HOUSE BILL NO. 660

INTRODUCED BY T. BROCKMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING NOTIFICATION REQUIREMENTS REGARDING VACANCIES ON APPOINTMENTS; ALLOWING NOTIFICATION BY ELECTRONIC MEANS; REMOVING THE REQUIREMENT TO PROVIDE A COPY OF THE NOTICE TO THE LIEUTENANT GOVERNOR; AMENDING SECTIONS 2-15-201 AND 5-16-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"**2-15-201. Powers and duties of governor.** (1) In addition to the duties prescribed by the constitution, the governor shall:

(a) supervise the official conduct of all executive and ministerial officers; and

(b) ensure that all offices are filled and that the duties of the offices are performed or, in default of the performance, apply a remedy that the law allows. If the remedy is imperfect, the governor shall acquaint the legislature with the issue at its next session.

(2) ~~(a)~~ The governor shall make the appointments and fill the vacancies as required by law. When a vacancy in a position on a council, board, commission, or committee has occurred or is expected to occur and must be filled by gubernatorial appointment, the governor shall ~~have posted in a conspicuous place in the state capitol~~ post a notice by electronic means:

~~(i)~~(a) announcing the actual or anticipated vacancy in the position;

~~(ii)~~(b) describing the qualifications for the position, if any; and

~~(iii)~~(c) describing the procedure for applying for appointment to the position.

~~(b) A copy of the notice required under subsection (2)(a) must be sent to the lieutenant governor who may publish the notice in an appropriate publication.~~

(3) The governor 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.

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

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

(6) The governor may require the attorney general to aid the county attorney in the discharge of the county attorney's duties.

(7) The governor may offer rewards not exceeding $1,000 each, payable out of the general fund, for the apprehension of any convict who has escaped from the state prison or any person who has committed or is charged with an offense punishable by death.

(8) The governor shall perform the duties respecting fugitives from justice that are prescribed by Title 46, chapter 30.

(9) The governor shall issue land warrants and patents, as prescribed in 77-2-342.

(10) The governor may require any officer or board to make special reports, upon demand, in writing.

(11) The governor shall discharge the duties of a member of the board of examiners, of a nonvoting ex officio member of the state board of education, and of a member of the board of land commissioners.

(12) The governor has the other powers and shall perform the other duties that are devolved upon the governor by this section or any other law of this state."

**Section 2.** Section 5-16-104, MCA, is amended to read:

"**5-16-104. Vacancies.** (1) A vacancy on the council of a member appointed under 5-16-101(2) occurring when the legislature is not in session ~~shall~~ must be filled by the selection of a member of the legislature by the same method as the original appointment. If there is a vacancy on the committee at the beginning of a legislative session because a member's term of office as a legislator has ended, a member of the same political party must be appointed in the same manner as the original appointment, no later than the 10th legislative day, to serve until a successor is appointed under 5-16-101.

(2) ~~(a)~~ When a vacancy on the council of a member appointed under 5-16-101(3) has occurred or is expected to occur, the appointing authority shall ~~have posted in a conspicuous place in the state capitol~~ post a notice by electronic means announcing the actual or anticipated vacancy and describing the procedure for applying for appointment.

~~(b) A copy of the notice required under subsection (2)(a) must be sent to the lieutenant governor, who may publish the notice in an appropriate publication.~~"

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

- END -