

1 HOUSE BILL NO. 776

2 INTRODUCED BY B. TSCHIDA

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LEGISLATIVE APPOINTMENT OF
5 THE DISTRICTING AND APPORTIONMENT COMMISSION; RECODIFYING THE DISTRICTS TO PROVIDE
6 FOR OTHER APPOINTMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-15-1508,
7 2-15-1821, 2-15-1822, AND 5-1-102, MCA; AND PROVIDING EFFECTIVE DATES."

8

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

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11 NEW SECTION. **Section 1. Districts for certain appointments.** For appointment of persons provided
12 for in 2-15-1508, 2-15-1821, and 2-15-1822, the districts are the following counties:

13 (1) District 1: Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Powell, Granite, Deer Lodge,
14 Silver Bow, Jefferson, Broadwater, Beaverhead, Madison, Gallatin, Park, Sweet Grass, Stillwater, and Carbon;

15 (2) District 2: Glacier, Toole, Liberty, Hill, Blaine, Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland,
16 McCone, Garfield, Petroleum, Fergus, Judith Basin, Cascade, Chouteau, Teton, Pondera, Lewis and Clark,
17 Meagher, Wheatland, Golden Valley, Musselshell, Treasure, Rosebud, Custer, Prairie, Dawson, Wibaux, Fallon,
18 Carter, Powder River, Big Horn, and Yellowstone.

19

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

21 **"2-15-1508. Appointments to board of public education and board of regents -- conditions --**
22 **vacancy.** (1) Appointments to the board of public education and to the board of regents are subject to the
23 following qualifications:

24 (a) Not more than four may be from one district provided for in ~~5-1-102~~ [section 1].

25 (b) Not more than four may be affiliated with the same political party.

26 (c) The terms of members appointed to each board are 7 years except as provided in subsection (3).

27 (d) When a vacancy occurs, the governor shall appoint a member for the remainder of the term of the
28 incumbent, and the appointment must preserve the balance required by subsections (1)(a) and (1)(b).

29 (e) A person may not be appointed to concurrent memberships on the board of public education and the
30 board of regents.

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

3 (3) (a) One seat of the appointed members on the board of regents is reserved for membership by a
4 student appointed by the governor. The student must be registered as a full-time student at a unit of higher
5 education under jurisdiction of the board of regents. The length of term of the student member is 1 year. The term
6 begins July 1 and ends June 30. The student regent may be reappointed to succeeding terms subject to
7 subsection (3)(b). The provisions of subsections (1)(a) and (1)(b) do not apply to the student member and may
8 not affect the balance of the remaining appointive membership on the board of regents.

9 (b) The governor shall appoint the student provided for in subsection (3)(a) based upon a nomination
10 provided by a student organization designated by the board of regents. The student organization shall nominate
11 no fewer than three qualified students. If the governor finds that none of the students nominated are acceptable,
12 the governor may request a new slate of nominees. Nominations must be forwarded to the governor in March
13 immediately preceding the end of a regular term, and the governor shall make the appointment before the end
14 of the succeeding June. In the event of a vacancy, a replacement must be appointed as soon as is practicable
15 and in the same manner as the original appointment."
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17 **Section 3.** Section 2-15-1821, MCA, is amended to read:

18 **"2-15-1821. Coal board -- allocation -- composition.** (1) There is a coal board composed of seven
19 members.

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

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

23 (4) (a) Subject to subsections (4)(b) and (4)(c), the members of the coal board are selected as follows:

24 (i) two from the impact areas; and

25 (ii) two with expertise in education.

26 (b) At least two but not more than four members must be appointed from each district provided for in
27 5-4-102 [section 1].

28 (c) In making the appointments, the governor shall consider people from the following fields:

29 (i) business;

30 (ii) engineering;

- 1 (iii) public administration; and
 2 (iv) planning."
 3

4 **Section 4.** Section 2-15-1822, MCA, is amended to read:

5 **"2-15-1822. Hard-rock mining impact board.** (1) There is a hard-rock mining impact board.

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

7 (3) (a) Subject to subsections (3)(b) and (3)(c), the hard-rock mining impact board must include among
 8 its members:

9 (i) a representative of the hard-rock mining industry;

10 (ii) a representative of a major financial institution in Montana;

11 (iii) a person who, when appointed to the board, is an elected school district trustee;

12 (iv) a person who, when appointed to the board, is an elected county commissioner;

13 (v) a member of the public at large.

14 (b) Three persons appointed to the board must reside in an area impacted or expected to be impacted
 15 by large-scale mineral development.

16 (c) At least two persons must be appointed from each district provided for in ~~5-1-402~~ [section 1].

17 (4) The hard-rock mining impact board is a quasi-judicial board subject to the provisions of 2-15-124
 18 except that one of the members need not be an attorney licensed to practice law in this state. The board shall
 19 elect a presiding officer from among its members."
 20

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

22 **"5-1-102. Composition of commission.** ~~(1)~~ The majority and minority leaders of each house shall each
 23 designate one commissioner for the commission provided for in 5-1-101. ~~Two commissioners must be appointed~~
 24 ~~from each district listed in subsection (2). The majority leader in the senate has first choice of the district from~~
 25 ~~which the majority leader will select a commissioner, and the majority leader of the house has second choice.~~
 26 Within 20 days after their designation, the four commissioners shall select the fifth member, who shall serve as
 27 the presiding officer of the commission. If the four members fail to select the fifth member within the time
 28 prescribed, a majority of the supreme court shall select the fifth member.

29 ~~—————(2) The commission districts are the following counties:~~

30 ~~—————(a) District 1: Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Powell, Granite, Deer Lodge,~~

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

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 7 **NEW SECTION. Section 6. Appropriation.** There is appropriated \$150,000 from the general fund to
 8 the legislative services division for the purposes of supporting the districting and apportionment commission as
 9 provided in 5-1-106.

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 11 **NEW SECTION. Section 7. Codification instruction.** [Section 1] is intended to be codified as an
 12 integral part of Title 2, chapter 15, part 1, and the provisions of Title 2, chapter 15, part 1, apply to [section 1].

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 14 **NEW SECTION. Section 8. Effective dates.** (1) Except as provided in subsection (2), [this act] is
 15 effective on passage and approval.

16 (2) [Section 6] is effective July 1, 2019.

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