

1 *Senate* BILL NO. *429*
 2 INTRODUCED BY *LOCKREM* *Rep. Frederick Thissen*
 3 *Mark Dendle*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 5 CLARIFY THE LAWS RELATING TO THE BOARD OF EXAMINERS;
 6 AMENDING SECTIONS 3-2605, 5-1117, 31-104, 31-105, 41-908,
 7 41-1603, 53-101, 75-8427, 75-8605, 75-8801, 79-901, 82-401,
 8 82-1519, 82A-207, 83-606, 83-704, 87-130, AND 95-3124,
 9 R.C.M. 1947; AMENDING SECTION 82A-207, R.C.M. 1947, TO
 10 DELETE PROVISION ENABLING BOARD TO HIRE ITS OWN PERSONNEL;
 11 AND REPEALING SECTIONS 75-8802 AND 79-305, R.C.M. 1947."

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

14 Section 1. Section 3-2605, R.C.M. 1947, is amended to
 15 read as follows:

16 "3-2605. Warrants for claims. The state auditor is
 17 hereby authorized to draw warrants on said fund on verified
 18 claims submitted by the state entomologist and approved by
 19 the ~~state-board-of-examiners department of administration.~~"

20 Section 2. Section 5-1117, R.C.M. 1947, is amended to
 21 read as follows:

22 "5-1117. Disposition of unclaimed funds. (1) The
 23 department shall certify to the state treasurer a complete
 24 list of funds remaining with it uncalled for, which have
 25 been left with it in its official capacity, in trust for

1 depositors in and creditors of a liquidated bank after they
 2 have been held by it for six (6) months from the date of the
 3 final liquidation of the institution. Along with this
 4 certificate, it shall transmit to the state treasurer the
 5 funds with accumulated interest on them, which it has so
 6 held in trust for six (6) months. A copy of the certificate
 7 shall also be filed with the state auditor, who shall make a
 8 record of it.

9 (2) The state treasurer shall deposit the funds and
 10 interest in the general fund of this state.

11 (3) A depositor or creditor of a liquidated bank who
 12 has not been paid the amount standing to his credit as thus
 13 certified to the state treasurer, may apply to the ~~state~~
 14 ~~board-of-examiners department~~ for the amount due him. The
 15 depositor or creditor shall make an affidavit and offer
 16 proof of his identity and of the amount due him by the
 17 liquidated bank. When satisfied as to the correctness of
 18 the claim and of the identity of the person, the ~~state-board~~
 19 ~~of-examiners department~~ shall forward it to the auditor, who
 20 shall audit the claim and if found correct so certify to the
 21 ~~state-board-of-examiners department~~, which, if it approves
 22 the claim, shall transmit the claim to the legislature with
 23 a statement of its approval."

24 Section 3. Section 31-104, R.C.M. 1947, is amended to
 25 read as follows:

1 "31-104. Chief — appointment — tenure of office —
 2 salary — supervisory power — resident requirement. The
 3 ~~board~~ attorney general shall select a highway patrol chief
 4 who shall have the rank of colonel and shall hold his office
 5 until his appointment has terminated for cause, as
 6 hereinafter set forth, and shall receive a salary fixed by
 7 ~~the board with approval of the board of examiners~~ attorney
 8 general within the limits of the legislative appropriation
 9 for such purpose, and travel expenses, as provided for in
 10 sections 59-538, 59-539, and 59-801. The chief shall have
 11 direct control and supervision of all patrolmen, subject to
 12 the approval of the ~~Montana highway patrol board~~ attorney
 13 general. The person named as chief shall have been a
 14 continuous resident of Montana for at least five (5) years.
 15 The chief, with the approval of the ~~board~~ attorney general
 16 and within the limits of any appropriation made available
 17 for such purposes, shall:

- 18 1. Designate the authority and responsibility in each
 19 such rank, grade and position;
- 20 2. Formulate standards, policies and qualifications in
 21 the selection of recruit patrolmen;
- 22 3. Prescribe the official uniform of the Montana
 23 highway patrol;
- 24 4. Station employees in such localities as he shall
 25 deem advisable for the enforcement of the traffic laws of

1 this state;

2 5. Charge against each employee the value of property
 3 of the state, lost or destroyed through the carelessness or
 4 neglect of such employee;

5 6. Discharge, demote, or temporarily suspend after
 6 hearing as provided in section 31-105, any patrolman of the
 7 department;

8 7. Have purchased, or otherwise acquired, by the
 9 purchasing department of the state, motor equipment and all
 10 other equipment and commodities deemed by him essential to
 11 the efficient operation of the Montana highway patrol."

12 Section 4. Section 31-105, R.C.M. 1947, is amended to
 13 read as follows:

14 "31-105. Appointment and promotion of officers —
 15 replacements and additions — reserve patrolmen — salaries
 16 — qualifications — probationary training — tenure —
 17 disciplinary action — hearing — appeal. (1) Appointments
 18 and promotions. (a) The division of motor vehicles,
 19 department of justice shall designate supervisory personnel
 20 including, but not limited to, captains, lieutenants,
 21 sergeants, and patrolmen in such numbers as necessary, but
 22 within the limits of the legislative appropriation made
 23 available for such purposes.

24 (b) Replacements and additions to the highway patrol
 25 force shall be chosen in equal numbers from the twelve (12)

1 highway districts, provided however, that if sufficient
2 qualified applications are not received from any one
3 district that the division may in its discretion substitute
4 other qualified applicants from any other districts.

5 (c) Patrolmen filling vacancies caused by the
6 incumbents' entrance into the armed forces of the United
7 States, shall on the return of the incumbents be placed in
8 the patrol reserve, without pay; otherwise they shall hold
9 their probationary or permanent appointments while there are
10 sufficient operating funds. Reserve patrolmen shall then be
11 used for future replacements in the permanent patrol.

12 (d) Supervisory personnel shall be selected from the
13 patrolmen by the chief, subject to the approval of the
14 division. The duties and jurisdiction of the supervisory
15 personnel shall be outlined, defined and under the control
16 of the chief subject to the approval of the division.

17 ~~(2) Salaries. (a) The division shall, within the~~
18 ~~limits of appropriations made available for such purpose,~~
19 ~~prepare a schedule of compensation and expenses which shall~~
20 ~~be uniform within all grades and submit it to the state~~
21 ~~board of examiners for their approval.~~

22 ~~(b) The base salary of supervisory personnel and~~
23 ~~patrolmen shall be fixed by the division, with the approval~~
24 ~~of the state board of examiners. In the event that a~~
25 probationary patrolman is appointed permanently, he shall,

1 at the time of such appointment, receive the base salary of
2 patrolmen.

3 (3) Qualifications. (a) Patrolmen shall possess the
4 following qualifications:

5 (i) Sound and active physical and mental condition.

6 (ii) Good moral character.

7 (iii) Resident of Montana for at least one (1) year
8 immediately prior to appointment.

9 (iv) Pass a satisfactory test in the operation of
10 automobiles.

11 (v) Citizens of the United States and state of
12 Montana.

13 (4) Probationary training. (a) All new patrolmen shall
14 be placed under probationary training and service for a
15 period of six (6) months to one (1) year, during which time
16 the highway patrol chief must recommend to the division for
17 permanent appointments; otherwise the probationary patrolmen
18 will automatically be discharged.

19 (b) All newly appointed supervisory personnel shall be
20 placed under probationary training and service for a period
21 of six (6) months to one (1) year, during which time the
22 highway patrol chief must recommend to the division for
23 permanent appointments; otherwise the supervisory personnel
24 will automatically revert to their previous ranks without
25 prejudice.

1 (5) Tenure of office. Every person employed or
 2 appointed and designated as a chief, captain, lieutenant,
 3 sergeant, patrolman, or any other rank under and pursuant to
 4 the provisions of this act, except as provided in subsection
 5 (4) above, shall continue in service and hold his position
 6 without demotion until suspended, demoted, or discharged in
 7 the manner hereinafter provided, for one (1) or more of the
 8 causes specified in the following subsection.

9 (6) Suspension, demotion or discharge. Cause for
 10 suspension, demotion or discharge will be:

11 (a) Conviction of any crime involving moral turpitude
 12 in any court of competent jurisdiction subsequent to the
 13 commencement of such employment.

14 (b) Gross neglect of duty or willful violation or
 15 disobedience of orders or regulations.

16 (c) Loitering about or entering places of ill fame,
 17 ill repute, or where gambling is known to be conducted or to
 18 be in progress, except in the immediate discharge of duty.

19 (d) Conduct unbecoming an officer.

20 (e) Drinking intoxicating liquor while using
 21 state-owned cars or in uniform, or being intoxicated in a
 22 public place.

23 (f) Sleeping while on duty.

24 (g) Incapacity, or partial incapacity, materially
 25 affecting his ability to perform his official duties.

1 (h) Gross inefficiency in performing duties.

2 (i) Willful disobedience of rules and regulations
 3 adopted by the division, governing the conduct and
 4 discipline of members of the patrol.

5 (7) Method of preferring charges. (a) The charge or
 6 charges against any patrolman shall be made in writing and
 7 shall be signed and sworn to by the person making the charge
 8 or charges.

9 (b) The written charge or charges shall be filed with
 10 the chief of the Montana highway patrol.

11 (c) Any charge or charges which could result in the
 12 suspension or discharge of the chief or supervisory
 13 personnel with the rank of captain or above shall be filed
 14 directly with the division.

15 (d) When charges are filed and the chief believes that
 16 such charge or charges constitute grounds for suspension,
 17 demotion or discharge, he shall order a hearing to be had
 18 thereon before the division and fix a time for such hearing.

19 (e) When charges are filed and the chief believes such
 20 charge or charges do not constitute grounds for suspension,
 21 demotion or discharge he shall dismiss such charges.

22 (f) The division shall have the authority to order the
 23 chief to file charges with the division when the chief in
 24 his judgment does not believe the charge or charges warrant
 25 a hearing.

1 (8) Authority to suspend, demote or discharge. (a)
 2 When the highway patrol chief has cause to believe that any
 3 member of the highway patrol has violated any of the
 4 hereinabove grounds for suspension, demotion or discharge,
 5 or his conduct has warranted reprimanding, he may, with the
 6 approval of the division, suspend, demote or reprimand the
 7 member.

8 (b) If the chief orders a hearing he may suspend such
 9 patrolman pending the rendition of the decision made in such
 10 case.

11 (9) Length of suspension — demotion pay status. (a)
 12 Any member under suspension shall be on leave without pay
 13 and for a period not to exceed thirty (30) days in time.

14 (b) In cases of disciplinary action resulting in
 15 demotion, the member shall receive the pay of the rank to
 16 which he is demoted.

17 (10) Notification of hearing. (a) The chief shall, at
 18 least ten (10) days before the time appointed for a hearing,
 19 serve written notice specifying the charge or charges filed
 20 and stating the name of the person or persons making the
 21 charge or charges, on the accused patrolman personally, if
 22 his whereabouts is known, in the state of Montana.

23 (b) If at the time, the whereabouts of the accused
 24 patrolman is unknown, or if he be outside of the state of
 25 Montana, service may be made upon him by mailing the written

1 notice to him at his last known place of residence in
 2 Montana.

3 (11) Hearing. (a) The division shall be the authority
 4 to hear such charge or charges and render a decision and
 5 appropriate order.

6 (b) The division shall have the power to compel the
 7 attendance of witnesses at any such hearing and to examine
 8 them under oath and to require the production of books,
 9 papers, and other evidence at such hearing and for that
 10 purpose issue subpoenas and cause the same to be served and
 11 executed in any part of the state.

12 (c) The accused patrolman shall be entitled to be
 13 confronted with the witnesses against him and have an
 14 opportunity to cross-examine the same and to introduce at
 15 such hearing testimony in his own behalf and shall be
 16 entitled to be represented by counsel at such hearing.

17 (d) The division shall within fifteen (15) days after
 18 such hearing render its decision in writing and file same in
 19 its office with the chief and with the patrolman accused
 20 also.

21 (12) Disciplinary action. (a) If, after a hearing, the
 22 division finds that any such charge or charges, made against
 23 the patrolman be true, it may punish the offending party by
 24 reprimand, suspension without pay, demotion, or discharge.

25 (b) If after the hearing, the division finds that the

1 charge or charges made against the patrolman not be true,
 2 the division shall reinstate the accused patrolman to his
 3 position and rank and shall order the payment of any salary
 4 withheld pending the determination of the charge or charges.

5 (13) Right to appeal. (a) Any patrolman who is
 6 suspended, demoted, or discharged may have a right of appeal
 7 to the district court of Lewis and Clark county.

8 (b) Such appeal must be made within ten (10) days
 9 after such decision or determination of the division.

10 (c) The district court shall review such decision or
 11 determination in a summary manner and shall render its
 12 decision upon such appeal within ninety (90) days from the
 13 filing of such appeal in said court.

14 (d) If the decision or determination of the division
 15 shall be finally reversed or modified by the district court,
 16 the accused patrolman shall be reinstated in his position
 17 and the division shall pay to the said patrolman any salary
 18 or wages withheld from him pending the determination of the
 19 charge or charges, or as may be directed by the court."

20 Section 5. Section 41-908, R.C.M. 1947, is amended to
 21 read as follows:

22 "41-908. Parties may agree to special board of
 23 arbitration. (1) The parties to any controversy or
 24 difference as described in section 41-904 of this code may
 25 submit the matters in dispute, in writing, to a local board

1 of arbitration and conciliation; such board may be either
 2 mutually agreed upon, or the employer may designate one of
 3 the arbitrators, the employees, or their duly authorized
 4 agent, another, and the two arbitrators so designated may
 5 choose a third, who shall be chairman of the board. Such
 6 board shall, in respect to the matters referred to it, have
 7 and exercise all the powers which the state board might have
 8 and exercise, and its decision shall have whatever binding
 9 effect may be agreed upon by the parties to the controversy
 10 in written submission. The jurisdiction of such board shall
 11 be exclusive in respect to the matters submitted to it, but
 12 it may ask and receive the advice and assistance of the
 13 state board. The decision of such board shall be rendered
 14 within ten days of the close of any hearing held by it; such
 15 decision shall at once be filed with the clerk of the county
 16 in which the controversy or difference arose, and a copy
 17 thereof shall be forwarded to the state board and entered on
 18 its records. Each of such arbitrators shall be entitled to
 19 receive from the treasury of the county in which the
 20 controversy or difference that is the subject of the
 21 arbitration exists, if such payment shall be approved by the
 22 commissioners of said county, the sum of three dollars for
 23 each day of actual service, not exceeding ten days for any
 24 one arbitration.

25 (2) Whenever it is made to appear to the mayor of any

1 city or two commissioners of any county, that a strike or
 2 lockout such as described hereafter in this section is
 3 seriously threatened or actually occurs, the mayor of such
 4 city, or said commissioners of such county, shall at once
 5 notify the state board of the fact. Whenever it shall come
 6 to the knowledge of the state board, either by notice from
 7 the mayor of a city, or two or more commissioners of a
 8 county, as provided in this section, or otherwise, that a
 9 strike or lockout is seriously threatened or has actually
 10 occurred in any city or county of this state, involving an
 11 employer and his present or past employees, if at the time
 12 he is employing or up to the occurrence of the strike or
 13 lockout was employing not less than twenty persons in the
 14 same general line of business in any city, town, or county
 15 in this state, it shall be the duty of the state board to
 16 put itself in communication as soon as may be with such
 17 employer and employees, and endeavor by mediation to effect
 18 an amicable settlement between them, or to endeavor to
 19 persuade them, providing that a strike or lockout has not
 20 actually occurred or is not then continuing, to submit the
 21 matters in dispute to a local board of arbitration and
 22 conciliation as above provided, or to the state board; and
 23 said state board may, if it deems it advisable, investigate
 24 the cause or causes of such controversy, and ascertain which
 25 party thereto is mainly responsible or blameworthy for the

1 existence or continuance of the same, and may make and
 2 publish a report finding such cause or causes, and assigning
 3 such responsibility or blame. The board shall have the same
 4 powers for the foregoing purposes as are given it by section
 5 41-904 of this code.

6 (3) Witnesses summoned by the state board shall be
 7 allowed the sum of fifty cents for each attendance, and the
 8 further sum of twenty-five cents for each hour of attendance
 9 in excess of two hours, and shall be allowed five cents a
 10 mile for travel each way from their respective places of
 11 employment or business to the place where the board is in
 12 session. Each witness shall certify in writing the amount of
 13 his travel and attendance, and the amount due him shall be
 14 certified to the ~~state board of examiners~~ department of
 15 administration for auditing, and the same shall be paid as
 16 other expenses of the state from any moneys in the state
 17 treasury."

18 Section 6. Section 41-1603, R.C.M. 1947, is amended to
 19 read as follows:

20 "41-1603. Commissioner of labor and industry — term
 21 — salary — oath. The term of office of the commissioner of
 22 labor and industry shall be four (4) years and until his
 23 successor is appointed and qualified. The commissioner shall
 24 receive an annual salary in such amount as may be specified
 25 by the ~~legislative assembly~~ legislature in the appropriation

1 to the department of labor and industry. ~~If the legislative~~
 2 ~~assembly does not specify the maximum salary of the~~
 3 ~~commissioner, any increase in the salary of the commissioner~~
 4 ~~must be approved by the board of examiners. Before~~
 5 ~~approving any salary increase, the board of examiners shall~~
 6 ~~review the salaries of comparable positions in Montana state~~
 7 ~~government, other states, and private industry. The salary~~
 8 ~~shall be payable monthly.~~ Before entering on the duties of
 9 his office, he must take and subscribe to the oath of office
 10 prescribed by the Montana Constitution."

11 Section 7. Section 53-101, R.C.M. 1947, is amended to
 12 read as follows:

13 "53-101. Duties of registrar of motor vehicles —
 14 records. 1. The warden of the state penitentiary shall be,
 15 and is hereby constituted the registrar of motor vehicles,
 16 trailers and semitrailers, and as such it shall be his duty
 17 to keep a record as hereinafter specified of all motor
 18 vehicles, trailers and semitrailers of every kind, and
 19 certificates of registration and ownership thereof, and of
 20 all dealers in motor vehicles.

21 2. In the case of motor vehicles, trailers and
 22 semitrailers, the record shall show the following: Name of
 23 owner, residence by town and county, business address, name
 24 and address of conditional sales vendor, mortgagee or other
 25 lien holder and amount due under contract or lien,

1 manufacturer of car, manufacturer's designation of style of
 2 car or vehicle, identifying number, year of manufacture,
 3 character of motive power and shipping weight of car as
 4 shown by the manufacturer and the distinctive license number
 5 assigned such car or vehicle; and, if a truck or trailer,
 6 the number of tons capacity, and such other information as
 7 may from time to time be found desirable.

8 3. The registrar shall file applications for
 9 registration received by him from the county treasurers of
 10 the state and register the vehicles therein described and
 11 the owners thereof in suitable books or on index cards, as
 12 follows:

13 (a) Under distinctive license number assigned to
 14 vehicle by the county treasurers.

15 (b) Alphabetically under name of owners.

16 (c) Numerically under make and identifying number of
 17 vehicle.

18 (d) Such other index of registration as registrar
 19 shall deem expedient. Vehicle registration records and
 20 indexes, and driver's license records and indexes, may be
 21 maintained by electronic recording and storage media.

22 4. In the case of dealers the records shall show the
 23 information contained in the application for dealer's
 24 license as required by section 53-118, as well as the
 25 distinctive license number assigned to the dealer.

1 5. The registrar of motor vehicles shall appoint such
2 deputies, subordinate officers, clerks, investigators and
3 other employees as may be necessary to carry out this act,
4 providing there be selected as many of the clerical help
5 from the inmates of the state prison as the registrar
6 determines to be possible. ~~The salaries of all such~~
7 ~~appointees shall be fixed by the registrar of motor vehicles~~
8 ~~as authorized by the state board of examiners, with respect~~
9 ~~to salaries of other subordinate state officers and~~
10 ~~employees.~~

11 6. All office equipment, books, files and records
12 belonging to the motor department shall be in the care and
13 general custody and control of the registrar of motor
14 vehicles at the state penitentiary. In order to prevent an
15 accumulation of unneeded records and files the registrar of
16 motor vehicles shall have the authority and it shall be his
17 duty to destroy all records and files which have ceased to
18 be of any value.

19 7. The registrar may establish and maintain a
20 short-wave radio station in order to report motor vehicle
21 registration information to the highway patrol, sheriffs,
22 and to chiefs of police of each incorporated city of the
23 state who are able to communicate with such short-wave radio
24 station.

25 8. All such records shall be open to inspection during

1 all reasonable business hours and the registrar of motor
2 vehicles shall furnish any information from said records
3 upon payment by the applicant of the cost of transcribing
4 the information requested."

5 Section 8. Section 75-8427, R.C.M. 1947, is amended to
6 read as follows:

7 "75-8427. Acceptance of public lands. (1) The regents
8 shall receive in the names of western Montana college and
9 eastern Montana college, all benefits derived from the
10 distribution of lands contemplated in section 17 of an Act
11 of Congress, approved February 22, 1889 entitled "An act to
12 provide for the division of Dakota into two states and to
13 enable the people of North Dakota, South Dakota, Montana,
14 and Washington to form constitutions and state governments
15 and to be admitted into the union on an equal footing with
16 the original states, and to make donations of public lands
17 to such states."

18 (2) The regents may in carrying out the provisions of
19 Title 75, R. C. M., 1947, pledge one-half (1/2) of all
20 interest and income derived from said land grant for the
21 payment in whole or in part of notes, bonds or other
22 obligations issued by the regents for residence halls or
23 other facilities at western Montana college or at eastern
24 Montana college, provided that:

25 (a) any such pledge shall be subject to any prior

1 pledge, and

2 ~~(b) all pledges of income and interest must have the~~
3 ~~final approval of the state board of examiners."~~

4 Section 9. Section 75-8605, R.C.M. 1947, is amended to
5 read as follows:

6 "75-8605. Receipt of funds. (1) The treasurer of
7 Montana state university may receive:

8 (a) the cash appropriation received from the United
9 States by authority of the Act of Congress of August 30,
10 1890, known as the second Morrill Act, and the Act of
11 Congress of March 4, 1907, known as the Nelson Amendment, to
12 be expended by the executive board under the general
13 supervision of the regents only for the purpose for which it
14 was appropriated by Congress; and

15 (b) all moneys appropriated by the Act of Congress of
16 March 16, 1906, entitled: "An act to provide for and
17 increase the annual appropriation for agricultural
18 experiment stations and regulating the expenditures
19 thereof," to be expended under the supervision of the
20 regents in the manner designated in the Act of Congress and
21 as required by section 75-8604, R. C. M., 1947.

22 (2) On or before September 1 of each year the state
23 university shall make detailed reports of the amounts
24 received and disbursed under the provisions of the Acts of
25 Congress of March [August] 30, 1890, of March 4, 1907, and

1 of March 16, 1906, to the secretaries of agriculture and
2 interior of the United States, as required by the Acts of
3 Congress, and shall file duplicates with the state board of
4 examiners on or before September 10 of each year."

5 Section 10. Section 75-8801, R.C.M. 1947, is amended
6 to read as follows:

7 "75-8801. Research programs — powers of units.
8 (1) The units of the system are authorized, singly or in
9 co-operation, to engage in research and development programs
10 with the prior approval of the regents.

11 (2) Such programs may be conducted by any department
12 of a unit or any organization established to assist the
13 unit.

14 (a) A unit or organization may:

15 (i) contract with private organizations, companies,
16 firms, or individuals relative to research programs;

17 (ii) conduct research programs with the penal,
18 corrective, or custodial institutions of Montana and engage
19 the voluntary participation of the inmates, with the prior
20 approval of the governing board of the institution;

21 (iii) accept contributions, grants, or gifts from
22 private organizations, companies, firms, individuals,
23 governmental agencies or departments for research programs;

24 (iv) make agreements or co-operative undertakings with
25 private organizations, companies, firms, individuals,

1 governmental agencies or departments for research programs;

2 (v) match the funds of private organizations,
3 companies, firms, individuals, governmental agencies or
4 departments with available funds for research programs;

5 (vi) accumulate, invest, and expend the funds and
6 proceeds from research programs;

7 (vii) acquire real and personal property reasonably
8 required for research programs;

9 (viii) not divert funds, proceeds, or real and personal
10 property from the research programs; and

11 (ix) not charge or obligate the state of Montana or the
12 general funds or a unit or agency.

13 (3) The legislative assembly declares a public need
14 for scientific research in the units of the system to
15 promote the general welfare and to provide an adequate
16 defense for the United States.

17 ~~(4) Notwithstanding any inconsistent provisions of~~
18 ~~law, including laws relating to advertising for bids or~~
19 ~~competitive bidding, the state board of examiners may:~~

20 ~~(a) contract with the United States to use the units~~
21 ~~of the system for research;~~

22 ~~(b) expend money appropriated to a unit to provide~~
23 ~~personnel, facilities, instructional services and supplies~~
24 ~~for the contract with the United States;~~

25 ~~(c) repay sums expended.~~

1 ~~(i) Repayment from the United States shall revert to~~
2 ~~the original fund source."~~

3 Section 11. Section 79-901, R.C.M. 1947, is amended to
4 read as follows:

5 "79-901. State officers and institutions — limit on
6 expenditures. It shall be unlawful for the board of
7 trustees, executive board, managerial staff, president,
8 deans and faculty, or any other authority of any state
9 institution maintained in whole or in part by the state, or
10 for any officer, department, board, commission or bureau,
11 having charge of the disbursement or expenditure of the
12 income provided by legislative appropriation, or otherwise,
13 to expend, contract for the expenditure, or to incur or
14 permit the incurring of any obligation whatsoever, in any
15 one year, in excess of the income provided for such year, or
16 for ~~the state board of examiners, or~~ any supervisory board
17 or authority either directly or indirectly to authorize,
18 direct or order any such institution, officer, department,
19 board, commission or bureau to increase any expenditures,
20 except as specifically provided by law, and it shall be and
21 is hereby made the duty of any and all of such institutions,
22 officers, departments, boards, commissions and bureaus to
23 keep such expenditures, obligations and liabilities within
24 the amount of such income."

25 Section 12. Section 82-401, R.C.M. 1947, is amended to

1 read as follows:

2 *82-401. General duties. It is the duty of the
3 attorney general:

4 1. To attend the supreme court and prosecute or defend
5 all causes to which the state, or any officer thereof, in
6 his official capacity, is a party; and all causes to which
7 any county may be a party, unless the interest of the county
8 is adverse to the state, or some officer thereof acting in
9 his official capacity.

10 2. After judgment in any of the causes referred to in
11 the preceding subdivision, to direct the issuing of such
12 process as may be necessary to carry the same into
13 execution.

14 3. To account for and pay over to the proper officer
15 all moneys which may come into his possession belonging to
16 the state or to any county.

17 4. To keep a register of all cases in which he is
18 required to appear, which must, during business hours, be
19 open to the inspection of the public, and must show the
20 county, district, and court in which the cases have been
21 instituted and tried, and whether they are civil or
22 criminal; if civil, the nature of the demand, the stage of
23 proceedings, and, when prosecuted to judgment, a memorandum
24 of the judgment, of any process issued thereon, and whether
25 satisfied or not; if not satisfied, the return of the

1 sheriff; and if criminal, the nature of the crime, the mode
2 of prosecution, the stage of proceedings, and, when
3 prosecuted to sentence, a memorandum of the sentence and of
4 the execution thereof, if the same has been executed, and if
5 not executed, of the reason of the delay or prevention; and
6 must deliver the same to his successor in office.

7 5. To exercise supervisory powers over county
8 attorneys in all matters pertaining to the duties of their
9 offices, and from time to time require of them reports as to
10 the condition of public business entrusted to their charge.

11 6. To give his opinion in writing, without fee, to the
12 legislative assembly, or either house thereof and to any
13 state officer, board, or commission, any county attorney, to
14 the city attorney of any city or town, and to the board of
15 county commissioners of any county of the state, when
16 required upon any question of law relating to their
17 respective offices. He shall give any such opinion within
18 three (3) months following the date it is requested, unless
19 he certifies in writing to the requesting party that the
20 question is of sufficient complexity to require additional
21 time.

22 7. When required by the public service, or directed by
23 the governor, to assist the county attorney of any county in
24 the discharge of his duties.

25 8. To bid upon and purchase in the name of the state,

1 and under the direction of the board of ~~examiners~~
2 investments, any property offered for sale under execution
3 issued upon judgments in favor of or for the use of the
4 state, and to enter satisfaction, in whole or in part, of
5 such judgments as the consideration for such purchases.

6 9. Whenever the property of a judgment debtor in any
7 judgment mentioned in the preceding subdivision has been
8 sold under a prior judgment, or is subject to any judgment,
9 lien, or encumbrance taking precedence of the judgment in
10 favor of the state, under the direction of the board of
11 ~~examiners~~ investments to redeem such property from such
12 prior judgment, lien, or encumbrance; and all sums of money
13 necessary for such redemption must, ~~upon the order of the~~
14 ~~board of examiners~~, be paid out of any money appropriated
15 for such purposes.

16 10. When in his opinion it is necessary for the
17 collection or enforcement of any judgment hereinbefore
18 mentioned, to institute and prosecute, in behalf of the
19 state, such suits or other proceedings as are necessary to
20 set aside and annul all conveyances fraudulently made by
21 such judgment debtors, the cost necessary to the prosecution
22 must, ~~when allowed by the board of examiners~~, be paid out of
23 any appropriations for the prosecution of delinquents.

24 11. To discharge the duties of a member of the board of
25 examiners, state board of land commissioners, board of state

1 prison commissioners, and other duties prescribed by law.

2 12. To report to the governor, at the time prescribed
3 by section 59-702 of this code, the condition of the affairs
4 of his department, and to accompany the same with a copy of
5 his docket and of the reports received by him from county
6 attorneys, and to report to the governor as provided in
7 section 59-705."

8 Section 13. Section 82-1519, R.C.M. 1947, is amended
9 to read as follows:

10 ~~"82-1519. Compensation of chairman and officers~~
11 ~~report~~ Report. (1) It shall be the duty of all public
12 officers to perform the duties relative to hail insurance
13 under this act, without other compensation than that allowed
14 by law. ~~The chairman of the state board of hail insurance~~
15 ~~shall receive a salary in such amount as may be specified by~~
16 ~~the legislative assembly in the appropriation to the board~~
17 ~~of hail insurance and all~~ All appointed officers and
18 employees under this act shall be allowed the per diem and
19 mileage allowed state employees. ~~The compensation of all~~
20 ~~appointed officers and employees of the board shall be fixed~~
21 ~~by the state board of hail insurance. If the legislative~~
22 ~~assembly does not specify the maximum salary for the head of~~
23 ~~the agency, the salary shall be fixed by the state board of~~
24 ~~hail insurance after approval by the board of examiners.~~
25 ~~Before approving any salary increase, the board of examiners~~

1 ~~shall review the salaries of comparable positions in Montana~~
2 ~~state government, other states, and private industry.~~

3 (2) The chairman of the state board of hail insurance
4 shall report as provided in ~~section 2~~[82-4002] of this
5 act."

6 Section 14. Section 82A-207, R.C.M. 1947, is amended
7 to read as follows:

8 "82A-207. Board of examiners — allocated. (1) There
9 is a board of examiners.

10 (2) The board is allocated to the department for
11 administrative purposes only as prescribed in section
12 82A-108. ~~However, the board may hire its own personnel, and~~
13 ~~section 82A-108 (3) (d) does not apply."~~

14 Section 15. Section 83-606, R.C.M. 1947, is amended to
15 read as follows:

16 "83-606. Attorney general — service of process upon
17 — power to arbitrate, compromise and settle. The attorney
18 general of the state of Montana is hereby designated as the
19 person upon whom all process shall be served, and he shall
20 have full charge of such litigation on behalf of the state
21 of Montana, ~~and by and with the consent of the board of~~
22 ~~examiners of the state of Montana,~~ he is authorized to
23 arbitrate, compromise or settle any claim cognizable under
24 this act, after the institution of any suit thereon, and
25 further, with the approval of the court in which said suit

1 is pending."

2 Section 16. Section 83-704, R.C.M. 1947, is amended to
3 read as follows:

4 "83-704. Attorney general — service of process upon
5 — power to arbitrate, compromise and settle. The attorney
6 general of the state of Montana is hereby designated as the
7 person upon whom all process shall be served, and he shall
8 have full charge of such litigation on behalf of the state
9 of Montana, ~~and by and with the consent of the board of~~
10 ~~examiners of the state of Montana,~~ he is authorized to
11 arbitrate, compromise or settle any claim cognizable under
12 this act, after the institution of any suit thereon, and
13 further, with the approval of the court in which said suit
14 is pending."

15 Section 17. Section 87-130, R.C.M. 1947, is amended to
16 read as follows:

17 "87-130. Acquisition of property, ~~etc.~~ Subject to the
18 approval of the ~~state board of examiners~~ department of
19 administration, the division may purchase such equipment,
20 supplies, and real property as it may deem necessary and
21 proper. The title to any real property purchased shall be
22 taken in the name of the state of Montana. Subject to the
23 approval of the ~~state board of examiners~~ department of
24 administration, the division may sell any equipment,
25 supplies or real property previously acquired by it, and the

1 proceeds of such sale shall be deposited into the
2 unemployment compensation administration fund. In the event
3 the duties, or any part thereof, of the division shall be at
4 any time in the future surrendered to or taken over by the
5 federal government or any agency thereof, the division, with
6 the approval of the ~~state board of examiners~~ department of
7 administration, may lease such equipment and real property
8 to the federal government, or such agency, but the title
9 thereto shall remain in the state of Montana."

10 Section 18. Section 95-3124, R.C.M. 1947, is amended
11 to read as follows:

12 "95-3124. Fugitives from this state — accounts. When
13 the governor of this state, in the exercise of the authority
14 conferred by section 2, article IV, of the constitution of
15 the United States, or by the laws of this state, demands
16 from the executive authority of any state of the United
17 States, or of any foreign government, the surrender to the
18 authorities of this state of a fugitive from justice, who
19 has been found and arrested in such state or foreign
20 government, the accounts of the person employed by him to
21 bring back such fugitive must be audited by the ~~board of~~
22 ~~examiners~~ department of administration, and paid out of the
23 state treasury."

24 Section 19. Repealer. Sections 75-8802 and 79-305,
25 R.C.M. 1947, are repealed.

STATE OF MONTANA

REQUEST NO. 519-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 429 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

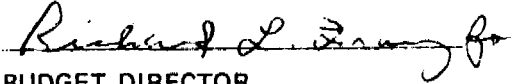
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 429 generally revises and clarifies the laws relating to the Board of Examiners, and deletes the provisions enabling the Board to hire its own personnel.

FISCAL IMPACT:

None.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-77

Approved by Committee
on State Administration

1 Senate BILL NO. 429
2 INTRODUCED BY LOCKREM
3 *Mark Dumble* *Franklin Thieson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE LAWS RELATING TO THE BOARD OF EXAMINERS;
6 AMENDING SECTIONS 3-2605, 5-1117, 31-104, 31-105, 41-908,
7 41-1603, 53-101, 75-8427, 75-8605, 75-8801, 79-901, 82-401,
8 82-1519, 82A-207, 83-606, 83-704, 87-130, AND 95-3124,
9 R.C.M. 1947; AMENDING SECTION 82A-207, R.C.M. 1947, TO
10 DELETE PROVISION ENABLING BOARD TO HIRE ITS OWN PERSONNEL;
11 AND REPEALING SECTIONS 75-8802 AND 79-305, R.C.M. 1947."

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

14 Section 1. Section 3-2605, R.C.M. 1947, is amended to
15 read as follows:

16 "3-2605. Warrants for claims. The state auditor is
17 hereby authorized to draw warrants on said fund on verified
18 claims submitted by the state entomologist and approved by
19 the ~~state board of examiners department of administration.~~"

20 Section 2. Section 5-1117, R.C.M. 1947, is amended to
21 read as follows:

22 "5-1117. Disposition of unclaimed funds. (1) The
23 department shall certify to the state treasurer a complete
24 list of funds remaining with it uncalled for, which have
25 been left with it in its official capacity, in trust for

1 depositors in and creditors of a liquidated bank after they
2 have been held by it for six (6) months from the date of the
3 final liquidation of the institution. Along with this
4 certificate, it shall transmit to the state treasurer the
5 funds with accumulated interest on them, which it has so
6 held in trust for six (6) months. A copy of the certificate
7 shall also be filed with the state auditor, who shall make a
8 record of it.

9 (2) The state treasurer shall deposit the funds and
10 interest in the general fund of this state.

11 (3) A depositor or creditor of a liquidated bank who
12 has not been paid the amount standing to his credit as thus
13 certified to the state treasurer, may apply to the ~~state~~
14 ~~board of examiners department~~ for the amount due him. The
15 depositor or creditor shall make an affidavit and offer
16 proof of his identity and of the amount due him by the
17 liquidated bank. When satisfied as to the correctness of
18 the claim and of the identity of the person, the ~~state board~~
19 ~~of examiners department~~ shall forward it to the auditor, who
20 shall audit the claim and if found correct so certify to the
21 ~~state board of examiners department~~, which, if it approves
22 the claim, shall transmit the claim to the legislature with
23 a statement of its approval."

24 Section 3. Section 31-104, R.C.M. 1947, is amended to
25 read as follows:

There are no changes in SB 429, & will not be re-run.

Please refer to white copy for complete text. SECOND READING

SB 429

1 *31-104. Chief — appointment — tenure of office —
 2 salary — supervisory power — resident requirement. The
 3 ~~board~~ attorney general shall select a highway patrol chief
 4 who shall have the rank of colonel and shall hold his office
 5 until his appointment has terminated for cause, as
 6 hereinafter set forth, and shall receive a salary fixed by
 7 ~~the board with approval of the board of examiners~~ attorney
 8 general within the limits of the legislative appropriation
 9 for such purpose, and travel expenses, as provided for in
 10 sections 59-538, 59-539, and 59-801. The chief shall have
 11 direct control and supervision of all patrolmen, subject to
 12 the approval of the ~~Montana highway patrol board~~ attorney
 13 general. The person named as chief shall have been a
 14 continuous resident of Montana for at least five (5) years.
 15 The chief, with the approval of the ~~board~~ attorney general
 16 and within the limits of any appropriation made available
 17 for such purposes, shall:

18 1. Designate the authority and responsibility in each
 19 such rank, grade and position;

20 2. Formulate standards, policies and qualifications in
 21 the selection of recruit patrolmen;

22 3. Prescribe the official uniform of the Montana
 23 highway patrol;

24 4. Station employees in such localities as he shall
 25 deem advisable for the enforcement of the traffic laws of

1 this state;

2 5. Charge against each employee the value of property
 3 of the state, lost or destroyed through the carelessness or
 4 neglect of such employee;

5 6. Discharge, demote, or temporarily suspend after
 6 hearing as provided in section 31-105, any patrolman of the
 7 department;

8 7. Have purchased, or otherwise acquired, by the
 9 purchasing department of the state, motor equipment and all
 10 other equipment and commodities deemed by him essential to
 11 the efficient operation of the Montana highway patrol."

12 Section 4. Section 31-105, R.C.M. 1947, is amended to
 13 read as follows:

14 *31-105. Appointment and promotion of officers —
 15 replacements and additions — reserve patrolmen — salaries
 16 — qualifications — probationary training — tenure —
 17 disciplinary action — hearing — appeal. (1) Appointments
 18 and promotions. (a) The division of motor vehicles,
 19 department of justice shall designate supervisory personnel
 20 including, but not limited to, captains, lieutenants,
 21 sergeants, and patrolmen in such numbers as necessary, but
 22 within the limits of the legislative appropriation made
 23 available for such purposes.

24 (b) Replacements and additions to the highway patrol
 25 force shall be chosen in equal numbers from the twelve (12)

1 *Senate* BILL NO. *429*
 2 INTRODUCED BY *LOCKREM* *Rep. Frederick Thissen*
 3 *Mark Dumble*

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

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 17 hereby authorized to draw warrants on said fund on verified
 18 claims submitted by the state antomologist and approved by
 19 the ~~state-board-of-examiners~~ department of administration."

20 Section 2. Section 5-1117, R.C.M. 1947, is amended to
 21 read as follows:

22 "5-1117. Disposition of unclaimed funds. (1) The
 23 department shall certify to the state treasurer a complete
 24 list of funds remaining with it uncalled for, which have
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 18 the claim and of the identity of the person, the ~~state-board~~
 19 ~~of-examiners~~ department shall forward it to the auditor, who
 20 shall audit the claim and if found correct so certify to the
 21 ~~state-board-of-examiners~~ department, which, if it approves
 22 the claim, shall transmit the claim to the legislature with
 23 a statement of its approval."

24 Section 3. Section 31-104, R.C.M. 1947, is amended to
 25 read as follows:

Please refer to white copy for complete text. THIRD READING

SB 429

1 "31-104. Chief — appointment — tenure of office —
 2 salary — supervisory power — resident requirement. The
 3 ~~board~~ attorney general shall select a highway patrol chief
 4 who shall have the rank of colonel and shall hold his office
 5 until his appointment has terminated for cause, as
 6 hereinafter set forth, and shall receive a salary fixed by
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 8 general within the limits of the legislative appropriation
 9 for such purpose, and travel expenses, as provided for in
 10 sections 59-538, 59-539, and 59-801. The chief shall have
 11 direct control and supervision of all patrolmen, subject to
 12 the approval of the ~~Montana highway patrol board~~ attorney
 13 general. The person named as chief shall have been a
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 15 The chief, with the approval of the ~~board~~ attorney general
 16 and within the limits of any appropriation made available
 17 for such purposes, shall:

- 18 1. Designate the authority and responsibility in each
- 19 such rank, grade and position;
- 20 2. Formulate standards, policies and qualifications in
- 21 the selection of recruit patrolmen;
- 22 3. Prescribe the official uniform of the Montana
- 23 highway patrol;
- 24 4. Station employees in such localities as he shall
- 25 deem advisable for the enforcement of the traffic laws of

1 this state;

2 5. Charge against each employee the value of property
 3 of the state, lost or destroyed through the carelessness or
 4 neglect of such employee;

5 6. Discharge, demote, or temporarily suspend after
 6 hearing as provided in section 31-105, any patrolman of the
 7 department;

8 7. Have purchased, or otherwise acquired, by the
 9 purchasing department of the state, motor equipment and all
 10 other equipment and commodities deemed by him essential to
 11 the efficient operation of the Montana highway patrol."

12 Section 4. Section 31-105, R.C.M. 1947, is amended to
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14 "31-105. Appointment and promotion of officers —
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 16 — qualifications — probationary training — tenure —
 17 disciplinary action — hearing — appeal. (1) Appointments
 18 and promotions. (a) The division of motor vehicles,
 19 department of justice shall designate supervisory personnel
 20 including, but not limited to, captains, lieutenants,
 21 sergeants, and patrolmen in such numbers as necessary, but
 22 within the limits of the legislative appropriation made
 23 available for such purposes.

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 25 force shall be chosen in equal numbers from the twelve (12)

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 3 THIESSEN, MATHERS, DUNKLE
 4
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 21 shall audit the claim and if found correct so certify to the
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 23 the claim, shall transmit the claim to the legislature with
 24 a statement of its approval."

25 Section 3. Section 31-104, R.C.M. 1947, is amended to

1 read as follows:

2 "31-104. Chief -- appointment -- tenure of office --
3 salary -- supervisory power -- resident requirement. The
4 ~~board~~ attorney general shall select a highway patrol chief
5 who shall have the rank of colonel and shall hold his office
6 until his appointment has terminated for cause, as
7 hereinafter set forth, and shall receive a salary fixed by
8 ~~the board with approval of the board of examiners~~ attorney
9 general within the limits of the legislative appropriation
10 for such purpose, and travel expenses, as provided for in
11 sections 59-538, 59-539, and 59-801. The chief shall have
12 direct control and supervision of all patrolmen, subject to
13 the approval of the ~~Montana highway patrol board~~ attorney
14 general. The person named as chief shall have been a
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16 The chief, with the approval of the ~~board~~ attorney general
17 and within the limits of any appropriation made available
18 for such purposes, shall:

- 19 1. Designate the authority and responsibility in each
- 20 such rank, grade and position;
- 21 2. Formulate standards, policies and qualifications in
- 22 the selection of recruit patrolmen;
- 23 3. Prescribe the official uniform of the Montana
- 24 highway patrol;
- 25 4. Station employees in such localities as he shall

1 deem advisable for the enforcement of the traffic laws of
2 this state;

3 5. Charge against each employee the value of property
4 of the state, lost or destroyed through the carelessness or
5 neglect of such employee;

6 6. Discharge, demote, or temporarily suspend after
7 hearing, as provided in section 31-105, any patrolman of the
8 department;

9 7. Have purchased, or otherwise acquired, by the
10 purchasing department of the state, motor equipment and all
11 other equipment and commodities deemed by him essential to
12 the efficient operation of the Montana highway patrol."

13 Section 4. Section 31-105, R.C.M. 1947, is amended to
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17 -- qualifications -- probationary training -- tenure --
18 disciplinary action -- hearing -- appeal. (1) Appointments
19 and promotions. (a) The division of motor vehicles,
20 department of justice shall designate supervisory personnel
21 including, but not limited to, captains, lieutenants,
22 sergeants, and patrolmen in such numbers as necessary, but
23 within the limits of the legislative appropriation made
24 available for such purposes.

25 (b) Replacements and additions to the highway patrol

1 force shall be chosen in equal numbers from the twelve (12)
 2 highway districts, provided however, that if sufficient
 3 qualified applications are not received from any one
 4 district that the division may in its discretion substitute
 5 other qualified applicants from any other districts.

6 (c) Patrolmen filling vacancies caused by the
 7 incumbents' entrance into the armed forces of the United
 8 States, shall on the return of the incumbents be placed in
 9 the patrol reserve, without pay; otherwise they shall hold
 10 their probationary or permanent appointments while there are
 11 sufficient operating funds. Reserve patrolmen shall then be
 12 used for future replacements in the permanent patrol.

13 (d) Supervisory personnel shall be selected from the
 14 patrolmen by the chief, subject to the approval of the
 15 division. The duties and jurisdiction of the supervisory
 16 personnel shall be outlined, defined and under the control
 17 of the chief subject to the approval of the division.

18 ~~(2) Salaries--(a) The division shall, within the~~
 19 ~~limits of appropriations made available for such purpose,~~
 20 ~~prepare a schedule of compensation and expenses which shall~~
 21 ~~be uniform within all grades and submit it to the state~~
 22 ~~board of examiners for their approval.~~

23 ~~(b) The base salary of supervisory personnel and~~
 24 ~~patrolmen shall be fixed by the division with the approval~~
 25 ~~of the state board of examiners.~~ In the event that a

1 probationary patrolman is appointed permanently, he shall,
 2 at the time of such appointment, receive the base salary of
 3 patrolmen.

4 (3) Qualifications. (a) Patrolmen shall possess the
 5 following qualifications:

6 (i) Sound and active physical and mental condition.

7 (ii) Good moral character.

8 (iii) Resident of Montana for at least one (1) year
 9 immediately prior to appointment.

10 (iv) Pass a satisfactory test in the operation of
 11 automobiles.

12 (v) Citizens of the United States and state of
 13 Montana.

14 (4) Probationary training. (a) All new patrolmen shall
 15 be placed under probationary training and service for a
 16 period of six (6) months to one (1) year, during which time
 17 the highway patrol chief must recommend to the division for
 18 permanent appointments; otherwise the probationary patrolmen
 19 will automatically be discharged.

20 (b) All newly appointed supervisory personnel shall be
 21 placed under probationary training and service for a period
 22 of six (6) months to one (1) year, during which time the
 23 highway patrol chief must recommend to the division for
 24 permanent appointments; otherwise the supervisory personnel
 25 will automatically revert to their previous ranks without

1 prejudice.

2 (5) Tenure of office. Every person employed or
3 appointed and designated as a chief, captain, lieutenant,
4 sergeant, patrolman, or any other rank under and pursuant to
5 the provisions of this act, except as provided in subsection
6 (4) above, shall continue in service and hold his position
7 without demotion until suspended, demoted, or discharged in
8 the manner hereinafter provided, for one (1) or more of the
9 causes specified in the following subsection.

10 (6) Suspension, demotion or discharge. Cause for
11 suspension, demotion or discharge will be:

12 (a) Conviction of any crime involving moral turpitude
13 in any court of competent jurisdiction subsequent to the
14 commencement of such employment.

15 (b) Gross neglect of duty or willful violation or
16 disobedience of orders or regulations.

17 (c) Loitering about or entering places of ill fame,
18 ill repute, or where gambling is known to be conducted or to
19 be in progress, except in the immediate discharge of duty.

20 (d) Conduct unbecoming an officer.

21 (e) Drinking intoxicating liquor while using
22 state-owned cars or in uniform, or being intoxicated in a
23 public place.

24 (f) Sleeping while on duty.

25 (g) Incapacity, or partial incapacity, materially

1 affecting his ability to perform his official duties.

2 (h) Cross inefficiency in performing duties.

3 (i) Willful disobedience of rules and regulations
4 adopted by the division, governing the conduct and
5 discipline of members of the patrol.

6 (7) Method of preferring charges. (a) The charge or
7 charges against any patrolman shall be made in writing and
8 shall be signed and sworn to by the person making the charge
9 or charges.

10 (b) The written charge or charges shall be filed with
11 the chief of the Montana highway patrol.

12 (c) Any charge or charges which could result in the
13 suspension or discharge of the chief or supervisory
14 personnel with the rank of captain or above shall be filed
15 directly with the division.

16 (d) When charges are filed and the chief believes that
17 such charge or charges constitute grounds for suspension,
18 demotion or discharge, he shall order a hearing to be had
19 thereon before the division and fix a time for such hearing.

20 (e) When charges are filed and the chief believes such
21 charge or charges do not constitute grounds for suspension,
22 demotion or discharge he shall dismiss such charges.

23 (f) The division shall have the authority to order the
24 chief to file charges with the division when the chief in
25 his judgment does not believe the charge or charges warrant

1 a hearing.

2 (8) Authority to suspend, demote or discharge. (a)
3 When the highway patrol chief has cause to believe that any
4 member of the highway patrol has violated any of the
5 hereinabove grounds for suspension, demotion or discharge,
6 or his conduct has warranted reprimanding, he may, with the
7 approval of the division, suspend, demote or reprimand the
8 member.

9 (b) If the chief orders a hearing he may suspend such
10 patrolman pending the rendition of the decision made in such
11 case.

12 (9) Length of suspension -- demotion pay status. (a)
13 Any member under suspension shall be on leave without pay
14 and for a period not to exceed thirty (30) days in time.

15 (b) In cases of disciplinary action resulting in
16 demotion, the member shall receive the pay of the rank to
17 which he is demoted.

18 (10) Notification of hearing. (a) The chief shall, at
19 least ten (10) days before the time appointed for a hearing,
20 serve written notice specifying the charge or charges filed
21 and stating the name of the person or persons making the
22 charge or charges, on the accused patrolman personally, if
23 his whereabouts is known, in the state of Montana.

24 (b) If at the time, the whereabouts of the accused
25 patrolman is unknown, or if he be outside of the state of

1 Montana, service may be made upon him by mailing the written
2 notice to him at his last known place of residence in
3 Montana.

4 (11) Hearing. (a) The division shall be the authority
5 to hear such charge or charges and render a decision and
6 appropriate order.

7 (b) The division shall have the power to compel the
8 attendance of witnesses at any such hearing and to examine
9 them under oath and to require the production of books,
10 papers, and other evidence at such hearing and for that
11 purpose issue subpoenas and cause the same to be served and
12 executed in any part of the state.

13 (c) The accused patrolman shall be entitled to be
14 confronted with the witnesses against him and have an
15 opportunity to cross-examine the same and to introduce at
16 such hearing testimony in his own behalf and shall be
17 entitled to be represented by counsel at such hearing.

18 (d) The division shall within fifteen (15) days after
19 such hearing render its decision in writing and file same in
20 its office with the chief and with the patrolman accused
21 also.

22 (12) Disciplinary action. (a) If, after a hearing, the
23 division finds that any such charge or charges, made against
24 the patrolman be true, it may punish the offending party by
25 reprimand, suspension without pay, demotion, or discharge.

1 (b) If after the hearing, the division finds that the
2 charge or charges made against the patrolman not be true,
3 the division shall reinstate the accused patrolman to his
4 position and rank and shall order the payment of any salary
5 withheld pending the determination of the charge or charges.

6 (13) Right to appeal. (a) Any patrolman who is
7 suspended, demoted, or discharged may have a right of appeal
8 to the district court of Lewis and Clark county.

9 (b) Such appeal must be made within ten (10) days
10 after such decision or determination of the division.

11 (c) The district court shall review such decision or
12 determination in a summary manner and shall render its
13 decision upon such appeal within ninety (90) days from the
14 filing of such appeal in said court.

15 (d) If the decision or determination of the division
16 shall be finally reversed or modified by the district court,
17 the accused patrolman shall be reinstated in his position
18 and the division shall pay to the said patrolman any salary
19 or wages withheld from him pending the determination of the
20 charge or charges, or as may be directed by the court."

21 Section 5. Section 41-908, R.C.M. 1947, is amended to
22 read as follows:

23 "41-908. Parties may agree to special board of
24 arbitration. (1) The parties to any controversy or
25 difference as described in section 41-904 of this code may

1 submit the matters in dispute, in writing, to a local board
2 of arbitration and conciliation; such board may be either
3 mutually agreed upon, or the employer may designate one of
4 the arbitrators, the employees, or their duly authorized
5 agent, another, and the two arbitrators so designated may
6 choose a third, who shall be chairman of the board. Such
7 board shall, in respect to the matters referred to it, have
8 and exercise all the powers which the state board might have
9 and exercise, and its decision shall have whatever binding
10 effect may be agreed upon by the parties to the controversy
11 in written submission. The jurisdiction of such board shall
12 be exclusive in respect to the matters submitted to it, but
13 it may ask and receive the advice and assistance of the
14 state board. The decision of such board shall be rendered
15 within ten days of the close of any hearing held by it; such
16 decision shall at once be filed with the clerk of the county
17 in which the controversy or difference arose, and a copy
18 thereof shall be forwarded to the state board and entered on
19 its records. Each of such arbitrators shall be entitled to
20 receive from the treasury of the county in which the
21 controversy or difference that is the subject of the
22 arbitration exists, if such payment shall be approved by the
23 commissioners of said county, the sum of three dollars for
24 each day of actual service, not exceeding ten days for any
25 one arbitration.

1 (2) Whenever it is made to appear to the mayor of any
 2 city or two commissioners of any county, that a strike or
 3 lockout such as described hereafter in this section is
 4 seriously threatened or actually occurs, the mayor of such
 5 city, or said commissioners of such county, shall at once
 6 notify the state board of the fact. Whenever it shall come
 7 to the knowledge of the state board, either by notice from
 8 the mayor of a city, or two or more commissioners of a
 9 county, as provided in this section, or otherwise, that a
 10 strike or lockout is seriously threatened or has actually
 11 occurred in any city or county of this state, involving an
 12 employer and his present or past employees, if at the time
 13 he is employing or up to the occurrence of the strike or
 14 lockout was employing not less than twenty persons in the
 15 same general line of business in any city, town, or county
 16 in this state, it shall be the duty of the state board to
 17 put itself in communication as soon as may be with such
 18 employer and employees, and endeavor by mediation to effect
 19 an amicable settlement between them, or to endeavor to
 20 persuade them, providing that a strike or lockout has not
 21 actually occurred or is not then continuing, to submit the
 22 matters in dispute to a local board of arbitration and
 23 conciliation as above provided, or to the state board; and
 24 said state board may, if it deems it advisable, investigate
 25 the cause or causes of such controversy, and ascertain which

1 party thereto is mainly responsible or blameworthy for the
 2 existence or continuance of the same, and may make and
 3 publish a report finding such cause or causes, and assigning
 4 such responsibility or blame. The board shall have the same
 5 powers for the foregoing purposes as are given it by section
 6 41-904 of this code.

7 (3) Witnesses summoned by the state board shall be
 8 allowed the sum of fifty cents for each attendance, and the
 9 further sum of twenty-five cents for each hour of attendance
 10 in excess of two hours, and shall be allowed five cents a
 11 mile for travel each way from their respective places of
 12 employment or business to the place where the board is in
 13 session. Each witness shall certify in writing the amount of
 14 his travel and attendance, and the amount due him shall be
 15 certified to the ~~state board of examiners~~ department of
 16 administration for auditing, and the same shall be paid as
 17 other expenses of the state from any moneys in the state
 18 treasury."

19 Section 6. Section 41-1603, R.C.M. 1947, is amended to
 20 read as follows:

21 "41-1603. Commissioner of labor and industry -- term
 22 -- salary -- oath. The term of office of the commissioner of
 23 labor and industry shall be four (4) years and until his
 24 successor is appointed and qualified. The commissioner shall
 25 receive an annual salary in such amount as may be specified

1 by the ~~legislative assembly~~ legislature in the appropriation
 2 to the department of labor and industry. ~~if the legislative~~
 3 ~~assembly does not specify the maximum salary of the~~
 4 ~~commissioner, any increase in the salary of the commissioner~~
 5 ~~must be approved by the board of examiners. Before~~
 6 ~~approving any salary increase, the board of examiners shall~~
 7 ~~review the salaries of comparable positions in Montana state~~
 8 ~~government, other states, and private industry. The salary~~
 9 ~~shall be payable monthly. Before entering on the duties of~~
 10 his office, he must take and subscribe to the oath of office
 11 prescribed by the Montana Constitution."

12 Section 7. Section 53-101, R.C.M. 1947, is amended to
 13 read as follows:

14 "53-101. Duties of registrar of motor vehicles --
 15 records. 1. The warden of the state penitentiary shall be,
 16 and is hereby constituted the registrar of motor vehicles,
 17 trailers and semitrailers, and as such it shall be his duty
 18 to keep a record as hereinafter specified of all motor
 19 vehicles, trailers and semitrailers of every kind, and
 20 certificates of registration and ownership thereof, and of
 21 all dealers in motor vehicles.

22 2. In the case of motor vehicles, trailers and
 23 semitrailers, the record shall show the following: name of
 24 owner, residence by town and county, business address, name
 25 and address of conditional sales vendor, mortgagee or other

1 lien holder and amount due under contract or lien,
 2 manufacturer of car, manufacturer's designation of style of
 3 car or vehicle, identifying number, year of manufacture,
 4 character of motive power and shipping weight of car as
 5 shown by the manufacturer and the distinctive license number
 6 assigned such car or vehicle; and, if a truck or trailer,
 7 the number of tons capacity, and such other information as
 8 may from time to time be found desirable.

9 3. The registrar shall file applications for
 10 registration received by him from the county treasurers of
 11 the state and register the vehicles therein described and
 12 the owners thereof in suitable books or on index cards, as
 13 follows:

14 (a) Under distinctive license number assigned to
 15 vehicle by the county treasurers.

16 (b) Alphabetically under name of owners.

17 (c) Numerically under make and identifying number of
 18 vehicle.

19 (d) Such other index of registration as registrar
 20 shall deem expedient. Vehicle registration records and
 21 indexes, and driver's license records and indexes, may be
 22 maintained by electronic recording and storage media.

23 4. In the case of dealers the records shall show the
 24 information contained in the application for dealer's
 25 license as required by section 53-118, as well as the

1 distinctive license number assigned to the dealer.

2 5. The registrar of motor vehicles shall appoint such
3 deputies, subordinate officers, clerks, investigators and
4 other employees as may be necessary to carry out this act,
5 providing there be selected as many of the clerical help
6 from the inmates of the state prison as the registrar
7 determines to be possible. ~~The salaries of all such~~
8 ~~appointees shall be fixed by the registrar of motor vehicles~~
9 ~~as authorized by the state board of examiners, with respect~~
10 ~~to salaries of other subordinate state officers and~~
11 ~~employees.~~

12 6. All office equipment, books, files and records
13 belonging to the motor department shall be in the care and
14 general custody and control of the registrar of motor
15 vehicles at the state penitentiary. In order to prevent an
16 accumulation of unneeded records and files the registrar of
17 motor vehicles shall have the authority and it shall be his
18 duty to destroy all records and files which have ceased to
19 be of any value.

20 7. The registrar may establish and maintain a
21 short-wave radio station in order to report motor vehicle
22 registration information to the highway patrol, sheriffs,
23 and to chiefs of police of each incorporated city of the
24 state who are able to communicate with such short-wave radio
25 station.

1 8. All such records shall be open to inspection during
2 all reasonable business hours and the registrar of motor
3 vehicles shall furnish any information from said records
4 upon payment by the applicant of the cost of transcribing
5 the information requested.*

6 Section 8. Section 75-8427, R.C.M. 1947, is amended to
7 read as follows:

8 *75-8427. Acceptance of public lands. (1) The regents
9 shall receive in the names of western Montana college and
10 eastern Montana college, all benefits derived from the
11 distribution of lands contemplated in section 17 of an Act
12 of Congress, approved February 22, 1889 entitled "An act to
13 provide for the division of Dakota into two states and to
14 enable the people of North Dakota, South Dakota, Montana,
15 and Washington to form constitutions and state governments
16 and to be admitted into the union on an equal footing with
17 the original states, and to make donations of public lands
18 to such states."

19 (2) The regents may in carrying out the provisions of
20 Title 75, R. C. M., 1947, pledge one-half (1/2) of all
21 interest and income derived from said land grant for the
22 payment in whole or in part of notes, bonds or other
23 obligations issued by the regents for residence halls or
24 other facilities at western Montana college or at eastern
25 Montana college, provided that*

1 ~~to~~ any such pledge shall be subject to any prior
2 pledge~~and~~

3 ~~(b) all pledges of income and interest must have the~~
4 ~~final approval of the state board of examiners."~~

5 Section 9. Section 75-8605, R.C.M. 1947, is amended to
6 read as follows:

7 "75-8605. Receipt of funds. (1) The treasurer of
8 Montana state university may receive:

9 (a) the cash appropriation received from the United
10 States by authority of the Act of Congress of August 30,
11 1890, known as the second Morrill Act, and the Act of
12 Congress of March 4, 1907, known as the Nelson Amendment, to
13 be expended by the executive board under the general
14 supervision of the regents only for the purpose for which it
15 was appropriated by Congress; and

16 (b) all moneys appropriated by the Act of Congress of
17 March 16, 1906, entitled: "An act to provide for and
18 increase the annual appropriation for agricultural
19 experiment stations and regulating the expenditures
20 thereof," to be expended under the supervision of the
21 regents in the manner designated in the Act of Congress and
22 as required by section 75-8604, R. C. M., 1947.

23 (2) On or before September 1 of each year the state
24 university shall make detailed reports of the amounts
25 received and disbursed under the provisions of the Acts of

1 Congress of March [August] 30, 1890, of March 4, 1907, and
2 of March 16, 1906, to the secretaries of agriculture and
3 interior of the United States, as required by the Acts of
4 Congress~~and shall file duplicates with the state board of~~
5 ~~examiners on or before September 10 of each year."~~

6 Section 10. Section 75-8801, R.C.M. 1947, is amended
7 to read as follows:

8 "75-8801. Research programs -- powers of units.

9 (1) The units of the system are authorized, singly or in
10 co-operation, to engage in research and development programs
11 with the prior approval of the regents.

12 (2) Such programs may be conducted by any department
13 of a unit or any organization established to assist the
14 unit.

15 (a) A unit or organization may:

16 (i) contract with private organizations, companies,
17 firms, or individuals relative to research programs;

18 (ii) conduct research programs with the penal,
19 corrective, or custodial institutions of Montana and engage
20 the voluntary participation of the inmates, with the prior
21 approval of the governing board of the institution;

22 (iii) accept contributions, grants, or gifts from
23 private organizations, companies, firms, individuals,
24 governmental agencies or departments for research programs;

25 (iv) make agreements or co-operative undertakings with

1 private organizations, companies, firms, individuals,
 2 governmental agencies or departments for research programs;
 3 (v) match the funds of private organizations,
 4 companies, firms, individuals, governmental agencies or
 5 departments with available funds for research programs;
 6 (vi) accumulate, invest, and expend the funds and
 7 proceeds from research programs;
 8 (vii) acquire real and personal property reasonably
 9 required for research programs;
 10 (viii) not divert funds, proceeds, or real and personal
 11 property from the research programs; and
 12 (ix) not charge or obligate the state of Montana or the
 13 general funds or a unit or agency.

14 (3) The legislative assembly declares a public need
 15 for scientific research in the units of the system to
 16 promote the general welfare and to provide an adequate
 17 defense for the United States.

18 ~~(4) Notwithstanding any inconsistent provisions of~~
 19 ~~law, including laws relating to advertising for bids or~~
 20 ~~competitive bidding, the state board of examiners may:~~

21 ~~(a) contract with the United States to use the units~~
 22 ~~of the system for research;~~

23 ~~(b) expend money appropriated to a unit to provide~~
 24 ~~personnel, facilities, instructional services and supplies~~
 25 ~~for the contract with the United States;~~

1 ~~(c) repay sums expended;~~
 2 ~~(i) Repayment from the United States shall revert to~~
 3 ~~the original fund sources."~~

4 Section 11. Section 79-901, R.C.M. 1947, is amended to
 5 read as follows:

6 "79-901. State officers and institutions — limit on
 7 expenditures. It shall be unlawful for the board of
 8 trustees, executive board, managerial staff, president,
 9 deans and faculty, or any other authority of any state
 10 institution maintained in whole or in part by the state, or
 11 for any officer, department, board, commission or bureau,
 12 having charge of the disbursement or expenditure of the
 13 income provided by legislative appropriation, or otherwise,
 14 to expend, contract for the expenditure, or to incur or
 15 permit the incurring of any obligation whatsoever, in any
 16 one year, in excess of the income provided for such year, or
 17 for ~~the state board of examiners, or~~ any supervisory board
 18 or authority either directly or indirectly to authorize,
 19 direct or order any such institution, officer, department,
 20 board, commission or bureau to increase any expenditures,
 21 except as specifically provided by law, and it shall be and
 22 is hereby made the duty of any and all of such institutions,
 23 officers, departments, boards, commissions and bureaus to
 24 keep such expenditures, obligations and liabilities within
 25 the amount of such income."

1 Section 12. Section 82-401, R.C.M. 1947, is amended to
2 read as follows:

3 "82-401. General duties. It is the duty of the
4 attorney general:

5 1. To attend the supreme court and prosecute or defend
6 all causes to which the state, or any officer thereof, in
7 his official capacity, is a party; and all causes to which
8 any county may be a party, unless the interest of the county
9 is adverse to the state, or some officer thereof acting in
10 his official capacity.

11 2. After judgment in any of the causes referred to in
12 the preceding subdivision, to direct the issuing of such
13 process as may be necessary to carry the same into
14 execution.

15 3. To account for and pay over to the proper officer
16 all moneys which may come into his possession belonging to
17 the state or to any county.

18 4. To keep a register of all cases in which he is
19 required to appear, which must, during business hours, be
20 open to the inspection of the public, and must show the
21 county, district, and court in which the cases have been
22 instituted and tried, and whether they are civil or
23 criminal; if civil, the nature of the demand, the stage of
24 proceedings, and, when prosecuted to judgment, a memorandum
25 of the judgment, of any process issued thereon, and whether

1 satisfied or not; if not satisfied, the return of the
2 sheriff; and if criminal, the nature of the crime, the mode
3 of prosecution, the stage of proceedings, and, when
4 prosecuted to sentence, a memorandum of the sentence and of
5 the execution thereof, if the same has been executed, and if
6 not executed, of the reason of the delay or prevention; and
7 must deliver the same to his successor in office.

8 5. To exercise supervisory powers over county
9 attorneys in all matters pertaining to the duties of their
10 offices, and from time to time require of them reports as to
11 the condition of public business entrusted to their charge.

12 6. To give his opinion in writing, without fee, to the
13 legislative assembly, or either house thereof and to any
14 state officer, board, or commission, any county attorney, to
15 the city attorney of any city or town, and to the board of
16 county commissioners of any county of the state, when
17 required upon any question of law relating to their
18 respective offices. He shall give any such opinion within
19 three (3) months following the date it is requested, unless
20 he certifies in writing to the requesting party that the
21 question is of sufficient complexity to require additional
22 time.

23 7. When required by the public service, or directed by
24 the governor, to assist the county attorney of any county in
25 the discharge of his duties.

1 8. To bid upon and purchase in the name of the state,
2 and under the direction of the board of examiners
3 ~~investments~~, any property offered for sale under execution
4 issued upon judgments in favor of or for the use of the
5 state, and to enter satisfaction, in whole or in part, of
6 such judgments as the consideration for such purchases.

7 9. Whenever the property of a judgment debtor in any
8 judgment mentioned in the preceding subdivision has been
9 sold under a prior judgment, or is subject to any judgment,
10 lien, or encumbrance taking precedence of the judgment in
11 favor of the state, under the direction of the board of
12 ~~examiners investments~~ to redeem such property from such
13 prior judgment, lien, or encumbrance; and all sums of money
14 necessary for such redemption ~~must upon the order of the~~
15 ~~board of examiners~~ be paid out of any money appropriated
16 for such purposes.

17 10. When in his opinion it is necessary for the
18 collection or enforcement of any judgment hereinbefore
19 mentioned, to institute and prosecute, in behalf of the
20 state, such suits or other proceedings as are necessary to
21 set aside and annul all conveyances fraudulently made by
22 such judgment debtors, the cost necessary to the prosecution
23 ~~must when allowed by the board of examiners~~ be paid out of
24 any appropriations for the prosecution of delinquents.

25 11. To discharge the duties of a member of the board of

1 examiners, state board of land commissioners, board of state
2 prison commissioners, and other duties prescribed by law.

3 12. To report to the governor, at the time prescribed
4 by section 59-702 of this code, the condition of the affairs
5 of his department, and to accompany the same with a copy of
6 his docket and of the reports received by him from county
7 attorneys, and to report to the governor as provided in
8 section 59-705."

9 Section 13. Section 82-1519, R.C.M. 1947, is amended
10 to read as follows:

11 ~~"82-1519. Compensation of chairman and officers —~~
12 ~~report Report. (1) It shall be the duty of all public~~
13 ~~officers to perform the duties relative to hail insurance~~
14 ~~under this act, without other compensation than that allowed~~
15 ~~by law. The chairman of the state board of hail insurance~~
16 ~~shall receive a salary in such amount as may be specified by~~
17 ~~the legislative assembly in the appropriation to the board~~
18 ~~of hail insurance and all~~ All appointed officers and
19 employees under this act shall be allowed the per diem and
20 mileage allowed state employees. ~~The compensation of all~~
21 ~~appointed officers and employees of the board shall be fixed~~
22 ~~by the state board of hail insurance. If the legislative~~
23 ~~assembly does not specify the maximum salary for the head of~~
24 ~~the agency, the salary shall be fixed by the state board of~~
25 ~~hail insurance after approval by the board of examiners.~~

1 ~~Before approving any salary increases, the board of examiners~~
 2 ~~shall review the salaries of comparable positions in Montana~~
 3 ~~state governments, other states, and private industry.~~

4 (2) The chairman of the state board of hail insurance
 5 shall report as provided in ~~section 2-[82-4002]~~ of this
 6 act."

7 Section 14. Section 82A-207, R.C.M. 1947, is amended
 8 to read as follows:

9 "82A-207. Board of examiners -- allocated. (1) There
 10 is a board of examiners.

11 (2) The board is allocated to the department for
 12 administrative purposes only as prescribed in section
 13 82A-108. ~~However, the board may hire its own personnel, and~~
 14 ~~section 82A-108-(2)-(d) does not apply."~~

15 Section 15. Section 83-606, R.C.M. 1947, is amended to
 16 read as follows:

17 "83-606. Attorney general -- service of process upon
 18 -- power to arbitrate, compromise and settle. The attorney
 19 general of the state of Montana is hereby designated as the
 20 person upon whom all process shall be served, and he shall
 21 have full charge of such litigation on behalf of the state
 22 of Montana ~~and by and with the consent of the board of~~
 23 ~~examiners of the state of Montana,~~ he is authorized to
 24 arbitrate, compromise or settle any claim cognizable under
 25 this act, after the institution of any suit thereon, and

1 further, with the approval of the court in which said suit
 2 is pending."

3 Section 16. Section 83-704, R.C.M. 1947, is amended to
 4 read as follows:

5 "83-704. Attorney general -- service of process upon
 6 -- power to arbitrate, compromise and settle. The attorney
 7 general of the state of Montana is hereby designated as the
 8 person upon whom all process shall be served, and he shall
 9 have full charge of such litigation on behalf of the state
 10 of Montana ~~and by and with the consent of the board of~~
 11 ~~examiners of the state of Montana,~~ he is authorized to
 12 arbitrate, compromise or settle any claim cognizable under
 13 this act, after the institution of any suit thereon, and
 14 further, with the approval of the court in which said suit
 15 is pending."

16 Section 17. Section 87-130, R.C.M. 1947, is amended to
 17 read as follows:

18 "87-130. Acquisition of property ~~etc.~~ Subject to the
 19 approval of the ~~state board of examiners~~ department of
 20 administration, the division may purchase such equipment,
 21 supplies, and real property as it may deem necessary and
 22 proper. The title to any real property purchased shall be
 23 taken in the name of the state of Montana. Subject to the
 24 approval of the ~~state board of examiners~~ department of
 25 administration, the division may sell any equipment,

1 supplies or real property previously acquired by it, and the
 2 proceeds of such sale shall be deposited into the
 3 unemployment compensation administration fund. In the event
 4 the duties, or any part thereof, of the division shall be at
 5 any time in the future surrendered to or taken over by the
 6 federal government or any agency thereof, the division, with
 7 the approval of the ~~state board of examiners~~ department of
 8 administration, may lease such equipment and real property
 9 to the federal government, or such agency, but the title
 10 thereto shall remain in the state of Montana."

11 Section 18. Section 95-3124, R.C.M. 1947, is amended
 12 to read as follows:

13 "95-3124. Fugitives from this state -- accounts. When
 14 the governor of this state, in the exercise of the authority
 15 conferred by section 2, article IV, of the constitution of
 16 the United States, or by the laws of this state, demands
 17 from the executive authority of any state of the United
 18 States, or of any foreign government, the surrender to the
 19 authorities of this state of a fugitive from justice, who
 20 has been found and arrested in such state or foreign
 21 government, the accounts of the person employed by him to
 22 bring back such fugitive must be audited by the ~~board of~~
 23 ~~examiners~~ department of administration, and paid out of the
 24 state treasury."

25 Section 19. Repealer. Sections 75-8802 and 79-305,

1 R.C.M. 1947, are repealed.

-End-