

1 *Senate* BILL NO. 393
 2 INTRODUCED BY *Low Tanning, Fashender Brown*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE CONSUMER
 5 COUNSEL COMMITTEE INTO A COMMITTEE FOR THE PROTECTION OF
 6 CITIZENS' RIGHTS; EXPANDING THE MEMBERSHIP OF THE COMMITTEE;
 7 EXPANDING THE RESPONSIBILITIES OF THE COMMITTEE TO REVIEW
 8 AGENCY ACTION IN WHICH RIGHTS OF CITIZENS ARE AFFECTED BY
 9 STATE OFFICERS AND EMPLOYEES; AUTHORIZING THE COMMITTEE TO
 10 SEEK CORRECTIVE ACTION AND ENFORCEMENT IN COURT; AMENDING
 11 SECTIONS 70-702, 70-703, AND 70-704, R.C.M. 1947."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 70-702, R.C.M. 1947, is amended to
 15 read as follows:

16 "70-702. Definitions. As used in this act:

17 (1) "Committee" means the legislative ~~consumer~~
 18 committee for the protection of citizens' rights created in
 19 section 64-401.

20 (2) "Commission" means the public service commission
 21 created in section 70-101, R.C.M. 1947.

22 (3) "Regulated companies" means all those
 23 organizations, corporations, associations, or other public
 24 or private entities which now are or may hereafter become
 25 subject to regulation in any manner by the department of

1 public service regulation or the public service commission
 2 or any successor agency."

3 Section 2. Section 70-703, R.C.M. 1947, is renumbered
 4 64-401, and is amended to read as follows:

5 "~~70-703.~~ 64-401. Legislative ~~consumer~~ committee for
 6 the protection of citizens' rights created -- composition --
 7 terms -- officers. (1) There is a legislative ~~consumer~~
 8 committee for the protection of citizens' right ~~two-(2)~~ four
 9 (4) members of the senate and ~~two-(2)~~ four (4) members of
 10 the house of representatives.

11 (2) Members of the first committee shall be appointed
 12 within fifteen (15) days after the passage and approval of
 13 this act in 1975, in the same manner as standing committees
 14 of the respective houses are appointed. Subsequent members
 15 shall be appointed in the same manner before the sixtieth
 16 legislative day of the legislative session following the
 17 expiration of the terms of the members of the committee.

18 (3) Any person who is an employee, agent, officer,
 19 partner, or director of any regulated company, or who has
 20 served a regulated company in any capacity within the three
 21 (3) years previous to his appointment may not be a member of
 22 the committee.

23 (4) A vacancy on the committee occurring when the
 24 legislature is not in session shall be filled by the
 25 selection of a legislator by the remaining members of the

1 committee.

2 (5) No more than one (1) of the appointees of each
3 house may be members of the same political party.

4 (6) A member shall serve until his term of office as a
5 legislator ends and until his successor is appointed.

6 (7) The committee shall elect one (1) of its members
7 as chairman and such other officers as it determines
8 necessary."

9 Section 3. Section 70-704, R.C.M. 1947, is renumbered
10 64-402, and is amended to read as follows:

11 ~~"70-704,~~ 64-402. Meetings of committee -- expenses of
12 members reimbursed. The committee shall meet at least once
13 each quarter to advise and consult with the consumer
14 counsel. The committee shall meet at least once each
15 quarter to review the activities of the commission on human
16 rights, the functions of the department of labor and
17 industry relating to the status of women, the functions of
18 the department of administration relating to the equal
19 employment opportunity commission, and the activities of any
20 other agency charged with the protection of citizens'
21 rights. The committee shall further be charged with
22 reviewing the rights of citizens which may be adversely
23 affected by state officers and employees. The findings of
24 this committee shall be reported back to the next session of
25 the legislature. Committee members shall be reimbursed from

1 the appropriation to the office of the consumer counsel for
2 their actual and necessary expenses incurred and an
3 additional sum equal to a legislator's pay while attending
4 such meetings."

5 Section 4. There is a new R.C.M. section numbered
6 64-403, that reads as follows:

7 64-603. Citizens' rights functions of committee --
8 staff -- judicial remedies. Subject to available
9 appropriations, the committee may employ professional and
10 clerical personnel apart from the counsel staff. The
11 committee has standing to seek injunctive relief, or any
12 other extraordinary remedy authorized by law, in civil
13 actions to protect citizens' rights. The committee may
14 petition a district court to appoint a special prosecutor
15 separate from and not under the control of the regular
16 prosecuting attorney to prosecute a statutory offense
17 involving an abuse of citizens' civil rights or involving
18 misconduct of a state officer or employee when, in the
19 committee's judgment, the interests of justice warrant such
20 action, and the district court may in its discretion grant
21 such petition.

-End-

Approved by Committee
on Judiciary

1 SENATE BILL NO. 393

2 INTRODUCED BY TOWE, TURNAGE, FASBENDER, BROWN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~CHANGE-THE--CONSUMER~~
5 ~~COUNSEL-COMMITTEE-INTO~~ CREATE A COMMITTEE FOR THE PROTECTION
6 OF CITIZENS' RIGHTS; ~~EXPANDING~~ ESTABLISHING THE MEMBERSHIP
7 OF THE COMMITTEE; EXPANDING THE RESPONSIBILITIES OF THE
8 COMMITTEE TO REVIEW AGENCY ACTION IN WHICH RIGHTS OF
9 CITIZENS ARE AFFECTED BY STATE OFFICERS AND EMPLOYEES;
10 ~~AUTHORIZING--THE--COMMITTEE--TO--SEEK--CORRECTIVE-ACTION-AND~~
11 ~~ENFORCEMENT-IN-COURT;--AMENDING-SECTIONS-70-7027--70-7037--AND~~
12 ~~70-7047-R.C.M.-1947."~~

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 REFER TO FIRST READING

16 (Strike everything after the enacting clause and insert:)

17 Section 1. Legislative committee for the protection of
18 citizens' rights created -- composition -- terms --
19 officers. (1) There is a legislative committee for the
20 protection of citizens' rights consisting of four (4)
21 members of the senate and four (4) members of the house of
22 representatives.

23 (2) Members of the first committee shall be appointed
24 within fifteen (15) days after the passage and approval of
25 this act, in the same manner as standing committees of the

1 respective houses are appointed. Subsequent members shall
2 be appointed in the same manner before the sixtieth
3 legislative day of the legislative session following the
4 expiration of the terms of the members of the committee.

5 (3) A vacancy on the committee occurring when the
6 legislature is not in session shall be filled by the
7 selection of a legislator by the remaining members of the
8 committee.

9 (4) No more than two (2) of the appointees of each
10 house may be members of the same political party.

11 (5) A member shall serve until his term of office as a
12 legislator ends and until his successor is appointed.

13 (6) The committee shall elect two (2) of its members
14 as chairman and such other officers as it determines
15 necessary.

16 Section 2. Meetings of committee. The committee shall
17 meet at least once each quarter to review the activities of
18 any agency charged with the protection of citizens' rights.
19 The committee shall further be charged with reviewing the
20 rights of citizens which may be adversely affected by state
21 officers and employees. The findings of this committee
22 shall be reported back to the next session of the
23 legislature.

24 Section 3. Citizens' rights committee staff. Subject
25 to available appropriations, the committee may employ

SECOND READING

SB 0393/02

1 professional and clerical personnel.

-End-

SENATE BILL NO. 393

INTRODUCED BY TOWE, TURNAGE, FASBENDER, BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~CHANGE THE CONSUMER COUNSEL COMMITTEE INTO~~ CREATE A COMMITTEE FOR THE PROTECTION OF CITIZENS' RIGHTS; ~~EXPANDING~~ ESTABLISHING THE MEMBERSHIP OF THE COMMITTEE; EXPANDING THE RESPONSIBILITIES OF THE COMMITTEE TO REVIEW AGENCY ACTION IN WHICH RIGHTS OF CITIZENS ARE AFFECTED BY STATE OFFICERS AND EMPLOYEES; ~~AUTHORIZING THE COMMITTEE TO SEEK CORRECTIVE ACTION AND ENFORCEMENT IN COURT, AMENDING SECTIONS 70-702, 70-703, AND 70-704, R.C.M. 1947.~~"

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

REFER TO FIRST READING

(Strike everything after the enacting clause and insert:)

Section 1. Legislative committee for the protection of citizens' rights created -- composition -- terms -- officers. (1) There is a legislative committee for the protection of citizens' rights consisting of four (4) members of the senate and four (4) members of the house of representatives.

(2) Members of the first committee shall be appointed within fifteen (15) days after the passage and approval of this act, in the same manner as standing committees of the

respective houses are appointed. Subsequent members shall be appointed in the same manner before the sixtieth legislative day of the legislative session following the expiration of the terms of the members of the committee.

(3) A vacancy on the committee occurring when the legislature is not in session shall be filled by the selection of a legislator by the remaining members of the committee.

(4) No more than two (2) of the appointees of each house may be members of the same political party.

(5) A member shall serve until his term of office as a legislator ends and until his successor is appointed.

(6) The committee shall elect two (2) of its members as chairman and such other officers as it determines necessary.

Section 2. Meetings of committee. The committee shall meet at least once each quarter to review the activities of any agency charged with the protection of citizens' rights. The committee shall further be charged with reviewing the rights of citizens which may be adversely affected by state officers and employees. The findings of this committee shall be reported back to the next session of the legislature.

Section 3. Citizens' rights committee staff. Subject to available appropriations, the committee may employ

1 professional and clerical personnel. THE COMMITTEE HAS
2 STANDING TO SEEK INJUNCTIVE RELIEF, OR ANY OTHER
3 EXTRAORDINARY REMEDY AUTHORIZED BY LAW, IN CIVIL ACTIONS TO
4 PROTECT CITIZENS' RIGHTS. THE COMMITTEE MAY PETITION A
5 DISTRICT COURT TO APPOINT A SPECIAL PROSECUTOR SEPARATE FROM
6 AND NOT UNDER THE CONTROL OF THE REGULAR PROSECUTING
7 ATTORNEY TO PROSECUTE A STATUTORY OFFENSE INVOLVING AN ABUSE
8 OF CITIZENS' CIVIL RIGHTS OR INVOLVING MISCONDUCT OF A STATE
9 OFFICER OR EMPLOYEE WHEN, IN THE COMMITTEE'S JUDGMENT, THE
10 INTERESTS OF JUSTICE WARRANT SUCH ACTION, AND THE DISTRICT
11 COURT MAY IN ITS DISCRETION GRANT SUCH PETITION.

-End-

HOUSE OF REPRESENTATIVES

Date: March 25, 1975

COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL NO. 393

Be amended in the third reading bill as follows:

1. Amend page 2, section 1, subsection (6), line 13.
Following: "elect"
Strike: "two (2)"
Insert: "one (1)"

2. Amend page 2, section 2, line 18.
Following: "any"
Insert: "department"

3. Amend page 2, section 2, line 18.
Following: "agency"
Insert: ", board or commission"

4. Amend page 2, section 3, line 25.
Following: "committee"
Strike: "may employ"
Insert: "is authorized to utilize the"

5. Amend page 3, section 3, line 1.
Following: "personnel"
Insert: "of the legislative council"

AS SO AMENDED

BE CONCURRED IN

HH:pb