



Montana Legislative Services Division
Office of Research and Policy Analysis
David D. Bohyer, Director

January 29, 2016

TO: Members of the Task Force on State Public Defender Operations
FROM: Dave Bohyer, LSD Research Director
RE: Montana advisory commissions

The Task Force at its December 10, 2015 meeting requested staff to report on "other advisory commissions" in Montana. The request was made in the context of members' discussion about the Public Defender Commission. Please accept this memorandum in response to the request.

Montana law allows for the creation of advisory commissions -- "advisory councils" is the term used in the MCA -- and establishes a single advisory commission.

The single "advisory commission" is created in section 53-10-203, MCA. It is the Commission on Provider Rates and Services and is established within the Department of Public Health and Human Services. The Commission is required to conduct an ongoing review of human services providers' services, costs, and reimbursement rates. Subsequently, the Commission is required to advise and make recommendations to the Department on the various provider rates and services. Unlike the PD Commission, the Provider Rate Commission's duties and responsibilities are purely advisory.

The "advisory councils" allowed by law are described in section 2-15-122, MCA. Again unlike the PD Commission, the law limits the authority of advisory councils to advising and recommending only.

More in keeping with the context of the discussion during which the Task Force requested information about advisory commissions, I have attached to this memorandum a copy of the report, "Composition and Structure of Montana's Quasi-Judicial Boards", prepared last interim for the Law and Justice Interim Committee. The report describes the structures and compositions of over 20 boards, councils, and such that are structured similarly to the PD Commission and have duties and authority that, in many respects, parallel the type of duties and authority of the PD Commission. Because of the discussion context and the similarities between the PD Commission and the entities described in the report, I believe the report provides information that comports with the Task Force's request. I will gladly provide additional information if the Task Force is interested in other Montana entities or any of the entities described in the report or if the Task Force's interests lie somewhere else altogether.

Respectfully submitted.

Montana Public Defender Commission

Name	Statute	General Membership		Specific Membership Requirements			
		Members	General or Specific Educational/ Professional Requirements for Members?	Attorney	Public Member(s)	Race/ Ethnic or Regional Diversity	Other Requirements?
Public Defender Commission	2-15-1928	11	Mix of general and specific	Yes (5)	Yes	No	<ul style="list-style-type: none"> • one attorney experienced in the defense of felonies who has served a minimum of 1 year as a full-time public defender; • one attorney experienced in the defense of juvenile delinquency and abuse and neglect cases involving the federal Indian Child Welfare Act; • one attorney who represents criminal defense lawyers • one person who is a member of an organization that advocates on behalf of indigent persons; • one person who is a member of an organization that advocates on behalf of a racial minority population in Montana; • one person who is a member of an organization that advocates on behalf of people with mental illness and developmental disabilities; • one person who is employed by an organization that provides addictive behavior counseling.