

1 HOUSE BILL NO. 316

2 INTRODUCED BY T. BROCKMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ADVISORY
5 COUNCILS; ALLOWING ADVISORY COUNCILS TO MEET STATEWIDE AND BY REMOTE MEANS; AND
6 AMENDING SECTION 2-15-122, MCA."

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

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

11 "2-15-122. Creation of advisory councils. (1) (a) A department head or the governor may create
12 advisory councils.

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

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

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

23 (3) The creating authority shall:

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

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

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

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

1 (5) (a) Unless an advisory council member is a full-time salaried officer or employee of this state or
 2 of any political subdivision of this state, the member is entitled to be paid in an amount to be determined by the
 3 department head, not to exceed \$50 for each day in which the member is actually and necessarily engaged in
 4 the performance of council duties and to be reimbursed for travel expenses, as provided for in 2-18-501 through
 5 2-18-503, incurred while in the performance of council duties. The maximum daily pay rate must be adjusted for
 6 inflation annually by multiplying the base income of \$50 by the ratio of the PCE for the second quarter of the
 7 previous year to the PCE for the second quarter of 1995 and rounding the product to the nearest whole dollar
 8 amount.

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

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

14 (7) Unless otherwise specified by the creating authority, an advisory council shall meet at least
 15 annually and shall also meet on the call of the creating authority or the governor and may meet at other times
 16 on the call of the presiding officer or a majority of its members. An advisory council may ~~not meet outside the~~
 17 ~~city of Helena without the express prior authorization of the creating authority~~ meet anywhere within the state of
 18 Montana or by remote means.

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

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

- 24 (a) the council's name, in accordance with subsection (2);
- 25 (b) the council's composition;
- 26 (c) the appointed members, including names and addresses;
- 27 (d) the council's purpose; and
- 28 (e) the council's term of existence, in accordance with subsection (10).

