

SENATE BILL 130

Introduced by McClernan

1/13	Introduced
1/13	Referred to State Administration
1/13	First Reading
1/19	Hearing
2/11	Committee Report--Bill Passed as Amended
2/12	2nd Reading Passed
2/13	3rd Reading Passed
	Transmitted to House
2/23	Referred to State Administration
2/23	First Reading
3/10	Hearing
3/12	Tabled in Committee
3/26	Committee Report--Bill Not Concurred as Amended
3/27	Motion Failed to Reject Adverse Committee Report and Place Bill on 2nd Reading
3/27	Adverse Committee Report Adopted

1 Senate BILL NO. 130
2 INTRODUCED BY McClure
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
5 APPOINTMENT OF THE COMMISSIONER OF POLITICAL PRACTICES;
6 REQUIRING THE GOVERNOR TO MAKE THE APPOINTMENT FROM THE LIST
7 OF NOMINEES; CLARIFYING THAT THE NOMINATING COMMITTEE IS
8 REQUIRED TO GIVE NOTICE OF MEETINGS; AND AMENDING SECTION
9 13-37-102, MCA."

10

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

12 **Section 1.** Section 13-37-102, MCA, is amended to read:

13 "13-37-102. Creation of office. (1) There is a
14 commissioner of political practices who is appointed by the
15 governor, subject to confirmation by a majority of the
16 senate. A four-member selection nominating committee
17 comprised composed of the speaker of the house, the
18 president of the senate, and the minority floor leaders of
19 both houses of the legislature shall submit to the governor
20 a list of not less than two or more than five names of
21 individuals ~~for--his-consideration.~~ The governor shall make
22 the appointment from the list of names. A majority of the
23 members of the selection committee shall agree upon each
24 nomination. The committee must comply with the provisions of
25 Title 2, chapter 3, parts 1 and 2.

1 (2) The individual selected to serve as commissioner of
2 political practices may be removed by the governor prior to
3 the expiration of the term only for incompetence,
4 malfeasance, or neglect of duty. The sufficiency of such the
5 causes ~~shall-be~~ is subject to judicial review."

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 130
INTRODUCED BY MCCLERNAN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPOINTMENT OF THE COMMISSIONER OF POLITICAL PRACTICES; REQUIRING THE GOVERNOR TO MAKE THE APPOINTMENT FROM THE LIST OF NOMINEES; ~~CLARIFYING--THAT--THE--NOMINATING--COMMITTEE--IS--REQUIRED--TO--GIVE--NOTICE--OF--MEETINGS~~ SPECIFYING THE NOMINATING COMMITTEE'S SELECTION PROCESS; PROVIDING THAT THE COMMISSIONER SERVE UNTIL A NEW COMMISSIONER IS CONFIRMED; AND AMENDING ~~SECTION~~ SECTIONS 13-37-102 AND 13-37-103, MCA."

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

Section 1. Section 13-37-102, MCA, is amended to read:

"13-37-102. Creation of office -- SELECTION PROCESS.

(1) There is a commissioner of political practices who is appointed by the governor, subject to confirmation by a majority of the senate. A four-member selection nominating committee comprised composed of the speaker of the house, the president of the senate, and the minority floor leaders of both houses of the legislature shall submit to the governor a list of not less than two or more than five names of individuals ~~for--his--consideration.~~ The governor shall make the appointment from the list of names. A majority of the members of the selection NOMINATING committee shall

agree upon each nomination. ~~The committee must--comply--with the provisions of Title 2, chapter 3, parts 1 and 2.~~

(2) BEFORE SUBMITTING THE LIST OF CANDIDATES TO THE GOVERNOR, THE NOMINATING COMMITTEE SHALL:

(A) AT LEAST 90 DAYS BEFORE THE COMMISSIONER'S TERM EXPIRES, ADVERTISE THE POSITION IN ALL DAILY NEWSPAPERS IN MONTANA THAT PUBLISH LEGAL NOTICES AND IN OTHER APPROPRIATE PUBLICATIONS AND POST A NOTICE OF THE POSITION VACANCY AT EACH STATE JOB SERVICE OFFICE;

(B) ALLOW AN APPLICATION PERIOD OF AT LEAST 30 DAYS FROM THE DATE OF PUBLIC NOTICE UNDER SUBSECTION (2)(A);

(C) REVIEW ALL APPLICATIONS OF FINALISTS AND HOLD AT LEAST ONE PUBLIC HEARING BEFORE FINALIZING THE COMMITTEE'S LIST OF CANDIDATES;

(D) COMPLY WITH TITLE 2, CHAPTER 3, PARTS 1 AND 2; AND

(E) SELECT CANDIDATES BY MAJORITY VOTE.

~~(2)(3)~~ The individual selected to serve as commissioner of political practices may be removed by the governor prior to the expiration of the term only for incompetence, malfeasance, or neglect of duty. The sufficiency of such the causes ~~shall be~~ is subject to judicial review."

SECTION 2. SECTION 13-37-103, MCA, IS AMENDED TO READ:

"13-37-103. Term of office -- limitations on holding other office. (1) ~~The~~ Except as provided in subsection (2), the individual selected to serve as the commissioner of

1 ~~political--practices~~ is appointed for a 6-year term, but he
2 ~~is-thereafter-ineligible-to~~ the individual may not serve as
3 ~~the commissioner of-political-practices~~ for a second term.

4 (2) The commissioner shall serve until a new
5 commissioner has been confirmed by the senate pursuant to
6 13-37-102.

7 (3) The individual selected to serve as commissioner of
8 ~~political--practices~~ is precluded from being a candidate for
9 public office, as defined in 13-1-101, for a period of 5
10 years from the time that he the individual leaves office as
11 commissioner."

12 NEW SECTION. SECTION 3. SEVERABILITY. IF A PART OF
13 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
14 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
15 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
16 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
17 SEVERABLE FROM THE INVALID APPLICATIONS.

-End-

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REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
SEVERABLE FROM THE INVALID APPLICATIONS.

-End-