



Background Brief

*for the
State Administration and Veterans' Affairs
Interim Committee*

June 2012

HB 142 - Review of Statutory Advisory Council's and Reports

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Overview

Adopted by the 2011 Legislature, House Bill No. 142 added the following duty to the statutory duties of each interim committee.

"...(d) review statutorily established advisory councils and required reports of assigned agencies to make recommendations to the next legislature on retention or elimination of any advisory council or required reports pursuant to 5-11-210;...."

Assigned agencies

The State Administration and Veterans' Affairs Interim Committee SAVA is assigned by statute to monitor the following agencies and administratively attached agencies:

- Department of Administration
- Secretary of State
- Commissioner of Political Practices
- Department of Military Affairs
- Board of Veteran's Affairs
- Teachers' Retirement Board
- Public Employees' Retirement Board

Decision point

The question before SAVA in reviewing each of the advisory councils, boards, or commissions, and the statutorily-required reports to the legislature is whether to recommend a committee bill to clean up the governing statutory language or eliminate the advisory body or reports. This report provides a brief overview of each advisory council, board, or commission under assigned agencies and provides staff recommendations.

Organization of materials

Table 1 - Statutory advisory councils, boards, or commissions

Table 2 - Statutorily-required reports

Staff research and analysis

2011 MCA Sections

Table 1 - Statutory Advisory Councils, Boards, or Commissions

	Statute	Members	Purpose	Comments
Department of Administration				
1- State Employee Group Benefits Advisory Council				Reviewed on 10/20/11
2 - Capitol Complex Advisory Council				Reviewed on 1/27/12
3 - Electronic Government Advisory Council				Reviewed on 4/19/12
4 - Information Technology Board	2-15-1021 2-17-513	19 members appointed by various authorities	Advisory to the Department of Administration and a forum for executive, judicial, and legislative branch agencies and local governments when the department is setting IT standards and policies.	
5 - 911 Advisory Council				Reviewed on 1/27/12
6 - Land Information Advisory Council				
Office of Secretary of State				
None				
Office of Commissioner of Political Practices				
None				
Department of Military Affairs				
None				
Board of Veteran's Affairs				
None				
Teachers' Retirement Board				
None				
Public Employees' Retirement Board				
7 - Employee Investment Advisory Council				Reviewed on 4/19/12

Table 2 - Statutorily-Required Reports to the Legislature

	Statute	Summary	Comments
Department of Administration			
A - Capitol Complex Advisory Council Report			Reviewed on 1/27/12
B - Electronic Government Advisory Council Report			Reviewed on 4/19/12
C - Employee Incentive Program Report	2-18-1103(3)	The department shall..."(3) prepare and submit, in the manner provided in 5-11-210, a list of awards granted under 2-18-1106 and the corresponding savings to the state and improvements in the effectiveness of state government".	
D - Information Technology Report	2-17-512(1)(x) and 2-17-515	2-17-512: The department shall "(x) shall report to the appropriate interim committee on a regular basis and to the legislature as provided in 5-11-210 on the information technology activities of the department; 2-17-515: Regarding exceptions to the state's information technology policies...."The department shall inform the board, the office of budget and program planning, and the legislative finance committee of all exceptions that are granted and of the rationale for granting the exceptions. The department shall maintain written documentation that identifies the terms and conditions of the exception and the rationale for the exception."	
E - Montana Land Information Report			
Department of Military Affairs			
None			

	Statute	Summary	Comments
Board of Veteran's Affairs			
F - Biennial Report	10-2-102(1)(i)	The board shall... "(i) prepare a biennial report to the governor, the department of military affairs, the appropriate legislative interim committee, and veterans' service organizations. The report must include but is not limited to the latest information about the demographics of Montana's veteran population, a needs assessment, annual summaries of the veterans' special revenue accounts established in 10-2-112 and 10-2-603, and a review of the veterans' affairs budget."	
Teachers' Retirement Board			
G - Annual report			Reviewed on 1/27/12
H- Actuarial valuation of TRS			Reviewed on 10/20/11
Public Employees' Retirement Board			
I- Annual report			Reviewed on 4/19/12
J - Actuarial valuation of each system administered by MPERA			Reviewed on 10/20/11

Staff Research & Analysis

4 - INFORMATION TECHNOLOGY BOARD

- Statutory authority: Section 2-15-1012, MCA
- Initial enactment: Section 47, Ch. 313, L. 2001
- Membership: The board consists of 19 appointed members representing executive, judicial, and legislative branch agencies, local government, the university system, and K-12. Appointments must be made without regard to political affiliation and must be made solely for the wise management of the information technology resources used by the state. A vacancy occurring on the board must be filled by the appointing authority in the same manner as the original appointment.
- Duties: The board's duties are spelled out in detail in section 2-17-513, MCA. The ITSD website summarizes the board's duties as follows: "The board will provide a forum to guide state agencies, the legislative branch, the judicial branch, and local governments in the development and deployment of intergovernmental information technology resources. The board will also advise the Department of Administration on statewide information technology standards and policies, the state strategic information technology plan, major information technology budget requests, and rates and other charges for services established by the department."
- Meetings: The number of meetings required is not specified in statute. The board has been meeting regularly every two months. Meeting agendas and minutes are posted on the ITSD website.
- Biennial cost: Members who are not salaried public employees receive compensation of \$50 a day (the rate set for quasi-judicial boards) and reimbursement for travel expenses. (Staff has requested more information biennial costs, which will be provided to the committee as soon as it becomes available.)

Latest activities: Last met on April 5, 2012. Agenda items included an update from the eGovernment Advisory Council, a legislative fiscal update, and updates concerning the Northern Tier and a Data Center, and an update from information technology managers. There were no action items on the agenda other than approval of the February minutes. The next meeting will be June 7, 2012.

Analysis: (Due to time constraints, staff analysis will be provided at a later SAVA meeting.)

2011 MCA Sections

DEPARTMENT OF ADMINISTRATION

Information Technology Board and Reports

2-15-1021. Information technology board -- membership -- qualifications -- vacancies -- compensation. (1) There is an information technology board. The board consists of 19 members who are appointed as follows:

(a) the director of the department of administration, who serves as presiding officer of the board;

(b) the chief information officer provided for in 2-17-511;

(c) the director of the office of budget and program planning;

(d) six members who are directors of state agencies and who are appointed by the governor;

(e) two members representing local government, appointed by the governor;

(f) one member representing the public service commission, appointed by the public service commission;

(g) one member representing the private sector, appointed by the governor;

(h) one member of the house of representatives, appointed by the speaker of the house of representatives;

(i) one member of the senate, appointed by the president of the senate;

(j) one member representing the legislative branch, appointed by the legislative branch computer system planning council;

(k) one member representing the judicial branch, appointed by the chief justice of the supreme court;

(l) one member representing the university system, appointed by the board of regents; and

(m) one member representing K-12 education, appointed by the superintendent of public instruction.

(2) Appointments must be made without regard to political affiliation and must be made solely for the wise management of the information technology resources used by the state.

(3) A vacancy occurring on the board must be filled by the appointing authority in the same manner as the original appointment.

(4) The board shall function in an advisory capacity as defined in 2-15-102.

(5) Members of the board must be reimbursed and compensated in the same manner as members of quasi-judicial boards under 2-15-124(7), except that legislative members are reimbursed and compensated as provided in 5-2-302.

2-17-512. Powers and duties of department. (1) The department is responsible for carrying out the planning and program responsibilities for information technology for state government, except the national guard. The department:

- (a) shall encourage and foster the development of new and innovative information technology within state government;
- (b) shall promote, coordinate, and approve the development and sharing of shared information technology application software, management systems, and information that provide similar functions for multiple state agencies;
- (c) shall cooperate with the office of economic development to promote economic development initiatives based on information technology;
- (d) shall establish and enforce a state strategic information technology plan as provided for in 2-17-521;
- (e) shall establish and enforce statewide information technology policies and standards;
- (f) shall review and approve state agency information technology plans provided for in 2-17-523;
- (g) shall coordinate with the office of budget and program planning to evaluate budget requests that include information technology resources. The department shall make recommendations to the office of budget and program planning for the approval or disapproval of information technology budget requests, including an estimate of the useful life of the asset proposed for purchase and whether the amount should be expensed or capitalized, based on state accounting policy established by the department. An unfavorable recommendation must be based on a determination that the request is not provided for in the approved agency information technology plan provided for in 2-17-523.
- (h) shall staff the information technology board provided for in 2-15-1021;
- (i) shall fund the administrative costs of the information technology board provided for in 2-15-1021;
- (j) shall review the use of information technology resources for all state agencies;
- (k) shall review and approve state agency specifications and procurement methods for the acquisition of information technology resources;
- (l) shall review, approve, and sign all state agency contracts and shall review and approve other formal agreements for information technology resources provided by the private sector and other government entities;
- (m) shall operate and maintain a central computer center for the use of state government, political subdivisions, and other participating entities under terms and conditions established by the department;
- (n) shall operate and maintain a statewide telecommunications network for the use of state government, political subdivisions, and other participating entities under terms and conditions established by the department;
- (o) shall ensure that the statewide telecommunications network is properly maintained. The department may establish a centralized maintenance program for the statewide telecommunications network.
- (p) shall coordinate public safety communications on behalf of all state agencies as provided for in 2-17-541 through 2-17-543;

- (q) shall manage the state 9-1-1 program as provided for in Title 10, chapter 4, part 3;
- (r) shall provide electronic access to information and services of the state as provided for in 2-17-532;
- (s) shall provide assistance to the legislature, the judiciary, the governor, and state agencies relative to state and interstate information technology matters;
- (t) shall establish rates and other charges for services provided by the department;
- (u) must accept federal funds granted by congress or by executive order and gifts, grants, and donations for any purpose of this section;
- (v) shall dispose of personal property owned by it in a manner provided by law when, in the judgment of the department, the disposal best promotes the purposes for which the department is established;
- (w) shall implement this part and all other laws for the use of information technology in state government;
- (x) shall report to the appropriate interim committee on a regular basis and to the legislature as provided in 5-11-210 on the information technology activities of the department; and
- (y) shall represent the state with public and private entities on matters of information technology.
- (2) If it is in the state's best interest, the department may contract with qualified private organizations, foundations, or individuals to carry out the purposes of this section.
- (3) The director of the department shall appoint the chief information officer to assist in carrying out the department's information technology duties.

2-17-515. Granting exceptions to state agencies. Subject to 2-17-516, the department may grant exceptions to any policy, standard, or other requirement of this part if it is in the best interests of the state of Montana. The department shall inform the board, the office of budget and program planning, and the legislative finance committee of all exceptions that are granted and of the rationale for granting the exceptions. The department shall maintain written documentation that identifies the terms and conditions of the exception and the rationale for the exception.

DEPARTMENT OF ADMINISTRATION

Employee Incentive Program Report

2-18-1103. Powers and duties of department. The department shall:

- (1) adopt rules to implement this part;
- (2) develop model guidelines and promotional materials to assist agencies in implementing this part; and
- (3) prepare and submit, in the manner provided in 5-11-210, a list of awards granted under 2-18-1106 and the corresponding savings to the state and improvements in the effectiveness of state government.

BOARD OF VETERAN'S AFFAIRS

Biennial Report

10-2-102. Duties of board -- employee qualifications. (1) The board shall establish a statewide service for veterans and their families as provided in this section. The board shall:

- (a) actively cooperate with local, state, and federal agencies whose services encompass the affairs of veterans and their families;
- (b) promote the general welfare of all veterans and their families;
- (c) assist veterans and their families who are residents of this state in filing claims for the benefits to which they are entitled. In carrying out this duty, the board and its accredited employees shall, upon the request of an eligible claimant, act as agents for the claimant in developing and presenting claims for benefits provided under Title 38 of the United States Code. The board shall seek to secure speedy and just action for each claimant. A board employee officially acting as an agent on behalf of a claimant must be properly accredited and recognized pursuant to 38 CFR 14.628 and 14.629.
- (d) officially advocate for the fair treatment of Montana's veterans and their families by the U.S. department of veterans affairs with respect to claims processing, health care services, and other veteran-related programs and inform veterans and their family members of all available grievance procedures;
- (e) develop and implement an information and communication program to keep veterans and their family members informed about available federal, state, and community-based services and benefits. The program may include but is not limited to:
 - (i) development and distribution of a services and benefits directory;
 - (ii) regular public service announcements through various media;
 - (iii) information to assist veterans and their family members in obtaining federal benefits and treatment services related to depleted uranium exposure, including a best practice health screening of any veteran who:
 - (A) has been identified pursuant to department of defense policy as having possible level I, II, or III exposure to depleted uranium;

- (B) is referred for a health screening by a military physician; or
 - (C) may have been exposed to depleted uranium during service in a combat zone.
 - (iv) an internet website with information and links relevant to veterans and their families and including information about board meetings and activities related to veterans' affairs; and
 - (v) a quarterly newsletter, which may be printed or electronically distributed by e-mail or by posting it to an appropriate website.
 - (f) seek grants to help fund veterans' programs established pursuant to this section;
 - (g) develop a memorandum of understanding with the federal veterans' employment and training service and with other appropriate entities to facilitate interagency cooperation, such as resource sharing, cross-training, data and information sharing, and service delivery coordination;
 - (h) establish management tools, including but not limited to needs assessments, policy statements, program goals and objectives, performance measures, and program evaluation criteria;
 - (i) prepare a biennial report to the governor, the department of military affairs, the appropriate legislative interim committee, and veterans' service organizations. The report must include but is not limited to the latest information about the demographics of Montana's veteran population, a needs assessment, annual summaries of the veterans' special revenue accounts established in 10-2-112 and 10-2-603, and a review of the veterans' affairs budget.
 - (j) request legislation responsive to identified needs.
- (2) Employees of the board must be residents of this state. Whenever possible, all employees of the board must have served in the military forces of the United States during World War I, World War II, the Korean war, the Vietnam conflict, or other period of conflict involving the United States military overseas and must have been honorably discharged. Preference for employment must be given to disabled veterans.
- (3) The board shall hire an administrator to implement board policy and carry out the duties of the board.