

HOUSE BILL NO. 424

INTRODUCED BY STICKNEY, RUSSELL, TOOLE, SQUIRES,  
BROOKE, ECK, WYATT, WANZENRIED, J. DEBRUYCKER,  
J. BROWN, CONNELLY, KIMBERLEY, DAVIS, DARKO, RANEY,  
LARSON, DRISCOLL, SCOTT, DOHERTY, COCCHIARELLA,  
MCCARTHY, S. RICE, D. BROWN, CODY, SOUTHWORTH, HANSEN,  
HARPER, STRIZICH, BARNHART, BRADLEY, BECKER,  
PINSONEAULT, PETERSON, MCCULLOCH, FRANKLIN, WHALEN,  
FRITZ, BLAYLOCK, JACOBSON, VAUGHN, SCHYE, WATERMAN,  
KILPATRICK, GERVAIS, REAM, L. NELSON, YELLOWTAIL, BENGTON

IN THE HOUSE

JANUARY 28, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

JANUARY 29, 1991                   FIRST READING.

FEBRUARY 11, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 12, 1991                  PRINTING REPORT.

FEBRUARY 13, 1991                  SECOND READING, DO PASS AS AMENDED.

FEBRUARY 14, 1991                  ENGROSSING REPORT.

FEBRUARY 15, 1991                  THIRD READING, PASSED.  
AYES, 62; NOES, 37.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

FIRST READING.

MARCH 6, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 8, 1991                    ON MOTION, CONSIDERATION PASSED

MARCH 11, 1991                   ON MOTION, CONSIDERATION PASSED  
UNTIL THE 53RD LEGISLATIVE DAY

MARCH 12, 1991                   SECOND READING, CONCURRED IN AS  
AMENDED.

MARCH 13, 1991

THIRD READING, CONCURRED IN.  
AYES, 44; NOES, 5.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 16, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

MARCH 18, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

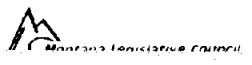
REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *424*  
 2 INTRODUCED BY *Wright, Basso, Clarke, Eick, Galt, Johnson, Kasper, Laska, Pease, Pugh, Rasmussen, Schmitt, Sorenson, Torgerson, Van Dyke, Winters, Ziegler*  
 3 *Wright, Basso, Clarke, Eick, Galt, Johnson, Kasper, Laska, Pease, Pugh, Rasmussen, Schmitt, Sorenson, Torgerson, Van Dyke, Winters, Ziegler*  
 4 A BILL FOR AN ACT ENTITLED: *AN ACT TO MANDATE THAT ALL*  
 5 *APPOINTIVE BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS OF*  
 6 *THE STATE BE GENDER-BALANCED TO THE GREATEST EXTENT*  
 7 *POSSIBLE; AND TO PROVIDE THAT BY JANUARY 1, 1994, 10 PERCENT*  
 8 *OF THE TOTAL MEMBERSHIP OF APPOINTIVE ENTITIES MUST*  
 9 *REPRESENT MINORITIES."*

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 NEW SECTION. **Section 1.** Gender and racial balance. (1)  
 13 All appointive boards, commissions, committees, and councils  
 14 of the state must be gender-balanced to the greatest extent  
 15 possible.  
 16 (2) By January 1, 1994, 10% of the total membership of  
 17 appointive boards, commissions, committees, and councils of  
 18 the state must represent minorities resident in Montana.  
 19 NEW SECTION. **Section 2.** Codification instruction.  
 20 [Section 1] is intended to be codified as an integral part  
 21 of Title 2, chapter 15, part 1, and the provisions of Title  
 22 2, chapter 15, part 1, apply to [section 1].

-End-

INTRODUCED BIL  
HB 424



APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

HOUSE BILL NO. 424

INTRODUCED BY STICKNEY, RUSSELL, TOOLE, SQUIRES,  
BROOKE, ECK, WYATT, WANZENRIED, J. DEBRUYCKER,  
J. BROWN, CONNELLY, KIMBERLEY, DAVIS, DARKO, RANEY,  
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FRITZ, BLAYLOCK, JACOBSON, VAUGHN, SCHYE, WATERMAN,  
KILPATRICK, GERVAIS, REAM, L. NELSON, YELLOWTAIL, BENGTON

A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT BY  
JANUARY 1, 1994, ALL APPOINTIVE BOARDS, COMMISSIONS,  
COMMITTEES, AND COUNCILS OF THE STATE BE GENDER-BALANCED TO  
THE GREATEST EXTENT POSSIBLE AND PROPORTIONALLY REPRESENT  
MINORITY RESIDENTS; AND TO PROVIDE THAT BY JANUARY 1, 1994,  
~~10 PERCENT OF THE TOTAL MEMBERSHIP OF APPOINTIVE ENTITIES~~  
~~MUST REPRESENT MINORITIES~~ REQUIRE THAT THE SECRETARY OF  
STATE PUBLISH INFORMATION ON APPOINTMENTS AND OBTAIN GENDER  
AND MINORITY STATUS INFORMATION FROM APPOINTEES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
  
NEW SECTION. **Section 1.** Gender and racial balance. (1)  
BY JANUARY 1, 1994:  
  
(A) ALL appointive boards, commissions, committees, and

councils of the state must be gender-balanced to the  
greatest extent possible; AND  
~~(2)(B) By January 17, 1994, 10% of~~ the total membership  
of appointive boards, commissions, committees, and councils  
of the state must PROPORTIONALLY represent minorities  
resident in Montana.

(2) PURSUANT TO SUBSECTION (1), THE SECRETARY OF STATE  
SHALL:

(A) PUBLISH IN THE MONTANA ADMINISTRATIVE REGISTER ON A  
MONTHLY BASIS THE RECENT APPOINTMENTS MADE BY THE EXECUTIVE  
BRANCH AND THE UPCOMING VACANCIES ON EXECUTIVE BOARDS AND  
COMMISSIONS; AND

(B) DEVELOP A QUESTIONNAIRE TO OBTAIN THE GENDER AND  
MINORITY STATUS OF APPOINTEES AND DISTRIBUTE THE  
QUESTIONNAIRE WITH COPIES OF THE OATH OF OFFICE.

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

-End-



## HOUSE BILL NO. 424

INTRODUCED BY STICKNEY, RUSSELL, TOOLE, SQUIRES,  
 BROOKE, ECK, WYATT, WANZENRIED, J. DEBRUYCKER,  
 J. BROWN, CONNELLY, KIMBERLEY, DAVIS, DARKO, RANEY,  
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 FRITZ, BLAYLOCK, JACOBSON, VAUGHN, SCHYE, WATERMAN,  
 KILPATRICK, GERVAIS, REAM, L. NELSON, YELLOWTAIL, BENGTON

A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THAT BY  
~~JANUARY---17---1994~~ ALL APPOINTIVE BOARDS, COMMISSIONS,  
 COMMITTEES, AND COUNCILS OF THE STATE BE GENDER-BALANCED ~~TO~~  
~~THE--GREATEST--EXTENT--POSSIBLE~~ AND PROPORTIONALLY REPRESENT  
 MINORITY RESIDENTS TO THE GREATEST EXTENT POSSIBLE; AND TO  
~~PROVIDE--THAT--BY--JANUARY--17--1994--10--PERCENT--OF--THE--TOTAL~~  
~~MEMBERSHIP--OF--APPOINTIVE--ENTITIES--MUST--REPRESENT--MINORITIES~~  
 REQUIRE THAT THE SECRETARY OF STATE PUBLISH INFORMATION ON  
APPOINTMENTS AND OBTAIN GENDER AND MINORITY STATUS  
INFORMATION FROM APPOINTEES."

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

NEW SECTION. Section 1. Gender and racial balance. (1)  
~~At 1~~ BY--JANUARY--17--1994 AS VACANCIES OCCUR AND APPOINTMENTS

ARE MADE, APPOINTMENTS TO:

(A) ALL appointive boards, commissions, committees, and  
 councils of the state must be gender-balanced to the  
 greatest extent possible; AND

~~(2)~~ (B) ~~By January 17, 1994, 10% of the total~~ membership  
 of appointive boards, commissions, committees, and councils  
 of the state must PROPORTIONALLY represent minorities  
 resident in Montana TO THE GREATEST EXTENT POSSIBLE.

(2) PURSUANT TO SUBSECTION (1), THE SECRETARY OF STATE  
SHALL:

(A) PUBLISH IN THE MONTANA ADMINISTRATIVE REGISTER ON A  
MONTHLY BASIS THE RECENT APPOINTMENTS MADE BY THE EXECUTIVE  
BRANCH AND THE UPCOMING VACANCIES ON EXECUTIVE BOARDS AND  
COMMISSIONS; AND

(B) DEVELOP A QUESTIONNAIRE TO OBTAIN THE GENDER AND  
MINORITY STATUS OF APPOINTEES AND DISTRIBUTE THE  
QUESTIONNAIRE WITH COPIES OF THE OATH OF OFFICE.

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

-End-

THIRD READING

-2-

HB 424

AS AMENDED



SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 12, 1991 9:42 am

March 12, 1991  
Page 2 of 2

Mr. Chairman: I move to amend House Bill No. 424 (third reading copy as amended -- blue) as follows:

1. Title, lines 12 and 13.  
Strike: "MANDATE" on line 12.  
Insert: "DIRECT"  
Following: "~~1994~~" on line 13.  
Insert: "ALL APPOINTING AUTHORITIES OF"
2. Title, line 14.  
Strike: "THE"  
Following: "STATE"  
Strike: "BE GENDER-BALANCED"  
Insert: "GOVERNMENT TAKE POSITIVE ACTION TO ATTAIN GENDER BALANCE"
3. Title, line 15.  
Strike: "PROPORTIONALLY REPRESENT"  
Insert: "PROPORTIONAL REPRESENTATION OF"
4. Title, line 16.  
Strike: "AND"
5. Title, lines 20 and 21.  
Strike: first "AND" on line 20 through "APPOINTEES" on line 21.  
Insert: "; TO REQUIRE THAT THE GOVERNOR REPORT TO SUCCEEDING LEGISLATURES THE PROGRESS MADE TOWARD GENDER BALANCE AND PROPORTIONAL REPRESENTATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
6. Page 1, following line 21.  
Insert: "WHEREAS, Article II, section 8, of the Montana Constitution provides the right of public participation in government and the public right to expect governmental agencies to afford such reasonable opportunity for citizen participation; and

WHEREAS, the 51st Legislature adopted House Joint Resolution No. 28, urging that all appointive boards, commissions, committees, and councils be gender-balanced; and

WHEREAS, the 52nd Legislature acknowledges that women and minorities are significantly underrepresented on all appointive boards, commissions, committees, and councils of state government; and

WHEREAS, the 52nd Legislature strongly supports progress toward the goal of full participation in state government by both genders and all races."

7. Page 2, lines 1 and 2.  
Strike: "APPOINTMENTS TO:" on line 1 and "(A) ALL" on line 2  
Insert: "all appointing authorities of all"
8. Page 2, line 3.  
Following: "of"  
Strike: "the"  
Following: "state"  
Strike: "must be gender-balanced to the greatest extent possible; AND"  
Insert: "government shall take positive action to attain gender balance and"
9. Page 2, lines 5 through 7.  
Strike: "(B)" on line 5 through "represent" on line 7  
Insert: "proportional representation of"
10. Page 2, lines 10 and 11.  
Strike: ", (A)"
11. Page 2, lines 14 through 17.  
Strike: ", AND" on line 14 through "OFFICE" on line 17.
12. Page 2, following line 17.  
Insert: "NEW SECTION. Section 2. Report to legislature. Prior to the 10th legislative day of each regular session, the governor shall report to the legislature on the progress made toward achieving the goals set forth in [section 1]."  
Renumber: subsequent section
13. Page 2, following line 21.  
Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

ADOPT

REJECT

Signed, Van Valkenburg  
Senator Van Valkenburg

MA 3-12-91  
Amd. Coord.

SB 3/12 12:35  
Sec. of Senate

## 1 HOUSE BILL NO. 424

2 INTRODUCED BY STICKNEY, RUSSELL, TOOLE, SQUIRES,

3 BROOKE, ECK, WYATT, WANZENRIED, J. DEBRUYCKER,

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10 KILPATRICK, GERVAIS, REAM, L. NELSON, YELLOWTAIL, BENGTSON

11

12 A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE DIRECT THAT

13 ~~BY--JANUARY--17--1994~~ ALL APPOINTING AUTHORITIES OF ALL

14 APPOINTIVE BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS OF

15 THE STATE BE GENDER-BALANCED GOVERNMENT TAKE POSITIVE ACTION

16 TO ATTAIN GENDER BALANCE TO THE GREATEST EXTENT POSSIBLE AND

17 PROPORTIONALLY--REPRESENT PROPORTIONAL REPRESENTATION OF

18 MINORITY RESIDENTS TO THE GREATEST EXTENT POSSIBLE; AND TO

19 PROVIDE--THAT--BY--JANUARY--17--1994--10 PERCENT OF THE TOTAL

20 MEMBERSHIP OF APPOINTIVE ENTITIES MUST REPRESENT--MINORITIES

21 REQUIRE THAT THE SECRETARY OF STATE PUBLISH INFORMATION ON

22 APPOINTMENTS AND--OBTAIN--GENDER--AND--MINORITY--STATUS

23 INFORMATION--FROM--APPOINTEES; TO REQUIRE THAT THE GOVERNOR

24 REPORT TO SUCCEEDING LEGISLATURES THE PROGRESS MADE TOWARD

25 GENDER BALANCE AND PROPORTIONAL REPRESENTATION; AND

1 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

2

3 WHEREAS, ARTICLE II, SECTION 8, OF THE MONTANA

4 CONSTITUTION PROVIDES THE RIGHT OF PUBLIC PARTICIPATION IN

5 GOVERNMENT AND THE PUBLIC RIGHT TO EXPECT GOVERNMENTAL

6 AGENCIES TO AFFORD SUCH REASONABLE OPPORTUNITY FOR CITIZEN

7 PARTICIPATION; AND

8 WHEREAS, THE 51ST LEGISLATURE ADOPTED HOUSE JOINT

9 RESOLUTION NO. 28, URGING THAT ALL APPOINTIVE BOARDS,

10 COMMISSIONS, COMMITTEES, AND COUNCILS BE GENDER-BALANCED;

11 AND

12 WHEREAS, THE 52ND LEGISLATURE ACKNOWLEDGES THAT WOMEN

13 AND MINORITIES ARE SIGNIFICANTLY UNDERREPRESENTED ON ALL

14 APPOINTIVE BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS OF

15 STATE GOVERNMENT; AND

16 WHEREAS, THE 52ND LEGISLATURE STRONGLY SUPPORTS PROGRESS

17 TOWARD THE GOAL OF FULL PARTICIPATION IN STATE GOVERNMENT BY

18 BOTH GENDERS AND ALL RACES.

19

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

21 NEW SECTION. Section 1. Gender and racial balance. (1)

22 All ~~BY--JANUARY--17--1994~~ AS VACANCIES OCCUR AND APPOINTMENTS

23 ARE MADE, APPOINTMENTS TO:

24 (A) ~~ALL~~ ALL APPOINTING AUTHORITIES OF ALL appointive

25 boards, commissions, committees, and councils of the state

1 ~~must--be--gender-balanced--to-the-greatest-extent-possible--~~  
2 AND GOVERNMENT SHALL TAKE POSITIVE ACTION TO ATTAIN GENDER  
3 BALANCE AND

4 ~~(2)(B) By--January-1,-1994,-10% of the total membership~~  
5 ~~of--appointive-boards,-commissions,-committees,-and--councils~~  
6 ~~of--the--state--must~~ PROPORTIONALLY ~~represent~~ PROPORTIONAL  
7 REPRESENTATION OF minorities resident in Montana TO THE  
8 GREATEST EXTENT POSSIBLE.

9 (2) PURSUANT TO SUBSECTION (1), THE SECRETARY OF STATE  
10 SHALL:

11 ~~(A) PUBLISH IN THE MONTANA ADMINISTRATIVE REGISTER ON A~~  
12 ~~MONTHLY BASIS THE RECENT APPOINTMENTS MADE BY THE EXECUTIVE~~  
13 ~~BRANCH AND THE UPCOMING VACANCIES ON EXECUTIVE BOARDS AND~~  
14 ~~COMMISSIONS;-AND~~

15 ~~(B)--DEVELOP-A-QUESTIONNAIRE-TO-OBTAIN--THE--GENDER--AND~~  
16 ~~MINORITY---STATUS---OF---APPOINTEES---AND---DISTRIBUTE---THE~~  
17 ~~QUESTIONNAIRE-WITH-COPIES-OF-THE-OATH-OF-OFFICE.~~

18 NEW SECTION. SECTION 2. REPORT TO LEGISLATURE. PRIOR  
19 TO THE 10TH LEGISLATIVE DAY OF EACH REGULAR SESSION, THE  
20 GOVERNOR SHALL REPORT TO THE LEGISLATURE ON THE PROGRESS  
21 MADE TOWARD ACHIEVING THE GOALS SET FORTH IN [SECTION 1].

22 NEW SECTION. Section 3. Codification instruction.  
23 [Section 1] is intended to be codified as an integral part  
24 of Title 2, chapter 15, part 1, and the provisions of Title  
25 2, chapter 15, part 1, apply to [section 1].

1 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS  
2 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-