1971

Executive Reorganization Act of 1971

Montana Senate

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Chapter No. 272
Montana Session Laws 1971
Senate Bill No. 274

Executive Reorganization Act of 1971
AN ACT TO REORGANIZE THE EXECUTIVE DEPARTMENT OF MONTANA STATE GOVERNMENT IN ACCORDANCE WITH THE CONSTITUTIONAL AMENDMENT, CHAPTER 1 OF THE EXTRAORDINARY SESSION, LAWS OF MONTANA, 1969, ADOPTED AT THE GENERAL ELECTION OF NOVEMBER 3, 1970, AND EFFECTIVE UNDER THE GOVERNOR'S PROCLAMATION, NOVEMBER 20, 1970, WHICH PROVIDES THAT:


BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. There is a Title 82A in the Revised Codes of Montana, 1947, which provides:

"TITLE 82A. STATE REORGANIZATION OF EXECUTIVE DEPARTMENT

CHAPTER 1. GENERAL PROVISIONS

82A-101. SHORT TITLE. This act shall be known and may be cited as the "Executive Reorganization Act of 1971."

82A-102. DECLARATION OF POLICY AND PURPOSE. (1) The purpose of this act is to comply with the constitutional amendment, chapter 1 of the extraordinary session, laws of Montana, 1969, adopted at the general election of November 3, 1970, and effective under the
governor's proclamation, November 20, 1970, which requires that "all executive and administrative offices, boards, commissions, agencies and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of the state, attorney general, state treasurer, state auditor, and superintendent of public instruction, shall be allocated by law among and within not more than twenty (20) departments by no later than July 1, 1973."

(2) It is the public policy of this state and the purpose of this act to create a structure of the executive department of state government which is responsive to the needs of the people of this state and sufficiently flexible to meet changing conditions; to strengthen the executive capacity to administer effectively and efficiently at all levels; to encourage greater public participation in state government; to effect the grouping of state agencies into a reasonable number of departments primarily according to function; to provide that the responsibility within the executive department of state government for the implementation of programs and policies is clearly fixed and ascertainable; and to eliminate overlapping and duplication of effort within the executive department of state government.

(3) It is the intent of the legislative assembly to provide, within this act, with the least disruption of governmental service and functions and the least expense, for the orderly transfer of functions of existing agencies to departments created by this act.

(4) It is further the intent of the legislative assembly not to increase, decrease, or change the statutory functions, powers, and duties of any agency existing before the effective date of this act, unless such intent is specifically expressed herein.

82A-103. DEFINITIONS. As used in this act: (1) "Executive department" means the executive department of state government referred to in the Montana constitution, articles IV and VII.

(2) "Reorganization amendment" means the amendment to the Montana constitution, chapter 1 of the extraordinary session, laws of Montana, 1969, adopted at the general election of November 3, 1970, and effective under the governor's proclamation, November 20, 1970.

(3) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive department of state government.

(4) "Unit" means an internal subdivision of an agency, created by law or by administrative action, including a division, bureau, section, or department, and an agency allocated or transferred to a department for administrative purposes only by this act.

(5) Except when used in connection with the name of an agency existing before the effective date of the applicable chapter of this act, "department" means a principal functional and administrative entity, created by this act, within the executive department of state government, is one of the twenty (20) principal departments permitted under the reorganization amendment; and includes its units.

(6) "Department head" means a director, commission, board, commissioner, or constitutional officer in charge of a department created by this act.

(7) "Director" means a department head specifically referred to as a director in this act, and does not mean a commission, board, commissioner, or constitutional officer.
(8) "Advisory capacity" means furnishing advice, gathering information, making recommendations, and performing such other activities as may be necessary to comply with federal funding requirements, and does not mean administering a program or function or setting policy.

(9) "Function" means a duty, power, or program, exercised by or assigned to an agency, whether or not specifically provided for by law.

(10) "Quasi-judicial function" means an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies. The term includes, but is not limited to, the functions of interpreting, applying, and enforcing existing rules and laws; granting or denying privileges, rights, or benefits; issuing, suspending, or revoking licenses, permits, and certificates; determining rights and interests of adverse parties; evaluating and passing on facts; awarding compensation; fixing prices; ordering action or abatement of action; adopting procedural rules; holding hearings; and any other act necessary to the performance of a quasi-judicial function.

(11) "Quasi-legislative function" generally means making or having the power to make rules or set rates and all other acts connected with or essential to the proper exercise of a quasi-legislative function.

(12) "Investment function" means the function of placing public money where it will yield an income or revenue, and includes the functions of:

(a) Assisting agencies with public money to determine if, when, and how much surplus cash is available for investment.

(b) Determining the amount of surplus treasury cash to be invested.

(c) Determining the type of investment to be made.

(d) Preparing the claim to pay for the investment.

82A-104. STRUCTURE OF EXECUTIVE DEPARTMENT OF STATE GOVERNMENT.
(1) In accordance with the reorganization amendment, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive department of state government, and their respective functions, are allocated by this act among and within the following departments created by this act:

(a) Department of administration.

(b) Department of agriculture.

(c) Department of business regulation.

(d) Department of education.

(e) Department of health and environmental sciences.

(f) Department of highways.

(g) Department of institutions.

(h) Department of intergovernmental relations.

(i) Department of labor and industry.

(j) Department of state lands.

(k) Department of law enforcement and public safety.

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(1) Department of livestock.

(m) Department of military affairs.

(n) Department of natural resources and conservation.

(o) Department of professional and occupational licensing.

(p) Department of public service regulation.

(q) Department of revenue.

(r) Department of social and rehabilitation services.

(s) Department of fish and game.

(2) The governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction each head a constitutional office. Except as otherwise provided in this act, the statutory functions of each constitutional officer are continued.

(3) For its internal structure, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a "division." Each division shall be headed by an "administrator."

(b) The principal unit of a division is a "bureau." Each bureau shall be headed by a "chief."

(c) The principal unit of a bureau is a "section." Each section shall be headed by a "supervisor."

82A-105. POLICY-MAKING AUTHORITY AND ADMINISTRATIVE POWERS OF GOVERNOR. In accordance with article VII, section 5 of the Montana constitution, the governor is the chief executive officer of the state. Subject to the constitution and law of this state, the governor shall formulate and administer the policies of the executive department of state government. In the execution of these policies, the governor has full powers of supervision, approval, direction, and appointment over all departments and their units, other than the office of the lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction, except as otherwise provided by law. Whenever a conflict arises as to the administration of the policies of the executive department of state government, except for conflicts arising in the office of the lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction, the governor shall resolve the conflict, and the decision of the governor is final.

82A-106. APPOINTMENT AND QUALIFICATIONS OF DEPARTMENT HEADS.

(1) The governor shall appoint each department head who is a director in this act.

(2) An appointment of a director by the governor is subject to the confirmation of the senate, except that the governor may appoint a director to assume office before the senate meets in its next regular session to consider the appointment. A director so appointed is vested with all the functions of the office upon assuming the office, and is a de jure officer, notwithstanding the fact that the senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a director, the governor shall make a new appointment.

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A director serves at the pleasure of the governor. The governor may remove a director at any time and appoint a new director to the office.

The governor shall select a director on the basis of his professional and administrative knowledge and experience and such additional qualifications as are provided by law.

If a vacancy occurs in the office of a director, the governor shall appoint a new director to serve at the pleasure of the governor.

Heads of departments who are not directors shall be elected or appointed and serve, and their vacancies filled, as provided by law.

82A-107. DUTIES AND POWERS OF DEPARTMENT HEADS. (1) Except as otherwise provided in this act, each department head shall:

(a) Supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department by this act or other law.

(b) Establish the policy to be followed by the department and employees.

(c) Compile and submit reports and budgets for the department as required by law or requested by the governor.

(d) Provide the governor with any information that he requests at any time on the operation of the department.

(e) Represent the department in communications with the governor.

(f) Prescribe rules, consistent with law and rules established by the governor, for the administration of the department; the conduct of the employees; the distribution and performance of business; and the custody, use, and preservation of the records, documents, and property pertaining to department business. The lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction may prescribe their own rules for their departments or offices and the governor may not prescribe rules for them.

(g) Establish the internal organizational structure of the department and allocate the functions of the department to units to promote the economic and efficient administration and operation of the department. The internal structure of the department shall be established in accordance with section 82A-104(3) of this act.

(h) Subject to law, and the state merit system if applicable, establish and make appointments to necessary subordinate positions, and abolish unnecessary positions.

(i) Maintain a central office in Helena for the department, and such other facilities throughout the state as may be required for the effective and efficient operation of the department.

(2) Except as otherwise provided within this act, each department head may:

(a) Subject to law, and the state merit system if applicable, transfer employees between positions, remove persons appointed to positions, and change the duties, titles, and compensation of employees within the department.
(b) Delegate any of the functions vested in the department head to subordinate employees, except the power to remove employees of the department and fix their compensation.

(c) Require that any officer or employee of the department give an official bond, if the officer or employee of the department is not required to do so by law, in an amount to be determined by the director of the department of administration.

82A-108. ALLOCATION OR TRANSFER FOR ADMINISTRATIVE PURPOSES ONLY. (1) An agency allocated or transferred to a department for administrative purposes only in this act shall:

(a) Exercise its quasi-judicial, quasi-legislative, licensing, and policy-making functions independently of the department and without approval or control of the department.

(b) Submit its budgetary requests through the department.

(c) Submit reports required of it by law or by the governor through the department.

(2) The department to which an agency is allocated or transferred for administrative purposes only in this act shall:

(a) Direct and supervise the budgeting, record keeping, reporting, and related administrative and clerical functions of the agency.

(b) Include the agency's budgetary requests in the departmental budget.

(c) Collect all revenues for the agency and deposit them in the proper fund or account; except as provided in section 82A-1603(6) of this act, the department may not use or divert the revenues from the fund or account for purposes other than provided by law.

(d) Provide staff for the agency. Unless otherwise indicated in this act, the agency may not hire its own personnel.

(e) Print and disseminate for the agency any required notices, rules, or orders adopted, amended, or repealed by the agency.

(3) The department head of a department to which any agency is allocated or transferred for administrative purposes only in this act shall:

(a) Represent the agency in communications with the governor.

(b) Allocate office space to the agency as necessary, subject to the approval of the department of administration.

82A-109. PRIOR RIGHT OF DEPARTMENT HEAD TO AGENCIES AND RECORDS. Each department head designated by this act or appointed by the governor has, before assuming the office of the department head, full access to all agencies and their records within the department created by this act for the purpose of formulating plans for internal organization and the fiscal and personnel administration of the department.

82A-110. CREATION OF ADVISORY COUNCILS. (1) A department head or the governor may create advisory councils. An official of the executive department of state government other than a department head or the governor, including the superintendents of the state's institutions and the presidents of the units of the state's university system, or an agency, may also create advisory councils, but only if federal law or regulation requires that such official or agency create the advisory council as a condition to the receipt of federal funds.
Each advisory council created under this section shall be known as the "advisory council."

The creating authority shall prescribe the composition and advisory functions of each advisory council created; appoint its members, who shall serve at the pleasure of the governor; and specify a date when the existence of each advisory council ends.

Advisory councils may be created only for the purpose of acting in an advisory capacity as defined in section 82A-103(8) of this act.

Each member of an advisory council may, unless he is a full-time salaried officer or employee of this state, be paid in an amount to be determined by the department head, not to exceed twenty-five dollars ($25) for each day in which he is actually and necessarily engaged in the performance of council duties, and shall also be reimbursed for actual and necessary expenses incurred while in the performance of council duties. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members, but shall be reimbursed for their expenses.

Unless otherwise specified by the creating authority, at its first meeting in each year each advisory council shall elect a chairman and such other officers as it considers necessary.

Unless otherwise specified by the creating authority, each advisory council shall meet at least annually and shall also meet on the call of the council or the governor, and may meet at other times on the call of the chairman or a majority of its members. No advisory council may meet outside the city of Helena without the express prior authorization of the creating authority.

A majority of the membership of an advisory council constitutes a quorum to do business.

Except as provided in subsection (10) of this section, no advisory council may be created or appointed by a department head or any other official without the approval of the governor. In order for the creation or approval of the creation of an advisory council to be effective, the governor must file in his office and in the office of the secretary of state a record of the council created showing the council's:

(a) Name, in accordance with subsection (2) of this section.
(b) Composition.
(c) Names and addresses of the appointed members.
(d) Purpose.
(e) Term of existence, in accordance with subsection (11) of this section.

The board of education, the attorney general, and the superintendent of public instruction may create advisory councils, which shall serve at their pleasure, without the approval of the governor. They must file a record of each council created by them in the office of the governor and the office of the secretary of state in accordance with subsection (9) of this section.

No advisory council may be created to remain in existence longer than two (2) years after the date of its creation or beyond the period required to receive federal or private funds, whichever
occurs later, unless extended by executive order of the governor, or by the board of education, the attorney general, or the superintendent of public instruction for those advisory councils created in the manner set forth in subsection (10) of this section. If the existence of an advisory council is extended, they shall specify a new date, not more than two (2) years later, when the existence of the advisory council ends, and file a record of the order in the office of the governor and the office of the secretary of state. The existence of any advisory council may be extended as many times as necessary.

(12) As used in this subsection, "advisory body" means an administratively created agency which acts in an advisory capacity. The department head of each department created by this act shall, upon the effective date of the applicable chapter of this act, file a record of each advisory body within the department not abolished by this act. The record shall be filed in accordance with subsection (9) of this section. Upon the filing of such record, the provisions of this section shall apply to each such advisory body.

82A-111. ADMINISTRATIVELY CREATED AGENCIES--PROHIBITION. The governor, a department head, or any other official of the executive department of state government, or an agency, may not, by administrative action, create or attempt to create an agency of state government. This section does not apply to:

(1) Advisory councils created in accordance with section 82A-110 of this act.

(2) Units within the internal structure of a department established under section 82A-107(g) of this act.

82A-112. QUASI-JUDICIAL BOARDS. (1) If an agency is created in this act and is designated as a quasi-judicial board:

(a) The number of members and their qualifications are as specified in the section creating the board; in addition to those qualifications, at least one (1) member shall be an attorney licensed to practice law in the state.

(b) The governor shall appoint a majority of the members, who shall serve for terms concurrent with that of the governor's term, or the remainder thereof, and until their successors are appointed and qualified. The governor shall appoint the remaining members of the board for terms ending on January 1, 1975. Thereafter, members shall be appointed by the governor for four (4) year terms, and until their successors are appointed and qualified. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term, with the remaining members to be appointed in the middle of his term. As used in this subsection, "majority" means the next greatest whole number more than half (as three (3) of five (5), four (4) of seven (7), nine (9) of sixteen (16), etc.).

(c) The governor shall designate the chairman.

(d) Members may be removed by the governor only for cause.

(e) Each member shall, unless he is a full-time salaried officer or employee of this state, be paid twenty-five dollars ($25) for each day in which he is actually and necessarily engaged in the performance of board duties, and shall also be reimbursed for actual and necessary expenses incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members, but shall be reimbursed for their expenses.
(f) A majority of the membership constitutes a quorum to do business.

(2) The following provisions apply to an agency continued in this act and designated as a quasi-judicial board:

(a) Subsections (c) through (f) of the preceding subsection.

(b) Persons who were members of the board before the effective date of the chapter of this act continuing the board shall serve for the remainder of their terms; thereafter, members shall be appointed by the governor and serve in accordance with subsection (b) of the preceding subsection.

(c) The number of members and their qualifications remain as prescribed before the effective date of the chapter of this act continuing the board, unless otherwise specified in that chapter.

(3) Any board continued or created in this act and assigned the duty of acting in a quasi-judicial capacity in certain matters has the authority, in addition to any quasi-judicial functions retained in or transferred to it by this act, to perform any of those quasi-judicial functions which are proper and necessary to perform its duties. A quasi-judicial function includes holding hearings and issuing orders, and any other appropriate quasi-judicial function enumerated in section 82A-103(10) of this act. The board may also employ hearing examiners in the exercise of its quasi-judicial functions, but only if the board has specific authority in this act to hire personnel. If the board does not have the specific authority, hearing examiners shall be provided by the department to which the board is attached.

82A-113. AGENCIES ABOLISHED WITH SPLIT TRANSFERS. If an agency is abolished before all of its functions have been transferred to other departments which have not been implemented by executive order of the governor under this act, then the department created in the chapter of this act under which the agency is abolished succeeds to the remaining functions until they are transferred to the other departments subsequently implemented by the governor.

82A-114. AGENCIES OR FUNCTIONS NOT ASSIGNED. If an agency or a function of an agency existing before the effective date of this chapter is not allocated or transferred to a department or a constitutional office by this act it shall be allocated or transferred to the appropriate department by the governor in an executive order.

82A-115. FUTURE FUNCTIONS. If an agency or a function of an agency established after the effective date of this chapter is not allocated or transferred to a department or a constitutional office by this act or any other act of the legislative assembly, the governor shall, by executive order, allocate that agency or function to the appropriate principal department or unit created by this or any future act.

82A-116. RIGHTS OF STATE PERSONNEL. Unless otherwise provided in this act, each state officer or employee affected by the reorganization of the executive department of state government under this act is entitled to all rights which he possessed as a state officer or employee before the effective date of the applicable chapter of this act, including rights to tenure in office and of rank or grade, rights to vacation and sick pay and leave, rights under any retirement or personnel plan or labor union contract, rights to compensatory time earned, and any other rights under any law or administrative policy. This section is not intended to create any new rights for any state officer or employee, but to continue only those rights in effect before the effective date of the applicable chapter of this act.
82A-117. RIGHTS TO PROPERTY. The department or unit thereof that succeeds to all or part of the functions of an agency under this act also succeeds to the rights to all real and personal property of that agency relating to the functions or parts of functions transferred. The property includes real property, records, office equipment, supplies, contracts, books, papers, documents, maps, appropriations, accounts within and without the state treasury, funds, vehicles, and all other similar property. However, the department or unit may not use or divert monies in a fund or account for a purpose other than provided by law. The governor shall resolve any conflict as to the proper disposition of the property, and his decision is final. This section does not apply to property owned by the federal government.

82A-118. RULES, REGULATIONS, AND ORDERS. The department or unit thereof that succeeds to all or part of the functions of an agency under this act also succeeds to the rules, regulations, and orders of that agency relating to the functions or parts of functions transferred. The rules, regulations, and orders of any agency in effect before the effective date of the chapter affecting the agency remain in effect until amended, repealed, superceded, or nullified by proper authority or by law.

82A-119. LEGAL PROCEEDINGS. This act does not affect the validity of any judicial or administrative proceeding pending or which could have been commenced before the effective date of the applicable chapter of this act, and the department or unit which succeeds to the functions of an agency relating to the proceeding shall be substituted as a party in interest.

82A-120. RIGHTS AND DUTIES UNDER EXISTING TRANSACTIONS. The rights, privileges, and duties of the holders of bonds and other obligations issued, and of the parties to contracts, leases, indentures, and other transactions entered into, before the effective date of the applicable chapter of this act, by the state or by any agency, officer, or employee thereof, and covenants and agreements as set forth therein, remain in effect, and none of those rights, privileges, duties, covenants, or agreements is impaired or diminished by reason of the transfer of the functions of an agency or the abolition of an agency in this act. The department or unit which succeeds to the functions of an agency is substituted for that agency and succeeds to its rights and duties under the provisions of those bonds, contracts, leases, indentures, and other transactions.

82A-121. REFERENCES. Unless inconsistent with this act, whenever an agency existing before the effective date of the chapter affecting that agency is referred to by any law, contract, or other document, that reference applies to the department or unit which succeeds to the functions of that agency.

82A-122. FEDERAL AID. If any part of this act is ruled to be in conflict with federal requirements which are a prescribed condition to the receipt of federal aid by the state, an agency, or a political subdivision, that part of this act has no effect, and the governor may issue an executive order which substitutes for that part to the extent necessary to effectuate the receipt of federal aid. The order is effective until the legislative assembly again acts upon the matter.

CHAPTER 2. DEPARTMENT OF ADMINISTRATION

82A-201. DEPARTMENT OF ADMINISTRATION--CREATION; HEAD. There is created a department of administration. The department head is a director of administration appointed by the governor in accordance with section 82A-106 of this act.

82A-202. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The department of administration and its units,
created in title 82, chapter 33, R.C.M. 1947, including the state purchasing department created in title 82, chapter 19, R.C.M. 1947, are abolished, and their functions, except the functions contained in title 69, chapter 21, R.C.M. 1947 (pertaining to building construction standards), transferred to the department of law enforcement and public safety in chapter 12 of this act, are transferred to the department of administration created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of administration or its units or the state purchasing department, except the references contained in title 69, chapter 21, R.C.M. 1947, means the department of administration created in this chapter.

(2) The office of state controller, created in title 82, chapter 1, R.C.M. 1947, the position of the state purchasing agent, created in title 82, chapter 19, R.C.M. 1947, and the position of budget director, created in title 79, chapter 10, R.C.M. 1947, are abolished, and their functions, except the functions contained in title 69, chapter 21, R.C.M. 1947 (pertaining to building construction standards), transferred to the department of law enforcement and public safety in chapter 12 of this act, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state controller, state purchasing agent, or budget director, except the references contained in title 69, chapter 21, R.C.M. 1947, means the department of administration created in this chapter.

(3) The state board of review, created in title 79, chapter 24, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of review means the department of administration created in this chapter.

(4) The Montana highway patrolmen's retirement board, created in title 31, chapter 2, R.C.M. 1947, is abolished, and its functions, except the quasi-judicial functions transferred to the board of administration in section 82A-211 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana highway patrolmen's retirement board, except the references relating to the quasi-judicial functions transferred to the board of administration in section 82A-211 of this chapter, means the department of administration created in this chapter.

82A-203. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT.

(1) The functions of the board of state prison commissioners, which is created in article VII, section 20 of the Montana constitution, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of state prison commissioners means the department of administration created in this chapter.

(2) The functions of the board of examiners, which is created in article VII, section 20 of the Montana constitution, except the functions contained in article VII, section 20 of the Montana constitution and the functions relating to the planning, financing, administration, and construction of state buildings in the long range building program contained in title 78, chapters 7 and 12; title 79, chapter 22; and sections 82-1131, 82-3317, and 82-3319, R.C.M. 1947, retained in the board in section 82A-207 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of examiners, except the references contained in title 78, chapters 7 and 12; title 79, chapter 22; and sections 82-1131, 82-3317, and 82-3319, R.C.M. 1947, means the department of administration created in this chapter.

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82A-204. BOARD OF INVESTMENTS--CREATION; ALLOCATION; COMPOSITION; DESIGNATION. (1) There is created a board of investments.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act. Personnel for the board shall be appointed by the department subject to the approval of the board.

(3) The board is composed of five (5) members, appointed by the governor as prescribed in section 82A-112 of this act, informed and experienced in the subject of investments.

(4) The board of investments has the sole authority to exercise the investment functions transferred to it under section 82A-205 of this chapter. No other agency may invest state funds. All laws governing the exercise of the investment functions remain in effect, and the board shall direct the investment of state funds in accordance with those laws and the constitution of this state. The board has the power to veto any investments made under its general supervision.

(5) The board is designated as a quasi-judicial board for the purposes of section 82A-112 of this act.

82A-205. INVESTMENT FUNCTIONS TRANSFERRED TO BOARD OF INVESTMENTS. (1) The investment functions and the functions relating thereto of the state board of land commissioners, which are contained in the citations of the Revised Codes of Montana, 1947, enumerated below, are transferred to the board of investments created in this chapter:

(a) Title 11, chapter 23 (pertaining to municipal bonds and indebtedness).

(b) Title 16, chapter 20 (pertaining to county bonds).

(c) Title 31, chapter 2 (pertaining to the highway patrolmen's retirement system).

(d) Title 59, chapter 11 (pertaining to social security coverage).

(e) Title 68, chapter 7 (pertaining to the management of the retirement fund), and chapter 14 (pertaining to the game wardens' retirement system).

(f) Title 75, chapter 62 (pertaining to the teachers' retirement system).

(g) Title 79, chapter 3 (pertaining to the state depository board), chapter 11 (pertaining to land board funds), and chapter 12 (pertaining to the Montana trust and legacy fund).

(h) Title 81, chapter 10 (pertaining to investments), and chapter 24 (pertaining to development of resources).

(i) Title 92, chapter 11 (pertaining to workmen's compensation). Unless inconsistent with this act, any reference in the citations enumerated above in this subsection to the state board of land commissioners relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

(2) The investment functions of the state depository board and of the state treasurer, which are contained in title 79, chapter 3, R.C.M. 1947 (pertaining to state depository board--deposit and investment of state funds), are transferred to the board.
of investments. Unless inconsistent with this act, any reference in title 79, chapter 3, R.C.M. 1947, to the state depository board or the state treasurer relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

(3) The investment functions of the industrial accident board, which are contained in title 92, chapter 13, R.C.M. 1947 (pertaining to workmen's compensation), are transferred to the board of investments. Unless inconsistent with this act, any reference in title 92, chapter 13, R.C.M. 1947, to the industrial accident board relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

(4) The investment functions of the board of administration, including its investment functions as the Montana state game wardens' retirement board and as the Montana judges' retirement board, which are contained in title 68, chapters 1 through 13 (pertaining to the public employees' retirement system), title 68, chapter 14 (pertaining to the game wardens' retirement system), and title 93, chapter 11 (pertaining to the judges' retirement system), are transferred to the board of investments. Unless inconsistent with this act, any reference in title 68, chapters 1 through 14, and title 93, chapter 11, R.C.M. 1947, to the board of administration relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

(5) The investment functions of the teachers' retirement board, which are contained in title 75, chapter 62 (laws of Montana, 1971, chapter 5, sections 96 through 113), R.C.M. 1947 (pertaining to the teachers' retirement system), are transferred to the board of investments. Unless inconsistent with this act, any reference in title 75, chapter 62 (laws of Montana, 1971, chapter 5, sections 96 through 113), R.C.M. 1947, to the teachers' retirement board relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

82A-206. MERIT SYSTEM COUNCIL--CREATION; CONTINUED; TRANSFER; COMPOSITION. (1) The administratively created agency known as the merit system council is hereby created by law.

(2) The council and its functions are continued.

(3) The council is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the council may hire its own personnel, and section 82A-108(2)(d) does not apply.

(4) The council is composed of three (3) members, appointed by the governor for six (6) year overlapping terms. The governor shall appoint the members upon the recommendation of the agencies which participate in the joint merit system, and in accordance with federal requirements. The members of the council before the effective date of this chapter continue as members for the remainder of their terms; thereafter, members shall be appointed in accordance with this section.

(5) Members shall be compensated and reimbursed as arc members of advisory councils in section 82A-110 (5) of this act.

82A-207. BOARD OF EXAMINERS--CONTINUED; TRANSFER; FUNCTIONS. (1) The board of examiners, created in article VII, section 20 of the Montana constitution, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However,
the board may hire its own personnel, and section 82A-108 (2) (d) does not apply.

(3) The board retains only the following functions:

(a) Its functions relating to examining claims against the state, except salaries or compensation of officers fixed by law, as prescribed in article VII, section 20 of the Montana constitution.

(b) Its functions relating to planning, financing, administration, and construction of state buildings in the long range building program, contained in title 78, chapters 7 and 12; title 79, chapter 22; and sections 82-1131, 82-3317, and 82-3319, R.C.M. 1947.

82A-208. BOARD OF STATE PRISON COMMISSIONERS--CONTINUED; TRANSFER. (1) The board of state prison commissioners, created in article VII, section 20 of the Montana constitution, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

82A-209. STATE DEPOSITORY BOARD--CONTINUED; TRANSFER; FUNCTIONS. (1) The state depository board, created in article XII, section 14 of the Montana constitution, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The functions of the board, except the investment functions contained in title 79, chapter 3, R.C.M. 1947, transferred to the board of investments in section 82A-205 of this chapter, are continued in the board.

82A-210. BOARD OF ADMINISTRATION--CONTINUED; TRANSFER; FUNCTIONS. (1) The board of administration, provided for in title 68, chapter 5, R.C.M. 1947, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The functions of the board, including its functions as the Montana state game wardens' retirement board and as the Montana judges' retirement board, except the investment functions transferred to the board of investments in section 82A-205 of this chapter, are continued in the board.

82A-211. FUNCTIONS TRANSFERRED TO BOARD OF ADMINISTRATION. The quasi-judicial functions of the Montana highway patrolmen's retirement board, which are contained in title 31, chapter 2, R.C.M. 1947 (pertaining to the highway patrolmen's retirement system), are transferred to the board of administration. Unless inconsistent with this act, any reference in title 31, chapter 2, R.C.M. 1947, to the Montana highway patrolmen's retirement board relating to the quasi-judicial functions transferred to the board of administration means the board of administration.

82A-212. TEACHERS' RETIREMENT BOARD--CONTINUED; TRANSFER; FUNCTIONS. (1) The teachers' retirement board, provided for in title 75, chapter 62 (sections 96 through 113, public schools recodification laws of 1971), R.C.M. 1947, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2) (d) does not apply.

(3) The functions of the board, except the investment functions transferred to the board of investments in section 82A-205 of this chapter, are continued in the board.

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82A-213. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The data processing advisory committee, provided for in section 82-3306, R.C.M. 1947.

(2) The advisory council on building construction, provided for in section 82-3318, R.C.M. 1947.

CHAPTER 3. DEPARTMENT OF AGRICULTURE

82A-301. DEPARTMENT OF AGRICULTURE--CREATION; HEAD.
There is created a department of agriculture. As prescribed in article XVIII, section 1 of the Montana constitution, the department head is the commissioner of agriculture. The commissioner holding office before the effective date of this chapter continues as the commissioner of the department for the remainder of his term. The commissioner shall be appointed and serve as provided in article XVIII, section 1 of the Montana constitution.

82A-302. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The department of agriculture, created in title 3, chapter 1, R.C.M. 1947, and its units, except the administratively created dairy and egg division and the division of weights and measures, created in title 90, chapter 1, R.C.M. 1947, are abolished, and their functions, except those enumerated below, are transferred to the department of agriculture created in this chapter:

(a) The functions contained in title 3, chapters 22 through 24 (pertaining to poultry improvement, eggs and egg dealers, and dairy products), and in title 27, chapter 5, R.C.M. 1947 (pertaining to oleomargarine regulation), transferred to the department of livestock in chapter 13 of this act.

(b) The functions contained in title 90, chapter 1, R.C.M. 1947 (pertaining to weights and measures), transferred to the department of business regulation in chapter 4 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department or its units, except the references enumerated below, means the department of agriculture created in this chapter:

(a) The references contained in title 3, chapters 22 through 24, and in title 27, chapter 5, R.C.M. 1947.

(b) The references contained in title 90, chapter 1, R.C.M. 1947. Unless inconsistent with this act, any reference in title 3, chapter 25, R.C.M. 1947 (pertaining to quality labels), to the department or its units means the department of agriculture created in this chapter or the department of livestock created in chapter 13 of this act, whichever is applicable.

(2) The position of agricultural marketing coordinator, created in title 3, chapter 1, R.C.M. 1947, is abolished, and the functions of the coordinator are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the agricultural marketing coordinator means the department of agriculture created in this chapter.

(3) The office of farm storage commissioner, created in title 3, chapter 4, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the farm storage commissioner means the department of agriculture created in this chapter.

82A-303. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The functions of the state board of health and the state
department of health, which are contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, are transferred to the department. Unless inconsistent with this act, any reference in title 27, chapter 2, R.C.M. 1947, to the board of health or department of health means the department of agriculture created in this chapter.

(2) The functions of the state apiarist, which are contained in section 82-808, subsections 1 through 4, and section 82-807(11), R.C.M. 1947 (pertaining to enforcing apiary laws), are transferred to the department. Unless inconsistent with this act, any reference in section 82-808, subsections 1 through 4, and section 82-807(11), R.C.M. 1947, to the state apiarist means the department of agriculture created in this chapter.

(3) The functions of the commissioner of agriculture, which position is provided for in article XVIII, section 1 of the Montana constitution and in title 3, chapter 1, R.C.M. 1947, except those enumerated below, are transferred to the department:

(a) The functions of the commissioner as ex officio state sealer of weights and measures, which position is created in title 90, chapter 1, R.C.M. 1947 (pertaining to weights and measures), transferred to the department of business regulation in chapter 4 of this act.

(b) The functions which are contained in title 60, chapter 2, R.C.M. 1947 (pertaining to petroleum products regulation), transferred to the department of business regulation in chapter 4 of this act.

(c) The functions which are contained in title 3, chapter 22, R.C.M. 1947 (pertaining to poultry improvement), chapter 23 (pertaining to eggs and egg dealers), and chapter 24 (pertaining to dairy products), transferred to the department of livestock in chapter 13 of this act.

(d) The functions which are contained in title 27, chapter 5, R.C.M. 1947 (pertaining to oleomargarine regulation), transferred to the department of livestock in chapter 13 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the commissioner of agriculture, except those enumerated below, means the department of agriculture created in this chapter:

(a) The references contained in title 90, chapter 1, R.C.M. 1947.

(b) The references contained in title 60, chapter 2, R.C.M. 1947.

(c) The references contained in title 3, chapters 22, 23, and 24, R.C.M. 1947.

(d) The references contained in title 27, chapter 5, R.C.M. 1947. Unless inconsistent with this act, any reference in title 3, chapter 25, R.C.M. 1947 (pertaining to quality labels), to the commissioner of agriculture means the department of agriculture created in this chapter or the department of livestock created in chapter 13 of this act, whichever is applicable.

82A-304. MONTANA WHEAT RESEARCH AND MARKETING COMMITTEE—CONTINUED; TRANSFER. (1) The Montana wheat research and marketing committee, created in title 3, chapter 29, R.C.M. 1947, and its functions are continued.

(2) The committee is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.
(3) Members of the committee before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of committee members remain as prescribed by law.

82A-305. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The agricultural marketing advisory body, created in section 3-121, R.C.M. 1947.

(2) The poultry advisory board, provided for in section 3-2201, R.C.M. 1947.

(3) The state mosquito control advisory committee, created in section 16-4209, R.C.M. 1947.

(4) The agriculture and livestock council, created in section 82-2901, R.C.M. 1947.


CHAPTER 4. DEPARTMENT OF BUSINESS REGULATION

82A-401. DEPARTMENT OF BUSINESS REGULATION--CREATION; HEAD. There is created a department of business regulation. The department head is the state examiner provided for in article VII, section 8 of the Montana constitution. He shall serve at the pleasure of the governor.

82A-402. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The state banking department of the state of Montana and the position of superintendent of banks, provided for in title 5, chapter 6, R.C.M. 1947, are abolished, and their functions are transferred to the department of business regulation. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the superintendent of banks or the state banking department means the department of business regulation.

(2) The office of consumer loan commissioner, created in title 47, chapter 2, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the consumer loan commissioner means the department of business regulation.

(3) The position of state sealer of weights and measures and the division of weights and measures, created in title 90, chapter 1, R.C.M. 1947, are abolished, and their functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state sealer or to the division of weights and measures means the department of business regulation.

82A-403. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The functions of the state examiner, except the functions with respect to the political subdivisions of the state and their officers and employees transferred to the department of intergovernmental relations and enumerated in chapter 9 of this act, are transferred to the department. In accordance with article VII, section 8 of the Montana constitution, the state examiner retains the function of examining the accounts of the state treasurer, supreme court clerks, district court clerks, and county treasurers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state examiner, except the references contained in the citations enumerated above in this
subsection, means the department of business regulation.

(2) The functions of the Montana milk control board, which is created in title 27, chapter 4, R.C.M. 1947, except the quasi-judicial functions contained in section 27-407, R.C.M. 1947 (pertaining to fixing minimum prices for milk), retained in the board under section 82A-406 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana milk control board, except the references in section 27-407, R.C.M. 1947, relating to the quasi-judicial functions retained in the board under section 82A-406 of this chapter, means the department of business regulation.

(3) The functions of the commissioner of agriculture, which are contained in title 60, chapter 2, R.C.M. 1947 (pertaining to petroleum products regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 60, chapter 2, R.C.M. 1947, to the commissioner of agriculture means the department of business regulation.

(4) The functions of the department of agriculture, which are contained in title 90, chapter 1, R.C.M. 1947 (pertaining to weights and measures), are transferred to the department of business regulation. Unless inconsistent with this act, any reference in title 90, chapter 1, R.C.M. 1947, to the department of agriculture means the department of business regulation.

82A-404. BOARD OF FOOD DISTRIBUTORS--CONTINUED; RENAMED BOARD OF TRADE; TRANSFER; DESIGNATION. (1) The Montana state board of food distributors, provided for in title 27, chapter 3, R.C.M. 1947, and its functions are continued, and the board is renamed the board of trade. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of food distributors means the board of trade.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-405. MONTANA TRADE COMMISSION ABOLISHED; FUNCTIONS TRANSFERRED TO BOARD OF TRADE. The Montana trade commission, created in title 70, chapter 2, R.C.M. 1947, is abolished, and its functions are transferred to the board of trade. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana trade commission means the board of trade.

82A-406. MILK CONTROL BOARD--CONTINUED; RENAMED BOARD OF MILK CONTROL; TRANSFER; FUNCTIONS; DESIGNATION. (1) The Montana milk control board, created in title 27, chapter 4, R.C.M. 1947, is continued, and the board is renamed the board of milk control.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board retains only the quasi-judicial functions contained in section 27-407, R.C.M. 1947 (pertaining to setting milk prices). Unless inconsistent with this act, any reference in section 27-407, R.C.M. 1947, to the Montana milk control board means the board of milk control.

(4) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

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CHAPTER 5. DEPARTMENT OF EDUCATION

82A-501. DEPARTMENT--CREATION; HEAD. There is created a department of education. The department head is the state board of education, created in article XII, section 11 of the Montana constitution and provided for in title 75, R.C.M. 1947.

82A-502. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO COOPERATIVE EXTENSION SERVICE. (1) The position of state entomologist of Montana, provided for in title 82, chapter 8, R.C.M. 1947, is abolished, and the functions of the position are transferred to the cooperative extension service within the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state entomologist means the cooperative extension service within the department of education.

(2) The position of state apiarist, provided for in title 82, chapter 8, R.C.M. 1947, is abolished, and the functions of the office, except the functions contained in section 82-806, subsections 1 through 4, and section 82-807(11), R.C.M. 1947 (pertaining to enforcing the apiary laws), transferred to the department of agriculture in chapter 3 of this act, are transferred to the cooperative extension service within the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state apiarist, except the references in section 82-806, subsections 1 through 4, and section 82-807(11), R.C.M. 1947, means the cooperative extension service within the department of education.

82A-503. MONTANA HISTORICAL SOCIETY TRANSFERRED TO DEPARTMENT. The Montana historical society provided for in title 44, chapter 5, R.C.M. 1947, is transferred to the department.

82A-504. DIRECTOR OF MONTANA HISTORICAL SOCIETY--CONTINUED. The position of director of the Montana historical society, which position is provided for in title 44, chapter 5, R.C.M. 1947, and his functions are continued. After the effective date of this chapter, the director shall be appointed and may be removed by the board of trustees of the Montana historical society, subject to the approval of the board of education.

82A-505. FUNCTIONS OF MONTANA HISTORICAL SOCIETY AND OF BOARD OF TRUSTEES TRANSFERRED TO DIRECTOR. The functions of the Montana historical society and of the board of trustees of the Montana historical society, which society and board are provided for in title 44, chapter 5, R.C.M. 1947, are transferred to the director of the Montana historical society. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana historical society or the board of trustees of the Montana historical society relating to the functions transferred to the director means the director of the Montana historical society within the department of education.

82A-506. BOARD FUNCTIONS. (1) The functions of the state board of education, including its functions as ex officio board of regents and as the state board for vocational education, are continued in the board as the department head, except:

(a) The functions of the Montana state bureau of mines and geology, which are contained in title 50, chapter 10, R.C.M. 1947 (pertaining to strip coal mining regulation), and which are transferred to the department of natural resources and conservation in chapter 15 of this act.

(b) The functions of the division of vocational rehabilitation, created in title 41, chapter 8, R.C.M. 1947, transferred to the department of social and rehabilitation services in chapter 19 of this act.

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The composition, method of selection, terms of office, compensation, reimbursement, and qualifications of the members of the state board of education, the board of regents, and the state board for vocational education remain as prescribed by law.

82A-507. BOARD OF TRUSTEES OF STATE HISTORICAL SOCIETY--CONTINUED; COMPOSITION; FUNCTION. (1) The board of trustees of the state historical society, created in title 44, chapter 5, R.C.M. 1947, is continued.

(2) The board consists of fifteen (15) members, appointed by the governor to serve at his pleasure. Members of the board before the effective date of this chapter serve for the remainder of their terms; thereafter, members shall be appointed and serve in accordance with this subsection. The qualifications for board members in section 44-520, R.C.M. 1947, apply. The board may organize itself in accordance with section 44-523(1), R.C.M. 1947. Members shall be compensated and reimbursed as are members of advisory councils in section 82A-110(5) of this act.

(3) The board shall only act in an advisory capacity to the state board of education and the director of the state historical society on matters relating to the functions of the director.

82A-508. MONTANA ARTS COUNCIL--CONTINUED; TRANSFER. (1) The Montana Arts Council, created in title 82, chapter 36, R.C.M. 1947, and its functions are continued.

(2) The council is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) Members of the council before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of board members remain as prescribed by law.

(4) The director of the council shall be appointed and may be removed by the council, subject to the approval of the board of education.

82A-509. STATE LIBRARY COMMISSION--CONTINUED; TRANSFER. (1) The state library commission, created in title 44, chapter 1, R.C.M. 1947, and its functions are continued.

(2) The commission is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) Members of the commission before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of commission members remain as prescribed by law.

(4) The state librarian shall be appointed and may be removed by the commission, subject to the approval of the board of education.

82A-510. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The advisory council on teacher education and certification, administratively created.

(2) The council on education for the disadvantaged, administratively created.
CHAPTER 6. DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

82A-601. DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES--CREATION; HEAD. There is created a department of health and environmental sciences. The department head is the director of health and environmental sciences provided for in section 82A-608 of this chapter.

82A-602. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The state department of health, created in title 69, chapter 41, R.C.M. 1947, and its units are abolished, and their functions, except those enumerated below, are transferred to the department of health and environmental sciences:

(a) The functions contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, transferred to the department of agriculture in chapter 3 of this act.

(b) The function in section 69-4203(5), R.C.M. 1947 (pertaining to enforcing the industrial hygiene laws), transferred to the department of labor and industry in chapter 10 of this act. The department of health and environmental sciences shall notify the department of labor and industry of any alleged violation of the industrial hygiene laws or rules established thereunder. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of health or its units, except those enumerated below, means the department of health and environmental sciences:

(a) The references contained in title 27, chapter 2, R.C.M. 1947.

(b) The references contained in title 69, chapter 42, R.C.M. 1947, relating to the enforcement functions transferred to the department of labor and industry in chapter 10 of this act.

(2) The sanitarians registration council, created in title 69, chapter 34, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the sanitarians registration council means the department of health and environmental sciences.

(3) The Montana commission on alcohol and drug dependence, created in title 69, chapter 62, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana commission on alcohol and drug dependence means the department of health and environmental sciences.

82A-603. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT.

(1) The functions of the state water pollution control council, which is created in title 69, chapter 48, R.C.M. 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state water pollution control council means the department of health and environmental sciences.

(2) The functions of the state board of health, which is provided for in title 69, chapter 41, R.C.M. 1947, except the functions enumerated below, are transferred to the department:

(a) The functions contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, transferred to the department of agriculture in chapter 3 of this act.

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(b) The functions contained in title 50, chapter 11, R.C.M. 1947 (pertaining to dredge mining regulation), transferred to the department of natural resources and conservation in chapter 15 of this act.

(c) The functions contained in title 41, chapter 22, R.C.M. 1947 (pertaining to nurses' employment practices), transferred to the department of labor and industry in chapter 10 of this act.

Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of health, except those enumerated below, means the department of health and environmental sciences:

(a) The references contained in title 27, chapter 2, R.C.M. 1947.

(b) The references contained in title 50, chapter 11, R.C.M. 1947.

(c) The references contained in title 41, chapter 22, R.C.M. 1947.

82A-604. DIVISION OF ENVIRONMENTAL SCIENCES--CREATION.
There is created a division of environmental sciences within the department. The board of health and environmental sciences shall assign all functions performed by the department relating to air pollution control, water pollution control, radiation control, pesticides control, environmental sanitation, solid waste disposal, industrial hygiene, and related areas to the division.

82A-605. STATE BOARD OF HEALTH--CONTINUED; RENAMED; DESIGNATION.
(1) The state board of health provided for in title 69, chapter 41, R.C.M. 1947, is continued and renamed the board of health and environmental sciences.

(2) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-606. AIR POLLUTION CONTROL ADVISORY COUNCIL--CONTINUED; MEMBERSHIP; FUNCTIONS.
(1) The air pollution control advisory council, created in title 69, chapter 39, R.C.M. 1947, is continued.

(2) Council membership remains as prescribed in section 69-3908, R.C.M. 1947, except that the executive officer of the state board of health is replaced by the director of the department of health and environmental sciences.

(3) After the effective date of this chapter, appointed council members serve at the pleasure of the governor.

(4) The council shall act in an advisory capacity to the department of health and environmental sciences on matters relating to air pollution.

(5) Subsections (5) through (8) of section 82A-110 of this act apply to the council and members.

82A-607. STATE WATER POLLUTION CONTROL COUNCIL--CONTINUED; RENAMED WATER POLLUTION CONTROL ADVISORY COUNCIL.
(1) The state water pollution control council, created in title 69, chapter 48, R.C.M. 1947, is continued and renamed the water pollution control advisory council. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state water pollution control council means the water pollution control advisory council.

(2) Council membership remains as prescribed in section 69-4810, R.C.M. 1947, except that the executive officer of the state department of health, the state fish and game department director, and
the director of the water resources board are replaced by the
director of the department of health and environmental sciences,
the director of the fish and game department, and the administrator
of the water resources division of the department of natural
resources and conservation, respectively.

(3) After the effective date of this chapter, appointed council
members serve at the pleasure of the governor.

(4) The council shall only act in an advisory capacity to
the department of health and environmental sciences on matters
relating to water pollution.

(5) Subsections (5) through (8) of section 82A-110 of this act
shall apply to the council and members.

82A-608. DIRECTOR OF HEALTH AND ENVIRONMENTAL SCIENCES--
CREATION; QUALIFICATIONS. (1) There is created the position of
director of health and environmental sciences. The director shall
be appointed by the governor in the manner set forth in section
82A-106 of this act for directors who are department heads, and
in addition shall:

(a) Have a degree of doctor of medicine.

(b) Have successfully completed at least one (1) year of
graduate study in an approved school of public health.

(c) Have had at least two (2) years' experience as a full-time
public health officer.

(d) Be eligible for a license by the board of medical
examiners.

(3) (sic) Receive a license from the board of medical
examiners not later than six (6) months after his appointment.

(2) Section 82A-107 of this act applies to the director as a
department head, subject to the concurrence of the board of health
and environmental sciences. The director is the chief administra-
tive officer of the department, and he shall in addition perform
those functions that are delegated to him by the board of health
and environmental sciences.

82A-609. ADDITIONAL AGENCIES ABOLISHED. The following agencies
are abolished:

(1) The venereal disease and immunization advisory committee,
administratively created.

(2) The laboratory advisory committee, administratively
created.

(3) The migrant health advisory committee, administratively
created.

(4) The hearing conservation advisory committee, administra-
tively created.

(5) The family planning advisory committee, administratively
created.

(6) The joint staff committee, administratively created.

(7) The interdepartmental council on mental retardation,
administratively created.
(8) The radiation advisory committee, provided for in section 69-5805, R.C.M. 1947.

(9) The hospital and long term care facilities advisory council, provided for in section 69-5214, R.C.M. 1947.

CHAPTER 7. DEPARTMENT OF HIGHWAYS

82A-701. DEPARTMENT OF HIGHWAYS--CREATION; HEAD. There is created a department of highways. The department head is the director of highways provided for in section 82A-707 of this chapter.

82A-702. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The highway department, provided for in title 32, chapter 25, R.C.M. 1947, is abolished, and its functions are transferred to the department of highways created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the highway department means the department of highways created in this chapter.

(2) The position of state highway administrator, created in title 32, chapter 25, R.C.M. 1947, is abolished, and the functions of the position are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state highway administrator means the department of highways created in this chapter.

(3) The Montana toll bridge authority, created in title 32, chapter 27, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana toll bridge authority means the department of highways created in this chapter.

(4) The Montana motor vehicle reciprocity board, created in title 53, chapter 7, R.C.M. 1947, is abolished, and its functions, except the quasi-judicial functions transferred to the board of highway appeals in section 82A-705 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana motor vehicle reciprocity board, except the references relating to the quasi-judicial functions transferred to the board of highway appeals in section 82A-705 of this chapter, means the department of highways created in this chapter.

82A-703. FUNCTIONS OF HIGHWAY COMMISSION TRANSFERRED TO DEPARTMENT. The functions of the highway commission, which is provided for in title 32, chapter 24, R.C.M. 1947, except its functions acting as the Montana highway patrol board, contained in title 31, chapter 1, R.C.M. 1947, transferred to the department of law enforcement and public safety or the attorney general in chapter 12 of this act, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the highway commission, except the references in title 31, chapter 1, R.C.M. 1947, to the commission acting as the Montana highway patrol board, means the department of highways created in this chapter.

82A-704. BOARD OF HIGHWAY APPEALS--CREATION; ALLOCATION; COMPOSITION; DESIGNATION. (1) There is created a board of highway appeals.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act.
The board is composed of three (3) members appointed by
the governor as prescribed in section 82A-112 of this act.

The board shall act in a quasi-judicial capacity for the
hearing of grievances of personnel of the department, and for the
hearing of disputes that may result from the administration and
enforcement of proportional registration agreements under title 53,
chapter 7, R.C.M. 1947.

The board is designated as a quasi-judicial board for
purposes of section 82A-112 of this act.

82A-705. FUNCTIONS TRANSFERRED TO BOARD OF HIGHWAY APPEALS.
The quasi-judicial functions of the Montana motor vehicle
reciprocity board, which are contained in title 53, chapter 7,
R.C.M. 1947 (pertaining to reciprocity and proportional registration
of motor vehicles), are transferred to the board of highway
appeals. Unless inconsistent with this act, any reference in title
53, chapter 7, R.C.M. 1947, to the Montana motor vehicle reciprocity
board relating to the quasi-judicial functions transferred to the
board of highway appeals means the board of highway appeals.

82A-706. HIGHWAY COMMISSION--CONTINUED; DESIGNATION. (1) The
highway commission, provided for in title 32, chapter 24, R.C.M.
1947, is continued.

(2) The commission is designated as a quasi-judicial board
for purposes of section 82A-112 of this act.

82A-707. DIRECTOR OF HIGHWAYS--CREATION. There is created
the position of director of highways. The director shall be
appointed by the governor in the manner set forth in section
82A-106 of this act for directors who are department heads.
Section 82A-107 of this act applies to the director as a department
head, subject to the concurrence of the highway commission. The
director is the chief administrative officer of the department,
and in addition he shall perform those functions that are delegated
to him by the commission.

82A-708. ADDITIONAL AGENCIES ABOLISHED. The following
agencies are abolished:

(1) The Montana fact-finding committee on highways, streets,

(2) The Montana council for highway research, created in laws

(3) The highway joint development council, administratively
created.

CHAPTER 8. DEPARTMENT OF INSTITUTIONS

82A-801. DEPARTMENT OF INSTITUTIONS--CREATION; HEAD. There is
created a department of institutions. The department head is a
director of institutions appointed by the governor in accordance
with section 82A-106 of this act.

82A-802. DEPARTMENT OF INSTITUTIONS ABOLISHED; FUNCTIONS
TRANSFERRED TO DEPARTMENT. The state department of institutions,
created in title 80, chapter 14, R.C.M. 1947, and its units are
abolished, and their functions, except those enumerated below, are
transferred to the department of institutions created in this
chapter:

(1) The functions with respect to the position of registrar of
motor vehicles, trailers and semitrailers, which is created in title
53, chapter 1, R.C.M. 1947, transferred to the department of law enforcement and public safety in chapter 12 of this act.

(2) The functions with respect to the state bureau of criminal identification and investigation, which is provided for in title 80, chapter 20, R.C.M. 1947, transferred to the department of law enforcement and public safety in chapter 12 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state department of institutions or its units means the department of institutions created in this chapter.

82A-803. FUNCTIONS OF BOARD OF INSTITUTIONS TRANSFERRED TO DEPARTMENT. The functions of the state board of institutions, which is provided for in title 80, chapter 14, R.C.M. 1947, except those enumerated below, are transferred to the department of institutions created in this chapter:

(1) The quasi-judicial functions continued in the board under section 82A-806 of this chapter.

(2) The functions of the board with respect to the position of registrar of motor vehicles, trailers and semitrailers, which is created in title 53, chapter 1, R.C.M. 1947, transferred to the department of law enforcement and public safety in chapter 12 of this act.

(3) The functions of the board with respect to the state bureau of criminal identification and investigation, which is created in title 80, chapter 20, R.C.M. 1947, transferred to the department of law enforcement and public safety in chapter 12 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of institutions, means the department of institutions created in this chapter.

82A-804. BOARD OF PARDONS--CONTINUED; TRANSFER; DESIGNATION; ADMINISTRATOR. (1) The state board of pardons, created in title 94, chapter 98, R.C.M. 1947, and its functions are continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) does not apply.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

(4) The position of state director of probation and parole, provided for in title 94, chapter 98, R.C.M. 1947, is renamed the administrator of probation and parole.

82A-805. BOARD OF EUGENICS--CONTINUED; TRANSFER; DESIGNATION. (1) The state board of eugenics, created in title 69, chapter 64, R.C.M. 1947, and its functions are continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-806. BOARD OF INSTITUTIONS--CONTINUED; TRANSFER; FUNCTIONS; DESIGNATION. (1) The state board of institutions, created in title 80, chapter 14, R.C.M. 1947, is continued.
(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board shall act in an advisory capacity to the department.

(4) The board shall continue to act in a quasi-judicial capacity for the hearing of disputes concerning the state's custodial institutions within the department, including the hearing of grievances of inmates and personnel of the institutions. No quasi-judicial functions exercised by the board may infringe upon statutory function of the board of pardons.

(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-807. AGENCIES ABOLISHED. The following agencies are abolished:


(2) The council of superintendents, provided for in section 80-1406, R.C.M. 1947.

(3) The institutional chaplaincy advisory committee, administratively created.

(4) The advisory council to the state prison and the advisory council to the veterans' home, provided for in section 80-1406, R.C.M. 1947.

CHAPTER 9. DEPARTMENT OF INTERGOVERNMENTAL RELATIONS

82A-901. DEPARTMENT OF INTERGOVERNMENTAL RELATIONS--CREATION; HEAD. There is created a department of intergovernmental relations. The department head is a director of intergovernmental relations appointed by the governor in accordance with section 82A-106 of this act.

82A-902. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The Montana highway traffic safety board, created in title 32, chapter 46, R.C.M. 1947, and its units are abolished, and their functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana highway traffic safety board means the department of intergovernmental relations.

(2) The department of planning and economic development and the planning and development commission, created in title 82, chapter 37, R.C.M. 1947, are abolished, and their functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of planning and economic development or the planning and development commission means the department of intergovernmental relations.

(3) The state office of economic opportunity, administratively created, is abolished, and its functions are transferred to the department.

82A-903. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The functions of the state aeronautics commission, which is created in title 1, chapter 2, R.C.M. 1947, except the quasi-judicial and quasi-legislative functions retained in the commission under section 82A-905 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in
the Revised Codes of Montana, 1947, to the state aeronautics commission, except references relating to the quasi-judicial and quasi-legislative functions retained in the commission under section 82A-905 of this chapter, means the department of intergovernmental relations.

(2) The office of state coordinator of Indian affairs, created in title 82, chapter 27, R.C.M. 1947, and the functions of the office, are transferred to the department.

(3) The functions of the state examiner with respect to the political subdivisions of the state and their officers and employees, contained in the citations of the Revised Codes of Montana, 1947, enumerated below, are transferred to the department:

(a) Title 82, chapter 10 (pertaining to the general duties of the state examiner).

(b) Sections 5-907 and 5-910 (pertaining to examination of political subdivisions).

(c) Section 6-205 (pertaining to bonding of county officers and employees).

(d) Section 6-603 (pertaining to bonding of city or town officers or employees).

(e) Section 11-806 (pertaining to financial statements of cities or towns).

(f) Sections 11-1403, 11-1404, 11-1406, and 11-1411 (pertaining to the budget systems of cities or towns).

(g) Sections 11-1914 and 11-1923 (pertaining to investments by and examination of fire department relief associations).

(h) Section 11-3129 (pertaining to examination of cities operating under the commission form of government).

(i) Section 11-3253 (pertaining to auditing of cities operating under the commission-manager form of government).

(j) Sections 16-1901, 16-1902, 16-1903, 16-1904, and 16-1909 (pertaining to budget systems of counties).

(k) Sections 16-2001 and 16-2049 (pertaining to county finance).

(l) Sections 16-2618, 16-2621, and 16-2625 (pertaining to deposit of public funds).

(m) Sections 16-2924 and 16-2925 (pertaining to examining financial conditions of counties).

(n) Section 16-3916 (pertaining to auditing of counties operating under the county-manager form of government).

(o) Section 32-21-174 (pertaining to inspecting accounts of the interstate vehicle equipment safety commission).

(p) Sections 59-514 and 59-515 (pertaining to approval of destruction of city or town records).

(q) Section 75-1632 (pertaining to recommending bookkeeping by school trustees).

(r) Section 75-3737 (pertaining to establishing an on-farm training account).

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(s) Sections 89-1215 and 89-2107 (pertaining to examination of irrigation districts).

(t) Section 89-3422 (pertaining to examination of conservancy districts).

However, in accordance with article VII, section 8 of the Montana constitution, the state examiner retains the function of examining the accounts of the state treasurer, supreme court clerks, district court clerks, and county treasurers. Unless inconsistent with this act, any reference in the citations enumerated above in this subsection to the state examiner relating to the functions transferred to the department means the department of intergovernmental relations.

82A-904. COUNTY PRINTING COMMISSION--CONTINUED; TRANSFER; RENAMED BOARD OF COUNTY PRINTING; COMPOSITION. (1) The county printing commission, provided for in title 16, chapter 12, R.C.M. 1947, and its functions are continued, and the commission is renamed the board of county printing. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the county printing commission means the board of county printing.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) Members of the board before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed in section 16-1227, R.C.M. 1947. Members shall be compensated and reimbursed as are members of advisory councils in section 82A-110 of this act.

82A-905. STATE AERONAUTICS COMMISSION--CONTINUED; RENAMED BOARD OF AERONAUTICS; TRANSFER; FUNCTIONS; DESIGNATION. (1) The state aeronautics commission, created in title 1, chapter 2, R.C.M. 1947, is continued, and the commission is renamed the board of aeronautics.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board shall act in an advisory capacity to the department on those matters relating to the functions of the aeronautics commission transferred to the department in section 82A-903 of this chapter.

(4) The board retains the quasi-judicial and quasi-legislative functions contained in section 1-322 through 1-324, R.C.M. 1947 (pertaining to granting and suspending certificates of public convenience and necessity for air carriers, setting rates, and related matters). Unless inconsistent with this act, any reference in title 1, chapter 2, R.C.M. 1947, to the state aeronautics commission relating to the quasi-judicial and quasi-legislative functions retained in the board means the board of aeronautics.

(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-906. GOVERNOR'S HIGHWAY TRAFFIC SAFETY TASK FORCE ABOLISHED. The governor's highway traffic safety task force, administratively created, is abolished.

CHAPTER 10. DEPARTMENT OF LABOR AND INDUSTRY

82A-1001. DEPARTMENT OF LABOR AND INDUSTRY--CREATION; HEAD. There is created a department of labor and industry. As prescribed in article XVIII, section 1 of the Montana constitution, the department head is the commissioner of labor and industry. The
commissioner holding office before the effective date of this chapter continues as the commissioner of the department of labor and industry created by this chapter for the remainder of his term. The commissioner shall be appointed and serve as provided in article XVIII, section 1 of the Montana constitution.

82A-1002. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The department of labor and industry, created in title 41, chapter 16, R.C.M. 1947, and its units are abolished, and their functions are transferred to the department of labor and industry created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of labor and industry or its units means the department of labor and industry created in this chapter.

(2) The apprenticeship council, provided for in title 41, chapter 12, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the apprenticeship council means the department of labor and industry created in this chapter.

(3) The commission on the status of women, administratively created, is abolished, and its functions are transferred to the department.

82A-1003. ADDITIONAL FUNCTIONS TRANSFERRED TO THE DEPARTMENT. (1) The functions of the state board of health, which are contained in title 41, chapter 22, R.C.M. 1947 (pertaining to nurses' employment practices), are transferred to the department. Unless inconsistent with this act, any reference in title 41, chapter 22, R.C.M. 1947, to the state board of health means the department of labor and industry created in this chapter.

(2) The functions of the state department of health relating to enforcing the industrial hygiene laws under section 69-4203(5), R.C.M. 1947, are transferred to the department of labor and industry created in this chapter. The department of labor and industry, on its own motion, or whenever it receives a notice of an alleged violation of the industrial hygiene laws or rules established thereunder from the department of health and environmental sciences, shall file a complaint of the alleged violation in the appropriate court and diligently pursue the action to its completion. Unless inconsistent with this act, any reference in title 69, chapter 42, R.C.M. 1947, to the state department of health relating to its enforcement functions means the department of labor and industry created in this chapter.

82A-1004. DIVISION OF WORKMEN'S COMPENSATION--CREATION; HEAD. (1) There is created a division of workmen's compensation within the department. The division head is an administrator appointed by the governor as are directors in accordance with section 82A-106 of this act.

(2) The division is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the division may hire its own personnel, and section 82A-108 (2)(d) does not apply.

82A-1005. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DIVISION OF WORKMEN'S COMPENSATION. (1) The industrial accident board, created in title 92, chapter 1, R.C.M. 1947, and its units, including the department of safety, created in title 41, chapter 17, R.C.M. 1947, are abolished, and their functions, except the board's investment functions contained in title 92, chapter 13, R.C.M. 1947, are transferred to the board of investments in chapter 2 of this act, and are transferred to the division. The administrator of the division
shall make the final determinations for workmen's compensation claims. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the industrial accident board or its units, except the references relating to the board's investment functions in title 92, chapter 13, R.C.M. 1947, transferred to the board of investments in chapter 2 of this act, means the division of workmen's compensation of the department of labor and industry created in this chapter.

(2) The advisory committee on boiler rules, created in title 69, chapter 15, R.C.M. 1947, is abolished, and its functions are transferred to the division. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the advisory committee on boiler rules means the division of workmen's compensation of the department of labor and industry created in this chapter.

(3) The board of examiners of applicants for coal mine foreman and mine examiner, and the board of examiners of applicants for state coal mine inspector, provided for in title 50, chapter 4, R.C.M. 1947, are abolished, and their functions are transferred to the division. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of examiners of applicants for coal mine foreman and mine examiner and the board of examiners of applicants for state coal mine inspector, means the division of workmen's compensation of the department of labor and industry created in this chapter.

(4) The power line construction code committee, administratively created, is abolished, and its functions are transferred to the division.

82A-1006. DIVISION OF EMPLOYMENT SECURITY--CREATION; HEAD; BUREAUS. (1) There is created a division of employment security within the department. The division head is an administrator appointed by the commissioner of labor and industry.

(2) Within the division of employment security are the following bureaus:

(a) The bureau of Montana state employment service.

(b) The bureau of unemployment insurance.

Each bureau shall be headed by a full-time chief appointed by the administrator. The administrator shall establish such other bureaus within the division as are required for the receipt of federal funds. Personnel of the division shall be employed in accordance with merit system standards.

82A-1007. EMPLOYMENT SECURITY COMMISSION ABOLISHED--FUNCTIONS TRANSFERRED TO DIVISION OF EMPLOYMENT SECURITY. The employment security commission of Montana, created in title 87, chapter 1, R.C.M. 1947, and its units are abolished, and their functions, except the quasi-judicial functions transferred to the board of labor appeals in section 82A-1009 of this chapter, are transferred to the division of employment security.

82A-1008. BOARD OF LABOR APPEALS--CREATION; ALLOCATION; COMPOSITION; FUNCTION; DESIGNATION. (1) There is created a board of labor appeals.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board is composed of three (3) members of the public, who are not employees of the state government, appointed by the governor as prescribed in section 82A-112 of this act.

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(4) The board shall act in a quasi-judicial capacity for the hearing of disputes concerning the administration of Montana's unemployment insurance laws.

(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-1009. FUNCTIONS TRANSFERRED TO BOARD OF LABOR APPEALS. The quasi-judicial functions of the employment security commission of Montana, contained in title 87, chapter 1, R.C.M. 1947 (pertaining to the unemployment compensation laws), are transferred to the board. Unless inconsistent with this act, any reference in title 87, chapter 1, R.C.M. 1947, to the employment security commission of Montana relating to the quasi-judicial functions transferred to the board of labor appeals means the board of labor appeals.

82A-1010. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The labor safety study commission, provided for in title 41, chapter 21, R.C.M. 1947.

(2) The state board of arbitration and conciliation, created in title 41, chapter 9, R.C.M. 1947.

CHAPTER 11. DEPARTMENT OF STATE LANDS

82A-1101. DEPARTMENT OF STATE LANDS--CREATION; HEAD. There is created a department of state lands. The department head is the state board of land commissioners, created in article XI, section 4 of the Montana constitution.

82A-1102. AGENCIES ABOLISHED, FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The department of state lands and investments, provided for in title 81, chapter 1, R.C.M. 1947, is abolished, and its functions are transferred to the department of state lands created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of state lands and investments means the department of state lands created in this chapter.

(2) The office of commissioner of state lands and investments, created in title 81, chapter 2, R.C.M. 1947, is abolished, and its functions are transferred to the department of state lands. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the commissioner of state lands and investments means the department of state lands created in this chapter.

82A-1103. FUNCTIONS OF BOARD OF LAND COMMISSIONERS CONTINUED. The functions of the state board of land commissioners, which is created in article XI, section 4 of the Montana constitution, except the investment functions transferred to the board of investments and enumerated in chapter 2 of this act, are continued in the board.

82A-1104. COMMISSIONER OF STATE LANDS--CREATION. (1) There is created the position of commissioner of state lands.

(2) The commissioner is the chief administrative officer of the department under the direction of the state board of land commissioners, and he shall perform those functions that are delegated to him by the board.

(3) The commissioner shall be appointed and serve as provided for directors in section 82A-106 of this act.
CHAPTER 12. DEPARTMENT OF LAW ENFORCEMENT AND PUBLIC SAFETY

82A-1201. DEPARTMENT OF LAW ENFORCEMENT AND PUBLIC SAFETY--CREATION; HEAD. There is created a department of law enforcement and public safety. The department head is the attorney general.

82A-1202. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The state bureau of criminal identification and investigation, provided for in title 80, chapter 20, R.C.M. 1947, is abolished, and its statutory functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state bureau of criminal identification and investigation means the department of law enforcement and public safety.

(2) The position of criminal investigator created within the office of the attorney general in title 82, chapter 4, R.C.M. 1947, is abolished, and the functions of the position are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of criminal investigator means the department of law enforcement and public safety.

(3) The state law enforcement teletypewriter communications committee, provided for in title 82, chapter 39, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the law enforcement teletypewriter communications committee means the department of law enforcement and public safety.

(4) The Montana law enforcement academy advisory board, provided for in title 75, chapter 52, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana law enforcement academy advisory board means the department of law enforcement and public safety.

(5) The office of state fire marshal, created in title 82, chapter 12, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the office of state fire marshal means the department of law enforcement and public safety.

(6) The state building code council, created in title 69, chapter 21, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state building code council means the department of law enforcement and public safety.

82A-1203. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The functions of the state electrical board of making inspections of electrical installations and issuing tags and charging fees therefor in section 66-2805(c)(1), R.C.M. 1947, and of establishing an electrical code in section 66-2802(1), R.C.M. 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state electrical board relating to its functions of making inspections of electrical installations and issuing tags and charging fees therefor or of establishing an electrical code means the department of law enforcement and public safety.

(2) The functions of the state controller and the department of administration, which are contained in title 69, chapter 21, R.C.M. 1947 (pertaining to the state building code), are transferred to
the department. Unless inconsistent with this act, any reference in title 69, chapter 21, R.C.M. 1947, to the state controller or the department of administration means the department of law enforcement and public safety.

(3) The function of the secretary of state of registering machine guns in section 94-3108, R.C.M. 1947, is transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the secretary of state relating to his function of registering machine guns means the department of law enforcement and public safety.

82A-1204. DIVISION OF MOTOR VEHICLES--CREATION. There is created a division of motor vehicles within the department.

82A-1205. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DIVISION. (1) The position of registrar of motor vehicles, trailers and semitrailers, created in title 53, chapter 1, R.C.M. 1947, is abolished, and the functions of the position, except the function of providing license plates for motor vehicles provided for in title 53, chapter 1, R.C.M. 1947, are transferred to the division of motor vehicles. The function of providing license plates remains a function of the warden of the state prison. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the registrar of motor vehicles, trailers and semitrailers, except the references relating to the function of providing license plates, means the division of motor vehicles of the department of law enforcement and public safety.

(2) The Montana highway patrol board, provided for in title 31, chapter 1, R.C.M. 1947, is abolished, and its functions, except the function of appointing the highway patrol chief in section 31-104, R.C.M. 1947, which is hereby transferred to the attorney general, are transferred to the division of motor vehicles. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana highway patrol board means the division of motor vehicles of the department of law enforcement and public safety, except references in section 31-104, R.C.M. 1947, relating to the function of appointing the highway patrol chief, where it means the attorney general.

82A-1206. FUNCTIONS OF HIGHWAY PATROL AND HIGHWAY PATROL CHIEF TRANSFERRED TO DIVISION. The functions of the highway patrol, which is created in title 31, chapter 1, R.C.M. 1947, and of the position of highway patrol chief, which is provided for in title 31, chapter 1, R.C.M. 1947, are transferred to the division of motor vehicles.

82A-1207. BOARD OF CRIME CONTROL--CREATION; CONTINUED; TRANSFER; COMPOSITION. (1) The administratively created agency known as the governor's crime control commission is hereby created by law as the board of crime control, and its functions are continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) does not apply.

(3) The board is composed of sixteen (16) members appointed by the governor. The board shall be representative of state and local law enforcement agencies and units of general local government.

(4) As designated by the governor as the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, the board shall perform the functions assigned to it under that act.
(5) The members of the governor's crime control commission before the effective date of this chapter continue as members of the board of crime control for the remainder of the governor's term; thereafter members shall be appointed in accordance with section 82A-112(1)(b) of this act.

(6) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act, but section 82A-112(2)(b) does not apply.

82A-1208. FIRE PREVENTION ADVISORY COMMISSION ABOLISHED. The fire prevention advisory commission, provided for in section 82-1201, R.C.M. 1947, is abolished.

CHAPTER 13. DEPARTMENT OF LIVESTOCK

82A-1301. DEPARTMENT OF LIVESTOCK--CREATION; HEAD. There is created a department of livestock. The department head is the board of livestock provided for in section 82A-1303 of this chapter.

82A-1302. FUNCTIONS TRANSFERRED TO DEPARTMENT. The functions of the department of agriculture and of the commissioner of agriculture, which are contained in the citations of the Revised Codes of Montana, 1947, enumerated below, are transferred to the department:

(1) Title 3, chapter 22 (pertaining to poultry improvement), chapter 23 (pertaining to eggs and egg dealers), chapter 24 (pertaining to dairy products), and chapter 25 (pertaining to quality labels).

(2) Title 27, chapter 5 (pertaining to oleomargarine regulation). Unless inconsistent with this act, any reference in title 3, chapters 22 through 24, and in title 27, chapter 5, R.C.M. 1947, to the department of agriculture or the commissioner of agriculture means the department of livestock. Unless inconsistent with this act, any reference in title 3, chapter 25, R.C.M. 1947, to the department of agriculture or the commissioner of agriculture means the department of livestock or the department of agriculture created in chapter 3 of this act, whichever is applicable.

82A-1303. LIVESTOCK COMMISSION--CONTINUED; RENAMED BOARD OF LIVESTOCK; COMPOSITION. (1) The livestock commission, provided for in title 46, chapter 1, R.C.M. 1947, and its functions are continued, and the commission is renamed the board of livestock. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the livestock commission means the board of livestock.

(2) Members of the board before the effective date of this chapter continue as members for the remainder of their terms. The composition, method of selection, and terms of office of members of the board remain as prescribed in section 46-101, R.C.M. 1947, except:

(a) An appointee is vested with all the powers and duties of his office before being confirmed by the senate, as are directors in section 82A-106(2) of this act.

(b) The governor shall designate the chairman of the board.

(3) Members of the board shall be reimbursed and compensated as are members of quasi-judicial boards in section 82A-112(1)(e) of this act.

82A-1304. LIVESTOCK SANITARY BOARD ABOLISHED; FUNCTIONS TRANSFERRED TO BOARD OF LIVESTOCK. The livestock sanitary board,
provided for in title 46, chapter 2, R.C.M. 1947, is abolished, and its functions are transferred to the board of livestock. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the livestock sanitary board means the board of livestock.

82A-1305. ADVISORY COMMITTEE ON PREDATORY ANIMAL CONTROL ABOLISHED. The advisory committee on predatory animal control, provided for in section 46-1903, R.C.M. 1947, is abolished.

CHAPTER 14. DEPARTMENT OF MILITARY AFFAIRS

82A-1401. DEPARTMENT OF MILITARY AFFAIRS--CREATION; HEAD. There is created a department of military affairs. The department head is the adjutant general of the state, who shall be appointed and serve in the same manner as are directors in section 82A-108 of this act. In addition, the qualifications of the adjutant general remain as prescribed in section 77-117, R.C.M. 1947.

82A-1402. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The adjutant general's department, provided for in title 77, chapter 1, R.C.M. 1947, is abolished, and its functions are transferred to the department of military affairs. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the adjutant general's department means the department of military affairs.

(2) The state civil defense agency, created in title 77, chapter 13, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state civil defense agency means the department of military affairs.

(3) The position of director of civil defense, created in title 77, chapter 13, R.C.M. 1947, is abolished, and the functions of the position are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of director of civil defense means the department of military affairs.

(4) The office of emergency resource management, created in title 77, chapter 15, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the office of emergency resource management means the department of military affairs.

(5) The office of state emergency planning director, provided for in title 77, chapter 15, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the office of state emergency planning director means the department of military affairs.

82A-1403. FUNCTIONS OF ADJUTANT GENERAL TRANSFERRED TO DEPARTMENT. The functions of the position of adjutant general, which is created in title 77, chapter 1, R.C.M. 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of adjutant general means the department of military affairs.

82A-1404. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The civil defense advisory council, created in section 77-1305, R.C.M. 1947.
(2) The state emergency resource planning committee, provided for in section 77-1504, R.C.M. 1947.

(3) The training and education coordination committee, administratively created.

CHAPTER 15. DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

82A-1501. DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION—CREATION; HEAD. There is created a department of natural resources and conservation. The department head is the director of natural resources and conservation provided for in section 82A-1508 of this chapter.

82A-1502. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. The Montana grass conservation commission, created in title 46, chapter 23, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana grass conservation commission means the department of natural resources and conservation.

82A-1503. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The functions of the state board of health, which are contained in title 50, chapter 11, R.C.M. 1947 (pertaining to dredge mining regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 50, chapter 11, R.C.M. 1947, to the state board of health means the department of natural resources and conservation.

(2) The functions of the Montana bureau of mines and geology, which are contained in title 50, chapter 10, R.C.M. 1947 (pertaining to strip coal mining regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 50, chapter 10, R.C.M. 1947, to the Montana bureau of mines and geology means the department of natural resources and conservation.

82A-1504. DIVISIONS OF WATER RESOURCES, FORESTRY AND CONSERVATION DISTRICTS—CREATION. (1) The following divisions of the department are created:

(a) Division of water resources.

(b) Division of forestry.

(c) Division of conservation districts.

(2) Each division shall be headed by an administrator. The administrator of the division of forestry shall be technically trained and experienced in forestry and a graduate of an accredited forestry school.

82A-1505. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DIVISIONS. (1) The Montana water resources board and its units, created in title 89, chapter 1, R.C.M. 1947, are abolished, and their functions are transferred to the division of water resources. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana water resources board or its units means the division of water resources of the department of natural resources and conservation.

(2) The Montana state board of forestry and its units, created in title 28, chapter 1, R.C.M. 1947, are abolished, and their functions are transferred to the division of forestry. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of forestry means the division of forestry of the department of natural resources and conservation.

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(3) The position of state forester, provided for in title 81, chapter 14, R.C.M. 1947, is abolished, and the functions of the position are transferred to the division of forestry. However, as prescribed in article XI, section 4 of the Montana constitution and in section 81-103, R.C.M. 1947, the state board of land commissioners continues to retain the direction, control, leasing and sale of the state school lands and the land granted for the support and benefit of the various educational institutions and state lands; any functions performed by the division of forestry relating to these lands are subject to the direction and control of the state board of land commissioners. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of state forester means the division of forestry within the department of natural resources and conservation.

82A-1506. ADDITIONAL FUNCTIONS TRANSFERRED TO DIVISION. The functions of the state soil conservation committee, created in title 76, chapter 1, R.C.M. 1947, are transferred to the division of conservation districts. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state soil conservation committee means the division of conservation districts of the department of natural resources and conservation.

82A-1507. STATE SOIL CONSERVATION COMMITTEE--CONTINUED; MEMBERSHIP; FUNCTIONS. (1) The state soil conservation committee, created in title 76, chapter 1, R.C.M. 1947, is continued.

(2) Committee membership remains as prescribed in section 76-104, R.C.M. 1947.

(3) After the effective date of this chapter, appointed committee members serve at the pleasure of the governor.

(4) The committee shall act in an advisory capacity to the department on matters relating to soil conservation districts.

(5) Subsection (5) through (8) of section 82A-110 of this act applies to the committee and members.

82A-1508. OIL AND GAS CONSERVATION COMMISSION--CONTINUED; RENAMED BOARD OF OIL AND GAS; TRANSFER; DESIGNATION. (1) The oil and gas conservation commission of the state of Montana, created in title 60, chapter 1, R.C.M. 1947, and its functions are continued, and the commission is renamed the board of oil and gas conservation. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the oil and gas conservation commission of the state of Montana means the board of oil and gas conservation.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) of this act does not apply.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-1509. BOARD OF NATURAL RESOURCES AND CONSERVATION--CREATION; COMPOSITION; DESIGNATION. (1) There is created a board of natural resources and conservation.

(2) The board is composed of five (5) members, appointed by the governor as prescribed in section 82A-112 of this act, informed and experienced in the subjects of natural resources and conservation. One member shall be appointed from each of the five (5) districts prescribed in section 26-102(1), R.C.M. 1947.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

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82A-1510. DIRECTOR OF NATURAL RESOURCES AND CONSERVATION—CREATION. There is created the position of director of natural resources and conservation. The director shall be appointed by the governor in the manner set forth in section 82A-106 of this act for directors who are department heads. Section 82A-107 of this act applies to the director as a department head, subject to the concurrence of the Board of natural resources and conservation. The director is the chief administrative officer of the department, and in addition he shall perform those functions that are delegated to him by the board of natural resources and conservation.

82A-1511. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

1. The council on natural resources and development, created in section 82-3001, R.C.M. 1947.
2. The outdoor recreation advisory and planning committee, created in section 62-404, R.C.M. 1947.
3. The weather modification advisory committee, provided for in section 89-312, R.C.M. 1947.

CHAPTER 16. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

82A-1601. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING—CREATION; HEAD. There is created a department of professional and occupational licensing. The department head is a director of professional and occupational licensing appointed by the governor in accordance with section 82A-106 of this act.

82A-1602. DEPARTMENT—AGENCIES TRANSFERRED TO. The following agencies are continued, are transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act, and are renamed as indicated:

1. Abstracters board of examiners, created in title 66, chapter 21, R.C.M. 1947, renamed the board of abstracters. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the abstracters board of examiners means the board of abstracters.


3. Board of architectural examiners, provided for in title 66, chapter 1, R.C.M. 1947, renamed the board of architects. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of architectural examiners means the board of architects.

4. State athletic commission, created in title 82, chapter 3, R.C.M. 1947, renamed the board of athletics. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state athletic commission means the board of athletics.

5. Board of barber examiners, created in title 66, chapter 4, R.C.M. 1947, renamed the board of barbers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of barber examiners means the board of barbers.


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Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of chiropody medical examiners means the board of chiropodists.

(7) State board of chiropractic examiners, created in title 66, chapter 5, R.C.M. 1947, renamed the board of chiropractors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of chiropractic examiners means the board of chiropractors.

(8) Montana state examining board of cosmetology, created in title 66, chapter 8, R.C.M. 1947, renamed the board of cosmetologists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state examining board of cosmetology means the board of cosmetologists.

(9) State board of dental examiners of the state of Montana, created in title 66, chapter 9, R.C.M. 1947, renamed the board of dentists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of dental examiners of the state of Montana means the board of dentists.

(10) State electrical board, created in title 66, chapter 28, R.C.M. 1947, renamed the board of electricians. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state electrical board, except the references relating to the functions of making inspections of electrical installations and issuing tags and charging fees therefor or of establishing an electrical code, transferred to the department of law enforcement and public safety in chapter 12 of this act, means the board of electricians.

(11) State board of registration for professional engineers and land surveyors, created in title 66, chapter 23, R.C.M. 1947, renamed the board of professional engineers and land surveyors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of registration for professional engineers and land surveyors means the board of professional engineers and land surveyors.


(14) State board of massage examiners, created in title 66, chapter 29, R.C.M. 1947, renamed the board of masseurs. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of massage examiners means the board of masseurs.


(16) State board of morticians, created in title 66, chapter 27, R.C.M. 1947, renamed the board of morticians. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of morticians means the board of morticians.
(17) State board of examiners for nursing home administrators, created in title 66, chapter 31, R.C.M. 1947, renamed the board of nursing home administrators. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of examiners for nursing home administrators means the board of nursing home administrators.

(18) Montana state board of nursing, created in title 66, chapter 12, R.C.M. 1947, renamed the board of nurses. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of nursing means the board of nurses.

(19) Montana state board of examiners in optometry, created in title 66, chapter 13, R.C.M. 1947, renamed the board of optometrists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of examiners in optometry means the board of optometrists.

(20) State board of osteopathic examiners, provided for in title 66, chapter 14, R.C.M. 1947, renamed the board of osteopaths. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of osteopathic examiners means the board of osteopaths.


(22) Board of plumbing examiners (or the state plumbing board), provided for in title 66, chapter 24, R.C.M. 1947, renamed the board of plumbers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of plumbing examiners or the state plumbing board means the board of plumbers.

(23) Montana real estate commission, created in title 66, chapter 19, R.C.M. 1947, renamed the board of real estate. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana real estate commission means the board of real estate.

(24) State board of veterinary medical examiners, created in title 66, chapter 22, R.C.M. 1947, renamed the board of veterinarians. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of veterinary medical examiners means the board of veterinarians.

(25) Board of certification for water and waste water operators, provided for in title 69, chapter 59, R.C.M. 1947, renamed the board of water and waste water operators. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of certification for water and waste water operators means the board of water and waste water operators.

(26) Water well contractors' examining board of the state of Montana, created in title 66, chapter 26, R.C.M. 1947, renamed the board of water well contractors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the water well contractors' examining board of the state of Montana means the board of water well contractors.

82A-1603. DEPARTMENT—DUTIES. In addition to the provisions of section 82A-108 of this act, the department shall:

(1) Provide all the administrative and clerical services needed by the boards within the department, including corresponding,
taking applications for licenses, issuing licenses granted by the boards, renewing licenses, registering, taking minutes of board meetings and hearings, and filing.

(2) Standardize and keep in Helena all official records of the boards.

(3) Make arrangements and provide facilities in Helena for the meetings, hearings, and examinations of each board, or elsewhere in the state if requested by the board.

(4) Administer and grade examinations required by each board or by law for licensing, unless the board determines that experts or professionals are necessary to administer or grade a particular examination.

(5) At the request of a board, investigate complaints received by the department of illegal or unethical conduct of a member of the profession or occupation under the jurisdiction of a board within the department.

(6) Assess the costs of the department to the boards on a pro rata basis according to the number of man-days and the actual operating costs of the department for each board.

82A-1604. DIRECTOR--DUTIES. In addition to his powers and duties under sections 82A-107 and 82A-108 of this act, the director shall:

(1) Appoint impartial legal counsel to conduct hearings before each board within the department whenever any board holds a hearing. The legal counsel appointed shall see that hearings are conducted in a proper and legal manner.

(2) Whenever the department conducts an investigation of a complaint of illegal or unethical conduct of a member of a particular profession or occupation as prescribed in section 82A-1603(5) of this chapter, and if requested by the appropriate board, appoint an impartial member of that profession or occupation to assist the department in its investigation. The member so appointed may not be a member of the board having jurisdiction over the particular profession or occupation.

(3) Hire all personnel to perform the administrative and clerical functions of the department for the boards. Boards within the department have no authority to hire personnel.

82A-1605. BOARDS WITHIN DEPARTMENT--DUTIES. Except for the inspection and code-making functions of the state electrical board transferred to the department of law enforcement and public safety and enumerated in chapter 12 of this act, and subject to the administrative control of the department and the director of professional and occupational licensing as set forth in section 82A-108 of this act and under this chapter, each agency transferred to the department shall continue to exercise its prescribed statutory functions. In addition, each board within the department shall:

(1) Set and enforce standards, rules, and regulations governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within its jurisdiction.

(2) Sit in judgment in hearings for the suspension, revocation, or denial of a license of an actual or potential member of the particular profession or occupation within its jurisdiction. The hearings shall be conducted by the legal counsel appointed under section 82A-1604(1) of this chapter.
(3) Pay to the department its pro rata share of the assessed costs of the department under section 82A-1603(6).

82A-1606. BOARD WITHIN DEPARTMENT--COMPOSITION, ETC. The members of boards within the department before the effective date of this chapter continue as members for the remainder of their terms. The composition, qualifications, method of appointment, terms of office, compensation, and reimbursement of the members of the boards within the department remain as prescribed by law, except:

(1) The executive officer of the Montana state department of health, or his designee, and the administrator of the Montana state department of public welfare, or his designee, are replaced by the director of the department of health and environmental sciences, or his designee, and the director of the department of social and rehabilitation services, or his designee, respectively, on the Montana state board of examiners for nursing home administrators, renamed the board of nursing home administrators in this chapter.

(2) The appointed representative of the state board of health is replaced by the appointed representative of the department of health and environmental sciences on the board of plumbing examiners, renamed the board of plumbers in this chapter.

(3) The director of the division of environmental sanitation or a qualified member of his staff appointed by the director is replaced by the administrator of the division of environmental sciences of the department of health and environmental sciences or a qualified member of his staff appointed by the administrator on the board of certification for water and waste water operators, renamed the board of water and waste water operators in this chapter.

(4) The state engineer and the director of the division of environmental sanitation of the state board of health are replaced by the administrator of the division of water resources of the department of natural resources and conservation and the administrator of the division of environmental sciences of the department of health and environmental sciences, respectively, on the water well contractors' examining board of the state of Montana, renamed the board of water well contractors in this chapter.

CHAPTER 17. DEPARTMENT OF PUBLIC SERVICE REGULATION

82A-1701. DEPARTMENT OF PUBLIC SERVICE REGULATION--CREATION; HEAD. There is created a department of public service regulation. The department head is the public service commission provided for in section 82A-1702 of this chapter.

82A-1702. PUBLIC SERVICE COMMISSION--CONTINUED; COMPOSITION.
(1) The public service commission, created in title 70, chapter 1, R.C.M. 1947, and its functions are continued.

(2) The composition, method of selection, and terms of office of members of the commission remain as prescribed in section 72-101, R.C.M. 1947. Members of the board of railroad commissioners ex officio public service commission before the effective date of this chapter continue as members of the public service commission for the remainder of their terms.

82A-1703. BOARD OF RAILROAD COMMISSIONERS ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. The board of railroad commissioners of the state of Montana, created in title 72, chapter 1, R.C.M. 1947, is abolished, and its functions are transferred to the public service commission. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of railroad commissioners means the public service commission.
CHAPTER 18. DEPARTMENT OF REVENUE

82A-1801. DEPARTMENT OF REVENUE--CREATION; HEAD. There is created a department of revenue. The department head is the state board of equalization, provided for in article XII, section 15 of the Montana constitution.

82A-1802. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. The functions of the secretary of state, which are contained in section 14-528, R.C.M. 1947 (pertaining to rural electric and telephone cooperatives license tax), are transferred to the department. Unless inconsistent with this act, any reference to the secretary of state in section 14-528, R.C.M. 1947, means the department of revenue.

82A-1803. FUNCTIONS OF THE STATE BOARD OF EQUALIZATION CONTINUED. (1) The functions of the state board of equalization are continued in the board, which board is created in article XII, section 15 of the Montana constitution.

(2) The board shall appoint an advisory council for the purpose of complying with article VI, section 1 (b) of the multi-state tax compact, section 84-6701, R.C.M. 1947. The council shall be appointed in accordance with the provisions of section 82A-110 of this act.

82A-1804. DIRECTOR OF REVENUE--CREATION. (1) There is created the position of director of revenue.

(2) The director is the chief administrative officer of the department under the direction of the state board of equalization and he shall perform those functions that are delegated to him by the board and in addition shall prepare revenue estimates of state revenue from all sources and shall continuously study fiscal problems and tax structures of state and local governments and submit the studies to the governor and legislative assembly at their request.

(3) The director of revenue shall be appointed and serve as provided for directors in section 82A-106 of this act.

82A-1805. MONTANA LIQUOR CONTROL BOARD--CONTINUED; TRANSFER; DESIGNATION. (1) The Montana liquor control board, created in title 4, chapter 1, R.C.M. 1947, and its functions are continued.

(2) The board is transferred to the department of revenue for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) does not apply.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-1806. MULTISTATE TAX COMPACT ADVISORY COMMITTEE ABOLISHED. The multistate tax compact advisory committee, provided for in section 84-6704, R.C.M. 1947, is abolished.

CHAPTER 19. DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

82A-1901. DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES--CREATION; HEAD. There is created a department of social and rehabilitation services. The department head is a director of social and rehabilitation services appointed by the governor in accordance with section 82A-106 of this act.

82A-1902. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The state department of public welfare and its

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units, including the state board of public welfare and the state administrator of public welfare, created in title 71, chapter 2, R.C.M. 1947, are abolished, and their functions, except the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state department of public welfare, the state board of public welfare, or the state administrator of public welfare, except the references relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, means the department of social and rehabilitation services.

(2) The division of vocational rehabilitation, created in title 41, chapter 8, R.C.M. 1947, under the jurisdiction of the state board of education, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the division of vocational rehabilitation means the department of social and rehabilitation services.

(3) The commission on aging, created in title 82, chapter 35, R.C.M. 1947, is abolished, and its functions, except the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the commission on aging, except the references relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, means the department of social and rehabilitation services.

(4) The council on human resources, administratively created, is abolished, and its functions are transferred to the department.

82A-1903. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. The functions of the state board of education which are contained in title 41, chapter 8, R.C.M. 1947 (pertaining to vocational rehabilitation and education), except the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in title 41, chapter 8, R.C.M. 1947, to the state board of education, except the references relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, means the department of social and rehabilitation services.

82A-1904. COUNTY DEPARTMENTS OF PUBLIC WELFARE--CONTINUED; SUPERVISION. The county departments of public welfare, including the county boards of public welfare, created in title 71, chapter 2, R.C.M. 1947, are continued, and are under the supervision of the department.

82A-1905. VETERANS' WELFARE COMMISSION--CONTINUED; RENAMED BOARD OF VETERANS' AFFAIRS; TRANSFER. (1) The veterans' welfare commission of the state of Montana, created in title 77, chapter 10, R.C.M. 1947, and its functions are continued, and the commission is renamed the board of veterans' affairs. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the veterans' welfare commission of the state of Montana means the board of veterans' affairs.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108 (2)(d) of this act does not apply.

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(3) Members of the board before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed in section 70-1001, R.C.M. 1947. Members shall be compensated and reimbursed as are members of advisory councils under section 82A-110 of this act.

82A-1906. BOARD OF SOCIAL AND REHABILITATION APPEALS--CREATION; ALLOCATION; COMPOSITION; FUNCTIONS; DESIGNATION. (1) There is created a board of social and rehabilitation appeals.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board consists of three (3) members, appointed by the governor as prescribed in section 82A-112 of this act, as follows:

(a) The director of the department, who shall act as chairman of the board. The director does not have a term on the board as a board member, but shall serve at the pleasure of the governor.

(b) Two members of the general public.

(4) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. For purposes of that section, a majority shall be considered as one (1).

82A-1907. FUNCTIONS TRANSFERRED TO BOARD OF SOCIAL AND REHABILITATION APPEALS. (1) The quasi-judicial functions of the state department of public welfare, including the state board of public welfare, which are contained in title 71, chapters 2 through 7, 12, 14, and 15, R.C.M. 1947 (pertaining to public welfare), are transferred to the board of social and rehabilitation appeals. Unless inconsistent with this act, any reference in title 71, chapters 2 through 7, 12, 14, and 15, R.C.M. 1947, to the state department of public welfare or to the state board of public welfare relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals means the board of social and rehabilitation appeals.

(2) The quasi-judicial functions of the state board of education, which are contained in title 41, chapter 8, R.C.M. 1947 (pertaining to vocational rehabilitation and education), are transferred to the board of social and rehabilitation appeals. Unless inconsistent with this act, any reference in title 41, chapter 8, R.C.M. 1947, to the state board of education relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals means the board of social and rehabilitation appeals.

(3) The quasi-judicial functions of the commission on aging, which are contained in the "State Plan for Aging" submitted to and approved by the administration on aging of the division of social and rehabilitative services of the United States department of health, education and welfare in 1965, are transferred to the board of social and rehabilitation appeals.

82A-1908. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The day care advisory council, provided for in section 10-803, R.C.M. 1947.

(2) The personnel committee of the department of public welfare, administratively created.

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(3) The educational leave committee of the department of public welfare, administratively created.

(4) The advisory committee on children and youth of the council on human resources, administratively created.

(5) The medical assistance advisory council, provided for in section 71-1513, R.C.M. 1947.

CHAPTER 20. DEPARTMENT OF FISH AND GAME

82A-2001. DEPARTMENT OF FISH AND GAME--CREATION; HEAD. There is created a department of fish and game. The department head is the state fish and game commission provided for in section 82A-2004 of this chapter, but section 82A-107 of this act does not apply to the commission as a department head.

82A-2002. FUNCTIONS TRANSFERRED TO DEPARTMENT. The fish and game department, provided for in title 26, chapter 1, R.C.M. 1947, and its units are abolished, and their functions are transferred to the department of fish and game created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the fish and game department means the department of fish and game created in this chapter.

82A-2003. DIRECTOR OF FISH AND GAME DEPARTMENT--CONTINUED. The position of state fish and game director and its functions are continued. The state fish and game director before the effective date of this chapter continues as the state fish and game director, until the first Monday of January, 1973, and until his successor is appointed and qualified. Thereafter, the director shall be appointed by the governor in the manner set forth in section 82A-106 of this act, except that the director shall serve for a term concurrent with that of the governor's term, and the director may be removed from office by the governor only for neglect of duty, incompetency or other good cause, and after a full hearing on verified charges filed at least twenty (20) days before said hearing and served on said officer at least twenty (20) days before said hearing. The state fish and game director is not a department head for purposes of section 82A-107 of this act.

82A-2004. STATE FISH AND GAME COMMISSION--CONTINUED; FUNCTIONS; DESIGNATION. (1) The state fish and game commission, created in title 26, chapter 1, R.C.M. 1947, and its functions, except the function of appointing and removing the state fish and game director provided for in section 26-106, R.C.M. 1947, are continued.

(2) The state fish and game commission is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

CHAPTER 21. MISCELLANEOUS TRANSFERS

82A-2101. FEDERAL-STATE COORDINATOR TRANSFERRED TO GOVERNOR'S OFFICE. The office of the federal-state coordinator, administratively created, is transferred to the office of the governor.

82A-2102. BOARD OF STATE CANVASSERS TRANSFERRED TO SECRETARY OF STATE. The board of state canvassers, created in section 23-4016, R.C.M. 1947, is transferred to the office of the secretary of state.

82A-2103. STATE BOARD OF HAIL INSURANCE--CONTINUED; TRANSFER. (1) The state board of hail insurance, created in title 82, chapter 15, R.C.M. 1947, and its functions are continued.

(2) The board is transferred to the office of the state auditor for administrative purposes only as prescribed in section 82A-108

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of this act. For purposes of this subsection and section 82A-108, the state auditor and the office of the state auditor shall be considered to be a department head and a department, respectively.

(3) Members of the board before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of board members remain as prescribed by law."

Section 2. Section 27-427, R.C.M. 1947, is repealed.

Section 3. Sections 59-901 and 59-902, R.C.M. 1947, are repealed.

Section 4. It is not the intent of this act to repeal or amend any laws relating to functions performed by an agency, unless specifically provided in this act or unless there is an irreconcilable conflict between this act and those laws.

Section 5. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Chapters 1 and 21 of Section 1 of this act and Sections 4 and 5 of this act are effective upon its passage and approval. Chapters 2 through 20 of section 1 of this act are effective upon the date the governor signs an executive order implementing the chapter or on December 31, 1972, whichever occurs first. The governor shall file the executive order with the secretary of state on the day the order is signed. The secretary of state shall file and record the order and send a copy of the order to each addressee on his official mailing list for the Revised Codes of Montana and to each addressee on the mailing list of the publisher of the Revised Codes of Montana. Section 2 of this act is effective when Chapter 4 of Section 1 of this act is effective, and Section 3 is effective when Chapter 2 of Section 1 of this act is effective.