

CHAPTER NO. 483.

HOUSE BILL NO. 456

INTRODUCED BY EUDAILY, SCULLY

IN THE HOUSE

January 29, 1979	Introduced and referred to Committee on Judiciary.
February 12, 1979	Committee recommend bill do pass as amended. Report adopted.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 17, 1979	Introduced and referred to Committee on State Administration.
March 8, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 10, 1979	On motion taken from second reading and rereferred to Committee on State Administration.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1979	Second reading, concurred in.
March 24, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 26, 1979

Returned from second house.  
Concurred in as amended.

On motion consideration passed  
for the day.

March 29, 1979

Second reading, amendments  
adopted.

March 30, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 456  
 2 INTRODUCED BY Embrey Stull

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF  
 5 APPOINTMENT OF THE COMMISSIONER OF CAMPAIGN FINANCES AND  
 6 PRACTICES; TO REVISE THE TERM OF OFFICE; AND TO PROVIDE FOR  
 7 TRANSITION BY EXTENDING THE TERM OF THE CURRENT COMMISSIONER  
 8 TO JANUARY 1, 1981; AMENDING SECTIONS 13-37-102 THROUGH  
 9 13-37-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

12 Section 1. Section 13-37-102, MCA, is amended to read:  
 13 "13-37-102. Creation of office. (1) There is a  
 14 commissioner of campaign finances and practices who is  
 15 appointed by the governor, subject to confirmation by a  
 16 majority of a the senate. A four-member selection committee  
 17 which--is comprised of the speaker of the house, the  
 18 president of the senate, and the minority floor leaders of  
 19 both houses of the legislature shall submit to the governor  
 20 a list of not less than two or more than five names of  
 21 individuals for his consideration. A majority of the members  
 22 of the selection committee shall agree upon each nomination.  
 23 However--if--a--majority--of--the--members--of--the--selection  
 24 committee--cannot--agree--upon--the--selection--of--a--commissioner  
 25 within--30--days--after--a--vacancy--occurs--or--a--term--expires--the

1 ~~Montana supreme court shall appoint a fifth public member to~~  
 2 ~~the selection committee. The majority of the five members of~~  
 3 ~~the selection committee shall then select the commissioner.~~

4 (2) The commissioner of campaign finances and  
 5 practices is entitled to receive an annual salary of  
 6 \$21,000. The salary commission may recommend salary  
 7 increases to the legislature.

8 (3) The individual selected to serve as commissioner  
 9 of campaign finances and practices may be removed by the  
 10 governor prior to the expiration of the term only for  
 11 incompetence, malfeasance, or neglect of duty. The  
 12 sufficiency of such causes shall be subject to judicial  
 13 review."

14 Section 2. Section 13-37-103, MCA, is amended to read:

15 "13-37-103. Term of office -- limitations on holding  
 16 other office. (1) The individual selected to serve as the  
 17 commissioner of campaign finances and practices is appointed  
 18 for a 5-year 6-year term, but he is thereafter ineligible to  
 19 serve as the commissioner of campaign finances and  
 20 practices.

21 (2) The individual selected to serve as commissioner  
 22 of campaign finances and practices and is precluded from  
 23 being a candidate for public office as defined in 13-1-101  
 24 for a period of 5 years from the time that his--term--as  
 25 commissioner expires he leaves office as commissioner."

1 Section 3. Section 13-37-104, MCA, is amended to read:

2 "13-37-104. Vacancy. (1) If for any reason a vacancy  
3 occurs in the position of commissioner, a successor shall be  
4 appointed within 30 days as provided in 13-37-102(1) to  
5 serve out the unexpired term. Every nomination shall be  
6 confirmed by the senate, but a nomination made while the  
7 senate is not in session shall be effective as an  
8 appointment until the end of the next session.

9 (2) An individual who is selected to serve out the  
10 unexpired term of a preceding commissioner ~~is entitled to be~~  
11 ~~reappointed for a 5-year term as provided in 13-37-102(1)~~  
12 and who has served 3 years or more of an unexpired term is  
13 not eligible for reappointment.

14 (3) An individual who is selected to serve out the  
15 unexpired term of a preceding commissioner and who has  
16 served less than 3 years may be reappointed for a 6-year  
17 term as provided in 13-37-102(1)."

18 Section 4. Transition -- term extended -- appointment.

19 (1) The current 5-year term of office for the commissioner  
20 of campaign practices is extended from June 30, 1980, to  
21 January 1, 1981.

22 (2) Subsequent commissioners shall be appointed by the  
23 governor to a 6-year term of office beginning January 1,  
24 1981.

25 (3) The names of recommended individuals provided for

1 in 13-37-102 shall be submitted to the governor no later  
2 than November 1, 1980.

-End-

Approved by Committee  
on Judiciary

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However ~~if a majority of the members of the selection~~  
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~~Montana supreme court shall appoint a fifth public member to  
the selection committee. The majority of the five members of  
the selection committee shall then select the commissioner.~~

(2) The commissioner of campaign finances and  
practices is entitled to receive an annual salary of  
\$21,000. The salary commission may recommend salary  
increases to the legislature.

~~(3) The individual selected to serve as commissioner  
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serve as the commissioner of campaign finances and  
practices.

(2) ~~The individual selected to serve as commissioner  
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6 confirmed by the senate, but a nomination made while the  
7 senate is not in session shall be effective as an  
8 appointment until the end of the next session.

9 (2) An individual who is selected to serve out the  
10 unexpired term of a preceding commissioner ~~is entitled to be~~  
11 ~~reappointed for a 5-year term as provided in 13-37-102(1)~~  
12 and who has served 3 years or more of an unexpired term is  
13 not eligible for reappointment.

14 (3) An individual who is selected to serve out the  
15 unexpired term of a preceding commissioner and who has  
16 served less than 3 years may be reappointed for a 6-year  
17 term as provided in 13-37-102(1)."

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~~Montana supreme court shall appoint a fifth public member to the selection committee. The majority of the five members of the selection committee shall then select the commissioner.~~

(2) The commissioner of campaign finances and practices is entitled to receive an annual salary of \$21,000. The salary commission may recommend salary increases to the legislature.

(3) The individual selected to serve as commissioner of campaign finances and practices may be removed by the governor prior to the expiration of the term only for incompetency, malfeasance, or neglect of duty. The sufficiency of such causes shall be subject to judicial review."

Section 2. Section 13-37-103, MCA, is amended to read:

"13-37-103. Term of office -- limitations on holding other office. (1) The individual selected to serve as the commissioner of campaign finances and practices is appointed for a 5-year ~~6-year~~ term, but he is thereafter ineligible to serve as the commissioner of campaign finances and practices.

(2) The individual selected to serve as commissioner of campaign finances and practices and is precluded from being a candidate for public office as defined in 13-1-101 for a period of 5 years from the time that his term as commissioner expires he leaves office as commissioner."

1 Section 3. Section 13-37-104, MCA, is amended to read:

2 "13-37-104. Vacancy. ~~111~~ If for any reason a vacancy  
 3 occurs in the position of commissioner, a successor shall be  
 4 appointed within 30 days as provided in 13-37-102(1) to  
 5 serve out the unexpired term. ~~Every nomination shall be~~  
 6 ~~confirmed by the senate, but a nomination made while the~~  
 7 ~~senate is not in session shall be effective as an~~  
 8 ~~appointment until the end of the next session.~~

9 (2) An individual who is selected to serve out the  
 10 unexpired term of a preceding commissioner ~~is entitled to be~~  
 11 ~~reappointed for a 5-year term as provided in 13-37-102(1)~~  
 12 ~~and who has served 3 years or more of an unexpired term is~~  
 13 ~~not eligible for reappointment.~~

14 ~~(3) An individual who is selected to serve out the~~  
 15 ~~unexpired term of a preceding commissioner and who has~~  
 16 ~~served less than 3 years may be reappointed for a 6-year~~  
 17 ~~term as provided in 13-37-102(1).~~"

18 Section 4. Transition -- term extended -- appointment.

19 (1) The current 5-year term of office for the commissioner  
 20 of campaign practices is extended from June 30, 1980, to  
 21 January 1, 1981.

22 (2) Subsequent commissioners shall be appointed by the  
 23 governor to a 6-year term of office beginning January 1,  
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Section 1. Section 13-37-102, MCA, is amended to read:

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~~within 30 days after a vacancy occurs or a term expires, the Montana supreme court shall appoint a fifth public member to the selection committee. The majority of the five members of the selection committee shall then select the commissioner. (2) The commissioner of campaign finances and practices is entitled to receive an annual salary of \$21,000. The salary commission may recommend salary increases to the legislature.~~

(2) The individual selected to serve as commissioner of campaign finances and practices may be removed by the governor prior to the expiration of the term only for incompetence, malfeasance, or neglect of duty. The sufficiency of such causes shall be subject to judicial review."

Section 2. Section 13-37-103, MCA, is amended to read:

"13-37-103. Term of office -- limitations on holding other office. (1) The individual selected to serve as the commissioner of campaign finances and practices is appointed for a 5-year ~~6-year~~ term, but he is thereafter ineligible to serve as the commissioner of campaign finances and practices.

(2) ~~The individual selected to serve as commissioner of campaign finances and practices~~ and is precluded from being a candidate for public office as defined in 13-1-101 for a period of 5 years from the time that his term as

1 commissioner-expires he leaves office as commissioner."

2 SECTION 3. THERE IS A NEW MCA SECTION THAT READS:

3 Salary. (1) The commissioner of campaign finances and  
4 practices is entitled to receive an annual salary of  
5 \$22,000.

6 (2) The salary commission must review the  
7 commissioner's salary and may recommend salary increases to  
8 the legislature.

9 Section 4. Section 13-37-104, MCA, is amended to read:

10 "13-37-104. Vacancy. (1) If for any reason a vacancy  
11 occurs in the position of commissibner, a successor shall be  
12 appointed within 30 days as provided in 13-37-102(1) to  
13 serve out the unexpired term. Every nomination shall be  
14 confirmed by the senate, but a nomination made while the  
15 senate is not in session shall be effective as an  
16 appointment until the end of the next session.

17 (2) An individual who is selected to serve out the  
18 unexpired term of a preceding commissioner ~~is entitled to be~~  
19 ~~reappointed for a 5-year term as provided in 13-37-102(1)~~  
20 ~~and who has served 3 years or more of an unexpired term is~~  
21 ~~not eligible for reappointment.~~

22 (3) An individual who is selected to serve out the  
23 unexpired term of a preceding commissioner and who has  
24 served less than 3 years may be reappointed for a 6-year  
25 term as provided in 13-37-102(1)."

1 Section 5. Transition -- term extended -- appointment.

2 (1) The current 5-year term of office for the commissioner  
3 of campaign practices is extended from June 30, 1980, to  
4 January 1, 1981.

5 ~~(2) IF FOR ANY REASON, A VACANCY OCCURS IN THE~~  
6 ~~POSITION OF COMMISSIONER DURING THE CURRENT TERM ENDING~~  
7 ~~DECEMBER 31, 1980, THE INDIVIDUAL SERVING AS THE~~  
8 ~~COMMISSIONER ON THE EFFECTIVE DATE OF THIS ACT MAY BE~~  
9 ~~REAPPOINTED TO SERVE OUT THE UNEXPIRED TERM, BUT HE IS~~  
10 ~~HEREAFTER INELIGIBLE TO SERVE AS THE COMMISSIONER.~~

11 ~~(2)(1) Subsequent commissioners shall be appointed by~~  
12 ~~the governor to a 6-year term of office beginning January 1,~~  
13 ~~1981.~~

14 ~~(3)(1) The names of recommended individuals provided~~  
15 ~~for in 13-37-102 shall be submitted to the governor no later~~  
16 ~~than November 1, 1980.~~

17 SECTION 6. EFFECTIVE DATE. THIS ACT SHALL BECOME  
18 EFFECTIVE UPON PASSAGE AND APPROVAL.

-End-

March 8, 1979

SENATE STANDING COMMITTEE REPORT  
(State Administration)

That House Bill No. 456 be amended as follows:

1. Title, line 9.

Following: "DATE"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3

Following: line 21

Insert: "(2) If, for any reason, a vacancy occurs in the position of commissioner during the current term ending December 31, 1980, the individual serving as the commissioner on the effective date of this act may be reappointed to serve out the unexpired term, but he is thereafter ineligible to serve as the commissioner."

Re-number: all subsequent subsections

3. Page 4

Following: line 2

Insert: "Section 5. Effective date. This act shall become effective upon passage and approval."

SENATE STANDING COMMITTEE REPORT  
(State Administration)

That House Bill No. 456, third reading bill, be amended as follows:

1. Page 2, lines 4 through 7.

Strike: lines 4 through 7 in their entirety

Renumber: subsequent subsection

2. Page 2

Following: line 25

Insert: "Section 3. THERE IS A NEW MCA SECTION THAT READS:

Salary. (1) The commissioner of campaign finances and practices is entitled to receive an annual salary of \$22,000.

(2) The salary commission must review the commissioner's salary and may recommend salary increases to the legislature." "

Renumber: subsequent sections