

SENATE BILL NO. 16

INTRODUCED BY D. BROWN

BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HOW THE COMMISSIONER OF POLITICAL PRACTICES IS APPOINTED AND REVISING QUALIFICATIONS; AMENDING SECTIONS 13-37-102 ~~AND~~ 13-37-104, AND 13-37-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 -- nomination -- appointment -- removal. (1) There is a commissioner of political practices who is appointed by the governor, subject to confirmation by a majority of the senate.

(2) (a) A four-member ~~selection~~ nomination committee composed of the speaker of the house, the president of the senate, and the minority 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 the governor's consideration. A majority of the members of the ~~selection~~ nomination committee shall agree ~~upon~~ on each nomination.

(b) The governor shall appoint the commissioner from the list of nominees submitted by the nomination committee. However, if the nomination committee fails to submit names agreed to by the majority of the nomination committee members, the governor may appoint anyone who meets the qualifications set forth in 13-37-107.

~~(2)~~(3) The individual selected to serve as commissioner may be removed by the governor prior to the expiration of the term only for incompetence, malfeasance, or neglect of duty. The governor's decision to remove the commissioner must be stated in writing, and the sufficiency of the governor's stated causes for removing the commissioner is subject to judicial review."

Section 2. 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 must be appointed ~~within 30 days~~ as provided in 13-37-102(1) within 30 days of the vacancy to serve out the unexpired term. ~~Each nomination~~ The governor's appointee must be confirmed by the senate, but a

1 ~~nomination~~ an appointment made while the senate is not in session is effective as an appointment until the end
2 of the next session.

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

5 (3) An individual who is selected to serve out the unexpired term of a preceding commissioner and who
6 has served less than 3 years of an unexpired term may be reappointed for a 6-year term as provided in
7 13-37-102(4)."

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9 **SECTION 3.** SECTION 13-37-107, MCA, IS AMENDED TO READ:

10 "**13-37-107. Commissioner of political practices -- qualifications.** The individual appointed to serve
11 as commissioner:

12 (1) must be a citizen of the United States and a resident of Montana as provided in 13-1-112; ~~and~~

13 (2) on the date of appointment, must be registered to vote in Montana;

14 (3) in the 2 years immediately preceding the date of the appointment, may not have:

15 (a) served as a fundraiser for a candidate for public office;

16 (b) served as an officer in a political party or for a political committee; or

17 (c) participated in the management or conduct of a campaign by a candidate for public office;

18 (4) must possess the following knowledge, skills, and abilities:

19 (a) a confirmable track record of highly ethical professional behavior;

20 (b) the demonstrable ability to be firm, fair, and unbiased in carrying out professional responsibilities;

21 (c) the ability to communicate effectively orally and in writing;

22 (d) the ability to interpret statutes, legal opinions, and regulations;

23 (e) the ability to supervise, organize, and motivate employees; and

24 (f) knowledge of the standards of evidence and due process rights that are applicable to judicial and
25 quasi-judicial proceedings."

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27 **NEW SECTION.** **Section 4. Effective date.** [This act] is effective on passage and approval.

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