

1 HOUSE BILL NO. 632

2 INTRODUCED BY J. DARLING, G. PARRY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE COMPENSATION OF MEMBERS OF THE
5 MENTAL DISABILITIES BOARD OF VISITORS, THE BURIAL PRESERVATION BOARD, AND THE
6 MONTANA FACILITY FINANCE AUTHORITY; AMENDING SECTIONS 2-15-211, 22-3-804, AND 90-7-201,
7 MCA; AND PROVIDING AN EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 2-15-211, MCA, is amended to read:

12 **"2-15-211. Mental disabilities board of visitors -- composition -- allocation -- compensation. (1)**

13 The governor shall appoint a mental disabilities board of visitors.

14 (2) (a) The board shall consist of six persons who possess qualifications necessary to carry out the
15 responsibilities of the board defined in 53-20-104 and 53-21-104.

16 (b) The members of the board must meet the following requirements:

17 (i) one person must possess skills, knowledge, and experience relative to the treatment and
18 welfare of adults with serious disabling mental illnesses;

19 (ii) one person must possess skills, knowledge, and experience relative to the treatment and
20 welfare of children with serious emotional disturbances;

21 (iii) one person must possess skills, knowledge, and experience relative to the treatment and
22 welfare of adults with developmental disabilities;

23 (iv) one person must be a consumer of mental health services or a family member of a consumer
24 of mental health services; and

25 (v) one person must be a consumer of developmental disabilities services or a family member of a
26 person with developmental disabilities.

27 (c) The members of the board must also meet the following requirements:

28 (i) at least one board member must be a professional person in the field of mental health

1 treatment;

2 (ii) at least one board member must be a professional person in the field of developmental
3 disabilities treatment; and

4 (iii) no more than three board members may be professional persons in the fields of mental health
5 treatment and developmental disabilities treatment.

6 (d) A member of the board may not be a full-time agent or employee of the department of public
7 health and human services or a mental health facility affected by Title 53, chapter 20, part 1, and Title 53,
8 chapter 21, part 1, except this prohibition does not affect any employee of a state college or university.

9 (e) Board members serve for 2-year terms. The terms are staggered so that one-half of the terms
10 expire June 30 of each year.

11 (3) The mental disabilities board of visitors is attached to the governor for administrative purposes.
12 It may employ staff for the purpose of carrying out its duties as set out in Title 53, chapter 20, part 1, and Title
13 53, chapter 21, part 1.

14 (4) Each member of the board is entitled to be paid \$100 for each day in which the member is
15 actually and necessarily engaged in the performance of board duties and is also entitled to be reimbursed for
16 travel, meals, and lodging pursuant to 2-18-501 through 2-18-503."

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18 **Section 2.** Section 22-3-804, MCA, is amended to read:

19 **"22-3-804. Board -- composition -- rights -- responsibilities.** (1) There is a burial preservation
20 board. The board is composed of:

21 (a) one representative of each of the federally recognized Indian tribes in Montana, appointed by
22 the governor from a list of up to three nominees provided by each of the respective tribal governments;

23 (b) one person appointed by the governor from a list of up to three nominees submitted by the
24 Montana state historic preservation officer;

25 (c) one representative of the Montana archaeological association appointed by the governor from
26 a list of up to three nominees submitted by the Montana archaeological society;

27 (d) one physical anthropologist appointed by the governor;

28 (e) one representative of the Montana coroners' association appointed by the governor from a list

1 of up to three nominees submitted by the Montana coroners' association; and

2 (f) one representative of the public, appointed by the governor, who is not associated with tribal
3 governments; state government; the fields of historic preservation, archaeology, or anthropology; or the
4 Montana coroners' association.

5 (2) Members of the board shall serve staggered 4-year terms. A vacancy on the board must be
6 filled in the same manner as the original appointment and only for the unexpired portion of the term.

7 (3) The board shall:

8 (a) provide for the establishment and maintenance of a registry of burial sites located in the state;

9 (b) designate the appropriate member or members of the board or a representative or
10 representatives of the board to conduct a field review upon notification of the discovery of human skeletal
11 remains, a burial site, or burial material;

12 (c) assist interested landowners in the development of agreements with the board for the treatment
13 and disposition, with appropriate dignity, of human skeletal remains and burial material;

14 (d) mediate, upon application of either party, disputes that may arise between a landowner and
15 known descendants that relate to the treatment and disposition of human skeletal remains and burial material;

16 (e) assume responsibility for final treatment and disposition of human skeletal remains and burial
17 material if the field review recommendation is not accepted by the board's representatives and the landowner;

18 (f) establish a nonrefundable application fee, not to exceed \$50, for a permit for scientific analysis
19 of human skeletal remains or burial material from burial sites as provided by 22-3-806;

20 (g) issue permits authorizing scientific analysis;

21 (h) accept grants or real or in-kind donations to carry out the purposes of this part;

22 (i) adopt rules necessary to administer and enforce the provisions of this part; and

23 (j) perform any other duties necessary to implement the provisions of this part.

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

26 (5) Each member of the board is entitled to be paid ~~\$50~~ \$100 for each day in which the member is
27 actually and necessarily engaged in the performance of board duties and is also entitled to be reimbursed for
28 travel, meals, and lodging pursuant to 2-18-501 through 2-18-503."

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2 **Section 3.** Section 90-7-201, MCA, is amended to read:

3 **"90-7-201. Authority -- quorum -- mode of action -- expenses.** (1) Four members of the authority
4 constitute a quorum for the purpose of conducting business. Action may be taken by the authority upon the
5 affirmative vote of at least four of its members. A vacancy in the membership of the authority does not impair
6 the right of a quorum to exercise all the rights and perform all the duties of the authority.

7 (2) Each meeting of the authority for any purpose must be open to the public as provided for in
8 Title 2, chapter 3, part 2. Resolutions need not be published or posted.

9 (3) Each member is entitled to be paid ~~\$50~~ \$100 for each day that the member is actually and
10 necessarily engaged in the performance of board duties plus cost of travel, lodging, and meals as provided in 2-
11 18-501 through 2-18-503."

12

13 NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a
14 copy of [this act] to each federally recognized tribal government in Montana.

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16 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2025.

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