

HB 510 INTRODUCED BY HOFFMAN, R., ET AL.
PROVIDE FOR THE ELECTION OF A STATE COMMISSIONER OF
AGRICULTURE

1/28 INTRODUCED

1/28 REFERRED TO STATE ADMINISTRATION

1/28 FISCAL NOTE REQUESTED
REQUEST CANCELLED

2/04 HEARING

2/04 COMMITTEE REPORT--BILL NOT PASSED

2/05 ADVERSE COMMITTEE REPORT ADOPTED

88 10

1 House BILL NO. 510
 2 INTRODUCED BY Hoffman / Hedberg
 3 MERCER

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 ELECTION OF A COMMISSIONER OF AGRICULTURE; GRANTING THE
 6 COMMISSIONER OF AGRICULTURE POWERS AND DUTIES AS HEAD OF THE
 7 DEPARTMENT OF AGRICULTURE; AMENDING SECTIONS 2-15-103,
 8 2-15-105, AND 2-15-3001, MCA; AND PROVIDING EFFECTIVE
 9 DATES."

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

12 Section 1. Section 2-15-103, MCA, is amended to read:
 13 "2-15-103. Policymaking authority and administrative
 14 powers of governor. In accordance with Article VI, section
 15 4, of the Montana constitution, the governor is the chief
 16 executive officer of the state. Subject to the constitution
 17 and law of this state, the governor shall formulate and
 18 administer the policies of the executive branch of state
 19 government. In the execution of these policies, the governor
 20 has full powers of supervision, approval, direction, and
 21 appointment over all departments and their units, other than
 22 the office of the lieutenant governor, secretary of state,
 23 attorney general, auditor, and superintendent of public
 24 instruction, and commissioner of agriculture, except as
 25 otherwise provided by law. Whenever a conflict arises as to

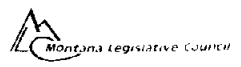
1 the administration of the policies of the executive branch
 2 of state government, except for conflicts arising in the
 3 office of the lieutenant governor, secretary of state,
 4 attorney general, auditor, and superintendent of public
 5 instruction, and commissioner of agriculture, the governor
 6 shall resolve the conflict, and the decision of the governor
 7 is final."

8 Section 2. Section 2-15-105, MCA, is amended to read:

9 "2-15-105. Attorney general, commissioner of
 10 agriculture, state auditor, superintendent of public
 11 instruction, and secretary of state -- powers as department
 12 heads. The attorney general, commissioner of agriculture,
 13 state auditor, superintendent of public instruction, and
 14 secretary of state have, in addition to any other power
 15 vested by the Montana constitution or by law, the same
 16 powers accorded the heads of departments by this part. No
 17 duties relating to the governor or requirements for
 18 permission from or approval by the governor in this part
 19 apply to such elected officials in the exercise of such
 20 power unless a statute specifically requires the elected
 21 official to perform such duty or obtain such permission or
 22 approval."

23 Section 3. Section 2-15-3001, MCA, is amended to read:

24 "2-15-3001. Department of agriculture -- head. There
 25 is a department of agriculture. The department head is a



1 ~~director---of--agriculture--appointed--by--the--governor--in~~
2 ~~accordance-with-2-15-111 the commissioner of agriculture."~~

3 NEW SECTION. Section 4. Commissioner of agriculture.
4 There is a commissioner of agriculture who must be elected
5 by the qualified electors of the state at the general
6 election preceding his term of office.

7 NEW SECTION. Section 5. Term of office. (1) The
8 commissioner of agriculture shall serve a term of 4 years
9 that begins on the first Monday of January next succeeding
10 his election.

11 (2) The commissioner of agriculture shall serve until
12 his successor is elected and qualified.

13 NEW SECTION. Section 6. Qualifications. Any person is
14 qualified to serve as the commissioner of agriculture who:

15 (1) is an experienced and practical farmer;

16 (2) has knowledge of agriculture and general industry;
17 and

18 (3) meets the requirements for age and citizenship
19 established in 2-16-102.

20 NEW SECTION. Section 7. Oath of office. Before
21 entering upon the performance of his duties, the
22 commissioner of agriculture shall take and subscribe the
23 oath of office provided by law for other state officers.

24 NEW SECTION. Section 8. Powers and duties. (1) The
25 commissioner of agriculture shall exercise the powers and

1 perform the duties assigned to the department of agriculture
2 by law.

3 (2) In addition to the authority and responsibilities
4 described in subsection (1), the commissioner of agriculture
5 possesses, as head of the department of agriculture, the
6 same powers and duties accorded the head of an executive
7 department under 2-15-112.

8 NEW SECTION. Section 9. Compensation. The
9 commissioner of agriculture shall receive an annual salary
10 in such amount as may be specified by the legislature in the
11 appropriation to the department of agriculture.

12 NEW SECTION. Section 10. Transition. (1) At the 1988
13 general election, the qualified electors of this state shall
14 elect a commissioner of agriculture who shall meet the
15 qualifications for such office in accordance with the
16 provisions of [section 6]. The individual selected shall
17 take office on the first Monday of January 1989.

18 (2) A director appointed by the governor shall serve
19 as head of the department of agriculture until a
20 commissioner of agriculture has been elected and qualified.

21 NEW SECTION. Section 11. Code commissioner
22 instructions. Whenever the terms "director of the department
23 of agriculture", "director of agriculture", or "director"
24 meaning the director of the department of agriculture appear
25 in the provisions of the Montana Code Annotated or in

1 legislation enacted in the 50th legislative session, the
2 code commissioner is instructed to change the term to
3 "commissioner of agriculture" or "commissioner" meaning the
4 commissioner of agriculture.

5 NEW SECTION. Section 12. Effective dates. (1)
6 Sections 1 through 5 and sections 7 through 9 are effective
7 January 1, 1989.

8 (2) Sections 6, 10, 11, and this section are effective
9 on passage and approval.

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