

## HOUSE BILL NO. 323

INTRODUCED BY K. SWANSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEMBERSHIP OF THE BOARD OF RESEARCH  
5 AND COMMERCIALIZATION TECHNOLOGY; PROVIDING THE GOVERNOR WITH AUTHORITY TO APPOINT  
6 ALL MEMBERS OF THE BOARD; REQUIRING THE DEPARTMENT OF COMMERCE TO PROVIDE  
7 NECESSARY STAFFING; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-1819 AND  
8 90-3-1005, MCA; REPEALING SECTION 90-3-1006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
9 DATE."

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

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13 **Section 1.** Section 2-15-1819, MCA, is amended to read:  
14 **"2-15-1819. Board of research and commercialization technology -- rulemaking.** (1) There is a  
15 Montana board of research and commercialization technology.

16 (2) The board consists of ~~six~~ seven members. ~~One member must be appointed by the president of the~~  
17 ~~senate, one member must be appointed by the minority leader of the senate, one member must be appointed by~~  
18 ~~the speaker of the house, one member must be appointed by the minority leader of the house, and two members~~  
19 ~~must be appointed by the governor. One of the members appointed by the governor as follows:~~

20 (a) one member with expertise in production agriculture;  
21 (b) one member with expertise in clean coal research and development or renewable resource research  
22 and development;

23 (c) one member with expertise in statewide economic development;

24 (d) one member associated with the Montana university system;

25 (e) one member who must be an enrolled member of a Montana tribal government tribe; and

26 (f) two at-large members who are residents of Montana.

27 (3) A member who ceases to live in the state is disqualified from membership, and the position becomes  
28 vacant. If a vacancy occurs, the position must be filled in the manner of the original appointment.

29 ~~(4) The board shall hire an executive director and shall prescribe the executive director's salary and~~  
30 ~~duties.~~

1           ~~(5)~~(4) (a) The board is a quasi-judicial entity subject to the provisions of 2-15-124, except that none of  
2 the members are required to be licensed to practice law in the state.

3           (b) The board shall elect a presiding officer from among its members at an annual election. The presiding  
4 officer may be reelected.

5           (c) ~~Except for the original appointments, members shall serve 2-year terms~~ Members shall serve 4-year  
6 terms, except that the governor shall designate three of the initial members to serve 2-year terms, with the  
7 remaining four initial members to serve 4-year terms. All the initial terms begin on July 1, 2011, except that the  
8 currently appointed tribal member may serve until July 1, 2012, and the tribal member appointed for a term  
9 beginning July 1, 2012, may serve for 3 years.

10           ~~(6)~~(5) The board is attached to the department of commerce for administrative purposes only, as  
11 provided in 2-15-121, and the department of commerce shall provide suitable office facilities and the necessary  
12 staff for the board.

13           (6) The board may adopt rules pursuant to Title 2, chapter 4, to implement this section."  
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15           **Section 2.** Section 90-3-1005, MCA, is amended to read:

16           **"90-3-1005. Meetings -- compensation.** (1) The Montana board of research and commercialization  
17 technology may determine the time and place of its meetings but shall meet at least once each quarter.

18           (2) Each member of the board, ~~except legislative members,~~ is entitled to receive compensation of \$50  
19 a day plus travel expenses, pursuant to 2-18-501 through 2-18-503, for each day spent conducting official board  
20 business."  
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22           NEW SECTION. Section 3. Repealer. The following section of the Montana Code Annotated is  
23 repealed:

24 90-3-1006.     Executive director -- qualifications.  
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26           NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a  
27 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
28 Chippewa tribe.  
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30           NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.  
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