

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Eleanor Vaughn, on March 24, 1993, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SR 5
Executive Action: SR 5, HB 176, HB 319, SB 87, HB 320

Sen. Vaughn asked Sen. Pipinich to conduct the hearing on SR 5 since she was the sponsor of the Resolution.

HEARING ON SR 5

Opening Statement by Sponsor:

Sen. Vaughn, Senate District #1, presented SR 5. SR 5 is the resolution confirming the nominations and appointments of the governor. She listed the names nominated for appointment by Governor Racicot.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

There were questions as to why some of the dates differed. Mr. Niss said that was the way it was submitted by the Governor's Office.

Sen. Fritz asked if you had to be an athlete to serve on the Board of Athletics.

Sen. Fritz asked about the dates on the Board of Pardons.

Sen. Hockett asked if there was a public protest of any kind on the Board of Regents not having a female member of the board. He also asked which Governor nominated these people. Sen. Pipinich answered that these were Governor Stephens appointments.

Sen. Hockett asked if anyone had ever considered the fact that there were too many boards. Sen. Swift asked the same question. Sen. Pipinich said that question has come up every time but there is nothing ever done.

Sen. Fritz commented that other than the Board of Regents which is mandated by the constitution most of these are occupational licensing boards and most of the fees are paid by the professional group which wants to be regulated or wants to regulate itself in order to keep unqualified people from entering the field and driving the prices up.

Sen. Vaughn said the boards do govern and restrict their own groups. The Boards take care of a lot of the things that the Legislature would have to face.

Sen. Fritz said some of the groups are statutory and do cost the state some money like the Board of Regents and the Montana Arts Council but most are occupational licensing boards connected to the Department of Commerce for administrative purposes.

Sen. McClernan commented that he did not see any Butte Democrat names on the list but did not expect to. Sen. Pipinich said Patrick Fleming from Butte is appointed to the Board of Pardons.

Sen. Hockett asked if the boards relied on the people who applied for the positions. Sen. Pipinich said he asked the Governor's Office how many people applied to be on the Board of Pardons and they told him there were nine applications.

Sen. Vaughn added that she also had people who complained to her that there were no people from their area on boards but that they should make sure that they work to get some names in to the Governor for appointment.

Sen. Pipinich said he was investigating Julienne Kennerly for the Board of Pardons who was the wife of Roland Kennerly. It was nice to talk to the first lady Native American on the Board of Pardons.

Closing by Sponsor:

Sen. Vaughn said she would check on some of the dates. This was a preliminary report to go to the desks of the Senators.

EXECUTIVE ACTION ON SR 5

Motion/Vote: Sen. McClernan moved SR 5 DO PASS. The motion SR 5 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 87

Discussion: Sen. Pipinich said it would be nice to kill this bill so the sales tax would not get on the ballot. David Niss explained the amendments.

Motion: Sen. Fritz moved to amend SB 87.

Discussion: Sen. Tveit asked Mr. Niss if he did not want the election in June if he could amend it to be in November. Mr. Niss said the purpose of the bill is to shorten up the time period in which the steps addressed in the bill have to be taken. There is not sufficient time to do all of those things and still have the vote in June.

Vote: The motion to AMEND SB 87 CARRIED.

Motion: Sen. Pipinich moved SB 87 DO NOT PASS AS AMENDED.

Discussion: Sen. Fritz said the Senate passed a sales tax comprehensive tax reform package over to the House and one of the arguments consistently made on the floor was that it provided for a public vote in June. It was promised by the Governor, seconded by the Senate and the effort to derail the process in the Senate State Administration Committee which doesn't have anything to do with taxation policy is sour grapes.

Vote: The motion SB 87 DO NOT PASS AS AMENDED FAILED with Sen. Pipinich vote yes.

Motion: Sen. Swift moved SB 87 DO PASS AS AMENDED.

Vote: The motion SB 87 DO PASS AS AMENDED CARRIED with Sen. Pipinich voting no. Sen. Crippen will carry the bill on the floor.

EXECUTIVE ACTION ON HB 176

Discussion: Sen. Hockett stated the committee had heard Rep. Kadas' bill on March 23 and he had expressed an opinion that his bill was better. He asked Rep. Grinde if he could enlighten the committee why his would better serve the citizens of Montana than Rep. Kadas'. Rep. Grinde commented that he and Rep. Kadas had debated this issue for quite some time. "Rep. Kadas's major concern is with the budgeting process. He wants to budget on an annual basis which has some merits. The reason I have chosen this particular path is because if annual sessions appear on the ballot the voters in the State of Montana will not vote for it. They don't like us up here for ninety days as it is and to put us up here every year, the voters will not approve it on the ballot. Rep. Kadas has some things to work out as far as budgeting. How many bills do you let in on a budgeting session. It gets pretty sticky on how you determine that. Rep. Kadas and I are both on the thought that something needs to be changed. We both have different avenues on how to do it. But the bottom line is which are the voters going to pass. I'm not saying that they will pass mine but it has a much better chance than an annual session bill. I have three editorials, the Missoulian, Butte Standard and the Helena Independent that endorses my proposal. That's what it is going to take. A lot of people getting behind it, the newspapers and the individuals. I've also gotten a lot of letters on this from individuals out there. The Butte Standard wrote that this idea makes so much sense that it wonders why no one thought of it before or at least tried to do anything about it. It was not my idea. It came from the State of Kentucky. I'm garnering momentum on this. The Governor said that if this bill were to be on the ballot that he would go out and personally work for the passage of it. He feels it is that important. This committee will have to decide, if you think there needs to be a change, which one of these bills is going to pass.

Sen. Fritz said he would like to list the three demurrals about the bills. "One is that sentiment may be building for annual sessions. The votes have gotten closer. The other is the one that we discussed, that we would be overlapping the session and the filing date. There has to be a year between the session and the filing date. It might tend to politicize the session even more and we would be filing against incumbents. The other

concern I have heard is it is kind of a back door annual sessions bill on its own since you do have the Legislature get together formally or informally for some purposes at the beginning of every year."

Rep. Grinde replied to Sen. Fritz' concerns. He said he did not think the people would vote for annual sessions. The people he has spoken with have told him that they do not want annual sessions. Regarding Sen. Fritz' second concern, he said the filing date would have to be moved back and the primary date would be moved closer to the general election. There is a major concern that even if someone did not file they could announce. Rep. Grinde said it would make for better legislators because it would make legislators more accountable. If legislators are not proud of the way they vote maybe they should not be here. "In regards to the third concern of annual sessions, it is not my intention to create that but to be honest it does have potential because we would meet for a certain amount of time and it would create standing committees. It could be perceived as annual sessions but it is not my intent."

Sen. Fritz asked Rep. Grinde if the Legislature would formally convene in the odd-numbered years and for how long. Rep. Grinde said the Legislature would not formally convene. Sen. Fritz said it would be sort of an extended caucus. "There is no need to formally convene in order to take the oath of office. We would just meet to establish the committees, rules and leadership because if we formally convene we would be going against the Constitution. It would probably not last more than a few days."

Sen. Pipinich asked what would prevent the Legislature from being in session longer than intended. Rep. Grinde said he perceived a Senate and House panel working to write this. It would be written in rules or in statutes. The House and Senate would determine what would take place.

Sen. Tveit added that the new elected officials would be sworn in right after the first of the year. Rep. Grinde said that was correct. He also said that under this proposal there would be no lame duck legislators.

Sen. McClernan asked if this passed would there be a session starting January, 1995 and another one in 1996? Rep. Grinde said to get on line we would have to have back to back sessions. From that point on we would meet on even-numbered years.

Sen. Vaughn asked if the Legislature would come in on odd-numbered years to get sworn in and get the standing committees appointed. It would not have to be in statutes, it could be taken care of by rules. Rep. Grinde said that was correct. It would also still be only ninety days total.

Sen. Vaughn asked if the meetings would still be required in November or if it could be handled in January. Rep. Grinde said it could be done in January and he could stay and go elk hunting in November.

Sen. Vaughn asked if it was in the statutes that the Legislature come in in November. Rep. Grinde said it was not. It is in the rules.

Sen. Hockett asked about the housing situation in Helena. Rep. Grinde said he did not think it would be a problem because there would not be lobbyists here at that time.

Sen. Vaughn said the pre-session caucuses are in the statutes, 52-201, it says not later than December 1 of each year following the election, the members of the Legislature shall hold a pre-session caucus. It does say that in the statutes so the statutes would have to be changed.

Sen. Hockett said that would raise a question because the pre-session caucus is when the leadership is elected and they start working on appointing the committees. There could be a problem there. Rep. Grinde said the statutes could be changed to do what we do in November in January.

Sen. McClernan asked if there was a vote on this in November of 1994 if it would be able to be done in 1995. Rep. Grinde said that was correct if those changes were made in the statutes or the rules.

Rep. Grinde stated he had been talking to Sen. Fritz about carrying this bill on the floor and twice he did not say no. Sen. Fritz said he had never said yes, either.

Sen. Vaughn asked Rep. Grinde if Sen. Waterman was going to carry the bill. Rep. Grinde said she would if he could not get anyone else to do it.

Sen. Weldon asked Mr. Niss about the term mutual voidness or whatever that clause is. Mr. Niss answered that Rep. Grinde, Sen. Vaughn and he had discussed that issue and the conclusion is that, politics aside, it would be better for the committee to take action on one of the bills preferred and table the other. "The problem is that the bills are mutually exclusive, HB 176 and HB 319 amend the same section of the Constitution in different directions and they could not both be carried into law after election and approval by the people without some resolution, either another vote of the people or court action. The difficulty with trying to coordinate the two is that because the coordination instruction, what we usually do with bills, itself is part of the bill that has no affect under the Constitution until it is approved by the voters and it is not known whether or not or which one is going to be approved by the voters so you have no guarantee whatsoever that any coordination instruction is

going to work."

Sen. Fritz said it was up to this committee to decide what to do with the bills. This committee should not send both bills out to the floor although both might get a discussion on the floor. To be consistent, we reported the last annual session amendment out with a DO NOT PASS.

Sen. Hockett said he had no particular preference on either bill.

Sen. Tveit said looking at both HB 319 and HB 320, basically it is the contention of this committee whether we want to improve government with semi-annual sessions or go to annual sessions. Both of Rep. Kadas' bills (HB 319 and HB 320) go to annual sessions and Rep. Grinde's bill (HB 176) does not. To improve government Rep. Grinde's bill might be approved by the people.

Sen. Weldon said for Sen. Tveit's consideration, first what appears, is the Constitutional amendment that would make annual sessions, the second is a statutory coordination that would change the dates. Sen. Weldon added that Rep. Kadas' bill is a better annual sessions bill than Sen. Waterman's bill. Rep. Kadas made very compelling reasons why with the main reason being the budgetary process. It does not expand any legislative activity. It still is a ninety day session.

Sen. McClernan said the only problem he has with annual sessions is that it makes government less accessible with the interim committees. There are not a lot of people who can take a day off in the middle of the week to come to Helena, especially the people in Eastern Montana.

Sen. Vaughn said the people are coming in for interim committees now anyway.

Sen. Swift said he was concerned about the cost of the legislative committees. He said the annual sessions do not address the problem of funding and financing and some of the actions to restrict expenditures.

Sen. Hertel said the 30-day session is inadequate. As Rep. Kadas stated the legislature would meet on the third Monday of January of the even-numbered years. However, before that particular session begins, the committee meetings that take place will put the legislators here longer than ninety days.

Sen. Tveit stated the number of bills that come to the session is too large and without limiting the number of bills the people will not vote for this bill.

EXECUTIVE ACTION ON HB 320

Motion/Vote: Sen. Weldon moved to amend HB 320 to strike LC 79, wherever it appears, and insert in the appropriate manner, HB 319. That amendment simply cleans up the drafting language. The motion to amend HB 320 CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 319

Motion: Sen. Weldon moved to amend HB 319 to include in section 1 the part that is labeled section 6, language to the effect that any bill introduced in a session dies at the end of the session. It cannot be transferred to the next session.

Discussion: Sen. Fritz stated he was against this amendment. There is no reason why a bill should die at the end of the session. "The purpose of annual sessions is to give you a year to reflect on bills that have been introduced." He also stated that the 1973, 1974, and 1975 sessions were not a fiasco as someone testified to. It was one of the most productive times for the State of Montana.

Vote: The motion to AMEND HB 319 CARRIED with Sen. Fritz and Sen. Burnett voting no.

Motion: Sen. Weldon moved HB 319 BE CONCURRED IN AS AMENDED.

Discussion: Sen. Pipinich said if the committee passes both of Kadas's bills out then we should not pass Rep. Grinde's bill. Sen. Weldon said that was the intent.

Sen. Vaughn said we need to discuss them both together and if we table one of them someone from the committee needs to bring that out on the floor if they feel they would like to have them discussed.

Sen. Weldon commented that Rep. Kadas's chief concern was the budget and we probably did not need to discuss this further.

Sen. Tveit asked how the Legislature could get through 600 or 700 bills in 30 days.

Sen. Weldon said there would not be that amount of bills introduced in the 30-day session.

Sen. Pipinich added that it could not be done in that short of time.

Sen. Fritz said the argument for annual sessions is that one of the sessions would be devoted to the budget and would therefore involve all legislators in the big budget bill. "It would give every legislator the chance to get involved. In the next session

it would be everything else. It simply creates annual sessions without saying that one of the sessions will be devoted to budgetary matters and the other to society matters. If annual sessions ever pass in Montana that would be the reason."

Sen. Vaughn said that very few people get to work on the budgets if they are not on one of the committees. The last proposal was that budget items could be heard in the even-numbered year with the certain percentage of vote from the House and the Senate.

Sen. Fritz said both of the proposals promise more good government than they can produce. There are probably problems in the implementation that we cannot conceive. He stated he did not want to be elected in the fall of an even-numbered year and not serve for 14 or 15 months later. "That's a very strange interlude where all sorts of things could occur."

Vote: The motion to CONCUR IN HB 319 AS AMENDED FAILED with Sen. Hockett, Sen. Weldon and Sen. Vaughn voting yes.

Sen. Fritz said that when the adverse committee report is presented on the floor and the Senate votes on it this bill automatically moves to second reading board.

EXECUTIVE ACTION ON HB 320

Motion/Vote: Sen. Weldon moved to CONCUR IN HB 320 AS AMENDED. The motion to CONCUR IN HB 320 FAILED with Sen. Hockett, Sen. Weldon and Sen. Vaughn voting yes. Sen. Swift will carry the adverse committee report.

EXECUTIVE ACTION ON HB 176

Motion/Vote: Sen. Hertel moved HB 176 BE CONCURRED IN. The motion to CONCUR IN HB 176 FAILED with Sen. Hertel, Sen. McClernan, Sen. Swift and Sen. Tveit voting yes. Sen. Vaughn will carry the adverse committee report.

Motion/Vote: Sen. Weldon moved HB 176 BE TABLED. The motion to TABLE HB 176 FAILED with Sen. Fritz, Sen. Hockett, Sen. Pipinich, Sen. Weldon and Sen. Vaughn voting yes.

ADJOURNMENT

Adjournment: 11:25 a.m.



SENATOR ELEANOR VAUGHN, Chair



DEBORAH STANTON, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE

STATE ADMINISTRATION

DATE 3-24-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		✓
Sen. Jim Burnett	✓	ABSENT	
Sen. Harry Fritz	✓		
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit	✓		
David Niss	✓		

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 24, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 176 (first reading copy -- blue), respectfully report that House Bill No. 176 be not concurred in.

Signed: Senator Vaughn
Senator Eleanor Vaughn, Chair

AW
Amd. Coord.
Sec. of Senate

Sen. Vaughn
Senator Carrying Bill

661640SC.SAN

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 24, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 319 (first reading copy -- blue), respectfully report that House Bill No. 319 be amended as follows and as so amended be not concurred in.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 1, line 18.

Following: "committee."

Insert: "Bills not passed by both houses of the legislature in any session of any legislature may not become law."

-END-

AD
Amd. Coord.
Sec. of Senate

Senator Carrying Bill

661635SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 24, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 87 (first reading copy -- white), respectfully report that Senate Bill No. 87 be amended as follows and as so amended do pass.

Signed: *Senator Vaughn*
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, lines 6 and 7.

Strike: " BILL NO. [LC 373]"

Insert: " SENATE BILL NO. 235 "

2. Page 1, lines 23 and 24; page 2, lines 9 and 20 and 21; page 2, line 25 and page 3, line 1; page 5, line 3; page 8, line 16; page 9, line 7; page 13, lines 7 and 25; and page 14, line 20.

Strike: " Bill No. [LC 373]"

Insert: " Senate Bill No. 235 "

3. Page 7, line 18; and page 8, line 6.

Strike: "February 23"

Insert: "June 8"

-END-

AW
Amd. Coord.
Sec. of Senate

661634SC.San

PRELIMINARY

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 24, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 5 (first reading copy -- white), respectfully report that Senate Resolution No. 5 do pass.

Signed: *Senator Vaughn*
Senator Eleanor Vaughn, Chair

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 24, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 320 (first reading copy -- blue), respectfully report that House Bill No. 320 be amended as follows and as so amended be not concurred in.

Signed: *Eleanor Vaughn*
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 1, lines 24 and 25; page 2, lines 2, 4, and 5.
Strike: "___ Bill No. ___ [LC 79]"
Insert: "House Bill No. 319"

-END-

___ Amd. Coord.
___ Sec. of Senate

Sen. Sieff
Senator Carrying Bill

661639SC.SAN

PRELIMINARY

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 24, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 5 (first reading copy -- white), respectfully report that Senate Resolution No. 5 do pass.

Signed: *Senator Vaughn*
Senator Eleanor Vaughn, Chair

ROLL CALL VOTE

SENATE COMMITTEE State Administration

BILL NO. HB 176

DATE 3-24-93 TIME _____ A.M. P.M.

NAME	YES	NO
Sen. Jim Burnett		✓
Sen. Harry Fritz	✓	
Sen. John Hertel		✓
Sen. Bob Hockett	✓	
Sen. Henry McClernan		✓
Sen. Bob Pipinich	✓	
Sen. Bernie Swift		✓
Sen. Larry Tveit		✓
Sen. Jeff Weldon	✓	
Sen. Eleanor Vaughn	✓	

Debbie Stanton
 SECRETARY

 CHAIR

MOTION: TABIE HB 176

ROLL CALL VOTE

SENATE COMMITTEE State Administration

BILL NO. HB 320

DATE _____ TIME _____ A.M. P.M.

NAME	YES	NO
Sen. Jim Burnett		<input checked="" type="checkbox"/>
Sen. Harry Fritz		<input checked="" type="checkbox"/>
Sen. John Hertel		<input checked="" type="checkbox"/>
Sen. Bob Hockett	<input checked="" type="checkbox"/>	
Sen. Henry McClernan		<input checked="" type="checkbox"/>
Sen. Bob Pipinich		<input checked="" type="checkbox"/>
Sen. Bernie Swift		<input checked="" type="checkbox"/>
Sen. Larry Tveit		<input checked="" type="checkbox"/>
Sen. Jeff Weldon	<input checked="" type="checkbox"/>	
Sen. Eleanor Vaughn	<input checked="" type="checkbox"/>	

Delia Stanton
SECRETARY

CHAIR

MOTION: HB 320 BE CONCURRED in
as AMENDED.

ROLL CALL VOTE

SENATE COMMITTEE State Administration

BILL NO. HB 176

DATE 3-24-93

TIME _____

A.M. P.M.

NAME

YES

NO

NAME	YES	NO
Sen. Jim Burnett		✓
Sen. Harry Fritz		✓
Sen. John Hertel	✓	
Sen. Bob Hockett		✓
Sen. Henry McClernan	✓	
Sen. Bob Pipinich		✓
Sen. Bernie Swift	✓	
Sen. Larry Tveit	✓	
Sen. Jeff Weldon		✓
Sen. Eleanor Vaughn		✓

Delia Stanton
SECRETARY

CHAIR

MOTION: HB 176 BE CONCURRED IN

ROLL CALL VOTE

SENATE COMMITTEE State Administration BILL NO. HB319

DATE 3-24-93 TIME _____ A.M. P.M.

NAME	YES	NO
Sen. Jim Burnett		✓
Sen. Harry Fritz		✓
Sen. John Hertel		✓
Sen. Bob Hockett	✓	
Sen. Henry McClernan		✓
Sen. Bob Pipinich		✓
Sen. Bernie Swift		✓
Sen. Larry Tveit		✓
Sen. Jeff Weldon	✓	
Sen. Eleanor Vaughn	✓	

SECRETARY _____ CHAIR _____

MOTION: HB 319 ~~DO PASS~~ AS AMENDED

~~Blair~~
Debbie

OFFICE OF THE GOVERNOR
STATE OF MONTANA



MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

EXHIBIT 1
DATE 3/24/93
SR 5

March 10, 1993

The Honorable Fred Van Valkenburg
President of the Montana State Senate
Room 305, Capitol Station
Helena MT 59620

Dear Senator Van Valkenburg:

RE: SENATE CONFIRMATION

Pursuant to Section 2-15-2502, MCA and 2-15-124 MCA, I have appointed the following individuals to the Highway Commission:

Mr. Wally R. Bell, Montana Powder and Equipment, P.O. Box 5953, Helena, MT, 59604. Mr. Bell fills the qualifications for residing in District 3 and is a Republican.

Ms. Patricia Abelin, 1612 West Olive, Bozeman, MT, 59715. Ms. Abelin fills the qualifications for residing in District 2 and is a Republican.

Mr. Thorm R. Forseth, 2037 Ridgeview Drive, Billings, MT, 59105. Mr. Forseth fills the qualifications for residing in District V and is a Democrat. I have appointed Mr. Forseth as Chair.

Pursuant to Section 2-15-2302, MCA and 2-15-124 MCA, I have appointed the following individuals to the Board of Pardons:

Mr. Patrick T. Fleming, 40 East Broadway, Butte, MT, 59701. Mr. Fleming fills the qualifications for being an attorney and an auxiliary member.

Ms. Julene P. Kennerly, P.O. Box 248, Browning, MT, 59601. Ms. Kennerly fills the qualifications for having knowledge of Native American issues.

Senator Van Valkenburg
Senate Confirmation
March 10, 1993
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Pursuant to Section 2-15-1802, MCA and 2-15-124 MCA, I have reappointed the following individuals to the Milk Control Board:

1 Mrs. Dixie Hertel, Route 1, Box 30, Moore, MT, 59464-9703.
Mrs. Hertel fills the qualifications for residing in Congressional District 2 and is a Republican.

Mr. Jesse Russell Gleason, RR 1, Box 205, Fairfield, MT, 59436-9714. Mr. Gleason fills the qualifications for residing in Congressional District 2 and is a Republican.

Mr. Milton Olson, P.O. Box 102, Whitewater, MT, 59544-0102.
Mr. Olson fills the qualifications for residing in Congressional District 2 and is a Republican.

Pursuant to Section 2-15-3302, MCA and 2-15-124 MCA, I have appointed the following individuals to the Board of Natural Resources and Conservation:

Dr. John Brower, 384 Little Basin Creek Road, Butte, MT, 59701;

Mr. Barton Cooper, P.O. Box C, Boulder, MT, 59632;

Ms. Mary L. Hinebauch, HCR 83, Box 61, Rosebud, MT, 59347.

I have reappointed:

Ms. Mary Ann Sharon, 1700 Riverside Drive, Dillon, MT, 59725.
Ms. Sharon fills the qualifications for being an attorney.

Pursuant to Section 2-15-1818, MCA and 2-15-124 MCA, I have appointed the following individuals to the Montana Science and Technology Development Board:

Mr. Will Brooke, 208 James Ave., Bozeman, MT, 59715. Mr. Brooke fills the qualifications for being from the private sector and is an attorney.

Mr. Raymon F. Thompson, Semitool, Inc., 655 W. Reserve Drive, Kalispell, MT, 59901. Mr. Thompson fills the qualifications for being an expert in technology development.

I have reappointed:

Mr. Ken Thuerbach, P.O. Box 85, Victor, MT, 59875. Mr. Thuerbach fills the qualification for being from the private sector.

EXHIBIT 1
DATE 3/24/93
SR 5

Senator Van Valkenburg
Senate Confirmation
March 10, 1993
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Mr. Ray Tilman, 3480 Hannibal, Butte, MT, 59701. Mr. Tilman fills the qualifications for being from the private sector.

Mr. Tom Breum, 5950 Meadowood Lane, Missoula, MT, 59801. Mr. Breum fills the qualification for being from the private sector.

Pursuant to Section 2-15-3402, MCA and 2-15-124 MCA, I have appointed the following individuals to the Fish and Game Commission:

Mr. David W. Simpson, 844 West 5th Street, Hardin, MT, 50934. Mr. Simpson fills the qualification for representing District V.

Mr. Charles R. Decker, 176 Hammer Road, Libby, MT, 59923. Mr. Decker fills the qualification for representing District I.

Mr. Stanley F. Meyer, 3417 19th Avenue South, Great Falls, MT, 59405. Mr. Meyer fills the qualification for representing District III.

I have attached brief biographical summaries for each of the candidates for confirmation. If you have questions about the appointments or the biographical sketches please contact Pat Lopach at ext. 5516.

Sincerely,



MARC RACICOT
Governor

Enclosures

cc: Sen. Eleanor Vaughn

As members of the Highway Commission
in accordance with section No. MCA 2-15-2502

FIRST	LAST	ADDRESS	CITY
Patricia	Abelin	1612 West Olive	Bozeman

587-0134

TERM: 01/01/97

Abelin is a 1969 graduate of Montana State University with a BS degree in Secondary Education. She manages rental properties and works as an accountant for Old Main Gallery in Bozeman.

Thorm	Forseth	2037 Ridgeview Drive	Billings
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259-3147 h

TERM: 01/01/97

245-5392 w

Forseth is president/manager of Rimrock Stages, Inc. of Billings. He founded, owns and operates intercity motorcoach company which provides schedule and express service to 10 major Montana points as well as interstate charter service. Forseth is a 1969 graduate of Rocky Mountain College with a BA in Exconomics and Business.

Wally R.	Bell	P.O. Box 5953	Helena
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442-2990

TERM: 01/01/97

Bell is owner and operator of Montana Powder and Equipment of Helena. He has been in the construction industry for the past 21 years. He owned and operated a utility construction company for 17 years. He serves on the Montana Utility Construction Association.

appointed by the governor in accordance with 2-15-111. The department may have as many divisions as are necessary, but it must have divisions of:

- (1) highways;
- (2) aeronautics;
- (3) administration;
- (4) rail and transit; and
- (5) motor carrier services.

History: En. 82A-701 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 204, Ch. 316, L. 1974; R.C.M. 1947, 82A-701; amd. Sec. 4, Ch. 512, L. 1991.

Compiler's Comments

1991 Amendment: Substituted "department of transportation" for "department of highways" and "director of transportation" for "director of highways" and inserted final sentence outlining required Divisions of Department. Amendment effective July 1, 1991.

Highways and Transportation, Title 60.
General powers and duties of department, Title 60, ch. 2, part 2.
Motor Vehicles, Title 61.
Motor vehicles — size, weight, and loads, Title 61, ch. 10.

Cross-References

Highway revenue nondiversion, Art. VIII, sec. 6, Mont. Const.

2-15-2502. Highway commission. (1) The highway commission consists of five members. One member must be a resident of and appointed from each of these districts, each composed of the counties named:

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

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

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

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

(e) District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Judith Basin, Fergus, Petroleum, Treasure, Wheatland, Sweet Grass.

(2) Two members may not be residents of the same district at the time of appointment or thereafter during their respective terms of office.

(3) Not more than three members may at the time of appointment or during their respective terms be members of the same political party.

(4) An elective state official or state officer during the term of office to which he was elected or appointed or a state employee may not be a member of the commission.

(5) A resolution, motion, or other decision of the commission may not be adopted or passed without the favorable vote of at least three members.

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

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

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(8) The administrator of the highway division shall act as liaison between the highway commission and the department of transportation.

History: En. Sec. 4-102, Ch. 197, L. 1965; Sec. 32-2402, R.C.M. 1947; amd. and redes. 82A-706.1 by Sec. 72, Ch. 316, L. 1974; amd. Sec. 2, Ch. 186, L. 1977; R.C.M. 1947, 82A-706.1; amd. Sec. 1, Ch. 62, L. 1983; amd. Sec. 5, Ch. 512, L. 1991.

Compiler's Comments

1991 Amendment: In (1), before "resident", deleted "bona fide"; in (6), after "department", inserted "of transportation"; inserted (8) relating to administrator of Highway Division as liaison; and made minor changes in style. Amendment effective July 1, 1991.

Cross-References

Highways and Transportation, Title 60.
General provisions — Highway Commission, Title 60, ch. 2, part 1.

2-15-2503 and 2-15-2504 reserved.

2-15-2505. Purpose. (1) The legislature intends, through the creation of a department of transportation within the executive branch of state government, to:

- (a) provide the means to plan for the present and future transportation needs of the citizens of Montana;
- (b) assure that transportation remains a viable element in the private sector of the economy; and
- (c) provide energy-efficient and ecologically compatible transportation services with optimum efficiency, effectiveness, and economy.

(2) It is the policy of the state of Montana that adequate, safe, and efficient transportation facilities and services of all modes are essential to the economic growth of the state and the well-being of its people and that the planning and development of those facilities and services be coordinated by a department of transportation that has overall responsibility for balanced transportation policy and planning.

History: En. Sec. 1, Ch. 512, L. 1991.

Compiler's Comments

Effective Date: Section 18, Ch. 512, L. 1991, provided that this section is effective July 1, 1991.

2-15-2506. Board of aeronautics — qualification — allocation — quasi-judicial. (1) There is a board of aeronautics.

- (2) The board consists of nine members. The members are: ✓ *added 7/1/91*
- (a) one member of the Montana pilots' association; ✓
 - (b) one member of the Montana chamber of commerce; ✓
 - (c) one representative of the Montana airport management association; ✓
 - (d) one member of the Montana county commissioners association; ✓
 - (e) one person actively engaged in aviation education in this state;
 - (f) one person representative of interstate commercial airline operators, who must at the time of appointment be an employee or official of an interstate commercial airline operator and a resident of this state;
 - (g) one member of the Montana league of cities and towns;
 - (h) one person representing the general public; and

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EXPIRE
DATE 3/24/93
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As members of the Pardons, Board of
in accordance with section No. MCA 2-15-2302

FIRST	LAST	ADDRESS	CITY
Julene P.	Kennerly	P.O. Box 248 338-2661 h	Browning
TERM:	01/02/97	338-2589 w	

Kennerly is a Blackfeet Native American. She is a graduate of the College of Great Falls and Flathead Valley Community College. She presently serves as department head of the Human Services Department at Blackfeet Community College in Browning. She served on the staff of the Salem Human Rights Commission in Oregon, Blackfeet Tribal Court Administrator, Appellate Justice and Advocate for the Blackfeet Tribe. She was the first woman Mayor for Browning and first Native American Woman May in the U.S.

Patrick	Fleming	40 East Broadway 496-5000 w	Butte
TERM:	01/02/97		

Fleming is an attorney for the Montana Power Company. He is a graduate of Gonzaga University School of Law. He has served as deputy county attorney in Silver Bow County and staff attorney for Bureau of Hearing and Appeals. He is vice-chair of the Silver Bow County Law Enforcement Commission.

Department of Corrections and Human Services

2-15-2301. Department of corrections and human services — head. There is a department of corrections and human services. The department head is a director of corrections and human services appointed by the governor in accordance with 2-15-111.

History: En. 82A-801 by Sec. 1, Ch. 272, L. 1971; R.C.M. 1947, 82A-801; amd. Sec. 3, Ch. 262, L. 1991.

Compiler's Comments

1991 Amendment: In two places substituted "corrections and human services" for "institutions". Amendment effective July 1, 1991.

Supervised release program, Title 46, ch. 23, part 4.

General administration of institutions, Title 53, ch. 1.

List of state institutions, 53-1-202.

Alcoholism and drug dependence, Title 53, ch. 24.

Cross-References

Constitutional mandate for department, Art. XII, sec. 3, Mont. Const.

2-15-2302. Board of pardons — composition — allocation — quasi-judicial. (1) There is a board of pardons.

(2) The board consists of three members and an auxiliary member, at least one of whom shall have particular knowledge of Indian culture and problems. Members of the board, including the auxiliary member, shall possess academic training which has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed may be substituted for these educational requirements.

(3) The auxiliary member shall attend any meeting that a regular board member is unable to attend, and at that time the auxiliary member has all the rights and responsibilities of a regular board member.

(4) One member and the auxiliary member shall serve terms concurrent with the governor. The remaining members shall serve staggered 4-year terms.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(6) The board, including the auxiliary member, is designated as a quasi-judicial board for purposes of 2-15-124, except board members shall be compensated as provided by legislative appropriation and the terms of board members shall be staggered as provided in subsection (4).

History: En. 82A-804 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 78, Ch. 120, L. 1974; amd. Sec. 1, Ch. 333, L. 1975; R.C.M. 1947, 82A-804; amd. Sec. 1, Ch. 574, L. 1979; amd. Sec. 1, Ch. 154, L. 1989.

Cross-References

Probation, parole, and clemency, Title 46, ch. 23.

General duties of board, 46-23-104.

Indian affairs — planning and coordination, Title 90, ch. 11.

2-15-2303. Repealed. Sec. 3, Ch. 495, L. 1979.

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As members of the Milk Control Board
in accordance with section No. MCA 2-15-1802

FIRST	LAST	ADDRESS	CITY
Dixie	Hertel	Rte 1 Box 30 374-2281	Moore
TERM:	01/01/97		

Hertel farms and ranches with her husband at Moore.

Jesse Russell	Gleason	RR 1, Box 205 467-2657	Fairfield
TERM:	01/01/97		

Gleason is a long time resident of the Fairfield Bench area where he operated a dairy farm and conducted general farming. He is no longer in the dairy business but still resides there.

Milton (Swede)	Olson	P.O. Box 102 674-5216	Whitewater
TERM:	01/01/97		

Olson is a rancher and farmer in Whitewater.

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Part 18
Department of Commerce

2-15-1801. Department of commerce — head. There is a department of commerce. The department head is a director of commerce appointed by the governor in accordance with 2-15-111.

History: En. 82A-401 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 141, Ch. 431, L. 1975; R.C.M. 1947, 82A-401; amd. Sec. 2, Ch. 274, L. 1981.

Cross-References
Weights, measures, and standards — specific powers of department — rules, 30-12-202.

Unfair trade practices and consumer protection, Art. XIII, sec. 1(2), Mont. Const.; Title 30, ch. 14.

Licensing of proprietary postsecondary educational institutions, 20-30-201.
Trade and Commerce, Title 30.

Financial Institutions, Title 32.
Banks and trust companies — examination and supervision, 32-1-211.
Identification and acquisition of railroad rights-of-way by department, 60-11-111.

2-15-1802. Board of milk control — membership — allocation — quasi-judicial. (1) There is a board of milk control.

(2) The board consists of five members. A member may not be connected in any way with the production, processing, distribution, or wholesale or retail sale of milk or dairy products. A member may not have held an elective or appointive public office during the 2 years immediately preceding his appointment, and a member may not hold a public office, either elective or appointive, during his term on the board. Not more than three members may be of the same political party or residents of the same congressional district.

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

(4) The board is designated as a quasi-judicial board for purposes of 2-15-124.

History: En. 82A-406 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 143, Ch. 431, L. 1975; R.C.M. 1947, 82A-406.

Cross-References

Milk price control, Title 81, ch. 23.

2-15-1803. State banking board — composition — allocation. (1)

There is a state banking board.

(2) The board is composed of seven members, including the director of commerce, or his designee, who is the chairman of the board. The remaining six members of the board shall be appointed with consideration given banks of small, medium, and large size and to geographical distribution. At least one banker member and one public member shall be appointed from each congressional district of the state. Two of the six members shall be active officers in state banks of Montana, one shall be an active officer of a national bank doing business in Montana, and three shall be members of the public, none of whom shall be an officer, director, or shareholder of any state or national bank.

Discriminatory: Section 2, Ch. 239, L. 1991,
d. "This act" applies to members appointed after [the effective date of this act]."

Effective October 1, 1991.

References

Personnel grievances, Title 2, ch. 18,

5-1706. Commission for human rights — allocation — quasi-judicial. (1) There is a commission for human rights.

The commission consists of five members appointed by the governor with the consent of the senate.

The commission is designated as a quasi-judicial board for the purposes of 2-15-124 and its members shall be compensated and receive travel expenses as provided for in 2-15-124.

The commission is allocated to the department of labor and industry for administrative purposes only as provided in 2-15-121, except that the commission may hire its own personnel, may seek and receive private and public funds in its own name, and may determine all matters of policy and the use of its budget. Subsection (2)(d) of 2-15-121 shall not apply to members of this section.

History: En. 82A-1015 by Sec. 4, Ch. 283, L. 1974; amd. Sec. 1, Ch. 478, L. 1975; R.C.M. 1947, 82A-1015; amd. Sec. 24, Ch. 247, L. 1981; amd. Sec. 3, Ch. 474, L. 1981; amd. Sec. 4, L. 1985.

References

General powers and duties of commission, Title 49, ch. 2, part 2.

Title 49, ch. 2, part 2.

5-1707. Office of workers' compensation judge — allocation — appointment — salary. (1) There is the office of workers' compensation judge. The office is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121.

The governor shall appoint the workers' compensation judge for a term of one year in the same manner provided by Title 3, chapter 1, part 10, for the appointment of supreme or district court judges. A vacancy must be filled in the same manner as the original appointment.

To be eligible for workers' compensation judge, a person must:

(a) have the qualifications necessary for district court judges found in Title 3, section 9, of the Montana constitution;

(b) devote full time to the duties of workers' compensation judge and not engage in any private practice of law.

The workers' compensation judge is entitled to the same salary and benefits as that of a district judge but must be accorded retirement benefits under the public employees' retirement system.

History: En. 82A-1016 by Sec. 1, Ch. 537, L. 1975; R.C.M. 1947, 82A-1016; amd. Sec. 13, Ch. 1989; Sec. 2-15-1014, MCA 1989; redes. 2-15-1707 by Code Commissioner, L. 1985.

References

Workers' compensation judge, Title 39, ch. 71, part 29.

Workers' compensation judge, Title 39, ch. 71, part 29.

Employees' Retirement System, Title 39, ch. 71, part 29.

As members of the Natural Resources/Conserv, Bd
in accordance with section No. MCA 2-15-3302

FIRST	LAST	ADDRESS	CITY
Barton	Cooper	P.O. Box C 225-3886 h 225-3886	Boulder
TERM:	01/01/97		

Cooper owns and operates a logging contracting business-B.L. Cooper, Inc.

Dr. John	Brower	384 Little Basin Creek 496-4267 w 494-4179 h	Butte
TERM:	01/01/97		

Brower is a professor at Montana Tech in Butte.

Mary Ann	Sharon	1700 Riverside Dr. 683-4634 h 683-2393 w	Dillon
TERM:	01/01/97		

Sharon is trust officer and attorney for State Bank and Trust Company.

Mary L.

Hinebauch

HCR 83, Box 61

Rosebud

TERM: 01/01/97

347-5266

Hinebauch farms with her husband in Miles City. The L&M Livestock, Inc. is one of the largest private irrigation operations in Eastern Montana (2800 ac).

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The council consists of six citizens of the state appointed by the governor as follows:
Three members having relevant qualifications to evaluate management strategies for natural areas;
One member engaged in agriculture;
One member engaged in ranching; and
One member representing industry.

For the first appointment, three of the members must be appointed as two and three members for 4 years. Thereafter, each member must be reappointed for a term of 4 years. Members may be reappointed for the second year of the unexpired term.

Subsections (5) through (8) of 2-15-122 apply to the council and its members, except that compensation and reimbursement are subject to the availability of funds. (*Terminates June 30, 1993—sec. 15, Ch. 460, L. 1987.*)
En. Sec. 6, Ch. 460, L. 1987.

References

Natural areas preservation, Title 76, ch.

2-204. Council — composition — duties. (1) There is a governor's council on natural areas preservation. The council consists of the following five members:

The designee of the governor;

The director of the Montana historical society;

A Montana state historic preservation officer;

A representative of the Montana arts council appointed by the governor;

The administrator of the architecture and engineering division of the department of administration.

The members of the council shall serve without compensation. The council shall elect a chair and a secretary from among its members. The council shall terminate on June 30, 1993.

The council shall develop an overall restoration plan for the governor's mansion and surrounding grounds and shall approve alterations to the existing structure.

En. Sec. 4, Ch. 691, L. 1989.

References

Centennial Mansion Council
Maintenance of Governor's centennial mansion, 2-17-127.
Governor's centennial mansion — acceptance, 77-1-221.

2-205. Gifts. (1) In order to maintain and improve the quality of the public areas of the governor's centennial mansion, the council shall solicit and accept on behalf of the Montana community foundation money, furnishings, objects of art, and other items the council may have historical value in keeping with the period and purpose of the governor's centennial mansion.

(2) The council may solicit contributions for the renovation of and capital improvements to the governor's centennial mansion.

(3) Gifts for the benefit of the governor's centennial mansion and surrounding grounds are not accepted by the state unless accepted by the council. The council shall maintain a complete inventory of all gifts and articles received.

History: En. Sec. 5, Ch. 691, L. 1989.

Part 33

Department of Natural Resources and Conservation

2-15-3301. Department of natural resources and conservation — head. There is a department of natural resources and conservation. The department head is the director of natural resources and conservation appointed by the governor in accordance with 2-15-111.

History: En. 82A-1501 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 114, Ch. 253, L. 1974; R.C.M. 1947, 82A-1501.

Cross-References

Environment and natural resources, Art. IX, Mont. Const.

Water resources, Art. IX, sec. 3, Mont. Const.; Title 85, ch. 1.

Cooperative agreements with district weed boards, 7-22-2151.

Environmental contingency grant program, Title 75, ch. 1, part 11.

Major facility siting, Title 75, ch. 20.

Floodplain and floodway management, Title 76, ch. 5.

Fire protection of natural resources, Title 76, ch. 11, part 1.

Timber resources, Title 76, ch. 13.

Conservation districts, Title 76, ch. 15.

Grazing districts, Title 76, ch. 16.

State building energy conservation program, Title 90, ch. 4, part 6.

2-15-3302. Board of natural resources and conservation — composition — quasi-judicial. (1) There is a board of natural resources and conservation.

(2) The board is composed of seven members, appointed by the governor as prescribed in 2-15-124, informed and experienced in the subjects of natural resources and conservation.

(3) The board is designated as a quasi-judicial board for purposes of 2-15-124.

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

(5) In addition to carrying out its functions as provided by law, the board shall act in an advisory capacity to the department in all other matters.

History: En. 82A-1509 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 1, Ch. 384, L. 1973; amd. Sec. 117, Ch. 253, L. 1974; R.C.M. 1947, 82A-1509.

Cross-References

Environment and natural resources, Art. IX, Mont. Const.

Water resources, Art. IX, sec. 3, Mont. Const.; Title 85, ch. 1.

Natural streambed and land preservation — rules — minimum standards, 75-7-117.

Major facility siting, Title 75, ch. 20.

Floodplain and floodway management, Title 76, ch. 5.

As members of the MT Science & Tech Devel Bd
in accordance with section No. MCA 2-15-1818

FIRST	LAST	ADDRESS	CITY
Ken	Thuerbach	P.O. Box 85	Victor

TERM: 01/01/97

642-3451 w

Thuerbach is the Chief Executive Officer of Alpine Log Homes, Inc., a custom, handcrafted log home producer. He is also founder and chairman of Sea-Vu Corporation which distributes marine underwater observation vehicles throughout the world. Thuerbach received his Masters of Business Arts Degree from Harvard Graduate School of Business. In 1988, he received the Edwin M. Appel Prize from the Price Institute for "bringing entrepreneurial vitality to academia". He serves on the Board of Governors for the Montana Entrepreneurship Centers.

Ray	Tilman	3480 Hannibal	Butte
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TERM: 01/01/97

494-4596
723-4081

Tilman works for Montana Resources in Butte.

Raymon F.	Thompson	655 W. Reserve Drive	Kalispell
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TERM: 01/01/97

752-2107

Thompson is owner and operator of Semitool, Inc. in Kalispell.

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Tom Breum 5950 Meadowwood Lane Missoula
TERM: 01/01/97 251-3541 h
258-5511 W
Breum works for Champion International in Missoula.

Will Brooke 208 James Ave. Bozeman
TERM: 01/01/97 587-5511
Brooke is an attorney in private practice.

2-15-1818. Montana board of science and technology development — allocation — composition — quasi-judicial powers. (1) There is a Montana board of science and technology development. The board is allocated to the department of commerce. The department shall select, prescribe the duties for, and supervise staff to administer board activities.

(2) The board consists of nine members appointed by the governor as prescribed in 2-15-124.

(3) In making appointments to the board, the governor shall consider people with extensive interest and experience in science and technology and the application of such interest and experience to economic development in Montana.

(4) The membership of the board must include:

(a) at least three members with knowledge of early stage financing of private businesses;

(b) at least one member with expertise in applied technology development; and

(c) at least five members from the private sector.

(5) The board is designated a quasi-judicial board for purposes of 2-15-124.

History: En. Sec. 16, Ch. 316, L. 1989; amd. Sec. 1, Ch. 594, L. 1991.

Compiler's Comments

1991 Amendment: In (4)(a) increased from two to three the number of Board members who must have knowledge of early stage financing of private businesses. Amendment effective April 24, 1991.

Cross-References

Montana Science and Technology Financing Act, Title 90, ch. 3.

2-15-1819 and 2-15-1820 reserved.

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; and

(ii) two with expertise in education.

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

(i) business;

(ii) engineering;

(iii) public administration; and

(iv) planning.

(5) No more than four members may be residents of the same congressional district.

History: En. 50-1804 by Sec. 5, Ch. 502, L. 1975; amd. Sec. 6, Ch. 540, L. 1977; R.C.M. 1947, 50-1804; MCA 1979, 2-15-1104; amd. and redes. 2-15-1821 by Sec. 12, Ch. 274, L. 1981.

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2-15-1632; redes. 2-15-1862 by Sec. 4, Ch. 274, L. 1981; Sec. 2-15-1862, redes. 2-15-3307 by Code Commissioner, pursuant to Sec. 12, Ch. 728, L. 1985.

Disasters and emergencies — emergency reciprocity for persons licensed out of state, 10-3-204.

General duties of boards, 37-1-131.

Licensure of former criminal offenders, Title 37, ch. 1, part 2.

Water well contractors, Title 37, ch. 43.

Nondiscrimination in licensing, 49-3-204.

2-15-3408. Drought advisory committee. (1) There is a drought advisory committee allocated to the department of natural resources and conservation for administrative purposes only as provided in 2-15-121. The drought advisory committee is chaired by a representative of the department and consists of representatives of the departments of natural resources and conservation; agriculture; commerce; fish, wildlife, and parks; health and environmental sciences; state lands; and live-stock. The governor's representative must be appointed by the governor, and a representative of each department must be appointed by the head of that department. Additional, nonvoting members who represent drought-affected areas and local government agencies and public and private interests may be appointed by the governor.

The drought advisory committee shall:

- (a) with the approval of the governor, develop and implement a state plan;
- (b) review and report drought monitoring information to the public;
- (c) coordinate timely drought impact assessments;
- (d) identify areas of the state with a high probability of drought and target those areas for assistance efforts to those areas;
- (e) upon request, assist in organizing local drought advisory committees;
- (f) request state agency staff to provide technical assistance to local drought advisory committees; and
- (g) promote ideas and activities for groups and individuals to consider ways to reduce drought vulnerability.

The department of natural resources and conservation shall provide technical assistance to the drought advisory committee.

The drought advisory committee shall meet, at a minimum, on or before the 15th day of the months of October and February of each year to review moisture conditions and, as appropriate, begin preparations for drought mitigation.

By March 15th of each year, the drought advisory committee shall submit a report to the governor describing the potential for drought in the next year. If the potential for drought merits additional activity by the drought advisory committee, the report must also describe:

- (a) activities to be taken by the drought advisory committee for informing the public about the potential for drought;
- (b) a schedule for completing activities;

(c) geographic areas for which the creation of local drought advisory committees will be suggested to local governments and citizens; and

(d) requests for the use of any available state resources that may be necessary to prevent or minimize drought impacts.

(7) Nothing in this section is intended to remove or interfere with the duties and responsibilities of the governor or the division of disaster and emergency services for disaster coordination and emergency response, as provided in Title 10, chapter 3, part 1. The duties and responsibilities of the drought advisory committee supplement and are consistent with those of the division of disaster and emergency services for drought planning, preparation, coordination, and mitigation.

History: En. Sec. 1, Ch. 208, L. 1991.

Compiler's Comments

Effective Date: Section 3, Ch. 208, L. 1991, provided: "[This act] is effective on passage and approval." Approved March 27, 1991.

Part 34

Department of Fish, Wildlife, and Parks

2-15-3401. Department of fish, wildlife, and parks — head. There is a department of fish, wildlife, and parks. The department head is the director of fish, wildlife, and parks appointed by the governor in accordance with 2-15-111. The director is the secretary of the commission.

History: En. 82A-2001 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 1, Ch. 417, L. 1977; R.C.M. 1947, 82A-2001; amd. Secs. 1, 2, Ch. 218, L. 1979.

Cross-References

State parks, Title 23, ch. 1.

Recreational use of streams, Title 23, ch. 2, part 3.

Fish and Wildlife, Title 87.

Department of Fish, Wildlife, and Parks, Title 87, ch. 1, part 2.

2-15-3402. Fish, wildlife, and parks commission — composition — qualifications — quasi-judicial. (1) There is a fish, wildlife, and parks commission.

(2) The commission consists of five members. At least one member must be experienced in the breeding and management of domestic livestock. The governor shall appoint one member from each of the following districts:

(a) District No. 1, consisting of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark Counties;

(b) District No. 2, consisting of Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park, and Sweet Grass Counties;

(c) District No. 3, consisting of Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland Counties;

As members of the Fish & Game Commission
in accordance with section No. MCA 2-15-3402

FIRST	LAST	ADDRESS	CITY
Charles R.	Decker	176 Hammer Road	Libby
TERM: 01/01/97		293-6465	

Decker is founder and recent past chair of Rocky Mountain Elk Foundation. He owns and operates CRD Timber and Logging.

David W.	Simpson	844 West 5th Street	Hardin
TERM: 01/01/97		665-3697 h 342-5241 w	

Simpson is vice president of operations at Westmoreland Resources, Inc., a major surface coal mine. He is a graduate of Pennsylvania State University with as Master of Science, Wildlife Management degree.

Stanley F.	Meyer	3417 19th Ave. South	Great Falls
TERM: 01/01/97		452-8581 453-0144	

Meyer is retiring from Wendt Advertising in April, 1993. He is a city commissioner and built Wendt Advertising. He is a member of the Nature Conservancy of Montana, Trout Unlimited, National Rifle Association and Missouri River Shooters Association.

(d) District No. 4, consisting of Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, and Wibaux Counties;

(e) District No. 5, consisting of Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and Prairie Counties.

(3) Appointments must be made without regard to political affiliation and must be made solely for the wise management of the fish, wildlife, and state parks and other outdoor recreational resources of this state. A person may not be appointed to the commission unless he is informed or interested and experienced in the subject of wildlife, fish, parks, and outdoor recreation and the requirements for the conservation and protection of wildlife, fish, parks, and outdoor recreational resources.

(4) A vacancy occurring on the commission must be filled by the governor in the same manner and from the district in which the vacancy occurs.

(5) The fish, wildlife, and parks commission is designated as a quasi-judicial board for purposes of 2-15-124. Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the commission.

History: En. 82A-2004 by Sec. 1, Ch. 272, L. 1971; amd. Sec. 56, Ch. 511, L. 1973; amd. Sec. 2, Ch. 417, L. 1977; R.C.M. 1947, 82A-2004; amd. Sec. 1, Ch. 379, L. 1979; amd. Sec. 1, Ch. 28, L. 1991.

Compiler's Comments

1991 Amendment: In (1) and (5) changed name of Fish and Game Commission to Fish, Wildlife, and Parks Commission; in (3), in second sentence after first "fish", inserted "parks"; before second "fish" inserted "wildlife", and after second "fish" substituted "parks" for "game, game birds, animals"; and made minor changes in style.

Cross-References

Recreational use of streams, Title 23, ch. 2, part 3.
Fish and Wildlife, Title 87.
Commission — general powers and duties, Title 87, ch. 1, part 3.

2-15-3403. Renumbered 2-15-1883. Sec. 11, Ch. 528, L. 1987.

2-15-3404. Fish and wildlife crimestoppers board. (1) There is a fish and wildlife crimestoppers board.

(2) (a) The board consists of five members, four of whom are appointed by the director of the department of fish, wildlife, and parks, as follows:

(i) the person within the department responsible for the enforcement of fish and wildlife laws;

(ii) a member of a sportsmen's or conservation group;

(iii) a member who is actively engaged in agricultural production; and

(iv) a member of the public, appointed at large.

(b) The fifth member is a member of the fish, wildlife, and parks commission who shall be designated by the commission.

(3) The board shall elect a chairman from its members.

(4) A member must be appointed for a term of 2 years and may be reappointed.

(5) (a) A vacancy must be filled within 14 days of occurrence in the same manner as the original appointment.

3/24/93
SR5

Amendments to Senate Bill No. 87
Third Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
March 19, 1993

1. Title, lines 6 and 7.

Strike: "___BILL NO. ___ [LC 373]"

Insert: "SENATE BILL NO. 235 "

2. Page 1, lines 23 and 24; page 2, lines 9 and 20 and 21; page 2, line 25 and page 3, line 1; page 5, line 3; page 8, line 16; page 9, line 7; page 13, lines 7 and 25; and page 14, line 20.

Strike: "___Bill No. ___ [LC 373]"

Insert: "Senate Bill No. 235"

3. Page 7, line 18; and page 8, line 6.

Strike: "February 23"

Insert: "June 8"

Amendments to House Bill No. 319
Third Reading Copy

Requested by Sen. Weldon
For the Committee on State Administration

Prepared by David S. Niss
March 24, 1993

1. Page 1, line 18.

Following: "committee."

Insert: "Bills not passed by both houses of the legislature in
any session of any legislature may not become law."

Amendments to House Bill No. 320
Third Reading Copy

Requested by Sen. Weldon
For the Committee on State Administration

Prepared by David S. Niss
March 24, 1993

1. Page 1, lines 24 and 25; page 2, lines 2, 4, and 5.
Strike: "___ Bill No. ___ [LC 79]"
Insert: "House Bill No. 319"

DATE 3-24-93

SENATE COMMITTEE ON State Admin.

BILLS BEING HEARD TODAY: SR5

Name	Representing	Bill No.	Check One	
			Support	Oppose

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY