

HOUSE BILL NO. 346

INTRODUCED BY KEENAN, METCALF, DOZIER

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

IN THE HOUSE

January 18, 1983	Introduced and referred to Committee on State Administration.
January 28, 1983	Committee recommend bill do pass. Report adopted.
January 29, 1983	Bill printed and placed on members' desks.
February 1, 1983	Second reading, do pass.
February 2, 1983	Considered correctly engrossed.
February 3, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 4, 1983	Introduced and referred to Committee on State Administration.
March 2, 1983	Committee recommend bill be concurred in. Report adopted.
March 4, 1983	Second reading, pass consideration.
March 5, 1983	Second reading, concurred in.
March 8, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 8, 1983

Returned to House.

March 9, 1983

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *346*
 2 INTRODUCED BY *Keenan Nuttall Day*
 3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE
 6 REQUIREMENT THAT STATE AGENCIES AND THE GOVERNOR SUBMIT
 7 CERTAIN REPORTS; AMENDING SECTIONS 1-12-104, 2-7-103,
 8 2-15-201, 2-15-401, 2-15-501, 20-3-105, 20-25-301, 22-1-503,
 9 22-2-106, 37-1-106, 39-51-301, 39-71-209, AND 69-14-115,
 10 MCA; AND REPEALING SECTION 2-7-102, MCA."

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

13 Section 1. Section 1-12-104, MCA, is amended to read:

14 "1-12-104. Duties of commissioners. (1) Each
 15 commissioner shall attend the meeting of the national
 16 conference of commissioners on uniform state laws and, both
 17 in and out of such national conference, shall do all in his
 18 power to promote uniformity in state laws upon all subjects
 19 where uniformity may be deemed desirable and practicable.

20 ~~(2) Said commission shall report as provided in~~
 21 ~~2-7-102.~~

22 ~~(3) (2)~~ It shall also be the duty of said commission to
 23 bring about as far as practicable the uniform judicial
 24 interpretation of all uniform laws."

25 Section 2. Section 2-7-103, MCA, is amended to read:

1 "2-7-103. Review by governor of executive branch --
 2 report to legislature. (1) The office of the governor shall
 3 continuously study and evaluate the organizational
 4 structure, management practices, and functions of the
 5 executive branch and of each agency. The governor shall, by
 6 executive order or other means within the authority granted
 7 to him, take action to improve the manageability of the
 8 executive branch.

9 ~~(2) The governor shall submit a report to each regular~~
 10 ~~legislative session concerning the duties of his office~~
 11 ~~under subsection (1) of this section and his~~
 12 ~~recommendations, if any, for the transfer of functions~~
 13 ~~between agencies, the elimination of unnecessary functions,~~
 14 ~~or other recommendations to improve the manageability of the~~
 15 ~~executive branches."~~

16 Section 3. Section 2-15-201, MCA, is amended to read:

17 "2-15-201. Powers and duties of governor. In addition
 18 to the duties prescribed by the constitution, the governor
 19 shall perform the following duties:

20 (1) He shall supervise the official conduct of all
 21 executive and ministerial officers.

22 (2) He shall see that all offices are filled and the
 23 duties thereof performed or, in default thereof, apply such
 24 remedy as the law allows. If the remedy is imperfect, he
 25 shall acquaint the legislature therewith at its next

INTRODUCED BILL

1 session.

2 (3) He shall make the appointments and supply the
3 vacancies as required by law.

4 (4) He is the sole official organ of communication
5 between the government of this state and the government of
6 any other state or of the United States.

7 (5) Whenever any suit or legal proceeding is pending
8 against this state or which may affect the title of this
9 state to any property or which may result in any claim
10 against the state, he may direct the attorney general to
11 appear on behalf of the state and may employ such additional
12 counsel as he may judge expedient.

13 (6) He may require the attorney general or county
14 attorney of any county to inquire into the affairs or
15 management of any corporation existing under the laws of
16 this state.

17 (7) He may require the attorney general to aid the
18 county attorney in the discharge of his duties.

19 (8) He may offer rewards not exceeding \$1,000 each,
20 payable out of the general fund, for the apprehension of any
21 convict who has escaped from the state prison or any person
22 who has committed or is charged with an offense punishable
23 by death.

24 (9) He shall perform such duties respecting fugitives
25 from justice as are prescribed by Title 46, chapter 30.

1 (10) He shall issue land warrants and patents, as
2 prescribed in 77-2-342.

3 ~~(11) He shall prepare a biennial report pursuant to~~
4 ~~2-7-192.~~

5 ~~(12) (11)~~ He may require any officer or board to make
6 special reports to him, upon demand, in writing.

7 ~~(13) (12)~~ He shall discharge the duties of member of the
8 board of examiners, of nonvoting ex officio member of the
9 state board of education, and of member of the board of land
10 commissioners.

11 ~~(14) (13)~~ He has the other powers and must perform the
12 other duties as are devolved upon him by this code or any
13 other law of this state."

14 Section 4. Section 2-15-401, MCA, is amended to read:

15 "2-15-401. Duties of secretary of state. In addition
16 to the duties prescribed by the constitution, it is the duty
17 of the secretary of state to:

18 (1) attend at every session of the legislature for the
19 purpose of receiving bills and resolutions and to perform
20 such other duties as may be devolved upon him by resolution
21 of the two houses or either of them;

22 (2) keep a register of and attest the official acts of
23 the governor, including all appointments made by him, with
24 date of commission and names of appointees and predecessors;

25 (3) affix the great seal, with his attestation, to

1 commissions, pardons, and other public instruments to which
2 the official signature of the governor is required;

3 (4) record in proper books all conveyances made to the
4 state and all articles of incorporation filed in his office;

5 (5) take and file in his office receipts for all books
6 distributed by him and direct the county clerk of each
7 county to do the same;

8 (6) certify to the governor the names of those persons
9 who have received at any election the highest number of
10 votes for any office, the incumbent of which is commissioned
11 by the governor;

12 (7) furnish, on demand, to any person paying the fees
13 therefor, a certified copy of all or any part of any law,
14 record, or other instrument filed, deposited, or recorded in
15 his office;

16 (8) keep a fee book in which must be entered all fees,
17 commissions, and compensation of whatever nature or kind by
18 him earned, collected, or charged, with the date, name of
19 payer, paid or unpaid, and the nature of the service in each
20 case, which book must be verified annually by his affidavit
21 entered therein;

22 (9) file in his office descriptions of seals in use by
23 the different state officers;

24 (10) discharge the duties of member of the board of
25 examiners and of the board of land commissioners and all

1 other duties required of him by law;

2 ~~{11} report to the governor as prescribed in 2-7-102;~~

3 ~~{12} {11}~~ register marks as provided in Title 30,

4 chapter 13, part 3;

5 ~~{13} {12}~~ report annually to the legislative council all
6 changes of names received pursuant to 27-31-205 for
7 publication in the Laws of Montana;

8 ~~{14} {13}~~ report annually to the legislative council all
9 watercourse name changes received pursuant to 85-2-134 for
10 publication in the Laws of Montana;

11 ~~{15} {14}~~ keep a register of all applications for pardon
12 or for commutation of any sentence, with a list of the
13 official signatures and recommendations in favor of each
14 application."

15 Section 5. Section 2-15-501, MCA, is amended to read:

16 "2-15-501. General duties. It is the duty of the
17 attorney general:

18 (1) to attend the supreme court and prosecute or
19 defend all causes to which the state or any officer thereof
20 in his official capacity is a party and all causes to which
21 any county may be a party unless the interest of the county
22 is adverse to the state or some officer thereof acting in
23 his official capacity;

24 (2) after judgment in any of the causes referred to in
25 the preceding subsection, to direct the issuing of such

1 process as may be necessary to carry the same into
2 execution;

3 (3) to account for and pay over to the proper officer
4 all moneys which may come into his possession belonging to
5 the state or to any county;

6 (4) to keep a register of all cases in which he is
7 required to appear, which must during business hours be open
8 to the inspection of the public. The register must show the
9 county, district, and court in which the cases have been
10 instituted and tried and whether they are civil or criminal.
11 If civil, the register must show the nature of the demand,
12 the stage of proceedings and, when prosecuted to judgment, a
13 memorandum of the judgment, of any process issued thereon,
14 and whether satisfied or not. If not satisfied, the register
15 must show the return of the sheriff. If criminal, the
16 register must show the nature of the crime, the mode of
17 prosecution, the stage of proceedings and, when prosecuted
18 to sentence, a memorandum of the sentence and of the
19 execution thereof, if the same has been executed, and if not
20 executed, of the reason of the delay or prevention. The
21 attorney general must deliver the same to his successor in
22 office.

23 (5) to exercise supervisory powers over county
24 attorneys in all matters pertaining to the duties of their
25 offices and from time to time require of them reports as to

1 the condition of public business entrusted to their charge.
2 The supervisory powers granted to the attorney general by
3 this subsection include the power to order and direct county
4 attorneys in all matters pertaining to the duties of their
5 office. The county attorney must, when ordered or directed
6 by the attorney general, promptly institute and diligently
7 prosecute in the proper court and in the name of the state
8 of Montana any criminal or civil action or special
9 proceeding.

10 (6) when required by the public service or directed by
11 the governor, to assist the county attorney of any county in
12 the discharge of his duties;

13 (7) to give his opinion in writing, without fee, to
14 the legislature or either house thereof, to any state
15 officer, board, or commission, to any county attorney, to
16 the city attorney of any city or town, and to the board of
17 county commissioners of any county of the state when
18 required upon any question of law relating to their
19 respective offices. He shall give any such opinion within 3
20 months following the date it is requested unless he
21 certifies in writing to the requesting party that the
22 question is of sufficient complexity to require additional
23 time. If an opinion issued by the attorney general conflicts
24 with an opinion issued by a city attorney, county attorney,
25 or an attorney employed or retained by any state officer,

board, commission, or department, the attorney general's opinion shall be controlling unless overruled by a state district court or the supreme court.

(8) to bid upon and purchase in the name of the state and under the direction of the board of investments any property offered for sale under execution issued upon judgments in favor of or for the use of the state and to enter satisfaction, in whole or in part, of such judgments as the consideration for such purchases;

(9) whenever the property of a judgment debtor in any judgment mentioned in the preceding subsection has been sold under a prior judgment or is subject to any judgment, lien, or encumbrance taking precedence of the judgment in favor of the state, under the direction of the board of investments, to redeem such property from such prior judgment, lien, or encumbrance. All sums of money necessary for such redemption must be paid out of any money appropriated for such purposes.

(10) when in his opinion it is necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as are necessary to set aside and annul all conveyances fraudulently made by such judgment debtors, the cost necessary to the prosecution must be paid out of any appropriations for the prosecution

of delinquents;

(11) to discharge the duties of a member of the board of examiners and state board of land commissioners and other duties prescribed by law;

~~(12) to report to the governor at the time prescribed by 2-7-102, the condition of the affairs of his department and to accompany the same with a copy of his docket and of the reports received by him from county attorneys;~~

~~(13)~~ (12) to prescribe the form of blanks to be used by the clerks of the district courts in issuing commitments to the several state institutions, admission to which requires a court commitment."

Section 6. Section 20-3-105, MCA, is amended to read: "20-3-105. Administrative powers and duties. In administering the affairs of his office, the superintendent of public instruction shall have the power and it shall be his duty to:

(1) keep a record of his official acts and all documents applicable to the administration of the office, preserve all official reports submitted to him for the period required by law, and surrender them to his successor at the expiration of his term;

(2) preserve all books, educational media, instructional equipment, and any other articles of educational interest and value which come into his

1 possession and surrender them to his successor at the
2 expiration of his term;

3 (3) cause the printing and distribution of all reports
4 and forms necessary for the proper conduct of business by a
5 district or school in the manner prescribed by the
6 provisions of this title;

7 (4) provide and keep an official seal of the
8 superintendent of public instruction by which his official
9 acts shall be authenticated;

10 (5) whenever he deems necessary but not more than once
11 every 4 years, cause the printing of a complete and updated
12 volume of the school laws of the state which shall be
13 offered and sold at cost of the printing and shipping to any
14 school official or other person;

15 (6) whenever a replacement volume is not printed under
16 the provisions of subsection (5), cause the printing of a
17 cumulative supplement to the most recent volume of school
18 laws immediately after the conclusion of any session of the
19 legislature at which new school laws or amendments to the
20 school laws were adopted. It shall be offered and sold at
21 cost of the printing and shipping to any school official or
22 other person.

23 ~~(7) submit a written report to the governor of his~~
24 ~~activities during the immediately preceding fiscal biennium~~
25 ~~in accordance with the provisions of 2-7-102;~~

1 ~~(8)(11)~~ if deemed necessary, publish a biennial report
2 of the superintendent of public instruction ~~as prescribed~~
3 ~~by 2-7-102;~~

4 ~~(9)(11)~~ counsel with and advise county superintendents
5 on matters involving the welfare of the schools and, when
6 requested, give a county superintendent a written answer to
7 any question concerning school law;

8 ~~(10)(11)~~ call an annual meeting of the county
9 superintendents when he deems it advisable;

10 ~~(11)(11)~~ as far as he shall find it practicable,
11 address public assemblies on subjects pertaining to
12 education in Montana; and

13 ~~(12)(11)~~ faithfully work in all practical and possible
14 ways for the welfare of the public schools of the state."

15 Section 7. Section 20-25-301, MCA, is amended to read:

16 "20-25-301. Regents' powers and duties. The board of
17 regents of higher education shall serve as regents of the
18 Montana university system, shall use and adopt this style in
19 all its dealings therewith, and shall:

20 (1) have general control and supervision of the units
21 of the Montana university system, which shall be considered
22 for all purposes one university;

23 (2) adopt rules, not inconsistent with the
24 constitution and the laws of the state, for its own
25 government which are proper and necessary for the execution

1 of the powers and duties conferred upon it by law;

2 (3) provide, subject to the laws of the state, rules

3 for the government of the system;

4 (4) grant diplomas and degrees to the graduates of the

5 system upon the recommendation of the faculties and have

6 discretion to confer honorary degrees upon persons other

7 than graduates upon the recommendation of the faculty of

8 such institutions;

9 (5) adopt and use an official seal in the

10 authentication of its acts;

11 (6) keep a record of its proceedings;

12 ~~(7) report as provided in 2-7-1921~~

13 ~~(8) (7)~~ have, when not otherwise provided by law,

14 control of all books, records, buildings, grounds, and other

15 property of the system;

16 ~~(9) (8)~~ receive from the board of land commissioners,

17 other boards, persons, or from the government of the United

18 States all funds, incomes, and other property the system may

19 be entitled to and use and appropriate the property for the

20 specific purpose of the grant or donation;

21 ~~(10) (9)~~ have general control of all receipts and

22 disbursements of the system;

23 ~~(11) (10)~~ appoint a president and faculty for each of

24 the institutions of the system, appoint any other necessary

25 officers, agents, and employees, and fix their compensation;

1 ~~(12) (11)~~ appoint an executive secretary of the system,

2 who shall not be a unit president, fix his term of office

3 and salary, and generally prescribe his duties. The

4 executive secretary is not a member of the board, but he

5 shall serve as the secretary for the regents.

6 ~~(13) (12)~~ appoint every 2 years a budget committee

7 composed of four members selected from the appointive

8 members of the regents which shall review the budget

9 requests presented by the units of the system and transmit

10 such requests and its recommendations to the regents;

11 ~~(14) (13)~~ confer upon the executive board of each of the

12 units of the system such authority as may be deemed

13 expedient relating to immediate control and management,

14 other than authority relating to financial matters or the

15 selection of the teachers, employees, and faculty;

16 ~~(15) (14)~~ confer, at the regents' discretion, upon the

17 president and faculty of each of the units of the system for

18 the best interest of the unit such authority relating to the

19 immediate control and management, other than financial, and

20 the selection of teachers and employees;

21 ~~(16) (15)~~ prevent unnecessary duplication of courses at

22 the units of the system;

23 ~~(17) (16)~~ investigate the needs of the units by each

24 member of the regents visiting each unit at least once each

25 year;

~~(17)~~(17) appoint a certified professional geologist or registered mining engineer as the director of the Montana state bureau of mines and geology, who shall be designated the state geologist, and appoint any other necessary assistants and employees and fix their compensation. The regents shall prepare a report to each regular session of the legislature showing the progress and condition of the bureau, including any other necessary or required information.

~~(18)~~(18) supervise and control the agricultural experiment station, along with any executive or subordinate board or authority which may be appointed by the governor with the advice and consent of the regents;

~~(19)~~(19) adopt a seal bearing on its face the words "Montana university system", which shall remain in the custody of the executive secretary and which shall be affixed to all diplomas and all other papers, instruments, or documents which may require it."

Section 8. Section 22-1-503, MCA, is amended to read:

"22-1-503. Authority of board. The powers and duties of said board are as follows:

(1) to make rules, not inconsistent with law, for the government of the board and for the government and administration of the state law library, including rules designating when and for what periods of time the library

shall be open to the public and the office hours of the library;

(2) to appoint a librarian and prescribe the duties of such librarian when not otherwise provided for by law;

(3) to sell or exchange duplicate copies of books and pay the moneys arising therefrom into the state law library fund;

(4) to see that the books and other properties of the library are maintained in good order and repair and are protected from theft or injury;

(5) to draw from the state treasury at any time when needed for the legitimate expenses in maintaining and operating the library and acquiring books, reports, journals, and other works and properties therefor, including complete sets of statutory laws and codified laws of the United States of America, of the several states of the union, and of other jurisdictions, any moneys in the fund and available for such purposes;

~~(6) to report as provided in 2-7-102;~~

~~(7)~~(6) to establish such lawful relations and working arrangements with the library of congress of the United States, with the copyright office therein, and with the superintendent of documents of the United States as may be for the benefit and advantage of the state law library and promote the acquisition of books and other works from such

sources as may be useful to those resorting to the facilities of the state law library."

Section 9. Section 22-2-106, MCA, is amended to read:

"22-2-106. Council duties. The duties of the council shall be to:

(1) encourage throughout the state the study and presentation of the arts and stimulate public interest and participation therein;

(2) cooperate with public and private institutions engaged within the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) foster public interest in the cultural heritage of our state and expand the state's cultural resources;

(4) encourage and assist freedom of artistic expression essential for the well-being of the arts;

~~(5) report as provided in 2-7-102."~~

Section 10. Section 37-1-106, MCA, is amended to read:

"37-1-106. Biennial report to governor and legislature. The department, in cooperation with each licensing board, shall prepare a biennial report. In

~~addition to the information prescribed by the governor under 2-7-102, the~~ biennial report of the department shall contain for each board a summary of the board's activities, the board's goals and objectives, a detailed breakdown of board revenues and expenditures, statistics illustrating board activities concerning licensing, summary of complaints received and their disposition, number of licenses revoked or suspended, legislative or court action affecting the board, and any other information the department or board considers relevant."

Section 11. Section 39-51-301, MCA, is amended to read:

"39-51-301. Administration -- duties and powers of department. (1) It shall be the duty of the department to administer this chapter and it shall have power and authority to adopt, amend, or rescind such rules, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. Such rules shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the department shall prescribe.

(2) The department shall determine its own organization and methods of procedure in accordance with the provisions of this chapter and shall have an official seal

1 which shall be judicially noticed.

2 ~~{3}--The--department--shall--report--as--provided--in~~
 3 ~~2-7-102--Such--report--shall--include--a--balance--sheet--of--the~~
 4 ~~money--in--the--fund--in--which--there--shall--be--provided--if~~
 5 ~~possible--a--reserve--against--the--liability--in--future--years--to~~
 6 ~~pay--benefits--in--excess--of--the--then--current--contributions,~~
 7 ~~which--reserve--shall--be--set--up--by--the--department--in~~
 8 ~~accordance--with--accepted--actuarial--principles--on--the--basis~~
 9 ~~of--statistics--of--employment--business--activity--and--other~~
 10 ~~relevant--factors--for--the--longest--possible--period.~~

11 {4}{1} Whenever the department believes that a change
 12 in contribution or benefit rates will become necessary to
 13 protect the solvency of the fund, it shall promptly so
 14 inform the governor and the legislature and make
 15 recommendations with respect thereto."

16 Section 12. Section 39-71-209, MCA, is amended to
 17 read:

18 "39-71-209. Publication of reports and bulletins
 19 authorized. The division shall have the power and authority
 20 to publish and distribute at its discretion from time to
 21 time--in--addition--to--its--report--required--by--2-7-102, such
 22 further reports and bulletins covering its operations,
 23 proceedings, and matters relative to its work as it may deem
 24 advisable."

25 Section 13. Section 69-14-115, MCA, is amended to

1 read:

2 "69-14-115. Investigation, enforcement, and report
 3 concerning railroad safety laws. (1) The commission shall:

4 (a) make inquiry into the observance by all railroads
 5 within this state of the laws of the United States and of
 6 Montana intended to safeguard the lives of the employees of
 7 persons or corporations engaged in operating the same;

8 (b) lay complaint before the proper state or federal
 9 officer, of any infraction of any of such laws; and

10 (c) prosecute before the proper court or tribunal any
 11 person guilty of violation of the penal provisions thereof.

12 (2) The commission shall in the an annual report
 13 required-by-2-7-102 set out what effort it has made to carry
 14 out the provisions of this section, with the result thereof,
 15 and in detail what steps it has taken to prosecute any
 16 violations of any such acts of which it has secured
 17 information. A copy of this annual report shall be mailed to
 18 the secretary of the department of transportation."

19 NEW SECTION. Section 14. Repealer. Section 2-7-102,
 20 MCA, is repealed.

-End-

STATE OF MONTANA

REQUEST NO. 182-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 22, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 346 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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:

House Bill 346 deletes the requirement that state agencies submit certain reports to the Governor and that the Governor prepares a biennial report to the legislature.

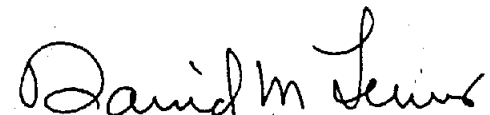
ASSUMPTIONS:

- 1) The cost of printing and distributing a biennial report would be \$3,150 (500 copies of a 120 page report).
- 2) The last biennial report was produced in 1979. None were issued in 1981. The Executive Budget recommendation does include a request for funds to publish the report in late 1983 (FY84).
- 3) While staff time is expanded in state agencies to prepare the report to the Governor and in the Governor's Office to compile these agency reports into the biennial report to the legislature, it is difficult to estimate the cost associated with these preparations.

FISCAL IMPACT:

If the report were issued, there would be printing and distribution costs of \$3,150 each biennium.

FISCAL NOTE 6:I/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-25-83

Approved by Committee
on State Administration

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2 (3) He shall make the appointments and supply the
3 vacancies as required by law.

4 (4) He is the sole official organ of communication
5 between the government of this state and the government of
6 any other state or of the United States.

7 (5) Whenever any suit or legal proceeding is pending
8 against this state or which may affect the title of this
9 state to any property or which may result in any claim
10 against the state, he may direct the attorney general to
11 appear on behalf of the state and may employ such additional
12 counsel as he may judge expedient.

13 (6) He may require the attorney general or county
14 attorney of any county to inquire into the affairs or
15 management of any corporation existing under the laws of
16 this state.

17 (7) He may require the attorney general to aid the
18 county attorney in the discharge of his duties.

19 (8) He may offer rewards not exceeding \$1,000 each,
20 payable out of the general fund, for the apprehension of any
21 convict who has escaped from the state prison or any person
22 who has committed or is charged with an offense punishable
23 by death.

24 (9) He shall perform such duties respecting fugitives
25 from justice as are prescribed by Title 46, chapter 30.

1 (10) He shall issue land warrants and patents, as
2 prescribed in 77-2-342.

3 ~~†††-He shall prepare a biennial report pursuant to~~
4 ~~2-7-182.~~

5 ~~††2†1111~~ He may require any officer or board to make
6 special reports to him, upon demand, in writing.

7 ~~††3†1121~~ He shall discharge the duties of member of the
8 board of examiners, of nonvoting ex officio member of the
9 state board of education, and of member of the board of land
10 commissioners.

11 ~~††4†1131~~ He has the other powers and must perform the
12 other duties as are devolved upon him by this code or any
13 other law of this state."

14 Section 4. Section 2-15-401, MCA, is amended to read:

15 "2-15-401. Duties of secretary of state. In addition
16 to the duties prescribed by the constitution, it is the duty
17 of the secretary of state to:

18 (1) attend at every session of the legislature for the
19 purpose of receiving bills and resolutions and to perform
20 such other duties as may be devolved upon him by resolution
21 of the two houses or either of them;

22 (2) keep a register of and attest the official acts of
23 the governor, including all appointments made by him, with
24 date of commission and names of appointees and predecessors;

25 (3) affix the great seal, with his attestation, to

1 commissions, pardons, and other public instruments to which
2 the official signature of the governor is required;

3 (4) record in proper books all conveyances made to the
4 state and all articles of incorporation filed in his office;

5 (5) take and file in his office receipts for all books
6 distributed by him and direct the county clerk of each
7 county to do the same;

8 (6) certify to the governor the names of those persons
9 who have received at any election the highest number of
10 votes for any office, the incumbent of which is commissioned
11 by the governor;

12 (7) furnish, on demand, to any person paying the fees
13 therefor, a certified copy of all or any part of any law,
14 record, or other instrument filed, deposited, or recorded in
15 his office;

16 (8) keep a fee book in which must be entered all fees,
17 commissions, and compensation of whatever nature or kind by
18 him earned, collected, or charged, with the date, name of
19 payer, paid or unpaid, and the nature of the service in each
20 case, which book must be verified annually by his affidavit
21 entered therein;

22 (9) file in his office descriptions of seals in use by
23 the different state officers;

24 (10) discharge the duties of member of the board of
25 examiners and of the board of land commissioners and all

1 other duties required of him by law;

2 ~~(11) report to the governor as prescribed in 2-7-102;~~

3 ~~(12) register marks as provided in Title 30,~~
4 chapter 13, part 3;

5 ~~(13) report annually to the legislative council all~~
6 changes of names received pursuant to 27-31-205 for
7 publication in the Laws of Montana;

8 ~~(14) report annually to the legislative council all~~
9 watercourse name changes received pursuant to 85-2-134 for
10 publication in the Laws of Montana;

11 ~~(15) keep a register of all applications for pardon~~
12 or for commutation of any sentence, with a list of the
13 official signatures and recommendations in favor of each
14 application."

15 Section 5. Section 2-15-501, MCA, is amended to read:
16 "2-15-501. General duties. It is the duty of the
17 attorney general:

18 (1) to attend the supreme court and prosecute or
19 defend all causes to which the state or any officer thereof
20 in his official capacity is a party and all causes to which
21 any county may be a party unless the interest of the county
22 is adverse to the state or some officer thereof acting in
23 his official capacity;

24 (2) after judgment in any of the causes referred to in
25 the preceding subsection, to direct the issuing of such

1 process as may be necessary to carry the same into
2 execution;

3 (3) to account for and pay over to the proper officer
4 all moneys which may come into his possession belonging to
5 the state or to any county;

6 (4) to keep a register of all cases in which he is
7 required to appear, which must during business hours be open
8 to the inspection of the public. The register must show the
9 county, district, and court in which the cases have been
10 instituted and tried and whether they are civil or criminal.
11 If civil, the register must show the nature of the demand,
12 the stage of proceedings and, when prosecuted to judgment, a
13 memorandum of the judgment, of any process issued thereon,
14 and whether satisfied or not. If not satisfied, the register
15 must show the return of the sheriff. If criminal, the
16 register must show the nature of the crime, the mode of
17 prosecution, the stage of proceedings and, when prosecuted
18 to sentence, a memorandum of the sentence and of the
19 execution thereof, if the same has been executed, and if not
20 executed, of the reason of the delay or prevention. The
21 attorney general must deliver the same to his successor in
22 office.

23 (5) to exercise supervisory powers over county
24 attorneys in all matters pertaining to the duties of their
25 offices and from time to time require of them reports as to

1 the condition of public business entrusted to their charge.
2 The supervisory powers granted to the attorney general by
3 this subsection include the power to order and direct county
4 attorneys in all matters pertaining to the duties of their
5 office. The county attorney must, when ordered or directed
6 by the attorney general, promptly institute and diligently
7 prosecute in the proper court and in the name of the state
8 of Montana any criminal or civil action or special
9 proceeding.

10 (6) when required by the public service or directed by
11 the governor, to assist the county attorney of any county in
12 the discharge of his duties;

13 (7) to give his opinion in writing, without fee, to
14 the legislature or either house thereof, to any state
15 officer, board, or commission, to any county attorney, to
16 the city attorney of any city or town, and to the board of
17 county commissioners of any county of the state when
18 required upon any question of law relating to their
19 respective offices. He shall give any such opinion within 3
20 months following the date it is requested unless he
21 certifies in writing to the requesting party that the
22 question is of sufficient complexity to require additional
23 time. If an opinion issued by the attorney general conflicts
24 with an opinion issued by a city attorney, county attorney,
25 or an attorney employed or retained by any state officer,

board, commission, or department, the attorney general's opinion shall be controlling unless overruled by a state district court or the supreme court.

(8) to bid upon and purchase in the name of the state and under the direction of the board of investments any property offered for sale under execution issued upon judgments in favor of or for the use of the state and to enter satisfaction, in whole or in part, of such judgments as the consideration for such purchases;

(9) whenever the property of a judgment debtor in any judgment mentioned in the preceding subsection has been sold under a prior judgment or is subject to any judgment, lien, or encumbrance taking precedence of the judgment in favor of the state, under the direction of the board of investments, to redeem such property from such prior judgment, lien, or encumbrance. All sums of money necessary for such redemption must be paid out of any money appropriated for such purposes.

(10) when in his opinion it is necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as are necessary to set aside and annul all conveyances fraudulently made by such judgment debtors, the cost necessary to the prosecution must be paid out of any appropriations for the prosecution

of delinquents;

(11) to discharge the duties of a member of the board of examiners and state board of land commissioners and other duties prescribed by law;

~~(12) to report to the governor at the time prescribed by 2-7-102 the condition of the affairs of his department and to accompany the same with a copy of his docket and of the reports received by him from county attorneys;~~

~~(13)~~ (12) to prescribe the form of blanks to be used by the clerks of the district courts in issuing commitments to the several state institutions, admission to which requires a court commitment."

Section 6. Section 20-3-105, MCA, is amended to read:

"20-3-105. Administrative powers and duties. In administering the affairs of his office, the superintendent of public instruction shall have the power and it shall be his duty to:

(1) keep a record of his official acts and all documents applicable to the administration of the office, preserve all official reports submitted to him for the period required by law, and surrender them to his successor at the expiration of his term;

(2) preserve all books, educational media, instructional equipment, and any other articles of educational interest and value which come into his

1 possession and surrender them to his successor at the
2 expiration of his term;

3 (3) cause the printing and distribution of all reports
4 and forms necessary for the proper conduct of business by a
5 district or school in the manner prescribed by the
6 provisions of this title;

7 (4) provide and keep an official seal of the
8 superintendent of public instruction by which his official
9 acts shall be authenticated;

10 (5) whenever he deems necessary but not more than once
11 every 4 years, cause the printing of a complete and updated
12 volume of the school laws of the state which shall be
13 offered and sold at cost of the printing and shipping to any
14 school official or other person;

15 (6) whenever a replacement volume is not printed under
16 the provisions of subsection (5), cause the printing of a
17 cumulative supplement to the most recent volume of school
18 laws immediately after the conclusion of any session of the
19 legislature at which new school laws or amendments to the
20 school laws were adopted. It shall be offered and sold at
21 cost of the printing and shipping to any school official or
22 other person.

23 ~~(7) submit a written report to the governor of his~~
24 ~~activities during the immediately preceding fiscal biennium~~
25 ~~in accordance with the provisions of 2-7-102;~~

1 ~~(8)(7)~~ If deemed necessary, publish a biennial report
2 of the superintendent of public instruction ~~as prescribed~~
3 ~~by 2-7-102;~~

4 ~~(9)(8)~~ counsel with and advise county superintendents
5 on matters involving the welfare of the schools and, when
6 requested, give a county superintendent a written answer to
7 any question concerning school law;

8 ~~(10)(9)~~ call an annual meeting of the county
9 superintendents when he deems it advisable;

10 ~~(11)(10)~~ as far as he shall find it practicable,
11 address public assemblies on subjects pertaining to
12 education in Montana; and

13 ~~(12)(11)~~ faithfully work in all practical and possible
14 ways for the welfare of the public schools of the state."

15 Section 7. Section 20-25-301, MCA, is amended to read:

16 "20-25-301. Regents' powers and duties. The board of
17 regents of higher education shall serve as regents of the
18 Montana university system, shall use and adopt this style in
19 all its dealings therewith, and shall:

20 (1) have general control and supervision of the units
21 of the Montana university system, which shall be considered
22 for all purposes one university;

23 (2) adopt rules, not inconsistent with the
24 constitution and the laws of the state, for its own
25 government which are proper and necessary for the execution

1 of the powers and duties conferred upon it by law;

2 (3) provide, subject to the laws of the state, rules

3 for the government of the system;

4 (4) grant diplomas and degrees to the graduates of the

5 system upon the recommendation of the faculties and have

6 discretion to confer honorary degrees upon persons other

7 than graduates upon the recommendation of the faculty of

8 such institutions;

9 (5) adopt and use an official seal in the

10 authentication of its acts;

11 (6) keep a record of its proceedings;

12 ~~†††--report-as-provided-in-2-7-192†~~

13 ~~†††(17)~~ have, when not otherwise provided by law,

14 control of all books, records, buildings, grounds, and other

15 property of the system;

16 ~~†††(18)~~ receive from the board of land commissioners,

17 other boards, persons, or from the government of the United

18 States all funds, incomes, and other property the system may

19 be entitled to and use and appropriate the property for the

20 specific purpose of the grant or donation;

21 ~~†††(19)~~ have general control of all receipts and

22 disbursements of the system;

23 ~~†††(110)~~ appoint a president and faculty for each of

24 the institutions of the system, appoint any other necessary

25 officers, agents, and employees, and fix their compensation;

1 ~~†††(111)~~ appoint an executive secretary of the system,

2 who shall not be a unit president, fix his term of office

3 and salary, and generally prescribe his duties. The

4 executive secretary is not a member of the board, but he

5 shall serve as the secretary for the regents.

6 ~~†††(121)~~ appoint every 2 years a budget committee

7 composed of four members selected from the appointive

8 members of the regents which shall review the budget

9 requests presented by the units of the system and transmit

10 such requests and its recommendations to the regents;

11 ~~†††(131)~~ confer upon the executive board of each of the

12 units of the system such authority as may be deemed

13 expedient relating to immediate control and management,

14 other than authority relating to financial matters or the

15 selection of the teachers, employees, and faculty;

16 ~~†††(141)~~ confer, at the regents' discretion, upon the

17 president and faculty of each of the units of the system for

18 the best interest of the unit such authority relating to the

19 immediate control and management, other than financial, and

20 the selection of teachers and employees;

21 ~~†††(151)~~ prevent unnecessary duplication of courses at

22 the units of the system;

23 ~~†††(161)~~ investigate the needs of the units by each

24 member of the regents visiting each unit at least once each

25 year;

~~(17)~~(17) appoint a certified professional geologist or registered mining engineer as the director of the Montana state bureau of mines and geology, who shall be designated the state geologist, and appoint any other necessary assistants and employees and fix their compensation. The regents shall prepare a report to each regular session of the legislature showing the progress and condition of the bureau, including any other necessary or required information.

~~(18)~~(18) supervise and control the agricultural experiment station, along with any executive or subordinate board or authority which may be appointed by the governor with the advice and consent of the regents;

~~(19)~~(19) adopt a seal bearing on its face the words "Montana university system", which shall remain in the custody of the executive secretary and which shall be affixed to all diplomas and all other papers, instruments, or documents which may require it."

Section 8. Section 22-1-503, MCA, is amended to read:

"22-1-503. Authority of board. The powers and duties of said board are as follows:

(1) to make rules, not inconsistent with law, for the government of the board and for the government and administration of the state law library, including rules designating when and for what periods of time the library

shall be open to the public and the office hours of the library;

(2) to appoint a librarian and prescribe the duties of such librarian when not otherwise provided for by law;

(3) to sell or exchange duplicate copies of books and pay the moneys arising therefrom into the state law library fund;

(4) to see that the books and other properties of the library are maintained in good order and repair and are protected from theft or injury;

(5) to draw from the state treasury at any time when needed for the legitimate expenses in maintaining and operating the library and acquiring books, reports, journals, and other works and properties therefor, including complete sets of statutory laws and codified laws of the United States of America, of the several states of the union, and of other jurisdictions, any moneys in the fund and available for such purposes;

~~(6) to report as provided in 2-7-1921~~

~~(7)~~(6) to establish such lawful relations and working arrangements with the library of congress of the United States, with the copyright office therein, and with the superintendent of documents of the United States as may be for the benefit and advantage of the state law library and promote the acquisition of books and other works from such

sources as may be useful to those resorting to the facilities of the state law library."

Section 9. Section 22-2-106, MCA, is amended to read:

"22-2-106. Council duties. The duties of the council shall be to:

(1) encourage throughout the state the study and presentation of the arts and stimulate public interest and participation therein;

(2) cooperate with public and private institutions engaged within the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(3) foster public interest in the cultural heritage of our state and expand the state's cultural resources;

(4) encourage and assist freedom of artistic expression essential for the well-being of the arts;

~~(5) report as provided in 2-7-102."~~

Section 10. Section 37-1-106, MCA, is amended to read:

"37-1-106. Biennial report to governor and legislature. The department, in cooperation with each licensing board, shall prepare a biennial report. In

~~addition to the information prescribed by the governor under 2-7-102, the~~ The biennial report of the department shall contain for each board a summary of the board's activities, the board's goals and objectives, a detailed breakdown of board revenues and expenditures, statistics illustrating board activities concerning licensing, summary of complaints received and their disposition, number of licenses revoked or suspended, legislative or court action affecting the board, and any other information the department or board considers relevant."

Section 11. Section 39-51-301, MCA, is amended to read:

"39-51-301. Administration -- duties and powers of department. (1) It shall be the duty of the department to administer this chapter and it shall have power and authority to adopt, amend, or rescind such rules, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. Such rules shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the department shall prescribe.

(2) The department shall determine its own organization and methods of procedure in accordance with the provisions of this chapter and shall have an official seal

1 which shall be judicially noticed.

2 ~~{3}--The--department--shall--report--as--provided--in~~
 3 ~~2-7-102,--Such--report--shall--include--a--balance--sheet--of--the~~
 4 ~~money--in--the--fund--in--which--there--shall--be--provided--if~~
 5 ~~possible--a--reserve--against--the--liability--in--future--years--to~~
 6 ~~pay--benefits--in--excess--of--the--then--current--contributions,~~
 7 ~~which--reserve--shall--be--set--up--by--the--department--in~~
 8 ~~accordance--with--accepted--actuarial--principles--on--the--basis~~
 9 ~~of--statistics--of--employment,--business--activity,--and--other~~
 10 ~~relevant--factors--for--the--longest--possible--periods.~~

11 ~~{4}{11}~~ Whenever the department believes that a change
 12 in contribution or benefit rates will become necessary to
 13 protect the solvency of the fund, it shall promptly so
 14 inform the governor and the legislature and make
 15 recommendations with respect thereto."

16 Section 12. Section 39-71-209, MCA, is amended to
 17 read:

18 "39-71-209. Publication of reports and bulletins
 19 authorized. The division shall have the power and authority
 20 to publish and distribute at its discretion from time to
 21 time, ~~in--addition--to--its--report--required--by--2-7-102,~~ such
 22 further reports and bulletins covering its operations,
 23 proceedings, and matters relative to its work as it may deem
 24 advisable."

25 Section 13. Section 69-14-115, MCA, is amended to

1 read:

2 "69-14-115. Investigation, enforcement, and report
 3 concerning railroad safety laws. (1) The commission shall:

4 (a) make inquiry into the observance by all railroads
 5 within this state of the laws of the United States and of
 6 Montana intended to safeguard the lives of the employees of
 7 persons or corporations engaged in operating the same;

8 (b) lay complaint before the proper state or federal
 9 officer, of any infraction of any of such laws; and

10 (c) prosecute before the proper court or tribunal any
 11 person guilty of violation of the penal provisions thereof.

12 (2) The commission shall in the ~~an~~ annual report
 13 ~~required-by-2-7-102~~ set out what effort it has made to carry
 14 out the provisions of this section, with the result thereof,
 15 and in detail what steps it has taken to prosecute any
 16 violations of any such acts of which it has secured
 17 information. A copy of this annual report shall be mailed to
 18 the secretary of the department of transportation."

19 ~~NEW SECTION.~~ Section 14. Repealer. Section 2-7-102,
 20 MCA, is repealed.

-End-

1 *House* BILL NO. *346*
 2 INTRODUCED BY *Keenan Meloy*
 3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE
 6 REQUIREMENT THAT STATE AGENCIES AND THE GOVERNOR SUBMIT
 7 CERTAIN REPORTS; AMENDING SECTIONS 1-12-104, 2-7-103,
 8 2-15-201, 2-15-401, 2-15-501, 20-3-105, 20-25-301, 22-1-503,
 9 22-2-106, 37-1-106, 39-51-301, 39-71-209, AND 69-14-115,
 10 MCA; AND REPEALING SECTION 2-7-102, MCA."
 11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 1-12-104, MCA, is amended to read:
 14 "1-12-104. Duties of commissioners. (1) Each
 15 commissioner shall attend the meeting of the national
 16 conference of commissioners on uniform state laws and, both
 17 in and out of such national conference, shall do all in his
 18 power to promote uniformity in state laws upon all subjects
 19 where uniformity may be deemed desirable and practicable.
 20 ~~(2) Said commission shall report as provided in~~
 21 ~~2-7-102.~~
 22 ~~(3)(2)~~ It shall also be the duty of said commission to
 23 bring about as far as practicable the uniform judicial
 24 interpretation of all uniform laws."
 25 Section 2. Section 2-7-103, MCA, is amended to read:

1 "2-7-103. Review by governor of executive branch --
 2 ~~report to legislature. (1) The office of the governor shall~~
 3 ~~continuously study and evaluate the organizational~~
 4 ~~structure, management practices, and functions of the~~
 5 ~~executive branch and of each agency. The governor shall, by~~
 6 ~~executive order or other means within the authority granted~~
 7 ~~to him, take action to improve the manageability of the~~
 8 ~~executive branch.~~
 9 ~~(2) The governor shall submit a report to each regular~~
 10 ~~legislative session concerning the duties of his office~~
 11 ~~under subsection (1) of this section and his~~
 12 ~~recommendations, if any, for the transfer of functions~~
 13 ~~between agencies, the elimination of unnecessary functions,~~
 14 ~~or other recommendations to improve the manageability of the~~
 15 ~~executive branches"~~
 16 Section 3. Section 2-15-201, MCA, is amended to read:
 17 "2-15-201. Powers and duties of governor. In addition
 18 to the duties prescribed by the constitution, the governor
 19 shall perform the following duties:
 20 (1) He shall supervise the official conduct of all
 21 executive and ministerial officers.
 22 (2) He shall see that all offices are filled and the
 23 duties thereof performed or, in default thereof, apply such
 24 remedy as the law allows. If the remedy is imperfect, he
 25 shall acquaint the legislature therewith at its next

1 session.

2 (3) He shall make the appointments and supply the
3 vacancies as required by law.

4 (4) He is the sole official organ of communication
5 between the government of this state and the government of
6 any other state or of the United States.

7 (5) Whenever any suit or legal proceeding is pending
8 against this state or which may affect the title of this
9 state to any property or which may result in any claim
10 against the state, he may direct the attorney general to
11 appear on behalf of the state and may employ such additional
12 counsel as he may judge expedient.

13 (6) He may require the attorney general or county
14 attorney of any county to inquire into the affairs or
15 management of any corporation existing under the laws of
16 this state.

17 (7) He may require the attorney general to aid the
18 county attorney in the discharge of his duties.

19 (8) He may offer rewards not exceeding \$1,000 each,
20 payable out of the general fund, for the apprehension of any
21 convict who has escaped from the state prison or any person
22 who has committed or is charged with an offense punishable
23 by death.

24 (9) He shall perform such duties respecting fugitives
25 from justice as are prescribed by Title 46, chapter 30.

1 (10) He shall issue land warrants and patents, as
2 prescribed in 77-2-342.

3 ~~(11) He shall prepare a biennial report pursuant to~~
4 ~~2-7-102.~~

5 ~~(12)~~(11) He may require any officer or board to make
6 special reports to him, upon demand, in writing.

7 ~~(13)~~(12) He shall discharge the duties of member of the
8 board of examiners, of nonvoting ex officio member of the
9 state board of education, and of member of the board of land
10 commissioners.

11 ~~(14)~~(13) He has the other powers and must perform the
12 other duties as are devolved upon him by this code or any
13 other law of this state."

14 Section 4. Section 2-15-401, MCA, is amended to read:

15 "2-15-401. Duties of secretary of state. In addition
16 to the duties prescribed by the constitution, it is the duty
17 of the secretary of state to:

18 (1) attend at every session of the legislature for the
19 purpose of receiving bills and resolutions and to perform
20 such other duties as may be devolved upon him by resolution
21 of the two houses or either of them;

22 (2) keep a register of and attest the official acts of
23 the governor, including all appointments made by him, with
24 date of commission and names of appointees and predecessors;

25 (3) affix the great seal, with his attestation, to

1 commissions, pardons, and other public instruments to which
2 the official signature of the governor is required;

3 (4) record in proper books all conveyances made to the
4 state and all articles of incorporation filed in his office;

5 (5) take and file in his office receipts for all books
6 distributed by him and direct the county clerk of each
7 county to do the same;

8 (6) certify to the governor the names of those persons
9 who have received at any election the highest number of
10 votes for any office, the incumbent of which is commissioned
11 by the governor;

12 (7) furnish, on demand, to any person paying the fees
13 therefor, a certified copy of all or any part of any law,
14 record, or other instrument filed, deposited, or recorded in
15 his office;

16 (8) keep a fee book in which must be entered all fees,
17 commissions, and compensation of whatever nature or kind by
18 him earned, collected, or charged, with the date, name of
19 payer, paid or unpaid, and the nature of the service in each
20 case, which book must be verified annually by his affidavit
21 entered therein;

22 (9) file in his office descriptions of seals in use by
23 the different state officers;

24 (10) discharge the duties of member of the board of
25 examiners and of the board of land commissioners and all

1 other duties required of him by law;

2 ~~(11) report to the governor as prescribed in 2-7-102;~~

3 ~~(12) register marks as provided in Title 30,~~
4 chapter 13, part 3;

5 ~~(13) report annually to the legislative council all~~
6 changes of names received pursuant to 27-31-205 for
7 publication in the Laws of Montana;

8 ~~(14) report annually to the legislative council all~~
9 watercourse name changes received pursuant to 85-2-134 for
10 publication in the Laws of Montana;

11 ~~(15) keep a register of all applications for pardon~~
12 or for commutation of any sentence, with a list of the
13 official signatures and recommendations in favor of each
14 application."

15 Section 5. Section 2-15-501, MCA, is amended to read:
16 "2-15-501. General duties. It is the duty of the
17 attorney general:

18 (1) to attend the supreme court and prosecute or
19 defend all causes to which the state or any officer thereof
20 in his official capacity is a party and all causes to which
21 any county may be a party unless the interest of the county
22 is adverse to the state or some officer thereof acting in
23 his official capacity;

24 (2) after judgment in any of the causes referred to in
25 the preceding subsection, to direct the issuing of such

1 process as may be necessary to carry the same into
2 execution;

3 (3) to account for and pay over to the proper officer
4 all moneys which may come into his possession belonging to
5 the state or to any county;

6 (4) to keep a register of all cases in which he is
7 required to appear, which must during business hours be open
8 to the inspection of the public. The register must show the
9 county, district, and court in which the cases have been
10 instituted and tried and whether they are civil or criminal.
11 If civil, the register must show the nature of the demand,
12 the stage of proceedings and, when prosecuted to judgment, a
13 memorandum of the judgment, of any process issued thereon,
14 and whether satisfied or not. If not satisfied, the register
15 must show the return of the sheriff. If criminal, the
16 register must show the nature of the crime, the mode of
17 prosecution, the stage of proceedings and, when prosecuted
18 to sentence, a memorandum of the sentence and of the
19 execution thereof, if the same has been executed, and if not
20 executed, of the reason of the delay or prevention. The
21 attorney general must deliver the same to his successor in
22 office.

23 (5) to exercise supervisory powers over county
24 attorneys in all matters pertaining to the duties of their
25 offices and from time to time require of them reports as to

1 the condition of public business entrusted to their charge.
2 The supervisory powers granted to the attorney general by
3 this subsection include the power to order and direct county
4 attorneys in all matters pertaining to the duties of their
5 office. The county attorney must, when ordered or directed
6 by the attorney general, promptly institute and diligently
7 prosecute in the proper court and in the name of the state
8 of Montana any criminal or civil action or special
9 proceeding.

10 (6) when required by the public service or directed by
11 the governor, to assist the county attorney of any county in
12 the discharge of his duties;

13 (7) to give his opinion in writing, without fee, to
14 the legislature or either house thereof, to any state
15 officer, board, or commission, to any county attorney, to
16 the city attorney of any city or town, and to the board of
17 county commissioners of any county of the state when
18 required upon any question of law relating to their
19 respective offices. He shall give any such opinion within 3
20 months following the date it is requested unless he
21 certifies in writing to the requesting party that the
22 question is of sufficient complexity to require additional
23 time. If an opinion issued by the attorney general conflicts
24 with an opinion issued by a city attorney, county attorney,
25 or an attorney employed or retained by any state officer,

1 board, commission, or department, the attorney general's
2 opinion shall be controlling unless overruled by a state
3 district court or the supreme court.

4 (8) to bid upon and purchase in the name of the state
5 and under the direction of the board of investments any
6 property offered for sale under execution issued upon
7 judgments in favor of or for the use of the state and to
8 enter satisfaction, in whole or in part, of such judgments
9 as the consideration for such purchases;

10 (9) whenever the property of a judgment debtor in any
11 judgment mentioned in the preceding subsection has been sold
12 under a prior judgment or is subject to any judgment, lien,
13 or encumbrance taking precedence of the judgment in favor of
14 the state, under the direction of the board of investments,
15 to redeem such property from such prior judgment, lien, or
16 encumbrance. All sums of money necessary for such redemption
17 must be paid out of any money appropriated for such
18 purposes.

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

1 of delinquents;

2 (11) to discharge the duties of a member of the board
3 of examiners and state board of land commissioners and other
4 duties prescribed by law;

5 ~~(12) to report to the governor at the time prescribed~~
6 ~~by--2-7-1827--the condition of the affairs of his department~~
7 ~~and to accompany the same with a copy of his docket--and--of~~
8 ~~the reports received by him from county attorneys;~~

9 ~~(13)~~ (12) to prescribe the form of blanks to be used by
10 the clerks of the district courts in issuing commitments to
11 the several state institutions, admission to which requires
12 a court commitment."

13 Section 6. Section 20-3-105, MCA, is amended to read:
14 "20-3-105. Administrative powers and duties. In
15 administering the affairs of his office, the superintendent
16 of public instruction shall have the power and it shall be
17 his duty to:

18 (1) keep a record of his official acts and all
19 documents applicable to the administration of the office,
20 preserve all official reports submitted to him for the
21 period required by law, and surrender them to his successor
22 at the expiration of his term;

23 (2) preserve all books, educational media,
24 instructional equipment, and any other articles of
25 educational interest and value which come into his

1 possession and surrender them to his successor at the
2 expiration of his term;

3 (3) cause the printing and distribution of all reports
4 and forms necessary for the proper conduct of business by a
5 district or school in the manner prescribed by the
6 provisions of this title;

7 (4) provide and keep an official seal of the
8 superintendent of public instruction by which his official
9 acts shall be authenticated;

10 (5) whenever he deems necessary but not more than once
11 every 4 years, cause the printing of a complete and updated
12 volume of the school laws of the state which shall be
13 offered and sold at cost of the printing and shipping to any
14 school official or other person;

15 (6) whenever a replacement volume is not printed under
16 the provisions of subsection (5), cause the printing of a
17 cumulative supplement to the most recent volume of school
18 laws immediately after the conclusion of any session of the
19 legislature at which new school laws or amendments to the
20 school laws were adopted. It shall be offered and sold at
21 cost of the printing and shipping to any school official or
22 other person.

23 ~~(7) submit a written report to the governor of his~~
24 ~~activities during the immediately preceding fiscal biennium~~
25 ~~in accordance with the provisions of 2-7-102;~~

1 ~~(8)(11)~~ if deemed necessary, publish a biennial report
2 of the superintendent of public instruction ~~as prescribed~~
3 ~~by 2-7-102;~~

4 ~~(9)(11)~~ counsel with and advise county superintendents
5 on matters involving the welfare of the schools and, when
6 requested, give a county superintendent a written answer to
7 any question concerning school law;

8 ~~(10)(11)~~ call an annual meeting of the county
9 superintendents when he deems it advisable;

10 ~~(11)(11)~~ as far as he shall find it practicable,
11 address public assemblies on subjects pertaining to
12 education in Montana; and

13 ~~(12)(11)~~ faithfully work in all practical and possible
14 ways for the welfare of the public schools of the state."

15 Section 7. Section 20-25-301, MCA, is amended to read:

16 "20-25-301. Regents' powers and duties. The board of
17 regents of higher education shall serve as regents of the
18 Montana university system, shall use and adopt this style in
19 all its dealings therewith, and shall:

20 (1) have general control and supervision of the units
21 of the Montana university system, which shall be considered
22 for all purposes one university;

23 (2) adopt rules, not inconsistent with the
24 constitution and the laws of the state, for its own
25 government which are proper and necessary for the execution

1 of the powers and duties conferred upon it by law;

2 (3) provide, subject to the laws of the state, rules

3 for the government of the system;

4 (4) grant diplomas and degrees to the graduates of the

5 system upon the recommendation of the faculties and have

6 discretion to confer honorary degrees upon persons other

7 than graduates upon the recommendation of the faculty of

8 such institutions;

9 (5) adopt and use an official seal in the

10 authentication of its acts;

11 (6) keep a record of its proceedings;

12 ~~(7) report as provided in 2-7-102~~

13 (8) have, when not otherwise provided by law,

14 control of all books, records, buildings, grounds, and other

15 property of the system;

16 (9) receive from the board of land commissioners,

17 other boards, persons, or from the government of the United

18 States all funds, incomes, and other property the system may

19 be entitled to and use and appropriate the property for the

20 specific purpose of the grant or donation;

21 (10) have general control of all receipts and

22 disbursements of the system;

23 (11) appoint a president and faculty for each of

24 the institutions of the system, appoint any other necessary

25 officers, agents, and employees, and fix their compensation;

1 (12) appoint an executive secretary of the system,

2 who shall not be a unit president, fix his term of office

3 and salary, and generally prescribe his duties. The

4 executive secretary is not a member of the board, but he

5 shall serve as the secretary for the regents.

6 (13) appoint every 2 years a budget committee

7 composed of four members selected from the appointive

8 members of the regents which shall review the budget

9 requests presented by the units of the system and transmit

10 such requests and its recommendations to the regents;

11 (14) confer upon the executive board of each of the

12 units of the system such authority as may be deemed

13 expedient relating to immediate control and management,

14 other than authority relating to financial matters or the

15 selection of the teachers, employees, and faculty;

16 (15) confer, at the regents' discretion, upon the

17 president and faculty of each of the units of the system for

18 the best interest of the unit such authority relating to the

19 immediate control and management, other than financial, and

20 the selection of teachers and employees;

21 (16) prevent unnecessary duplication of courses at

22 the units of the system;

23 (17) investigate the needs of the units by each

24 member of the regents visiting each unit at least once each

25 year;

1 ~~(16)~~(17) appoint a certified professional geologist or
 2 registered mining engineer as the director of the Montana
 3 state bureau of mines and geology, who shall be designated
 4 the state geologist, and appoint any other necessary
 5 assistants and employees and fix their compensation. The
 6 regents shall prepare a report to each regular session of
 7 the legislature showing the progress and condition of the
 8 bureau, including any other necessary or required
 9 information.

10 ~~(19)~~(18) supervise and control the agricultural
 11 experiment station, along with any executive or subordinate
 12 board or authority which may be appointed by the governor
 13 with the advice and consent of the regents;

14 ~~(20)~~(19) adopt a seal bearing on its face the words
 15 "Montana university system", which shall remain in the
 16 custody of the executive secretary and which shall be
 17 affixed to all diplomas and all other papers, instruments,
 18 or documents which may require it."

19 Section 8. Section 22-1-503, MCA, is amended to read:

20 "22-1-503. Authority of board. The powers and duties
 21 of said board are as follows:

22 (1) to make rules, not inconsistent with law, for the
 23 government of the board and for the government and
 24 administration of the state law library, including rules
 25 designating when and for what periods of time the library

1 shall be open to the public and the office hours of the
 2 library;

3 (2) to appoint a librarian and prescribe the duties of
 4 such librarian when not otherwise provided for by law;

5 (3) to sell or exchange duplicate copies of books and
 6 pay the moneys arising therefrom into the state law library
 7 fund;

8 (4) to see that the books and other properties of the
 9 library are maintained in good order and repair and are
 10 protected from theft or injury;

11 (5) to draw from the state treasury at any time when
 12 needed for the legitimate expenses in maintaining and
 13 operating the library and acquiring books, reports,
 14 journals, and other works and properties therefor, including
 15 complete sets of statutory laws and codified laws of the
 16 United States of America, of the several states of the
 17 union, and of other jurisdictions, any moneys in the fund
 18 and available for such purposes;

19 ~~(6) to report as provided in 2-7-102;~~

20 ~~(7)~~(6) to establish such lawful relations and working
 21 arrangements with the library of congress of the United
 22 States, with the copyright office therein, and with the
 23 superintendent of documents of the United States as may be
 24 for the benefit and advantage of the state law library and
 25 promote the acquisition of books and other works from such

1 sources as may be useful to those resorting to the
2 facilities of the state law library."

3 Section 9. Section 22-2-106, MCA, is amended to read:
4 "22-2-106. Council duties. The duties of the council
5 shall be to:

6 (1) encourage throughout the state the study and
7 presentation of the arts and stimulate public interest and
8 participation therein;

9 (2) cooperate with public and private institutions
10 engaged within the state in artistic and cultural
11 activities, including but not limited to music, theatre,
12 dance, painting, sculpture, architecture, and allied arts
13 and crafts, and make recommendations concerning appropriate
14 methods to encourage participation in and appreciation of
15 the arts to meet the legitimate needs and aspirations of
16 persons in all parts of the state;

17 (3) foster public interest in the cultural heritage of
18 our state and expand the state's cultural resources;

19 (4) encourage and assist freedom of artistic
20 expression essential for the well-being of the arts;

21 ~~(5) --report-as-provided-in-2-7-102."~~

22 Section 10. Section 37-1-106, MCA, is amended to read:

23 "37-1-106. Biennial report to governor and
24 legislature. The department, in cooperation with each
25 licensing board, shall prepare a biennial report. In

1 ~~addition-to-the-information-prescribed-by-the-governor-under~~
2 ~~2-7-102, the~~ biennial report of the department shall
3 contain for each board a summary of the board's activities,
4 the board's goals and objectives, a detailed breakdown of
5 board revenues and expenditures, statistics illustrating
6 board activities concerning licensing, summary of complaints
7 received and their disposition, number of licenses revoked
8 or suspended, legislative or court action affecting the
9 board, and any other information the department or board
10 considers relevant."

11 Section 11. Section 39-51-301, MCA, is amended to
12 read:

13 "39-51-301. Administration -- duties and powers of
14 department. (1) It shall be the duty of the department to
15 administer this chapter and it shall have power and
16 authority to adopt, amend, or rescind such rules, to employ
17 such persons, make such expenditures, require such reports,
18 make such investigations, and take such other action as it
19 deems necessary or suitable to that end. Such rules shall be
20 effective upon publication in the manner, not inconsistent
21 with the provisions of this chapter, which the department
22 shall prescribe.

23 (2) The department shall determine its own
24 organization and methods of procedure in accordance with the
25 provisions of this chapter and shall have an official seal

1 which shall be judicially noticed.

2 ~~{3}--The--department--shall--report--as---provided---in~~
 3 ~~2-7-102--Such--report--shall--include--a--balance--sheet--of--the~~
 4 ~~money--in--the--fund--in--which--there--shall--be--provided--if~~
 5 ~~possible--a--reserve--against--the--liability--in--future--years--to~~
 6 ~~pay--benefits--in--excess--of--the--then--current--contributions~~
 7 ~~which--reserve--shall--be--set--up--by--the--department---in~~
 8 ~~accordance--with--accepted--actuarial--principles--on--the--basis~~
 9 ~~of--statistics--of--employment--business--activity--and--other~~
 10 ~~relevant--factors--for--the--longest--possible--periods~~

11 ~~{4}{3}~~ Whenever the department believes that a change
 12 in contribution or benefit rates will become necessary to
 13 protect the solvency of the fund, it shall promptly so
 14 inform the governor and the legislature and make
 15 recommendations with respect thereto."

16 Section 12. Section 39-71-209, MCA, is amended to
 17 read:

18 "39-71-209. Publication of reports and bulletins
 19 authorized. The division shall have the power and authority
 20 to publish and distribute at its discretion from time to
 21 time, ~~in--addition--to--its--report--required--by--2-7-102,~~ such
 22 further reports and bulletins covering its operations,
 23 proceedings, and matters relative to its work as it may deem
 24 advisable."

25 Section 13. Section 69-14-115, MCA, is amended to

1 read:

2 "69-14-115. Investigation, enforcement, and report
 3 concerning railroad safety laws. (1) The commission shall:

4 (a) make inquiry into the observance by all railroads
 5 within this state of the laws of the United States and of
 6 Montana intended to safeguard the lives of the employees of
 7 persons or corporations engaged in operating the same;

8 (b) lay complaint before the proper state or federal
 9 officer, of any infraction of any of such laws; and

10 (c) prosecute before the proper court or tribunal any
 11 person guilty of violation of the penal provisions thereof.

12 (2) The commission shall in the ~~an~~ annual report
 13 ~~required--by--2-7-102~~ set out what effort it has made to carry
 14 out the provisions of this section, with the result thereof,
 15 and in detail what steps it has taken to prosecute any
 16 violations of any such acts of which it has secured
 17 information. A copy of this annual report shall be mailed to
 18 the secretary of the department of transportation."

19 NEW SECTION. Section 14. Repealer. Section 2-7-102,
 20 MCA, is repealed.

-End-

HOUSE BILL NO. 346

INTRODUCED BY KEENAN, METCALF, DOZIER

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE REQUIREMENT THAT STATE AGENCIES AND THE GOVERNOR SUBMIT CERTAIN REPORTS; AMENDING SECTIONS 1-12-104, 2-7-103, 2-15-201, 2-15-401, 2-15-501, 20-3-105, 20-25-301, 22-1-503, 22-2-106, 37-1-106, 39-51-301, 39-71-209, AND 69-14-115, MCA; AND REPEALING SECTION 2-7-102, MCA."

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

Section 1. Section 1-12-104, MCA, is amended to read:

"1-12-104. Duties of commissioners. (1) Each commissioner shall attend the meeting of the national conference of commissioners on uniform state laws and, both in and out of such national conference, shall do all in his power to promote uniformity in state laws upon all subjects where uniformity may be deemed desirable and practicable.

~~(2) Said commission shall report as provided in 2-7-102.~~

~~(3) It shall also be the duty of said commission to bring about as far as practicable the uniform judicial interpretation of all uniform laws."~~

Section 2. Section 2-7-103, MCA, is amended to read:

"2-7-103. Review by governor of executive branch -- report-to-legislature. ~~(1)~~ The office of the governor shall continuously study and evaluate the organizational structure, management practices, and functions of the executive branch and of each agency. The governor shall, by executive order or other means within the authority granted to him, take action to improve the manageability of the executive branch.

~~(2) The governor shall submit a report to each regular legislative session concerning the duties of his office under subsection (1) of this section and his recommendations, if any, for the transfer of functions between agencies, the elimination of unnecessary functions, or other recommendations to improve the manageability of the executive branch."~~

Section 3. Section 2-15-201, MCA, is amended to read:

"2-15-201. Powers and duties of governor. In addition to the duties prescribed by the constitution, the governor shall perform the following duties:

(1) He shall supervise the official conduct of all executive and ministerial officers.

(2) He shall see that all offices are filled and the duties thereof performed or, in default thereof, apply such remedy as the law allows. If the remedy is imperfect, he shall acquaint the legislature therewith at its next

1 session.

2 (3) He shall make the appointments and supply the
3 vacancies as required by law.

4 (4) He is the sole official organ of communication
5 between the government of this state and the government of
6 any other state or of the United States.

7 (5) Whenever any suit or legal proceeding is pending
8 against this state or which may affect the title of this
9 state to any property or which may result in any claim
10 against the state, he may direct the attorney general to
11 appear on behalf of the state and may employ such additional
12 counsel as he may judge expedient.

13 (6) He may require the attorney general or county
14 attorney of any county to inquire into the affairs or
15 management of any corporation existing under the laws of
16 this state.

17 (7) He may require the attorney general to aid the
18 county attorney in the discharge of his duties.

19 (8) He may offer rewards not exceeding \$1,000 each,
20 payable out of the general fund, for the apprehension of any
21 convict who has escaped from the state prison or any person
22 who has committed or is charged with an offense punishable
23 by death.

24 (9) He shall perform such duties respecting fugitives
25 from justice as are prescribed by Title 46, chapter 30.

1 (10) He shall issue land warrants and patents, as
2 prescribed in 77-2-342.

3 ~~(11) He shall prepare a biennial report pursuant to~~
4 ~~2-7-102.~~

5 ~~(12)~~ (11) He may require any officer or board to make
6 special reports to him, upon demand, in writing.

7 ~~(13)~~ (12) He shall discharge the duties of member of the
8 board of examiners, of nonvoting ex officio member of the
9 state board of education, and of member of the board of land
10 commissioners.

11 ~~(14)~~ (13) He has the other powers and must perform the
12 other duties as are devolved upon him by this code or any
13 other law of this state."

14 Section 4. Section 2-15-401, MCA, is amended to read:

15 "2-15-401. Duties of secretary of state. In addition
16 to the duties prescribed by the constitution, it is the duty
17 of the secretary of state to:

18 (1) attend at every session of the legislature for the
19 purpose of receiving bills and resolutions and to perform
20 such other duties as may be devolved upon him by resolution
21 of the two houses or either of them;

22 (2) keep a register of and attest the official acts of
23 the governor, including all appointments made by him, with
24 date of commission and names of appointees and predecessors;

25 (3) affix the great seal, with his attestation, to

1 commissions, pardons, and other public instruments to which
2 the official signature of the governor is required;

3 (4) record in proper books all conveyances made to the
4 state and all articles of incorporation filed in his office;

5 (5) take and file in his office receipts for all books
6 distributed by him and direct the county clerk of each
7 county to do the same;

8 (6) certify to the governor the names of those persons
9 who have received at any election the highest number of
10 votes for any office, the incumbent of which is commissioned
11 by the governor;

12 (7) furnish, on demand, to any person paying the fees
13 therefor, a certified copy of all or any part of any law,
14 record, or other instrument filed, deposited, or recorded in
15 his office;

16 (8) keep a fee book in which must be entered all fees,
17 commissions, and compensation of whatever nature or kind by
18 him earned, collected, or charged, with the date, name of
19 payer, paid or unpaid, and the nature of the service in each
20 case, which book must be verified annually by his affidavit
21 entered therein;

22 (9) file in his office descriptions of seals in use by
23 the different state officers;

24 (10) discharge the duties of member of the board of
25 examiners and of the board of land commissioners and all

1 other duties required of him by law;

2 ~~{11}-report--to--the-governor-as-prescribed-in-2-7-182;~~

3 ~~{12}{111}~~ register marks as provided in Title 30,
4 chapter 13, part 3;

5 ~~{13}{112}~~ report annually to the legislative council all
6 changes of names received pursuant to 27-31-205 for
7 publication in the Laws of Montana;

8 ~~{14}{111}~~ report annually to the legislative council all
9 watercourse name changes received pursuant to 85-2-134 for
10 publication in the Laws of Montana;

11 ~~{15}{114}~~ keep a register of all applications for pardon
12 or for commutation of any sentence, with a list of the
13 official signatures and recommendations in favor of each
14 application."

15 Section 5. Section 2-15-501, MCA, is amended to read:
16 "2-15-501. General duties. It is the duty of the
17 attorney general:

18 (1) to attend the supreme court and prosecute or
19 defend all causes to which the state or any officer thereof
20 in his official capacity is a party and all causes to which
21 any county may be a party unless the interest of the county
22 is adverse to the state or some officer thereof acting in
23 his official capacity;

24 (2) after judgment in any of the causes referred to in
25 the preceding subsection, to direct the issuing of such

1 process as may be necessary to carry the same into
2 execution;

3 (3) to account for and pay over to the proper officer
4 all moneys which may come into his possession belonging to
5 the state or to any county;

6 (4) to keep a register of all cases in which he is
7 required to appear, which must during business hours be open
8 to the inspection of the public. The register must show the
9 county, district, and court in which the cases have been
10 instituted and tried and whether they are civil or criminal.
11 If civil, the register must show the nature of the demand,
12 the stage of proceedings and, when prosecuted to judgment, a
13 memorandum of the judgment, of any process issued thereon,
14 and whether satisfied or not. If not satisfied, the register
15 must show the return of the sheriff. If criminal, the
16 register must show the nature of the crime, the mode of
17 prosecution, the stage of proceedings and, when prosecuted
18 to sentence, a memorandum of the sentence and of the
19 execution thereof, if the same has been executed, and if not
20 executed, of the reason of the delay or prevention. The
21 attorney general must deliver the same to his successor in
22 office.

23 (5) to exercise supervisory powers over county
24 attorneys in all matters pertaining to the duties of their
25 offices and from time to time require of them reports as to

1 the condition of public business entrusted to their charge.
2 The supervisory powers granted to the attorney general by
3 this subsection include the power to order and direct county
4 attorneys in all matters pertaining to the duties of their
5 office. The county attorney must, when ordered or directed
6 by the attorney general, promptly institute and diligently
7 prosecute in the proper court and in the name of the state
8 of Montana any criminal or civil action or special
9 proceeding.

10 (6) when required by the public service or directed by
11 the governor, to assist the county attorney of any county in
12 the discharge of his duties;

13 (7) to give his opinion, in writing, without fee, to
14 the legislature or either house thereof, to any state
15 officer, board, or commission, to any county attorney, to
16 the city attorney of any city or town, and to the board of
17 county commissioners of any county of the state when
18 required upon any question of law relating to their
19 respective offices. He shall give any such opinion within 3
20 months following the date it is requested unless he
21 certifies in writing to the requesting party that the
22 question is of sufficient complexity to require additional
23 time. If an opinion issued by the attorney general conflicts
24 with an opinion issued by a city attorney, county attorney,
25 or an attorney employed or retained by any state officer,

1 board, commission, or department, the attorney general's
2 opinion shall be controlling unless overruled by a state
3 district court or the supreme court.

4 (8) to bid upon and purchase in the name of the state
5 and under the direction of the board of investments any
6 property offered for sale under execution issued upon
7 judgments in favor of or for the use of the state and to
8 enter satisfaction, in whole or in part, of such judgments
9 as the consideration for such purchases;

10 (9) whenever the property of a judgment debtor in any
11 judgment mentioned in the preceding subsection has been sold
12 under a prior judgment or is subject to any judgment, lien,
13 or encumbrance taking precedence of the judgment in favor of
14 the state, under the direction of the board of investments,
15 to redeem such property from such prior judgment, lien, or
16 encumbrance. All sums of money necessary for such redemption
17 must be paid out of any money appropriated for such
18 purposes.

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

1 of delinquents;

2 (11) to discharge the duties of a member of the board
3 of examiners and state board of land commissioners and other
4 duties prescribed by law;

5 ~~(12) to report to the governor at the time prescribed~~
6 ~~by--2-7-1827--the condition of the affairs of his department~~
7 ~~and to accompany the same with a copy of his docket--and--of~~
8 ~~the reports received by him from county attorneys;~~

9 ~~(13)~~ (12) to prescribe the form of blanks to be used by
10 the clerks of the district courts in issuing commitments to
11 the several state institutions, admission to which requires
12 a court commitment."

13 Section 6. Section 20-3-105, MCA, is amended to read:
14 "20-3-105. Administrative powers and duties. In
15 administering the affairs of his office, the superintendent
16 of public instruction shall have the power and it shall be
17 his duty to:

18 (1) keep a record of his official acts and all
19 documents applicable to the administration of the office,
20 preserve all official reports submitted to him for the
21 period required by law, and surrender them to his successor
22 at the expiration of his term;

23 (2) preserve all books, educational media,
24 instructional equipment, and any other articles of
25 educational interest and value which come into his

1 possession and surrender them to his successor at the
2 expiration of his term;

3 (3) cause the printing and distribution of all reports
4 and forms necessary for the proper conduct of business by a
5 district or school in the manner prescribed by the
6 provisions of this title;

7 (4) provide and keep an official seal of the
8 superintendent of public instruction by which his official
9 acts shall be authenticated;

10 (5) whenever he deems necessary but not more than once
11 every 4 years, cause the printing of a complete and updated
12 volume of the school laws of the state which shall be
13 offered and sold at cost of the printing and shipping to any
14 school official or other person;

15 (6) whenever a replacement volume is not printed under
16 the provisions of subsection (5), cause the printing of a
17 cumulative supplement to the most recent volume of school
18 laws immediately after the conclusion of any session of the
19 legislature at which new school laws or amendments to the
20 school laws were adopted. It shall be offered and sold at
21 cost of the printing and shipping to any school official or
22 other person.

23 ~~(7) submit a written report to the governor of his~~
24 ~~activities during the immediately preceding fiscal biennium~~
25 ~~in accordance with the provisions of 2-7-102;~~

1 ~~(8)(1)~~ if deemed necessary, publish a biennial report
2 of the superintendent of public instruction ~~as prescribed~~
3 ~~by 2-7-102;~~

4 ~~(9)(1)~~ counsel with and advise county superintendents
5 on matters involving the welfare of the schools and, when
6 requested, give a county superintendent a written answer to
7 any question concerning school law;

8 ~~(10)(1)~~ call an annual meeting of the county
9 superintendents when he deems it advisable;

10 ~~(11)(1)~~ as far as he shall find it practicable,
11 address public assemblies on subjects pertaining to
12 education in Montana; and

13 ~~(12)(1)~~ faithfully work in all practical and possible
14 ways for the welfare of the public schools of the state."

15 Section 7. Section 20-25-301, MCA, is amended to read:

16 "20-25-301. Regents' powers and duties. The board of
17 regents of higher education shall serve as regents of the
18 Montana university system, shall use and adopt this style in
19 all its dealings therewith, and shall:

20 (1) have general control and supervision of the units
21 of the Montana university system, which shall be considered
22 for all purposes one university;

23 (2) adopt rules, not inconsistent with the
24 constitution and the laws of the state, for its own
25 government which are proper and necessary for the execution

1 of the powers and duties conferred upon it by law;

2 (3) provide, subject to the laws of the state, rules

3 for the government of the system;

4 (4) grant diplomas and degrees to the graduates of the

5 system upon the recommendation of the faculties and have

6 discretion to confer honorary degrees upon persons other

7 than graduates upon the recommendation of the faculty of

8 such institutions;

9 (5) adopt and use an official seal in the

10 authentication of its acts;

11 (6) keep a record of its proceedings;

12 ~~(7) report as provided in 2-7-1921~~

13 ~~(8)(11)~~ have, when not otherwise provided by law,

14 control of all books, records, buildings, grounds, and other

15 property of the system;

16 ~~(9)(12)~~ receive from the board of land commissioners,

17 other boards, persons, or from the government of the United

18 States all funds, incomes, and other property the system may

19 be entitled to and use and appropriate the property for the

20 specific purpose of the grant or donation;

21 ~~(10)(13)~~ have general control of all receipts and

22 disbursements of the system;

23 ~~(11)(14)~~ appoint a president and faculty for each of

24 the institutions of the system, appoint any other necessary

25 officers, agents, and employees, and fix their compensation;

1 ~~(12)(11)~~ appoint an executive secretary of the system,

2 who shall not be a unit president, fix his term of office

3 and salary, and generally prescribe his duties. The

4 executive secretary is not a member of the board, but he

5 shall serve as the secretary for the regents.

6 ~~(13)(12)~~ appoint every 2 years a budget committee

7 composed of four members selected from the appointive

8 members of the regents which shall review the budget

9 requests presented by the units of the system and transmit

10 such requests and its recommendations to the regents;

11 ~~(14)(13)~~ confer upon the executive board of each of the

12 units of the system such authority as may be deemed

13 expedient relating to immediate control and management,

14 other than authority relating to financial matters or the

15 selection of the teachers, employees, and faculty;

16 ~~(15)(14)~~ confer, at the regents' discretion, upon the

17 president and faculty of each of the units of the system for

18 the best interest of the unit such authority relating to the

19 immediate control and management, other than financial, and

20 the selection of teachers and employees;

21 ~~(16)(15)~~ prevent unnecessary duplication of courses at

22 the units of the system;

23 ~~(17)(16)~~ investigate the needs of the units by each

24 member of the regents visiting each unit at least once each

25 year;

1 ~~(10)~~(11) appoint a certified professional geologist or
 2 registered mining engineer as the director of the Montana
 3 state bureau of mines and geology, who shall be designated
 4 the state geologist, and appoint any other necessary
 5 assistants and employees and fix their compensation. The
 6 regents shall prepare a report to each regular session of
 7 the legislature showing the progress and condition of the
 8 bureau, including any other necessary or required
 9 information.

10 ~~(19)~~(18) supervise and control the agricultural
 11 experiment station, along with any executive or subordinate
 12 board or authority which may be appointed by the governor
 13 with the advice and consent of the regents;

14 ~~(29)~~(19) adopt a seal bearing on its face the words
 15 "Montana university system", which shall remain in the
 16 custody of the executive secretary and which shall be
 17 affixed to all diplomas and all other papers, instruments,
 18 or documents which may require it."

19 Section 8. Section 22-1-503, MCA, is amended to read:

20 "22-1-503. Authority of board. The powers and duties
 21 of said board are as follows:

22 (1) to make rules, not inconsistent with law, for the
 23 government of the board and for the government and
 24 administration of the state law library, including rules
 25 designating when and for what periods of time the library

1 shall be open to the public and the office hours of the
 2 library;

3 (2) to appoint a librarian and prescribe the duties of
 4 such librarian when not otherwise provided for by law;

5 (3) to sell or exchange duplicate copies of books and
 6 pay the moneys arising therefrom into the state law library
 7 fund;

8 (4) to see that the books and other properties of the
 9 library are maintained in good order and repair and are
 10 protected from theft or injury;

11 (5) to draw from the state treasury at any time when
 12 needed for the legitimate expenses in maintaining and
 13 operating the library and acquiring books, reports,
 14 journals, and other works and properties therefor, including
 15 complete sets of statutory laws and codified laws of the
 16 United States of America, of the several states of the
 17 union, and of other jurisdictions, any moneys in the fund
 18 and available for such purposes;

19 ~~(6)--to-report-as-provided-in-2-7-1982;~~

20 ~~(7)~~(6) to establish such lawful relations and working
 21 arrangements with the library of congress of the United
 22 States, with the copyright office therein, and with the
 23 superintendent of documents of the United States as may be
 24 for the benefit and advantage of the state law library and
 25 promote the acquisition of books and other works from such

1 sources as may be useful to those resorting to the
2 facilities of the state law library."

3 Section 9. Section 22-2-106, MCA, is amended to read:

4 "22-2-106. Council duties. The duties of the council
5 shall be to:

6 (1) encourage throughout the state the study and
7 presentation of the arts and stimulate public interest and
8 participation therein;

9 (2) cooperate with public and private institutions
10 engaged within the state in artistic and cultural
11 activities, including but not limited to music, theatre,
12 dance, painting, sculpture, architecture, and allied arts
13 and crafts, and make recommendations concerning appropriate
14 methods to encourage participation in and appreciation of
15 the arts to meet the legitimate needs and aspirations of
16 persons in all parts of the state;

17 (3) foster public interest in the cultural heritage of
18 our state and expand the state's cultural resources;

19 (4) encourage and assist freedom of artistic
20 expression essential for the well-being of the artist

21 ~~(5) -- report as provided in 2-7-102.~~"

22 Section 10. Section 37-1-106, MCA, is amended to read:

23 "37-1-106. Biennial report to governor and
24 legislature. The department, in cooperation with each
25 licensing board, shall prepare a biennial report. ~~in~~

1 ~~addition to the information prescribed by the governor under~~
2 ~~2-7-102, the~~ The biennial report of the department shall
3 contain for each board a summary of the board's activities,
4 the board's goals and objectives, a detailed breakdown of
5 board revenues and expenditures, statistics illustrating
6 board activities concerning licensing, summary of complaints
7 received and their disposition, number of licenses revoked
8 or suspended, legislative or court action affecting the
9 board, and any other information the department or board
10 considers relevant."

11 Section 11. Section 39-51-301, MCA, is amended to
12 read:

13 "39-51-301. Administration -- duties and powers of
14 department. (1) It shall be the duty of the department to
15 administer this chapter and it shall have power and
16 authority to adopt, amend, or rescind such rules, to employ
17 such persons, make such expenditures, require such reports,
18 make such investigations, and take such other action as it
19 deems necessary or suitable to that end. Such rules shall be
20 effective upon publication in the manner, not inconsistent
21 with the provisions of this chapter, which the department
22 shall prescribe.

23 (2) The department shall determine its own
24 organization and methods of procedure in accordance with the
25 provisions of this chapter and shall have an official seal

1 which shall be judicially noticed.

2 ~~{3}--The--department--shall--report--as--provided--in~~
 3 ~~2-7-102--such--report--shall--include--a--balance--sheet--of--the~~
 4 ~~money--in--the--fund--in--which--there--shall--be--provided--if~~
 5 ~~possible--a--reserve--against--the--liability--in--future--years--to~~
 6 ~~pay--benefits--in--excess--of--the--then--current--contributions~~
 7 ~~which--reserve--shall--be--set--up--by--the--department--in~~
 8 ~~accordance--with--accepted--actuarial--principles--on--the--basis~~
 9 ~~of--statistics--of--employment--business--activity--and--other~~
 10 ~~relevant--factors--for--the--longest--possible--period.~~

11 ~~{4}{13}~~ Whenever the department believes that a change
 12 in contribution or benefit rates will become necessary to
 13 protect the solvency of the fund, it shall promptly so
 14 inform the governor and the legislature and make
 15 recommendations with respect thereto."

16 Section 12. Section 39-71-209, MCA, is amended to
 17 read:

18 "39-71-209. Publication of reports and bulletins
 19 authorized. The division shall have the power and authority
 20 to publish and distribute at its discretion from time to
 21 time--in--addition--to--its--report--required--by--2-7-102, such
 22 further reports and bulletins covering its operations,
 23 proceedings, and matters relative to its work as it may deem
 24 advisable."

25 Section 13. Section 69-14-115, MCA, is amended to

1 read:

2 "69-14-115. Investigation, enforcement, and report
 3 concerning railroad safety laws. (1) The commission shall:

4 (a) make inquiry into the observance by all railroads
 5 within this state of the laws of the United States and of
 6 Montana intended to safeguard the lives of the employees of
 7 persons or corporations engaged in operating the same;

8 (b) lay complaint before the proper state or federal
 9 officer, of any infraction of any of such laws; and

10 (c) prosecute before the proper court or tribunal any
 11 person guilty of violation of the penal provisions thereof.

12 (2) The commission shall in the ~~an~~ annual report
 13 ~~required-by-2-7-102~~ set out what effort it has made to carry
 14 out the provisions of this section, with the result thereof,
 15 and in detail what steps it has taken to prosecute any
 16 violations of any such acts of which it has secured
 17 information. A copy of this annual report shall be mailed to
 18 the secretary of the department of transportation."

19 ~~NEW-SECTION.~~ Section 14. Repealer. Section 2-7-102,
 20 MCA, is repealed.

-End-