

SENATE BILL NO. 62
INTRODUCED BY J. COBB

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DAILY PAY RATE FOR ADVISORY COUNCIL MEMBERS; AMENDING SECTION 2-15-122, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-122, MCA, is amended to read:

"2-15-122. Creation of advisory councils. (1) (a) A department head or the governor may create advisory councils.

(b) An agency or an official of the executive branch of state government other than a department head or the governor, including the superintendents of the state's institutions and the presidents of the units of the state's university system, may also create advisory councils but only if federal law or regulation requires that ~~such~~ the official or agency create the advisory council as a condition to the receipt of federal funds.

(c) The board of public education, the board of regents of higher education, the state board of education, the attorney general, the state auditor, the secretary of state, and the superintendent of public instruction may create advisory councils, which shall serve at their pleasure, without the approval of the governor. ~~They must~~ The creating authority shall file a record of each council created by ~~them~~ it in the office of the governor and the office of the secretary of state in accordance with subsection (9) ~~of this section.~~

(2) Each advisory council created under this section ~~shall~~ must be known as the "... advisory council".

(3) The creating authority shall:

(a) prescribe the composition and advisory functions of each advisory council created;

(b) appoint its members, who shall serve at the pleasure of the ~~governor~~ creating authority; and

(c) specify a date when the existence of each advisory council ends.

(4) Advisory councils may be created only for the purpose of acting in an advisory capacity, as defined in 2-15-102.

(5) (a) Unless ~~he~~ an advisory council member is a full-time salaried officer or employee of this state or of any political subdivision of this state, ~~each~~ the member is entitled to be paid in an amount to be determined by the department head, not to exceed ~~\$25~~ \$50 for each day in which ~~he~~ the member is actually and necessarily engaged in the performance of council duties; and ~~he is also entitled~~

provided for in 2-18-501 through 2-18-503, incurred while in the performance of council duties. The maximum daily pay rate must be adjusted for inflation annually using the formula provided in 15-6-134(2)(b)(ii) and (2)(b)(iii), except that the base income level and appropriate dollar amount must be \$50 a day.

(b) Members who are full-time salaried officers or employees of this state or of any political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503.

(6) Unless otherwise specified by the creating authority, at its first meeting in each year, each advisory council shall elect a ~~chairman~~ presiding officer and ~~such~~ other officers ~~as that~~ it considers necessary.

(7) Unless otherwise specified by the creating authority, each advisory council shall meet at least annually and shall also meet on the call of the creating authority or the governor and may meet at other times on the call of the ~~chairman~~ presiding officer or a majority of its members. An advisory council may not meet outside the city of Helena without the express prior authorization of the creating authority.

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

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

- (a) the council's name, in accordance with subsection (2) ~~of this section~~;
- (b) the council's composition;
- (c) the names and addresses of the appointed members;
- (d) the council's purpose; and
- (e) the council's term of existence, in accordance with subsection (10) ~~of this section~~.

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

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2007.

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