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2-15-1869. Montana council on developmental disabilities. (1) The governor shall appoint a Montana council on developmental disabilities in accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, codified at 42 U.S.C. 15001, et seq.

(2) In addition to the members appointed under subsection (1), the council must include one member of the senate and one member of the house of representatives.

(3) (a) Except as provided in subsection (3)(b), members of the council serve 1-year terms.

(b) Of the members described in 42 U.S.C. 15025(b)(3) who represent persons with developmental disabilities and parents or relatives of persons with developmental disabilities, the governor shall appoint:

(i) not less than one-half of the members to serve for terms concurrent with the gubernatorial term and until their successors are appointed; and

(ii) the remaining members to serve for terms ending on January 1 of the third year of the succeeding gubernatorial term and until their successors are appointed.

(4) Members appointed to the council may also be selected to represent the geographical regions and the racial and ethnic composition of the state, including American Indians.

(5) A council member, unless the member is a full-time salaried officer or employee of this state or any of the political subdivisions of this state, is entitled to be paid in an amount to be determined by the council, not to exceed \$25, for each day in which the member is actually and necessarily engaged in the performance of council duties. A council member is also entitled to be reimbursed for travel expenses incurred while in the performance of council duties as provided for in [2-18-501](#) through [2-18-503](#).

Members who are full-time salaried officers or employees of this state or any political subdivisions 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) The council shall:

(a) advise the department of public health and human services, other state agencies, tribal governments, councils, local governments, and private organizations on programs for services to persons with developmental disabilities; and

(b) serve in any capacity required by the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, or by other federal law for the administration of federal programs for services to persons with developmental disabilities.

(7) (a) Unless the state enters a contract with a nonprofit corporation as provided in [2-15-1870](#), the council:

(i) is allocated to the department of commerce for administrative purposes only and, unless inconsistent with this section, the provisions of [2-15-121](#) apply;

(ii) may elect from among its members the officers necessary for the proper management of the council;

(iii) may adopt rules governing its own organization and procedures, and a majority of the members of the council constitutes a quorum for the transaction of business; and

(iv) shall employ and fix the compensation and duties of necessary staff and control the location of its office.

(b) The department of commerce shall remain the designated state agency for funding purposes if the responsibilities of the council are delegated by contract to a nonprofit corporation as provided in [2-15-1870](#).

History: En. 71-2406 by Sec. 5, Ch. 239, L. 1975; amd. Sec. 4, Ch. 559, L. 1977; R.C.M. 1947, 71-2406(1) thru (3), (10); amd. Sec. 1, Ch. 262, L. 1991; amd. Sec. 1, Ch. 443, L. 1991; amd. Sec. 16, Ch. 418, L. 1995; amd. Sec. 17, Ch. 546, L. 1995; amd. Sec. 9, Ch. 42, L. 1997; amd. Sec. 1, Ch. 171, L. 1997; amd. Sec. 1, Ch. 154, L. 2001; amd. Sec. 2, Ch. 478, L. 2003; Sec. [2-15-2204](#), MCA 2001; redes. [2-15-1869](#) by Sec. 5, Ch. 478, L. 2003; amd. Sec. 1, Ch. 78, L. 2005.

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2-15-1870. Montana council on developmental disabilities -- contract with nonprofit corporation. The state may contract with a nonprofit corporation for the purposes of carrying out the responsibilities delegated to the Montana council on developmental disabilities appointed pursuant to [2-15-1869](#) in accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and this section. Approval of the contract delegating the responsibilities of the council to a nonprofit corporation must be in the form of a letter signed by the secretary of the federal department of health and human services or the secretary's designee.

History: En. Sec. 1, Ch. 478, L. 2003; amd. Sec. 2, Ch. 78, L. 2005.

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