

SENATE BILL NO. 36

INTRODUCED BY GAGE
BY REQUEST OF THE LEGISLATIVE COUNCIL

IN THE SENATE

DECEMBER 22, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 4, 1993	FIRST READING.
JANUARY 5, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
JANUARY 6, 1993	SECOND READING, DO PASS.
JANUARY 7, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 9, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 30, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 4, 1993	THIRD READING, CONCURRED IN. AYES, 99; NOES, 1.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

FEBRUARY 8, 1993	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.

FEBRUARY 9, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE BILL NO. 36

2 INTRODUCED BY GAGE

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
6 LAWS TO REFLECT THE LOSS OF A CONGRESSIONAL DISTRICT;
7 PROVIDING DISTRICTS FOR THE APPOINTMENT OF MEMBERS OF THE
8 DISTRICTING AND APPORTIONMENT COMMISSION, THE BOARD OF
9 PUBLIC EDUCATION, AND THE BOARD OF REGENTS; ELIMINATING
10 GEOGRAPHICAL REPRESENTATION REQUIREMENTS FOR CERTAIN BOARDS;
11 REVISING THE PETITION REQUIREMENTS FOR NOMINATING A
12 PRESIDENTIAL CANDIDATE; AMENDING SECTIONS 2-15-1508,
13 2-15-1802, 2-15-1803, 2-15-1821, 2-15-1822, 2-15-1867,
14 2-15-3102, 3-1-1101, 5-1-102, AND 13-10-404, MCA; REPEALING
15 SECTION 13-10-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
16 DATE AND AN APPLICABILITY DATE."

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

20 "2-15-1508. Appointments to board of public education
21 and board of regents -- conditions -- vacancy. (1)
22 Appointments to the board of public education and to the
23 board of regents are subject to the following
24 qualifications:

25 (a) Not more than four two may be from one1 congressional district provided for in 5-1-102.2 (b) Not more than four may be affiliated with the same
3 political party.4 (c) The terms of members appointed to each board ~~shall~~
5 be are 7 years except as provided in subsection (3).6 (d) When a vacancy occurs, the governor shall appoint a
7 member for the remainder of the term of the incumbent, and
8 ~~such the~~ appointment ~~shall~~ must preserve the balance
9 required by subsections (1)(a) and (1)(b) above.10 (e) A person may not be appointed to concurrent
11 memberships on the board of public education and the board
12 of regents.13 (2) An appointed member of either board shall take and
14 subscribe to the constitutional oath of office and file it
15 with the secretary of state before ~~he~~ the person may serve
16 as a member of either board.17 (3) One seat of the appointed members on the board of
18 regents ~~shall-be is~~ reserved for membership by a student
19 appointed by the governor. The student ~~shall~~ must be
20 registered as a full-time student at a unit of higher
21 education under jurisdiction of the board of regents. The
22 length of term of the student member ~~shall-be is~~ determined
23 by the governor and must be for not less than 1 year and not
24 more than 4 years. The provisions of subsections (1)(a) and
25 (1)(b) ~~of--this--section--shall~~ do not apply to the student

member and ~~shall~~ may not affect the balance of the remaining appointive membership on the board of regents."

Section 2. Section 2-15-1802, MCA, is amended to read:

"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 a 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."

Section 3. Section 2-15-1803, MCA, is amended to read:

"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 the director's designee,

who is the chairman presiding officer of the board. The remaining six members of the board ~~shall~~ must be appointed with consideration given to 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~~ must be active officers in state banks of Montana, one ~~shall~~ must be an active officer of a national bank doing business in Montana, and three ~~shall~~ must be members of the public, none of whom ~~shall~~ may be an officer, director, or shareholder of any state or national bank.

(3) The members ~~shall be~~ are appointed by the governor, with the consent of the senate, for terms of 3 years. Vacancies ~~shall~~ must be filled by appointment for the unexpired term. No member other than the director of commerce may serve more than two consecutive terms.

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

Section 4. 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

1 board, as provided under 2-15-124.

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

- 4 (i) two from the impact areas; and
5 (ii) two with expertise in education.

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

- 8 (i) business;
9 (ii) engineering;
10 (iii) public administration; and
11 (iv) planning.

12 ~~(5)--No--more--than--four--members--may--be--residents--of--the~~
13 ~~same--congressional--district--"~~

14 **Section 5.** Section 2-15-1822, MCA, is amended to read:

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

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

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

- 21 (a) three persons who, when appointed to the board,
22 reside in an area impacted or expected to be impacted by
23 large-scale mineral development;

24 (b) ~~no--more--than--three--persons---from---the---same~~
25 ~~congressional--district;~~

1 ~~(e)~~ a representative of the hard-rock mining industry;
2 ~~(d)~~(c) a representative of a major financial
3 institution in Montana;

4 ~~(e)~~(d) a person who, when appointed to the board, is an
5 elected school district trustee;

6 ~~(f)~~(e) a person who, when appointed to the board, is an
7 elected county commissioner;

8 ~~(g)~~(f) a member of the public-at-large.

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

14 **Section 6.** Section 2-15-1867, MCA, is amended to read:

15 "2-15-1867. Board of realty regulation. (1) There is a
16 board of realty regulation.

17 (2) The board consists of five members appointed by the
18 governor with the consent of the senate. Three members ~~shall~~
19 must be licensed real estate brokers or ~~salesmen salespeople~~
20 who are actively engaged in the real estate business as a
21 broker or ~~salesman salesperson~~ in this state. Two members
22 ~~shall~~ must be representatives of the public who are not
23 state government officers or employees and who are not
24 engaged in business as a real estate broker or ~~salesman~~
25 salesperson. The members ~~shall~~ must be:

~~(a)~~ residents of this state; and

~~(b) --appointed so not more than three members--are--from the same congressional district.~~

(3) Not more than three members, including the ~~chairman~~ presiding officer, may be from the same political party.

(4) The members shall serve staggered terms of 4 years. A member may not serve more than two terms or any portion thereof of two terms.

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

Section 7. Section 2-15-3102, MCA, is amended to read:

"2-15-3102. Board of livestock -- composition. (1) There is a board of livestock.

(2) The board consists of seven members appointed by the governor with the consent of the senate. Each member ~~shall~~ must be a resident of the state and an active livestock producer. A member ~~shall~~ must be appointed upon the recommendation of the related industry and ~~shall~~ must have the following qualifications:

(a) ~~two~~ four are cattle producers; ~~--one--from--each congressional district within the state;~~

(b) ~~two are cattle producers at large;~~

~~(c)~~ one is a dairy producer representing the dairy and poultry industry;

~~(d)~~ (c) one is a swine producer; and

~~(e)~~ (d) one is a sheep producer.

(3) An appointee is vested with all the powers and duties of ~~his~~ office before being confirmed by the senate, as are directors in 2-15-111(2).

(4) The governor shall designate the ~~chairman~~ presiding officer of the board.

(5) A member shall serve for a term of 6 years.

(6) Members of the board ~~shall~~ must be reimbursed and compensated as are members of quasi-judicial boards in 2-15-124(7)."

Section 8. Section 3-1-1101, MCA, is amended to read:

"3-1-1101. Creation and composition of commission. There is created a judicial standards commission consisting of five members as follows:

(1) two district court judges from different judicial districts, elected by the district judges under an elective procedure initiated by and conducted by the supreme court, and ~~the--two--so-elected~~ their election must be certified as to such election by the chief justice of the supreme court, which for the purpose of ~~the language~~ of this part ~~shall be~~ is considered as an appointment;

(2) one attorney who has practiced law in this state for at least 10 years, appointed by the supreme court;

(3) ~~two citizens from different congressional districts~~ who are not attorneys or judges of any court, active or

retired, appointed by the governor."

Section 9. 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. ~~Two--commissioners~~ A commissioner must be ~~residents-of-the--western--congressional--district--and--two~~ residents-of-the--western--congressional--district--and--two ~~commissioners--must-be-residents-of-the-eastern-congressional~~ commissioners--must-be-residents-of-the-eastern-congressional appointed from each district listed in subsection (2). The majority leader in each house ~~the senate shall--have~~ has first choice of the congressional district from which he ~~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 ~~chairman~~ 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 ~~him~~ 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;

(c) District 3: 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: Wheatland, Golden Valley, Musselshell, Treasure, Rosebud, Custer, Prairie, Dawson, Wibaux, Fallon, Carter, Powder River, Big Horn, Yellowstone, Carbon, Stillwater, and Sweetgrass."

Section 10. Section 13-10-404, MCA, is amended to read:

"13-10-404. **Nomination petition.** Before a presidential candidate may qualify for placement on the ballot, ~~he~~ the candidate must be nominated on petitions with the verified signatures of at least ~~1,000~~ 2,000 qualified electors from ~~each-congressional--district.~~ The secretary of state is empowered to prescribe the form and content of the petition."

NEW SECTION. Section 11. Repealer. Section 13-10-102, MCA, is repealed.

NEW SECTION. Section 12. 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].

NEW SECTION. Section 13. Applicability. [This act] applies to appointments made after [the effective date of this act].

SB 0036, 01

- 1 NEW SECTION. **Section 14.** **Effective date.** [This act] is
- 2 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 36

INTRODUCED BY GAGE

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS TO REFLECT THE LOSS OF A CONGRESSIONAL DISTRICT; PROVIDING DISTRICTS FOR THE APPOINTMENT OF MEMBERS OF THE DISTRICTING AND APPORTIONMENT COMMISSION, THE BOARD OF PUBLIC EDUCATION, AND THE BOARD OF REGENTS; ELIMINATING GEOGRAPHICAL REPRESENTATION REQUIREMENTS FOR CERTAIN BOARDS; REVISING THE PETITION REQUIREMENTS FOR NOMINATING A PRESIDENTIAL CANDIDATE; AMENDING SECTIONS 2-15-1508, 2-15-1802, 2-15-1803, 2-15-1821, 2-15-1822, 2-15-1867, 2-15-3102, 3-1-1101, 5-1-102, AND 13-10-404, MCA; REPEALING SECTION 13-10-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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 four two may be from one

~~congressional~~ 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 ~~shall~~ be 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 such the appointment ~~shall~~ must preserve the balance required by subsections (1)(a) and (1)(b) above.

(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 he the person may serve as a member of either board.

(3) One seat of the appointed members on the board of regents ~~shall-be~~ is reserved for membership by a student appointed by the governor. The student ~~shall~~ 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 ~~shall-be~~ is determined by the governor and must be for not less than 1 year and not more than 4 years. The provisions of subsections (1)(a) and (1)(b) of ~~this section~~ shall do not apply to the student

member and ~~shall~~ may not affect the balance of the remaining appointive membership on the board of regents."

Section 2. Section 2-15-1802, MCA, is amended to read:

"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~~ a 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."

Section 3. Section 2-15-1803, MCA, is amended to read:

"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~~ the director's designee,

who is the chairman presiding officer of the board. The remaining six members of the board ~~shall~~ must be appointed with consideration given to 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~~ must be active officers in state banks of Montana, one ~~shall~~ must be an active officer of a national bank doing business in Montana, and three ~~shall~~ must be members of the public, none of whom ~~shall~~ may be an officer, director, or shareholder of any state or national bank.

(3) The members ~~shall be~~ are appointed by the governor, with the consent of the senate, for terms of 3 years. Vacancies ~~shall~~ must be filled by appointment for the unexpired term. No member other than the director of commerce may serve more than two consecutive terms.

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

Section 4. 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

1 board, as provided under 2-15-124.

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

4 (i) two from the impact areas; and

5 (ii) two with expertise in education.

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

8 (i) business;

9 (ii) engineering;

10 (iii) public administration; and

11 (iv) planning.

12 ~~{5}--No--more--than--four--members--may--be--residents--of--the~~
13 ~~same--congressional--district--"~~

14 **Section 5.** Section 2-15-1822, MCA, is amended to read:

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

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

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

21 (a) three persons who, when appointed to the board,
22 reside in an area impacted or expected to be impacted by
23 large-scale mineral development;

24 (b) ~~no--more--than--three--persons--from--the--same~~
25 ~~congressional--district;~~

1 ~~{c}~~ a representative of the hard-rock mining industry;
2 ~~{d}~~(c) a representative of a major financial
3 institution in Montana;

4 ~~{e}~~(d) a person who, when appointed to the board, is an
5 elected school district trustee;

6 ~~{f}~~(e) a person who, when appointed to the board, is an
7 elected county commissioner;

8 ~~{g}~~(f) a member of the public-at-large.

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

14 **Section 6.** Section 2-15-1867, MCA, is amended to read:

15 "2-15-1867. Board of realty regulation. (1) There is a
16 board of realty regulation.

17 (2) The board consists of five members appointed by the
18 governor with the consent of the senate. Three members ~~shall~~
19 must be licensed real estate brokers or ~~salesmen~~ salespeople
20 who are actively engaged in the real estate business as a
21 broker or ~~salesman~~ salesperson in this state. Two members
22 ~~shall~~ must be representatives of the public who are not
23 state government officers or employees and who are not
24 engaged in business as a real estate broker or ~~salesman~~
25 salesperson. The members ~~shall~~ must be:

1 {a} residents of this state; and
 2 {b} ~~appointed so not more than three members are from~~
 3 ~~the same congressional district.~~

4 (3) Not more than three members, including the chairman
 5 presiding officer, may be from the same political party.

6 (4) The members shall serve staggered terms of 4 years.
 7 A member may not serve more than two terms or any portion
 8 thereof of two terms.

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

11 **Section 7.** Section 2-15-3102, MCA, is amended to read:

12 "2-15-3102. Board of livestock -- composition. (1)
 13 There is a board of livestock.

14 (2) The board consists of seven members appointed by
 15 the governor with the consent of the senate. Each member
 16 ~~shall must~~ be a resident of the state and an active
 17 livestock producer. A member ~~shall must~~ be appointed upon
 18 the recommendation of the related industry and ~~shall must~~
 19 have the following qualifications:

20 (a) two four are cattle producers; ~~one from each~~
 21 ~~congressional district within the state;~~

22 (b) ~~two are cattle producers at large;~~

23 {c} one is a dairy producer representing the dairy and
 24 poultry industry;

25 {d} {c} one is a swine producer; and

1 {e} {d} one is a sheep producer.

2 (3) An appointee is vested with all the powers and
 3 duties of his office before being confirmed by the senate,
 4 as are directors in 2-15-111(2).

5 (4) The governor shall designate the chairman presiding
 6 officer of the board.

7 (5) A member shall serve for a term of 6 years.

8 (6) Members of the board ~~shall must~~ be reimbursed and
 9 compensated as are members of quasi-judicial boards in
 10 2-15-124(7)."

11 **Section 8.** Section 3-1-1101, MCA, is amended to read:

12 "3-1-1101. Creation and composition of commission.
 13 There is created a judicial standards commission consisting
 14 of five members as follows:

15 (1) two district court judges from different judicial
 16 districts, elected by the district judges under an elective
 17 procedure initiated by and conducted by the supreme court,
 18 and ~~the two so elected~~ their election must be certified as
 19 ~~to such election~~ by the chief justice of the supreme court,
 20 which for the purpose of the language of this part ~~shall be~~
 21 is considered as an appointment;

22 (2) one attorney who has practiced law in this state
 23 for at least 10 years, appointed by the supreme court;

24 (3) ~~two citizens from different congressional districts~~
 25 who are not attorneys or judges of any court, active or

retired, appointed by the governor."

Section 9. 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. ~~Two--commissioners~~ A commissioner must be ~~residents-of-the--western--congressional--district--and--two~~ residents of the western congressional district and two ~~commissioners--must--be--residents--of--the--eastern--congressional~~ commissioners must be residents of the eastern congressional ~~appointed from each district listed in subsection (2).~~ appointed from each district listed in subsection (2). The majority leader in each house ~~the senate shall--have~~ has first choice of the congressional district from which he ~~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 ~~chairman~~ 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 him ~~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;

(c) District 3: 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: Wheatland, Golden Valley, Musselshell, Treasure, Rosebud, Custer, Prairie, Dawson, Wibaux, Fallon, Carter, Powder River, Big Horn, Yellowstone, Carbon, Stillwater, and Sweetgrass."

Section 10. Section 13-10-404, MCA, is amended to read:

"13-10-404. **Nomination petition.** Before a presidential candidate may qualify for placement on the ballot, ~~he~~ the candidate must be nominated on petitions with the verified signatures of at least ~~1,000~~ 2,000 qualified electors ~~from~~ each congressional district. The secretary of state is empowered to prescribe the form and content of the petition."

NEW SECTION. Section 11. Repealer. Section 13-10-102, MCA, is repealed.

NEW SECTION. Section 12. 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].

NEW SECTION. Section 13. Applicability. [This act] applies to appointments made after [the effective date of this act].

SB 0036/01

- 1 NEW SECTION. **Section 14.** Effective date. [This act] is
- 2 effective on passage and approval.

-End-

SENATE BILL NO. 36

INTRODUCED BY GAGE

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS TO REFLECT THE LOSS OF A CONGRESSIONAL DISTRICT; PROVIDING DISTRICTS FOR THE APPOINTMENT OF MEMBERS OF THE DISTRICTING AND APPORTIONMENT COMMISSION, THE BOARD OF PUBLIC EDUCATION, AND THE BOARD OF REGENTS; ELIMINATING GEOGRAPHICAL REPRESENTATION REQUIREMENTS FOR CERTAIN BOARDS; REVISING THE PETITION REQUIREMENTS FOR NOMINATING A PRESIDENTIAL CANDIDATE; AMENDING SECTIONS 2-15-1508, 2-15-1802, 2-15-1803, 2-15-1821, 2-15-1822, 2-15-1867, 2-15-3102, 3-1-1101, 5-1-102, AND 13-10-404, MCA; REPEALING SECTION 13-10-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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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 four two may be from one

~~congressional~~ district provided for in 5-1-102.

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(c) The terms of members appointed to each board ~~shall~~ be 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 such ~~the~~ appointment ~~shall~~ must preserve the balance required by subsections (1)(a) and (1)(b) above.

(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 he the person may serve as a member of either board.

(3) One seat of the appointed members on the board of regents ~~shall-be~~ is reserved for membership by a student appointed by the governor. The student ~~shall~~ 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 ~~shall-be~~ is determined by the governor and must be for not less than 1 year and not more than 4 years. The provisions of subsections (1)(a) and (1)(b) ~~of--this--section--shall~~ do not apply to the student

member and ~~shall~~ may not affect the balance of the remaining appointive membership on the board of regents."

Section 2. Section 2-15-1802, MCA, is amended to read:

"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 a 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."

Section 3. Section 2-15-1803, MCA, is amended to read:

"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 the director's designee,

who is the chairman presiding officer of the board. The remaining six members of the board ~~shall~~ must be appointed with consideration given to 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~~ must be active officers in state banks of Montana, one ~~shall~~ must be an active officer of a national bank doing business in Montana, and three ~~shall~~ must be members of the public, none of whom ~~shall~~ may be an officer, director, or shareholder of any state or national bank.

(3) The members ~~shall be~~ are appointed by the governor, with the consent of the senate, for terms of 3 years. Vacancies ~~shall~~ must be filled by appointment for the unexpired term. No member other than the director of commerce may serve more than two consecutive terms.

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

Section 4. 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

1 board, as provided under 2-15-124.

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

- 4 (i) two from the impact areas; and
5 (ii) two with expertise in education.

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

- 8 (i) business;
9 (ii) engineering;
10 (iii) public administration; and
11 (iv) planning.

12 ~~{5}--No--more--than--four--members--may--be--residents--of--the~~
13 ~~same--congressional--district;~~

14 **Section 5.** Section 2-15-1822, MCA, is amended to read:

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

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

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

21 (a) three persons who, when appointed to the board,
22 reside in an area impacted or expected to be impacted by
23 large-scale mineral development;

24 (b) ~~no--more--than--three--persons---from---the---same~~
25 ~~congressional--district;~~

1 ~~{c}~~ a representative of the hard-rock mining industry;
2 ~~{d}~~{c} a representative of a major financial
3 institution in Montana;

4 ~~{e}~~{d} a person who, when appointed to the board, is an
5 elected school district trustee;

6 ~~{f}~~{e} a person who, when appointed to the board, is an
7 elected county commissioner;

8 ~~{g}~~{f} a member of the public-at-large.

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

14 **Section 6.** Section 2-15-1867, MCA, is amended to read:

15 "2-15-1867. Board of realty regulation. (1) There is a
16 board of realty regulation.

17 (2) The board consists of five members appointed by the
18 governor with the consent of the senate. Three members ~~shall~~
19 must be licensed real estate brokers or ~~salesmen~~ salespeople
20 who are actively engaged in the real estate business as a
21 broker or ~~salesman~~ salesperson in this state. Two members
22 ~~shall~~ must be representatives of the public who are not
23 state government officers or employees and who are not
24 engaged in business as a real estate broker or ~~salesman~~
25 salesperson. The members ~~shall~~ must be:

1 {a} residents of this state; and
 2 {b} ~~appointed so not more than three members are from~~
 3 ~~the same congressional district.~~

4 (3) Not more than three members, including the chairman
 5 presiding officer, may be from the same political party.

6 (4) The members shall serve staggered terms of 4 years.
 7 A member may not serve more than two terms or any portion
 8 thereof of two terms.

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

11 **Section 7.** Section 2-15-3102, MCA, is amended to read:
 12 "2-15-3102. Board of livestock -- composition. (1)
 13 There is a board of livestock.

14 (2) The board consists of seven members appointed by
 15 the governor with the consent of the senate. Each member
 16 shall must be a resident of the state and an active
 17 livestock producer. A member shall must be appointed upon
 18 the recommendation of the related industry and shall must
 19 have the following qualifications:

20 (a) ~~two~~ four are cattle producers; ~~one from each~~
 21 ~~congressional district within the state;~~

22 (b) ~~two are cattle producers at large;~~

23 {c} one is a dairy producer representing the dairy and
 24 poultry industry;

25 {d}{c} one is a swine producer; and

1 {e}{d} one is a sheep producer.

2 (3) An appointee is vested with all the powers and
 3 duties of his office before being confirmed by the senate,
 4 as are directors in 2-15-111(2).

5 (4) The governor shall designate the chairman presiding
 6 officer of the board.

7 (5) A member shall serve for a term of 6 years.

8 (6) Members of the board shall must be reimbursed and
 9 compensated as are members of quasi-judicial boards in
 10 2-15-124(7)."

11 **Section 8.** Section 3-1-1101, MCA, is amended to read:
 12 "3-1-1101. Creation and composition of commission.
 13 There is created a judicial standards commission consisting
 14 of five members as follows:

15 (1) two district court judges from different judicial
 16 districts, elected by the district judges under an elective
 17 procedure initiated by and conducted by the supreme court,
 18 and ~~the two so elected~~ their election must be certified as
 19 ~~to such election~~ by the chief justice of the supreme court,
 20 which for the purpose of the language of this part shall be
 21 is considered as an appointment;

22 (2) one attorney who has practiced law in this state
 23 for at least 10 years, appointed by the supreme court;

24 (3) two citizens from different congressional districts
 25 who are not attorneys or judges of any court, active or

retired, appointed by the governor."

Section 9. 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. ~~Two--commissioners~~ A commissioner must be ~~residents-of-the--western--congressional--district--and--two~~ residents of the western congressional district and two ~~commissioners--must--be--residents--of--the--eastern--congressional~~ commissioners must be residents of the eastern congressional ~~appointed from each district listed in subsection (2).~~ appointed from each district listed in subsection (2). The majority leader in each house ~~the senate shall--have~~ has first choice of the congressional district from which he ~~the~~ majority leader will select a commissioner, and the majority ~~leader of the house has second choice.~~ 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 chairman ~~the presiding~~ the presiding ~~officer of the commission.~~ 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 him ~~the fifth~~ 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;

(c) District 3: 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: Wheatland, Golden Valley, Musselshell, Treasure, Rosebud, Custer, Prairie, Dawson, Wibaux, Fallon, Carter, Powder River, Big Horn, Yellowstone, Carbon, Stillwater, and Sweetgrass."

Section 10. Section 13-10-404, MCA, is amended to read:

"13-10-404. **Nomination petition.** Before a presidential candidate may qualify for placement on the ballot, he ~~the~~ candidate must be nominated on petitions with the verified signatures of at least ~~1,800~~ 2,000 qualified electors from ~~each-congressional--district.~~ each congressional district. The secretary of state is empowered to prescribe the form and content of the petition."

NEW SECTION. Section 11. Repealer. Section 13-10-102, MCA, is repealed.

NEW SECTION. Section 12. 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].

NEW SECTION. Section 13. Applicability. [This act] applies to appointments made after [the effective date of this act].

SB 0016/01

- 1 NEW SECTION. **Section 14.** effective date. [This act] is
- 2 effective on passage and approval.

-End-

HOUSE STANDING COMMITTEE REPORT

January 29, 1993
Page 2 of 2

January 29, 1993
Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that Senate Bill 36 (third reading copy -- blue) be concurred in as amended.

Signed: Dick Simpkins
Dick Simpkins, Chair

And, that such amendments read: Carried by: Rep. Menahan

1. Title, line 9.
Strike: "AND"
Following: "REGENTS"
Insert: ", THE COAL BOARD, AND THE HARD-ROCK MINING IMPACT BOARD"

2. Title, line 15.
Following: "AN"
Strike: "IMMEDIATE"

3. Page 5, line 4.
Strike: "and"

4. Page 5, line 5.
Following: "education"
Insert: "; and
(iii) at least one but not more than two from each district provided for in 5-1-102"

5. Page 5, line 25.
Following: "r"
Insert: "at least one person from each district provided for in 5-1-102;"

6. Page 6, line 1.
Following: "~~te~~"
Insert: "(c)"
Renumber: subsequent subsections

7. Page 11, line 2.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 1993"

Committee Vote:
Yes 16, No 0.

231359SC.Hpf

HOUSE
SB36

231359SC.Hpf

1 SENATE BILL NO. 36

2 INTRODUCED BY GAGE

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
6 LAWS TO REFLECT THE LOSS OF A CONGRESSIONAL DISTRICT;
7 PROVIDING DISTRICTS FOR THE APPOINTMENT OF MEMBERS OF THE
8 DISTRICTING AND APPORTIONMENT COMMISSION, THE BOARD OF
9 PUBLIC EDUCATION, AND THE BOARD OF REGENTS, THE COAL BOARD,
10 AND THE HARD-ROCK MINING IMPACT BOARD; ELIMINATING
11 GEOGRAPHICAL REPRESENTATION REQUIREMENTS FOR CERTAIN BOARDS;
12 REVISING THE PETITION REQUIREMENTS FOR NOMINATING A
13 PRESIDENTIAL CANDIDATE; AMENDING SECTIONS 2-15-1508,
14 2-15-1802, 2-15-1803, 2-15-1821, 2-15-1822, 2-15-1867,
15 2-15-3102, 3-1-1101, 5-1-102, AND 13-10-404, MCA; REPEALING
16 SECTION 13-10-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
17 DATE AND AN APPLICABILITY DATE."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

1 (a) Not more than ~~four~~ two may be from one
2 ~~congressional~~ district provided for in 5-1-102.

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

5 (c) The terms of members appointed to each board ~~shall~~
6 be are 7 years except as provided in subsection (3).

7 (d) When a vacancy occurs, the governor shall appoint a
8 member for the remainder of the term of the incumbent, and
9 ~~such~~ the appointment ~~shall~~ must preserve the balance
10 required by subsections (1)(a) and (1)(b) above.

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

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

18 (3) One seat of the appointed members on the board of
19 regents ~~shall--be~~ is reserved for membership by a student
20 appointed by the governor. The student ~~shall~~ must be
21 registered as a full-time student at a unit of higher
22 education under jurisdiction of the board of regents. The
23 length of term of the student member ~~shall--be~~ is determined
24 by the governor and must be for not less than 1 year and not
25 more than 4 years. The provisions of subsections (1)(a) and

(1)(b) ~~of this section shall~~ do not apply to the student member and ~~shall~~ may not affect the balance of the remaining appointive membership on the board of regents."

Section 2. Section 2-15-1802, MCA, is amended to read:

"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~~ a 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."

Section 3. Section 2-15-1803, MCA, is amended to read:

"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~~ the director's designee, who is the chairman presiding officer of the board. The remaining six members of the board ~~shall~~ must be appointed with consideration given to 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~~ must be active officers in state banks of Montana, one ~~shall~~ must be an active officer of a national bank doing business in Montana, and three ~~shall~~ must be members of the public, none of whom ~~shall~~ may be an officer, director, or shareholder of any state or national bank.

(3) The members ~~shall be~~ are appointed by the governor, with the consent of the senate, for terms of 3 years. Vacancies ~~shall~~ must be filled by appointment for the unexpired term. No member other than the director of commerce may serve more than two consecutive terms.

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

Section 4. 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; and

(ii) two with expertise in education; AND

(III) AT LEAST ONE BUT NOT MORE THAN TWO 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.

~~{5}--No--more--than--four--members--may--be--residents--of--the--same--congressional--district--"~~

Section 5. 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) ~~no--more--than--three--persons--from--the--same--congressional--district;~~ AT LEAST ONE PERSON FROM EACH DISTRICT PROVIDED FOR IN 5-1-102;

~~{c}~~{C} a representative of the hard-rock mining industry;

~~{d}~~{d}~~{c}~~{D} a representative of a major financial institution in Montana;

~~{e}~~{d}~~{c}~~{E} a person who, when appointed to the board, is an elected school district trustee;

~~{f}~~{e}~~{c}~~{F} a person who, when appointed to the board, is an elected county commissioner;

~~{g}~~{f}~~{c}~~{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 chairman presiding officer from among its members."

Section 6. Section 2-15-1867, MCA, is amended to read:

"2-15-1867. Board of realty regulation. (1) There is a board of realty regulation.

(2) The board consists of five members appointed by the governor with the consent of the senate. Three members ~~shall~~ must be licensed real estate brokers or ~~salesmen~~ salespeople who are actively engaged in the real estate business as a

broker or ~~salesman~~ salesperson in this state. Two members ~~shall~~ must be representatives of the public who are not state government officers or employees and who are not engaged in business as a real estate broker or ~~salesman~~ salesperson. The members ~~shall~~ must be:

(a) residents of this state; and

~~(b) --appointed--so--not--more--than--three--members--are--from--the--same--congressional--district.~~

(3) Not more than three members, including the chairman presiding officer, may be from the same political party.

(4) The members shall serve staggered terms of 4 years. A member may not serve more than two terms or any portion thereof of two terms.

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

Section 7. Section 2-15-3102, MCA, is amended to read:

"2-15-3102. Board of livestock -- composition. (1) There is a board of livestock.

(2) The board consists of seven members appointed by the governor with the consent of the senate. Each member ~~shall~~ must be a resident of the state and an active livestock producer. A member ~~shall~~ must be appointed upon the recommendation of the related industry and ~~shall~~ must have the following qualifications:

(a) two four are cattle producers; ~~one--from--each~~

~~congressional--district--within--the--state;~~

(b) ~~two--are--cattle--producers--at--large;~~

~~(c) one is a dairy producer representing the dairy and poultry industry;~~

~~(d)~~ (c) one is a swine producer; and

~~(e)~~ (d) one is a sheep producer.

(3) An appointee is vested with all the powers and duties of his office before being confirmed by the senate, as are directors in 2-15-111(2).

(4) The governor shall designate the chairman presiding officer of the board.

(5) A member shall serve for a term of 6 years.

(6) Members of the board ~~shall~~ must be reimbursed and compensated as are members of quasi-judicial boards in 2-15-124(7)."

Section 8. Section 3-1-1101, MCA, is amended to read:

"3-1-1101. Creation and composition of commission. There is created a judicial standards commission consisting of five members as follows:

(1) two district court judges from different judicial districts, elected by the district judges under an elective procedure initiated by and conducted by the supreme court, and ~~the--two--so--elected~~ their election must be certified as ~~to--such--election~~ by the chief justice of the supreme court, which for the purpose of the language of this part ~~shall--be~~

1 is considered as an appointment;

2 (2) one attorney who has practiced law in this state
3 for at least 10 years, appointed by the supreme court;

4 (3) ~~two citizens from different congressional districts~~
5 ~~who are not attorneys or judges of any court, active or~~
6 ~~retired, appointed by the governor."~~

7 **Section 9.** Section 5-1-102, MCA, is amended to read:

8 "5-1-102. **Composition of commission.** (1) The majority
9 and minority leaders of each house shall each designate one
10 commissioner. ~~Two--commissioners~~ A commissioner must be
11 residents--of--the--western--congressional--district--and--two
12 commissioners--must--be--residents--of--the--eastern--congressional
13 appointed from each district listed in subsection (2). The
14 majority leader in each--house the senate shall have has
15 first choice of the congressional district from which he the
16 majority leader will select a commissioner, and the majority
17 leader of the house has second choice. Within 20 days after
18 their designation, the four commissioners shall select the
19 fifth member, who shall serve as chairman the presiding
20 officer of the commission. If the four members fail to
21 select the fifth member within the time prescribed, a
22 majority of the supreme court shall select him the fifth
23 member.

24 (2) The commission districts are the following
25 counties:

1 (a) District 1: Lincoln, Flathead, Sanders, Lake,
2 Mineral, Missoula, and Ravalli;

3 (b) District 2: Lewis and Clark, Powell, Granite, Deer
4 Lodge, Silver Bow, Jefferson, Broadwater, Meagher,
5 Beaverhead, Madison, Gallatin, and Park;

6 (c) District 3: Glacier, Toole, Liberty, Hill, Blaine,
7 Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland,
8 McCone, Garfield, Petroleum, Fergus, Judith Basin, Cascade,
9 Chouteau, Teton, and Pondera; and

10 (d) District 4: Wheatland, Golden Valley, Musselshell,
11 Treasure, Rosebud, Custer, Prairie, Dawson, Wibaux, Fallon,
12 Carter, Powder River, Big Horn, Yellowstone, Carbon,
13 Stillwater, and Sweetgrass."

14 **Section 10.** Section 13-10-404, MCA, is amended to read:

15 "13-10-404. **Nomination petition.** Before a presidential
16 candidate may qualify for placement on the ballot, he the
17 candidate must be nominated on petitions with the verified
18 signatures of at least ~~1,000~~ 2,000 qualified electors from
19 ~~each--congressional--district~~. The secretary of state is
20 empowered to prescribe the form and content of the
21 petition."

22 **NEW SECTION. Section 11.** Repealer. Section 13-10-102,
23 MCA, is repealed.

24 **NEW SECTION. Section 12.** Saving clause. [This act]
25 does not affect rights and duties that matured, penalties

1 that were incurred, or proceedings that were begun before
2 [the effective date of this act].

3 NEW SECTION. **Section 13. Applicability.** [This act]
4 applies to appointments made after [the effective date of
5 this act].

6 NEW SECTION. **Section 14. Effective date.** [This act] is
7 effective ~~on-passage-and-approval~~ JULY 1, 1993.

-End-