

SENATE BILL NO. 116

INTRODUCED BY T. TEZAK, B. USHER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; REVISING THE QUALIFICATION AND NUMBER OF THE MEMBERS OF THE COMMISSION; REVISING THE ADMINISTRATIVE REQUIREMENTS AND PROCESSES BETWEEN THE COMMISSION AND THE DEPARTMENT OF COMMERCE; AMENDING SECTION 22-3-1002, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 22-3-1002, MCA, is amended to read:

"22-3-1002. Montana heritage preservation and development commission. (1) There is a Montana heritage preservation and development commission. The commission is attached to the department of commerce for administrative purposes only, pursuant to 2-15-121. ~~The commission and the department shall negotiate a specific indirect administrative rate annually. The rate determined by the commission and the department~~ must be reported to the economic affairs interim committee in accordance with 5-11-210.

(2) (a) The commission consists of ~~44~~9 members. The members ~~shall~~must broadly represent the state. ~~Nine~~Four members must be appointed by the governor, one member must be appointed by the president of the senate, and one member must be appointed by the speaker of the house.

(b) If the president of the senate and the speaker of the house do not appoint the members for which they are responsible within 6 months of a vacancy having occurred in those positions, the members must be appointed by the governor.

(c) The director of the Montana historical society, the director of the department of fish, wildlife, and parks, and the director of the department of commerce shall serve as members.

~~(d) Of the members appointed by the governor~~ When appointing a member under subsection (2)(a), the governor shall prioritize selection based on whether the member:

(i) ~~one member must have extensive~~ has experience in managing facilities that cater to the needs

1 of tourists;

2 (ii) ~~one member must have~~ has experience in community planning;

3 (iii) ~~one member must have~~ has experience in historic preservation;

4 (iv) ~~two members must have~~ has broad experience in business;

5 (v) ~~one member must be~~ is a member of the tourism advisory council established in 2-15-1816;

6 (vi) ~~one member must be~~ is a Montana historian; ~~and or~~

7 (vii) ~~two members must be~~ is from the public at large.

8 (3) Except for the initial appointments, members appointed by the governor under subsection

9 (2)(a) shall serve 3-year terms. Members appointed by the president of the senate and the speaker of the

10 house or by the governor under subsection (2)(b) shall serve 2-year terms. If a vacancy occurs, the appointing

11 authority shall make an appointment for the unexpired portion of the term.

12 (4) ~~— (a) The commission may employ:~~

13 (i) ~~— an executive director who has general responsibility for the selection and management of~~
14 ~~commission staff, developing recommendations for the purchase of property, and overseeing the management~~
15 ~~of acquired property;~~

16 (ii) ~~— a curator who is responsible for the display and preservation of the acquired property; and~~

17 (iii) ~~— other staff that the commission and the executive director determine are necessary to manage~~
18 ~~and operate commission properties.~~

19 (b) ~~— The commission shall prescribe the duties and annual salary of the executive director, the~~
20 ~~curator, and other commission staff.~~

21 (4) In compliance with the state pay plan, the department shall provide all staff and services to the
22 commission that the commission, in conjunction with the department, determines are necessary for carrying out
23 the commission's programs and statutory requirements. The department shall assess the commission for
24 reasonable costs."

25
26 **NEW SECTION. Section 2. Transition.** The reduction of the number of Montana heritage
27 preservation and development commission members from 14 to 9 as provided in [section 1(2)(a)] must occur as
28 the terms of the existing members appointed by the governor end and the members are not reappointed.

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