

1 HOUSE BILL NO. 466

2 INTRODUCED BY R. ERICKSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT TRANSPORTATION COMMISSION MEMBERS
 5 BE ELECTED; INCREASING THE NUMBER OF MEMBERS ON THE COMMISSION FROM 5 TO 11;
 6 REQUIRING THAT ONE MEMBER OF THE COMMISSION BE A MEMBER OF A FEDERALLY RECOGNIZED
 7 MONTANA INDIAN TRIBE OR THE LITTLE SHELL BAND OF CHIPPEWA APPOINTED BY THE GOVERNOR
 8 FROM A LIST OF NOMINEES; PROVIDING TERM LIMITS FOR COMMISSIONERS; PROVIDING FOR
 9 REIMBURSEMENT FOR EXPENSES INCURRED WHILE ON COMMISSION BUSINESS; AND AMENDING
 10 SECTION 2-15-2502, MCA."

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

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14 **Section 1.** Section 2-15-2502, MCA, is amended to read:

15 **"2-15-2502. Transportation commission -- members elected -- tribal representation -- term of**
 16 **office -- per diem.** (1) For the purposes of this section, "commission" means the transportation
 17 commission.

18 (2) There is a transportation commission composed of five 11 members. One member Two
 19 members must be a resident residents of and appointed elected from each of these the districts listed in
 20 subsection (3), each composed of the counties named, and one member must be appointed as provided
 21 in subsection (4):.

22 (3) The districts from which commission members must be elected are as follows:

23 (a) District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Powell;

24 (b) District 2. Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Broadwater,
 25 Jefferson, Park;

26 (c) District 3. Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, Lewis and
 27 Clark;

28 (d) District 4. Carter, Powder River, Fallon, Custer, Rosebud, Garfield, Phillips, Valley, McCone,
 29 Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels, Sheridan;

30 (e) District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Judith Basin,

1 Fergus, Petroleum, Treasure, Wheatland, Sweet Grass.

2 ~~(2)(4) Of the members appointed from districts 1, 3, 4, and 5, at least one must have specific~~
 3 ~~knowledge of Indian culture and tribal transportation needs. The member provided for under this subsection~~

4 ~~must~~ The member who is not elected from one of the districts listed in subsection (3) must be:

5 (a) an enrolled member of one of Montana's seven federally recognized Indian tribes or the Little
 6 Shell band of Chippewa;

7 (b) a resident of Montana; and

8 (c) be selected by the governor after consultation with the Montana members of ~~from a list of~~
 9 three nominees provided to the governor by the Montana-Wyoming tribal leaders council.

10 ~~(3) Two members may not be residents of the same district at the time of appointment or during~~
 11 ~~their respective terms of office.~~

12 ~~————(4) Not more than three members may at the time of appointment or during their respective terms~~
 13 ~~be members of the same political party.~~

14 (5) An elective state official or state officer, during the term of office to which elected or
 15 appointed, or a state employee may not be a member of the commission.

16 (6) A resolution, motion, or other decision of the commission may not be adopted or passed
 17 without the favorable vote of ~~at least three~~ a majority of members.

18 (7) The commission is allocated to the department of transportation for administrative purposes
 19 only as prescribed in 2-15-121.

20 (8) The commission is designated as a quasi-judicial board for purposes of 2-15-124~~+, however~~
 21 However, the provision of 2-15-124(1) that at least one member of a quasi-judicial board be an attorney
 22 does not apply to the commission.

23 (9) The commission may adopt rules necessary for its government.

24 (10) The director of transportation or the director's designee shall act as liaison between the
 25 commission and the department.

26 (11) (a) A term of office for a commissioner is for a period of 4 years.

27 (b) A commissioner when elected must qualify at the time and in the manner provided by law for
 28 other state officers and shall take office on the first Monday of January after the election.

29 (c) The secretary of state or other authorized official may not certify a candidate's nomination or
 30 election to the commission or print or cause to be printed on any ballot the name of a candidate for the

1 commission if, at the end of the current term of that office, the candidate will have served in that office
2 or, had the candidate not resigned or been recalled, would have served in that office for 8 or more years
3 in a 16-year period.

4 (12) Any vacancy occurring in the commission must be filled by appointment by the governor, and
5 the appointee shall hold office until the commissioner's successor is elected and qualified.

6 (13) A presiding officer must be selected by the commission from its membership at the first
7 meeting of each year after a general election.

8 (14) Commission members do not receive a salary but are entitled to receive from the state their
9 expenses while traveling on the business of the commission, as provided for in 2-18-501 through
10 2-18-503."

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12 NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send
13 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little
14 Shell band of Chippewa.

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