 5. Legislative members of the advisory council
- 25 are reimbursed and compensated as provided in 5-2-302(1). The department shall provide support to and pay
- 26 the expenses of the advisory council."

27

28 **Section 4.** Section 5-1-104, MCA, is amended to read:

29 **"5-1-104. Compensation and expenses.** Commissioners are entitled to the same compensation and

30 expenses as provided to members of the legislature in 5-2-302(1) while attending commission meetings or

1 carrying out the official duties of the commission."
2

3 **Section 5.** Section 5-2-203, MCA, is amended to read:

4 **"5-2-203. Compensation and expenses -- definition.** (1) Members of the legislature attending the
5 pre-session caucus, provided for in 5-2-201, and legislative orientation and training are entitled to receive
6 compensation and expenses as provided in 5-2-302(1). The legislative services division shall place the members
7 on the payroll roster, provided for in 2-18-404, in order to pay the compensation and expenses.

8 (2) While engaged in pre-session business, members nominated to serve as officers of the legislature
9 and members of the committees named in 5-2-202 are entitled to receive compensation and expenses as
10 provided in 5-2-302(1).

11 (3) As used in this section:

12 (a) "holdover senator" means a senator who was not required to seek election at the general election
13 held immediately prior to the pre-session caucus; and

14 (b) "member" means a holdover senator, senator-elect, or representative-elect who is eligible to serve
15 in the ensuing legislative session."
16

17 **Section 6.** Section 5-2-302, MCA, is amended to read:

18 **"5-2-302. Compensation and expenses when legislature not in session -- allowance.** (1) When
19 the legislature is not in session, a member of the legislature, while engaged in legislative business with prior
20 authorization of the appropriate funding authority, is entitled to:

21 ~~(1)(a)~~ a mileage allowance as provided in 2-18-503;

22 ~~(2)(b)~~ expenses as provided in 2-18-501 and 2-18-502; and

23 ~~(3)(c)~~ a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period of
24 time (from midnight to midnight), or portion of a 24-hour period, spent away from home on authorized legislative
25 business. However, if time spent for business other than authorized legislative business results in lengthening
26 a legislator's stay away from home into an additional 24-hour period, the legislator may not be compensated for
27 the additional day.

28 (2) Legislators are entitled to an allowance of ~~\$200~~ \$100 for each month that the legislature is not in
29 regular or special session for costs related to serving constituents."
30

1 **Section 7.** Section 5-3-101, MCA, is amended to read:

2 **"5-3-101. Convening of special session -- limiting subjects -- committee meetings --**
3 **compensation.** (1) The legislature may be convened in special session by the governor or at the written request
4 of a majority of the members. Subject to 5-5-227, the governor or the legislature may limit the special session to
5 the subjects specified in the call.

6 (2) (a) A standing committee of the legislature may meet prior to a special session for the purpose of
7 holding hearings and taking action on preintroduced legislation that has been referred to that committee.

8 (b) Public notice of a hearing to be held by a standing committee prior to a special session must be given
9 at least 7 days before the hearing.

10 (3) Members of the legislature engaged in presession business for a special session are entitled to
11 receive compensation and expenses as provided in 5-2-302(1). Members of the legislature are entitled to receive
12 compensation and expenses, as provided in 5-2-301, for the day prior to the convening of a special session."
13

14 **Section 8.** Section 75-1-302, MCA, is amended to read:

15 **"75-1-302. Meetings.** The council may determine the time and place of its meetings but shall meet at
16 least once each quarter. Each member of the council is entitled to receive compensation and expenses as
17 provided in 5-2-302(1). Members who are full-time salaried officers or employees of this state may not be
18 compensated for their service as members but shall be reimbursed for their expenses."
19

20 **Section 9.** Section 75-6-212, MCA, is amended to read:

21 **"75-6-212. Use of revolving fund.** (1) Money in the revolving fund may be used to:

22 (a) make loans to community water systems and nonprofit noncommunity water systems as provided
23 in this part;

24 (b) buy or refinance the debt obligation of a municipality at an interest rate that does not exceed market
25 rates, provided that the obligations were incurred and construction of the project began after July 1, 1993;

26 (c) guarantee or purchase insurance in order to enhance credit or reduce interest rates for obligations
27 of municipalities that are issued to finance eligible projects;

28 (d) leverage the total amount of revolving funds available by providing a source of revenue or security
29 for the payment of principal and interest on revenue or general obligation bonds issued by the state, the net
30 proceeds of which are deposited in the revolving fund;

1 (e) pay reasonable administrative costs of the program, not to exceed 4% of the annual capitalization
2 grant or the maximum amount allowed under the federal act;

3 (f) if matched by an equal amount of state funds, pay the department's costs in an amount not to exceed
4 10% of the annual capitalization grant for the following:

5 (i) public water system supervision programs;

6 (ii) administering or providing technical assistance through source water protection programs;

7 (iii) developing and implementing a capacity development strategy under section 300g-9 of the federal
8 act, ~~(42 U.S.C. 300g-9)~~; and

9 (iv) administering an operator certification program in order to meet the requirements of section 300g-8
10 of the federal act, ~~(42 U.S.C. 300g-8)~~;

11 (g) pay the costs in an amount not to exceed 2% of the annual capitalization grant for the purpose of
12 providing technical assistance to public water systems serving 10,000 or fewer persons. No less than 1.5% of
13 the annual capitalization grant must be contracted by the department to private organizations or individuals for
14 the purposes of this subsection.

15 (h) reimburse the expenses, as provided for in 2-18-501 through 2-18-503 and 5-2-302(1), of the
16 advisory committee established pursuant to 75-6-231 while on official committee business.

17 (2) Except as provided in subsection (3), money in the fund may not be used for:

18 (a) expenditures related to monitoring, operation, and maintenance;

19 (b) the acquisition of real property or any interest in real property, unless the acquisition is integral to a
20 project authorized under this part and the purchase is from a willing seller;

21 (c) providing assistance to a public water system that:

22 (i) does not have the financial, managerial, and technical capability to ensure compliance with the
23 requirements of the federal act; or

24 (ii) is in significant noncompliance with any requirement of a national primary drinking water regulation
25 or variance; or

26 (d) any other activity prohibited from funding under the federal act.

27 (3) (a) A public water system described in subsection (2)(c) may receive assistance under this part if:

28 (i) the use of the assistance will ensure compliance; and

29 (ii) for a system that the department has determined does not have the financial, managerial, or technical
30 capability to ensure compliance with the federal act, the owner or operator of the system agrees to undertake

1 feasible and appropriate changes in operations, including ownership, management, accounting, rates,
2 maintenance, consolidation, alternative water supply, or other procedures, as determined necessary by the
3 department to ensure compliance.

4 (b) Prior to providing assistance to a public water system that is in significant noncompliance with any
5 requirement of a national primary drinking water regulation or variance pursuant to the federal act, the department
6 shall determine whether the provisions of subsection (2)(c)(i) apply to the system."

7

8 **Section 10.** Section 90-1-405, MCA, is amended to read:

9 **"90-1-405. Land information advisory council -- appointments -- terms -- vacancies --**

10 **compensation.** (1) There is a land information advisory council.

11 (2) The council is composed of the following members:

12 (a) the director of the department or the director's designee who shall:

13 (i) serve as the presiding officer of the council; or

14 (ii) appoint the presiding officer from among the other members of the council;

15 (b) the state librarian or the state librarian's designee;

16 (c) to be appointed by the governor:

17 (i) the directors of four other departments established in Title 2, chapter 15. A director may designate
18 a person to act in the director's absence.

19 (ii) three persons who represent county or municipal government, at least one of whom is active in land
20 information systems;

21 (iii) two persons who are employed by the U.S. department of agriculture;

22 (iv) two persons who are employed by the U.S. department of the interior;

23 (v) two persons who are active in land information systems and represent public utilities or private
24 businesses;

25 (vi) one person who represents Indian tribal interests;

26 (vii) one person who represents the Montana university system;

27 (viii) two persons who are members of a Montana association of GIS professionals; and

28 (ix) one person who represents the interests of a Montana association of registered land surveyors;

29 (d) one member of the Montana state senate, appointed by the committee on committees, who must be
30 appointed prior to the appointment of the member described in subsection (2)(e); and

1 (e) one member of the Montana house of representatives, appointed by the speaker of the house of
2 representatives, who may not be a member of the same political party as the member of the senate appointed
3 under subsection (2)(d).

4 (3) Each council member is appointed for a 2-year term that begins on July 1 of the odd-numbered year
5 and ends on June 30 of the succeeding odd-numbered year. A member may be reappointed to the council.

6 (4) A vacancy on the council must be filled in the same manner as the original appointment, and the
7 person appointed to fill the vacancy shall serve for the remainder of the unexpired term.

8 (5) (a) A member of the council who is not a legislator or an employee of the state or a political
9 subdivision of the state is eligible to be reimbursed and compensated, as provided in 2-15-124.

10 (b) A member of the council who is not a legislator but is an employee of the state or a political
11 subdivision of the state is not entitled to compensation but is entitled to be reimbursed for expenses, as provided
12 in 2-18-501 through 2-18-503.

13 (c) A legislator who is a member of the council is eligible to be compensated and reimbursed, as
14 provided in 5-2-302(1)."

15

16 NEW SECTION. SECTION 11. CONTINGENT VOIDNESS. IF MONEY IS NOT APPROPRIATED IN A LINE ITEM IN
17 HOUSE BILL NO. 2 FOR THE PURPOSES OF [THIS ACT], THEN [THIS ACT] IS VOID.

18

19 NEW SECTION. Section 12. Effective date. [This act] is effective July 1, 2009.

20

- END -