

SENATE BILL NO. 149
INTRODUCED BY G. BARKUS
BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE COMPOSITION OF THE DISTRICTS FROM WHICH THE DISTRICTING AND APPORTIONMENT COMMISSION MEMBERS ARE APPOINTED FOR THE PURPOSE OF POPULATION EQUALITY AND REDUCING THE NUMBER OF DISTRICTS FROM FOUR TO TWO; MAKING CORRESPONDING REVISIONS IN THE BOARD OF PUBLIC EDUCATION, BOARD OF REGENTS, COAL BOARD, AND HARD-ROCK MINING IMPACT BOARD APPOINTMENT PROVISIONS; AND AMENDING SECTIONS 2-15-1508, 2-15-1821, 2-15-1822, AND 5-1-102, MCA."

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

Section 1. Section 2-15-1508, MCA, is amended to read:

"2-15-1508. Appointments to board of public education and board of regents -- conditions -- vacancy. (1) Appointments to the board of public education and to the board of regents are subject to the following qualifications:

- (a) Not more than ~~two~~ four may be from one district provided for in 5-1-102.
- (b) Not more than four may be affiliated with the same political party.
- (c) The terms of members appointed to each board are 7 years except as provided in subsection (3).
- (d) When a vacancy occurs, the governor shall appoint a member for the remainder of the term of the incumbent, and the appointment must preserve the balance required by subsections (1)(a) and (1)(b).
- (e) A person may not be appointed to concurrent memberships on the board of public education and the board of regents.

(2) An appointed member of either board shall take and subscribe to the constitutional oath of office and file it with the secretary of state before the person may serve as a member of either board.

(3) (a) One seat of the appointed members on the board of regents is reserved for membership by a student appointed by the governor. The student must be registered as a full-time student at a unit of higher education under jurisdiction of the board of regents. The length of term of the student member is determined by the governor and must be for not less than 1 year and not more than 4 years. The term begins July 1 and ends June 30 of the years designated by the governor. The provisions of subsections (1)(a) and (1)(b) do not apply

to the student member and may not affect the balance of the remaining appointive membership on the board of regents.

(b) The governor shall appoint the student provided for in subsection (3)(a) based upon a nomination provided by a student organization designated by the board of regents. The student organization shall nominate no fewer than three qualified students. If the governor finds that none of the students nominated are acceptable, the governor may request a new slate of nominees. Nominations must be forwarded to the governor in March immediately preceding the end of a regular term, and the governor shall make the appointment before the end of the succeeding June. In the event of a vacancy, a replacement must be appointed as soon as is practicable and in the same manner as the original appointment."

Section 2. Section 2-15-1821, MCA, is amended to read:

"2-15-1821. Coal board -- allocation -- composition. (1) There is a coal board composed of seven members.

(2) The coal board is allocated to the department of commerce for administrative purposes only as prescribed in 2-15-121.

(3) The governor shall appoint a seven-member coal board, as provided under 2-15-124.

(4) (a) The members of the coal board are selected as follows:

(i) two from the impact areas;

(ii) two with expertise in education; and

(iii) at least ~~one~~ two but not more than ~~two~~ four from each district provided for in 5-1-102.

(b) The governor shall further, in making these appointments, consider people from these fields:

(i) business;

(ii) engineering;

(iii) public administration; and

(iv) planning."

Section 3. Section 2-15-1822, MCA, is amended to read:

"2-15-1822. Hard-rock mining impact board. (1) There is a hard-rock mining impact board.

(2) The hard-rock mining impact board is a five-member board.

(3) The hard-rock mining impact board shall include among its members:

(a) three persons who, when appointed to the board, reside in an area impacted or expected to be

impacted by large-scale mineral development;

- (b) at least ~~one person~~ two persons from each district provided for in 5-1-102;
- (c) a representative of the hard-rock mining industry;
- (d) a representative of a major financial institution in Montana;
- (e) a person who, when appointed to the board, is an elected school district trustee;
- (f) a person who, when appointed to the board, is an elected county commissioner;
- (g) a member of the public-at-large.

(4) The hard-rock mining impact board is a quasi-judicial board subject to the provisions of 2-15-124 except that one of the members need not be an attorney licensed to practice law in this state, and the board shall elect a presiding officer from among its members."

Section 4. Section 5-1-102, MCA, is amended to read:

"5-1-102. Composition of commission. (1) The majority and minority leaders of each house shall each designate one commissioner for the commission provided for in 5-1-101. ~~A commissioner~~ Two commissioners must be appointed from each district listed in subsection (2). The majority leader in the senate has first choice of the district from which the majority leader will select a commissioner, and the majority leader of the house has second choice. Within 20 days after their designation, the four commissioners shall select the fifth member, who shall serve as the presiding officer of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall select the fifth member.

(2) The commission districts are the following counties:

- (a) District 1: Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, ~~and~~ Ravalli;
- ~~———(b) District 2: Lewis and Clark, Powell, Granite, Deer Lodge, Silver Bow, Jefferson, Broadwater, Meagher, Beaverhead, Madison, Gallatin, and Park, Sweet Grass, Stillwater, and Carbon;~~
- ~~(c)~~ (b) District ~~3~~ 2: Glacier, Toole, Liberty, Hill, Blaine, Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland, McCone, Garfield, Petroleum, Fergus, Judith Basin, Cascade, Chouteau, Teton, ~~and~~ Pondera; ~~and~~
- ~~———(d) District 4: Lewis and Clark, Meagher, Wheatland, Golden Valley, Musselshell, Treasure, Rosebud, Custer, Prairie, Dawson, Wibaux, Fallon, Carter, Powder River, Big Horn, and Yellowstone, Carbon, Stillwater, and Sweet Grass."~~

NEW SECTION. Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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