

1 House BILL NO. 706
2 INTRODUCED BY Dave Brown

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC NOTICE
5 OF VACANCIES ON CERTAIN COUNCILS, BOARDS, COMMISSIONS, AND
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:

10 Section 1. Section 2-15-201, MCA, is amended to read:

11 "2-15-201. Powers and duties of governor. In addition
12 to the duties prescribed by the constitution, the governor
13 shall perform the following duties:

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

16 (2) He shall see that all offices are filled and the
17 duties thereof performed or, in default thereof, apply such
18 remedy as the law allows. If the remedy is imperfect, he
19 shall acquaint the legislature therewith at its next
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
25 appointment, the governor shall have posted in a conspicuous

1 place in the state capitol a notice:

2 (i) announcing the actual or anticipated vacancy in
3 the position;

4 (ii) describing the qualifications for the position, if
5 any; and

6 (iii) describing the procedure for applying for
7 appointment to the position.

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.

11 (4) He is the sole official organ of communication
12 between the government of this state and the government of
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
18 appear on behalf of the state and may employ such additional
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.



1 (8) He may offer rewards not exceeding \$1,000 each,
 2 payable out of the general fund, for the apprehension of any
 3 convict who has escaped from the state prison or any person
 4 who has committed or is charged with an offense punishable
 5 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.

David L. Hunter DATE 2/14/87

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

Dave Brown DATE 2/16/87

DAVE BROWN, PRIMARY SPONSOR

Fiscal Note for HB706, as introduced.

HB 706

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 706

INTRODUCED BY D. BROWN

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place in the state capitol a notice:

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(b) A copy of the notice required under subsection (3)(a) must be sent to the lieutenant governor who may publish the notice in an appropriate publication.

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

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

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

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

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 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
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