

**Unofficial Draft Copy**

As of: May 12, 2014 (12:14pm)

LCsa01

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act revising how the commissioner of political practices is selected; amending sections 13-37-102 and 13-37-104, 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 -- selection -- 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~~ five-member selection committee composed of the speaker of the house, the president of the senate, ~~and~~ the minority leaders of both houses of the legislature, and a fifth member selected as provided in subsection (2)(b) shall submit to the governor a list of not less than two or more than five names of individuals for the ~~governor's consideration~~ commissioner position. A majority of the members of the selection committee shall agree upon each nomination.

(b) The fifth member of the selection committee shall be selected by a majority of the four members specified in subsection (2)(a). If the four members fail to select the fifth

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member, a majority of the state supreme court shall select the fifth member. The fifth member shall serve as the selection committee's presiding officer.

(c) The governor shall appoint the commissioner from the list of names submitted by the selection committee.

~~(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."

{*Internal References to 13-37-102:*

x2-15-411      x13-27-111      x13-37-101      x13-37-104  
x13-37-104 }

**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 nomination~~ an appointment made while the senate is not in session 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

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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)."

{*Internal References to 13-37-104:*  
*x13-37-103* }

NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective on passage and approval.

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