

1 SENATE BILL NO. 116

2 INTRODUCED BY T. TEZAK, B. USHER

3

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

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

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

13 **"22-3-1002. Montana heritage preservation and development commission.** (1) There is a  
14 Montana heritage preservation and development commission. The commission is attached to the department of  
15 commerce for administrative purposes only, pursuant to 2-15-121. ~~The commission and the department shall~~  
16 ~~negotiate a specific indirect administrative rate annually. The rate~~ determined by the commission and the  
17 department must be reported to the economic affairs interim committee in accordance with 5-11-210.

18 (2) (a) The commission consists of ~~449~~ members. The members ~~shall~~ must broadly represent the  
19 state. ~~Nine~~ ~~Four~~ ~~Two~~ members must be appointed by the governor, ~~one member~~ TWO MEMBERS must be  
20 appointed by the president of the senate, and ~~one member~~ TWO MEMBERS must be appointed by the speaker of  
21 the house.

22 (b) If the president of the senate and the speaker of the house do not appoint the members for  
23 which they are responsible within ~~6-2~~ months of a vacancy having occurred in those positions, the members  
24 must be appointed by the governor.

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

27 (d) ~~Of the members appointed by the governor~~ When appointing a member under subsection  
28 (2)(a), ~~the governor, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE~~ shall prioritize selection

1 based on whether the member:

- 2 (i) ~~one member must have extensive~~ has experience in managing facilities that cater to the needs  
3 of tourists;
- 4 (ii) ~~one member must have~~ has experience in community planning;
- 5 (iii) ~~one member must have~~ has experience in historic preservation;
- 6 (iv) ~~two members must have~~ has broad experience in business;
- 7 (v) ~~one member must be~~ is a member of the tourism advisory council established in 2-15-1816;
- 8 (vi) ~~one member must be~~ is a Montana historian; ~~and~~ or
- 9 (vii) ~~two members must be~~ is from the public at large.

10 (3) Except for the initial appointments, members appointed by the governor under subsection  
11 (2)(a) shall serve 3-year terms. Members appointed by the president of the senate and the speaker of the  
12 house or by the governor under subsection (2)(b) shall serve 2-year terms. If a vacancy occurs, the appointing  
13 authority shall make an appointment for the unexpired portion of the term.

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

- 15 (i) ~~— an executive director who has general responsibility for the selection and management of~~  
16 ~~commission staff, developing recommendations for the purchase of property, and overseeing the management~~  
17 ~~of acquired property;~~
- 18 (ii) ~~— a curator who is responsible for the display and preservation of the acquired property; and~~
- 19 (iii) ~~— other staff that the commission and the executive director determine are necessary to manage~~  
20 ~~and operate commission properties.~~

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

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

27

28 NEW SECTION. Section 2. Transition. The reduction of the number of Montana heritage

1 preservation and development commission members from 14 to 9 as provided in [section 1(2)(a)] must occur as  
2 the terms of the existing members appointed by the governor end and the members are not reappointed.

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4 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2025.

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