CHAPTER NO. 483

.....

ł

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 SENA	ATE
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
March 26, 1979
March 29, 1979
March 29, 1979
March 30, 1979
March 30, 1979
March 30, 1979
Reported correctly enrolled.

LC 1191/01

ł INTRODUCED BY 2 3

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

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: *13-37-102, Creation of office. (1) There is a 13 commissioner of campaign finances and practices who is 14 15 appointed by the governor, subject to confirmation by a majority of a the senate. A four-member selection committee 16 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 acree upon each nomination. 23 Howevery--if--a--majority--of--tha--members-of-the-selection committee-cannot-ogree-upon-the-selection-of-a--commissioner 24 within-30-dovs-ofter-a-vacancy-occurs-or-o-tera-expiresy-the 25

Montana-supreme-court-shall-appoint-a-fifth-public-member-to 1 the-selection-committees-The-majority-of-the-five-members-of 2 the--setection-committee-shall-then-setect-the-commissioners 3 of campaign finances and (2) The commissioner practices is entitled to receive an annual salary of 5 \$21,000. The salary commission may recommend salary 7 increases to the legislature. [3] The individual selected to serve as compissioner A of campaign finances and practices may be removed by the Q 10 governor prior to the expiration of the term only for incompetence, malfeasance, or neglect of duty. The 11 sufficiency of such causes shall be subject to judicial 12 review." 13 Section 2. Section 13-37-103, MCA, is amended to read: 14 #13-37-103. Term of office -- limitations on holding 15 other office. (1) The individual selected to serve as the 16 commissioner of campaign finances and practices is appointed 17 for a 5-year berger term, but he is thereafter ineligible to 18 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

for a period of 5 years from the time that his--term-as commissioner-expires he leaves office as commissioner.* 25

being a candidate for public office as defined in 13-1-101

23

24

-2-INTRODUCED BILL HRYSE

LC 1191/01

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 appointed within 30 days as provided in 13-37-102(1) to 4 serve out the unexpired term. Every nomination shall be 5 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 served less than 3 years may be reappointed for a 6-year 16 term as provided in 13-37-102(1). 17 Section 4. Transition -- term extended -- appointment. 18 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

LC 1191/01

. . .

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

-End-

46th Legislature

HB 0456/02

× 1.

Approved by Committee on Judiciary

1	HOUSE BILL NO. 456
2	INTRODUCED BY EUDAILY, SCULLY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF
5	APPDINTMENT 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 t-ANO-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 <u>the governor, subject to confirmation by</u> a
16	majority of a <u>the senates A</u> four-member selection committee
17	whichis comprised of the speaker of the house, the
13	president of the senate, and the minority floor leaders of
19	both houses of the legislature <u>shall submit to the governor</u>
20	<u>a list of not less than two or more than five names of</u>
21	individuals_for_his_consideration_ A_majority_of_the_members
22	<u>of the selection committee shall agree upon each nomination</u> .
23	Howeveryifamajorityofthemembars-of-the-selection
24	committee-connot-ogree-upon-the-selection-of-ocommissioner
25	within-30-days-after-a-vocancy-occurs-or-a-term-expiresv-the

HB 0456/02

•

ı	Montana-suprema-court-shall-appoint-a-fifth-public-member-to
2	the-selection-committeeThe-majority-of-the-five-members-of
3	theselection-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 complexioner
9	of campaign finances and practices may be removed by the
10	<u>governor prior to the expiration of the term only for</u>
11	incompetences malfeasances or neglect of dutys. The
12	sufficiency_of_such_causes_shall_be_subject_to_judicial
13	Leviewe"
14	Section 2. Section 13-37-103. HCA, 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 <u>b-year</u> tarm, but he is thereafter ineligible to
19	serve as the commissioner of campaign finances and
20	practices_
21	121Ibeindividualselected_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-os
25	commissioner-expires <u>he leaves office as commissioner</u> ."

-2- HB 456 SECOND READING

	Section 3. Section 13-37-104, MCA, is amended to read:
	*13-37-104• Vacancy• <u>(11</u> If for any reason a vacancy
c	occurs in the position of commissioner+ a successor shall be
a	appointed within 30 days as provided in 13-37-102(1) to
5	serve out the unexpired term. <u>Every nomination shall be</u>
2	confirmed_by_the_senatebut_aoominationmadewhilethe
â	<u>senateisoot_iosessionshallbeeffectiveasan</u>
ś	appointment watil the end of the pext sessions
	[2] An individual who is selected to serve out the
u	unexpired term of a preceding commissioner is-entitled-to-be
۲	reappointedfora5-year-term-as-provided-in-t3-37-t02ftj
a	and who has served 3 years or more of an unexpired term is
ם	not elicible for reappointment.
	[3] An individual who is selected to serve out the
U	unexpired term of a preceding commissioner and who has
-	mexpired_term of _a_preceding_compissioner_and_who_bas
s	served less than 3 years may be reappointed for a servear
s	
s	served less than 3 years may be reappointed for a gryear
s	served less than 3 years may be reappointed for a 6-year term as provided in 13-37-102(1)."
s t (Served less than 3 years may be reappointed for a 6-year tarm as provided in 13-37-102(1)." Section 4. Transition term extended appointment.
2 1 (0	served less than 3 years may be reappointed for a 6-year tarm as provided in 13-37-102(1)" Section 4. Transition term extended appointment. [1] The current 5-year term of office for the commissioner
2 1 (0	served less than 3 years may be reappointed for a 6-year tarm as provided in 13-37-102(11a" Section 4. Transition term extended appointment. [1] The current 5-year term of office for the commissioner of campaign practices is extended from June 30, 1980, to
2 1 0 1	served less than <u>3 years may be reappointed for a 6-year</u> tarm as provided in <u>13-37-102(1)</u> ^a Section 4. Transition — term extended — appointment. [1] The current 5-year term of office for the commissioner of campaign practices is extended from June 30, 1980, to Hanuary 1, 1981.
2 2) (, , , , , , , , , , , , , , , , , ,	Served less than 3 years may be reappointed for a 6-year term as provided in 13-37-102(1)* Section 4. Transition term extended appointment. (1) The current 5-year term of office for the commissioner of campaign practices is extended from June 30, 1980, to Hanuary 1, 1981. (2) Subsequent commissioners shall be appointed by the section of the commissioner of the commissioner of the section of the s
2 2) (, , , , , , , , , , , , , , , , , ,	<pre>served less than 3 years may be reappointed for a 6-year term as provided in 13-37-102(11x" Section 4. Transition term extended appointment. (1) The current 5-year term of office for the commissioner of campaign practices is extended from June 30, 1980, to January 1, 1981. (2) Subsequent commissioners shall be appointed by the povernor to a 6-year term of office beginning January 1,</pre>

l

1 in 13-37-102 shall be submitted to the governor no later

-4-

2 than November 1, 1980.

-End-

¢.

-3-

HB 456

۲

÷ ,

5

HB 0456/02

23

24

1	HOUSE BILL NO. 456
-	
2	INTRODUCED BY EUDAILY, SCULLY
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	.RACTICES; 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, MCAt-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, NCA, 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 governors subject to confirmation by a
16	majority of a <u>the senate. A</u> four-member selection committee
17	whichis 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 <u>shall_submit_to_the_governor</u>
20	a list of not less than two or more than five names of
21	individuals_for_bis_consideration.A_majority_of_the_members
22	of the selection committee shall agree upon each nomination.
23	Howevervifamajorityafthemembers-of-the-satection
24	committee-cannot-agrae-upon-the-selection-of-acommissioner
25	within-30-days-after-o-vacancy-occurs-or-o-term-expires.the

۰.,

× ¥ ¹ = ¥ ∳

1	Montono-supreme-court-shall-appoint-a-fifth-public-member-to
2	the-selection-committees-The-majority-of-the-five-mombers-of
3	theselection-committee-shell-then-select-the-commissioners
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
1	increases to the legislature.
8	(3) The individual selected to serve as compissioner
9	of campaign_finances_and_practices_mayberemovedbythe
10	governor_prior_to_the_expiration_of_the_term_only_for
11	incompetences_malfeasances_orneglectofdutysIbe
12	sufficiency_of_such_causes_shall_be_subject_to_judicial
13	Lexiew."
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 <u>b-year</u> tarm, but he is thereafter ineligible to
19	serve as the commissioner of campaign finances and
20	practicesa
21	121Theindividualselected_to_serve_as_compissioner
22	of campaign finances and practices and is precluded from

¥

for a period of 5 years from the time that his--term--os 25 commissioner-expires he leaves office as commissioner."

-2-

being a candidate for public office as defined in 13-1-101

HB 456 THIRD READING

HB 456

1	Section 3. Section 13-37-104, MCA, is amended to read:
2	*13-37-104. Vacancy. <u>(1)</u> 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 senates but a comination made while the
7	separeisootiosessionshallbeeffectiveasan
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-a5-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

a the second second

-3-

1 in 13-37-102 shall be submitted to the governor no later

-4-

8 🐐 - y 🔥 - x - x - x - x - * - -

2 than November 1, 1980.

-End-

HB 0456/02

46th Legislature

HB 0456/03

1

1 HOUSE BILL NO. 456 INTRODUCED BY EUDAILY, SCULLY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD OF 4 APPOINTMENT OF THE COMMISSIONER OF CAMPAIGN FINANCES AND 5 PRACTICES: TO REVISE THE TERM OF OFFICE; AND TO PROVIDE FOR 6 TRANSITION BY EXTENDING THE TERN OF THE CURRENT COMMISSIONER 7 TO JANUARY 1, 1981; AMENDING SECTIONS 13-37-102 THROUGH 8 9 13-37-104. MCAt--AND--PROVIDING--AN--EFFEETIVE--DATE:__AND PROVIDING AN IMMEDIATE 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 14 "13-37-102. Creation of office. (1) There is a commissioner of campaign finances and practices who is 15 appointed by the governor, subject to confirmation by a 16 17 majority of a the senate A four-member selection committee which--is comprised of the speaker of the house, the 18 19 president of the senate, and the minority floor leaders of 20 both houses of the legislature shall submit to the governor 21 a list of not less than two or more than five names of 22 individuals for bis consideration. A majority of the members 23 of the selection committee shall agree upon each nomination. 24 Howevery-if-a-majority--of--the--members--of--the--selection 25 committee--connot-agree-upon-the-selection-of-s-commissioner

HB 0456/03

1	within-30-days-after- <u>a-vacancy-occurs-or-a-term-expiresy</u> -the
2	Hontana-supreme-court-sha ll-appoint-a-fifth-public-member-to
3	the-selection-committees-The-majority-of-the-five-members-of
4	the-selection-committee-shall-then-select-thecommissionerv
5	t2)Thecommissionerofcompaignfinancesand
6	practicesisantitladtoreceivean-annualsalaryof
7	#21+000+Thesolarycommissionmayrecommendsolary
8	increases-to-the-legislature.
9	<u> 131(2)Iheindividualselectedtoserveas</u>
10	commissioner_of_campaign_finances_and_practices_may_be
11	removed_by_the_governor_prior_to_the_expiration_of_theterm
12	oolyfor_iocompetences_malfeasances_or_neglect_of_dutys_The
13	sufficiency_of_such_causessballbesubjecttojudicial
14	CEYIEW."
15	Section 2. Section 13-37-103. MCA. is amended to read:
16	#13-37-103. Term of office limitations on holding
17	other office. [1] The individual selected to serve as the
18	commissioner of campaign finances and practices is appointed
19	for a 5-year <u>6-year</u> term, but he is thereafter ineligible to
20	serve as the commissioner of campaign finances and
21	practices_
22	[2]Ibe_individual_selected_to_serve_ascommissioner
23	ofcampaignfinancesandpractices and is precluded from
24	being a candidate for public office as defined in 13-1-101
25	for a period of 5 years from the time that his-term-os

-2- HB 456 REFERENCE BILL

HB 0456/03

1	commissioner-expires <u>be_leaves_office_as_commissioner</u> ."
2	SECTION_3THERE_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。 <u>fll</u> If for any reason a vacancy
11	occurs in the position of commissioner, 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_senates_but_a_nomination_made_while_the
15	senate_is_not_in_session_shall_be_effectiveasan
16	appointment_until_the_end_of_the_next_session.
17	<u>121</u> 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-asprovidedin13-37-102(1)
20	andwbobas_served_3_years_or_more_of_an_unexpired_term_is
21	not_eligible_for_reappointment.
22	131An_individual_who_is_selectedtoserveoutthe
23	unexpired_ters_ofa_preceding_commissioner_and_who_bas
24	served_less_than_3_years_may_bereappointed_fora6-year
25	term_as_provided_ip_13-37-102(1)_**

-3-

HB 456

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

121 IE+ EOR ANY BEASON+ A VACANCY OCCURS IN THE 5 6 POSITION OF COMMISSIONER _____ DURING ____ THE ____ CURRENT ___ TERM ___ ENDING 7 DECEMBER 31. 1980. THE INDIVIDUAL SERVING AS THE COMMISSIONER ON THE EFFECTIVE DATE OF THIS ACT MAY BE 8 9 REAPPOINTED TO SERVE OUT THE UNEXPIRED TERM+ BUT HE IS 10 INEREAFTER INELIGIBLE TO SERVE AS THE COMMISSIONER. 11 {2}[3] Subsequent commissioners shall be appointed by 12 the governor to a 6-year term of office beginning January 1. 13 1981. 14 (3)(4) The names of recommended individuals provided

14 197141 The names of recommended individuars 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 EFECTIVE UPON PASSAGE AND APPROVAL.

-End-

HB 0456/03

-4-

HB 456

SENATE STANDING COMMITTEE REPORT (State Administration)

That House Bill No. 456 be amended as follows:

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."

 Renumber: all subsequent subsections
 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