

SENATE BILL 226

Introduced by Weldon

1/20	Introduced
1/20	Referred to State Administration
1/20	First Reading
1/20	Fiscal Note Requested
1/26	Fiscal Note Received
1/28	Hearing
1/28	Fiscal Note Printed
2/11	Tabled in Committee

1 Senate BILL NO. 226  
 2 INTRODUCED BY Weldon  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SELECTION  
 5 OF THE COMMISSIONER OF POLITICAL PRACTICES; REVISING THE  
 6 SELECTION COMMITTEE; SPECIFYING THE COMMITTEE'S SELECTION  
 7 PROCESS; PROVIDING THAT THE COMMISSIONER SERVE UNTIL A NEW  
 8 COMMISSIONER IS CONFIRMED; AND AMENDING SECTIONS 13-37-102,  
 9 13-37-103, AND 13-37-104, 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 -- appointment. (1)  
 14 There is a commissioner of political practices who is  
 15 appointed by the governor from a list of potential nominees  
 16 selected by a committee pursuant to [section 3], subject to  
 17 confirmation by a majority of the senate. A--four-member  
 18 selection--committee--comprised-of-the-speaker-of-the-house,  
 19 the-president-of-the-senate,--and-the-minority-floor--leaders  
 20 of--both--houses--of--the--legislature--shall--submit-to-the  
 21 governor-a-list-of-not-less-than-two-or-more-than-five-names  
 22 of-individuals-for-his--consideration.--A-majority--of--the  
 23 members--of--the--selection--committee-shall--agree-upon-each  
 24 nomination;

25 (2) The individual selected to serve as commissioner of

1 political practices may be removed by the governor prior to  
 2 the expiration of the term only for incompetence,  
 3 malfeasance, or neglect of duty. The sufficiency of such the  
 4 causes cause for removal shall-be is subject to judicial  
 5 review."

6 **NEW SECTION. Section 2.** Selection committee --  
 7 membership -- expenses -- staff support. (1) (a) On or  
 8 before 110 days before the commissioner's term expires, the  
 9 majority and minority leader of each house shall each  
 10 appoint one member to serve on a selection committee.

11 (b) Within 20 days after their designation, the four  
 12 appointed members shall select a fifth member, who shall  
 13 serve as presiding officer. If the four members fail to  
 14 select the fifth member within the time prescribed, a  
 15 majority of the supreme court shall select the fifth member.

16 (c) Members may not be public officeholders.

17 (2) (a) In the event that a vacancy occurs on the  
 18 committee, the appointing authority of the vacated seat  
 19 shall designate a successor.

20 (b) In the event that the appointing authority at the  
 21 time a vacancy occurs is of the opposite political party  
 22 from that of the appointing authority that made the  
 23 appointment that is vacant, the majority or minority leader  
 24 of the same political party as the appointing authority that  
 25 made the original appointment shall designate the successor.

(3) Committee members are not entitled to compensation, except for reimbursement travel, lodging, and meals, as provided in Title 2, chapter 18, part 5, while attending committee meetings or carrying out the official duties of the committee.

(4) The legislative council shall provide the technical staff and clerical services to support the committee.

(5) Upon request, state agencies shall cooperate with the committee and furnish technical assistance and consulting personnel.

(6) The committee is dissolved upon senate confirmation of a commissioner.

**NEW SECTION. Section 3.** Selection of potential nominees for commissioner. (1) The selection committee established in [section 2] shall submit to the governor a list of from three to five candidates for commissioner from which the governor shall nominate the commissioner.

(2) Prior to submitting the list of candidates, the 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 notice 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 and hold at least one public hearing before finalizing the committee's list of candidates; and

(d) select candidates by majority vote.

(3) A person selected by the committee may not have held public office for 10 years prior to the person's application for commissioner.

(4) All meetings of the committee and related documents must be open to the public, except when the demands of individual privacy clearly exceed the merit of public disclosure.

(5) The governor shall, by the 10th legislative day of the first regular session after the commissioner's term expires, nominate a new commissioner from the list of candidates submitted by the committee.

(6) If the senate rejects the governor's nomination, the governor shall, within 10 days, select a new nominee from the list of candidates submitted by the committee.

**Section 4.** 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 political-practices is appointed for a 6-year term, but he the individual is-thereafter-ineligible-to may not serve as

the commissioner of ~~political-practices~~ a second time.

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

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

**Section 5.** Section 13-37-104, MCA, is amended to read:

"13-37-104. Vacancy. (1) If for any reason a vacancy occurs in the position of commissioner, a successor ~~shall~~ must be appointed ~~within-30-days-as-provided-in-13-37-102(1)~~ by the governor to serve out the unexpired term. ~~Every~~ Each nomination ~~shall~~ must be confirmed by the senate, but a nomination made while the senate is not in session ~~shall-be~~ is effective as an appointment until the end of the next session.

(2) An individual who is selected to serve out the unexpired term of a preceding commissioner and who has served 3 years or more of an unexpired term is not eligible for reappointment.

(3) An individual who is selected to serve out the unexpired term of a preceding commissioner and who has served less than 3 years may be reappointed for a 6-year

term as provided in 13-37-102(1)."

**NEW SECTION. Section 6.** Codification instruction.

[Sections 2 and 3] are intended to be codified as an integral part of Title 13, chapter 37, part 1, and the provisions of Title 13, chapter 37, part 1, apply to [sections 2 and 3].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0226, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: This bill revises the selection of the Commissioner of Political Practices and the selection committee, providing that the commissioner serve until a new commissioner is confirmed.

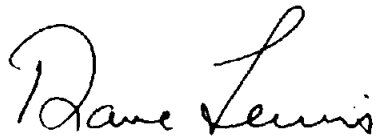
ASSUMPTIONS:

1. There will be no fiscal impact in this biennium or the next biennium.
2. The four members initially appointed will meet once in Helena to choose the fifth committee member.
3. The committee will meet in Helena twice to select and interview applicants for the commissioner, and to choose the pool of applicants to be recommended to the Governor.
4. The average cost of each of the three meetings should be about \$700 for a total of \$2,100.

FISCAL IMPACT: None in this biennium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

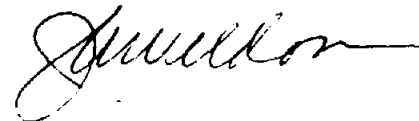
At the expiration of the term of the Commissioner of Political Practices, the process detailed in SB0226 will be implemented. The committee costs will be \$2,100; advertising for the position in Montana's 11 daily newspapers is estimated to be at least \$416; photocopying and other miscellaneous costs could approach \$500. Other miscellaneous costs for committee meetings can be absorbed by the Legislative Council. Total estimated costs should range between \$3,000 and \$4,250 for the committee and must be accounted for in the 1999 biennial budget. All future costs are assumed to be general fund.



DAVE LEWIS, BUDGET DIRECTOR  
Office of Budget and Program Planning

1-26-93

DATE



JEFF WELDON, PRIMARY SPONSOR

DATE

1/27/93

Fiscal Note for SB0226, as introduced

SB 226