HOUSE BILL NO. 706

INTRODUCED BY D. BROWN

IN THE HOUSE

- FEBRUARY 11, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
- FEBRUARY 17, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 18, 1987 PRINTING REPORT.
- FEBRUARY 19, 1987 SECOND READING, DO PASS.
- FEBRUARY 20, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 90; NOES, 1.

TRANSMITTED TO SENATE.

- IN THE SENATE
- FEBRUARY 21, 1987
- MARCH 5, 1987
- MARCH 9, 1987
- MARCH 11, 1987

INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.

- COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
 - SECOND READING, CONCURRED IN.
- THIRD READING, CONCURRED IN. AYES, 49; NOES, 1.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 12, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

LC 1704/01

House BILL NO. 706 1 INTRODUCED BY 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC NOTICE 4 OF VACANCIES ON CERTAIN COUNCILS, BOARDS, COMMISSIONS, AND 5 6 COMMITTEES; AND AMENDING SECTIONS 2-15-201 AND 5-16-104, 7 MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 2-15-201, MCA, is amended to read: 10 11 "2-15-201. Powers and duties of governor. In addition 12 to the duties prescribed by the constitution, the governor shall perform the following duties: 13 14 (1) He shall supervise the official conduct of all executive and ministerial officers. 15 16 (2) He shall see that all offices are filled and the duties thereof performed or, in default thereof, apply such 17 18 remedy as the law allows. If the remedy is imperfect, he shall acquaint the legislature therewith at its next 19 20 session. 21 (3) (a) He shall make the appointments and supply the 22 vacancies as required by law. When a vacancy in a position 23 on a council, board, commission, or committee has occurred 24 or is expected to occur and must be filled by gubernatorial appointment, the governor shall have posted in a conspicuous 25

ntana Legislative Council

place in the state capitol a notice: (i) announcing the actual or anticipated vacancy in (ii) describing the qualifications for the position, if

(iii) describing the procedure for applying for 6

7 appointment to the position.

the position;

any; and

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- 8 (b) A copy of the notice required under subsection
- 9 (3)(a) must be sent to the lieutenant governor who may

10 publish the notice in an appropriate publication.

(4) He is the sole official organ of communication 11 between the government of this state and the government of 12 13 any other state or of the United States.

14 (5) Whenever any suit or legal proceeding is pending 15 against this state or which may affect the title of this 16 state to any property or which may result in any claim 17 against the state, he may direct the attorney general to appear on behalf of the state and may employ such additional 18

19 counsel as he may judge expedient.

20 (6) He may require the attorney general or county 21 attorney of any county to inquire into the affairs or 22 management of any corporation existing under the laws of 23 this state.

24 (7) He may require the attorney general to aid the 25 county attorney in the discharge of his duties.

-2- INTRODUCED BILL HB-706

LC 1704/01

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

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

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

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

12 (12) He shall discharge the duties of member of the 13 board of examiners, of nonvoting ex officio member of the 14 state board of education, and of member of the board of land 15 commissioners.

16 (13) He has the other powers and must perform the other 17 duties as are devolved upon him by this code or any other 18 law of this state."

19 Section 2. Section 5-16-104, MCA, is amended to read:
20 "5-16-104. Vacancies. (1) A vacancy on the council of
21 a member appointed under 5-16-101(2) occurring when the
22 legislature is not in session shall be filled by the
23 selection of a member of the legislature by the same method
24 as the original appointment.

25 (2) When a vacancy on the council of a member

- 1 appointed under 5-16-101(3) has occurred or is expected to
- 2 occur, the appointing authority shall have posted in a
- 3 conspicuous place in the state capitol a notice announcing
- 4 the actual or anticipated vacancy and describing the

5 procedure for applying for appointment."

-End-

STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB706, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring public notice of vacancies on certain councils, boards, commissions and committees; and amending Sections 2-15-201 and 5-16-104, MCA.

FISCAL IMPACT: None.

DATE 2/14/87

DAVID L. HUNTER, BUDGET DIRECTOR Office of Budget and Program Planning

DATE

DAVE BROWN, PRIMARY SPONSOR

Fiscal Note for HB706, as introduced.

HB 706

50th Legislature

HB 0706/02

APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1	HOUSE BILL NO. 706	1	place in the state capitol a notice:
2	INTRODUCED BY D. BROWN	2	(i) announcing the actual or anticipated vacancy in
3		3	the position;
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC NOTICE	4	(ii) describing the qualifications for the position, if
5	OF VACANCIES ON CERTAIN COUNCILS, BOARDS, COMMISSIONS, AND	5	any; and
6	COMMITTEES; AND AMENDING SECTIONS 2-15-201 AND 5-16-104,	6	(iii) describing the procedure for applying for
7	MCA."	7	appointment to the position.
8		8	(b) A copy of the notice required under subsection
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	(3)(a) must be sent to the lieutenant governor who may
10	Section 1. Section 2-15-201, MCA, is amended to read:	10	publish the notice in an appropriate publication.
11	"2-15-201. Powers and duties of governor. In addition	11	(4) He is the sole official organ of communication
12	to the duties prescribed by the constitution, the governor	12	between the government of this state and the government of
13	shall perform the following duties:	13	any other state or of the United States.
14	(1) He shall supervise the official conduct of all	14	(5) Whenever any suit or legal proceeding is pending
15	executive and ministerial officers.	15	against this state or which may affect the title of this
16	(2) He shall see that all offices are filled and the	16	state to any property or which may result in any claim
17	duties thereof performed or, in default thereof, apply such	17	against the state, he may direct the attorney general to
18	remedy as the law allows. If the remedy is imperfect, he	18	appear on behalf of the state and may employ such additional
19	shall acquaint the legislature therewith at its next	19	counsel as he may judge expedient.
20	session.	20	(6) He may require the attorney general or county
21	(3) (a) He shall make the appointments and supply the	21	attorney of any county to inquire into the affairs or
22	vacancies as required by law. When a vacancy in a position	22	management of any corporation existing under the laws of
23	on a council, board, commission, or committee has occurred	23	this state.
24	or is expected to occur and must be filled by gubernatorial	24	(7) He may require the attorney general to aid the
25	appointment, the governor shall have posted in a conspicuous	25	county attorney in the discharge of his duties.

Montana Legislative council

HB 0706/02

-2-

HB 706

SECOND READING

HB 0706/02

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

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

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

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

12 (12) He shall discharge the duties of member of the 13 board of examiners, of nonvoting ex officio member of the 14 state board of education, and of member of the board of land 15 commissioners.

16 (13) He has the other powers and must perform the other
17 duties as are devolved upon him by this code or any other
18 law of this state."

19 Section 2. Section 5-16-104, MCA, is amended to read: 20 "5-16-104. Vacancies. (1) A vacancy on the council of 21 a member appointed under 5-16-101(2) occurring when the 22 legislature is not in session shall be filled by the 23 selection of a member of the legislature by the same method 24 as the original appointment.

(2) (A) When a vacancy on the council of a member

-3-

HB 706

1	appointed under 5-16-101(3) has occurred or is expected to
2	occur, the appointing authority shall have posted in a
3	conspicuous place in the state capitol a notice announcing
4	the actual or anticipated vacancy and describing the
5	procedure for applying for appointment.
б	(B) A COPY OF THE NOTICE REQUIRED UNDER SUBSECTION

7 (2) (A) MUST BE SENT TO THE LIEUTENANT GOVERNOR WHO MAY

8 PUBLISH THE NOTICE IN AN APPROPRIATE PUBLICATION,"

-4-

HB 706

S0th Legislature

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HB 0706/02

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to the duties prescribed by the constitution, the governor	12 between the government of this state and the government of
shall perform the following duties:	13 any other state or of the United States.
(1) He shall supervise the official conduct of all	14 (5) Whenever any suit or legal proceeding is pending
executive and ministerial officers.	15 against this state or which may affect the title of this
(2) He shall see that all offices are filled and the	16 state to any property or which may result in any claim
duties thereof performed or, in default thereof, apply such	17 against the state, he may direct the attorney general to
remedy as the law allows. If the remedy is imperfect, he	18 appear on behalf of the state and may employ such additional
shall acquaint the legislature therewith at its next	19 counsel as he may judge expedient.
session.	20 (6) He may require the attorney general or county
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vacancies as required by law. When a vacancy in a position	22 management of any corporation existing under the laws of
on a council, board, commission, or committee has occurred	23 this state.
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HB 0706/02

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-2-

HB 706

THIRD READING

HB 0706/02

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HB 706

- appointed under 5-16-101(3) has occurred or is expected to
 occur, the appointing authority shall have posted in a
 conspicuous place in the state capitol a notice announcing
 the actual or anticipated vacancy and describing the
 procedure for applying for appointment.
 (B) A COPY OF THE NOTICE REQUIRED UNDER SUBSECTION
 (2)(A) MUST BE SENT TO THE LIEUTENANT GOVERNOR WHO MAY
- 8 PUBLISH THE NOTICE IN AN APPROPRIATE PUBLICATION."

-End-

-4-

HB 0706/02

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REFERENCE BILL

- 2 -

HB 706

HB 706

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4 the actual or anticipated vacancy and describing the

5 procedure for applying for appointment.

- 6 (B) A COPY OF THE NOTICE REQUIRED UNDER SUBSECTION
- 7 (2) (A) MUST BE SENT TO THE LIEUTENANT GOVERNOR WHO MAY
- 8 PUBLISH THE NOTICE IN AN APPROPRIATE PUBLICATION."

-End-

- 4 -