

1 HOUSE BILL NO. 353

2 INTRODUCED BY E. GREEF

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO A VACANCY ON THE PUBLIC
5 SERVICE COMMISSION; REQUIRING THE GOVERNOR'S APPOINTEE TO FILL A VACANCY TO BE FROM
6 THE SAME POLITICAL PARTY AND DISTRICT AS THE FORMER INCUMBENT; REQUIRING THE
7 GOVERNOR TO APPOINT AN INDIVIDUAL FROM LISTS OF NOMINEES PROVIDED BY THE AFFECTED
8 STATE PARTY CENTRAL COMMITTEE; PROVIDING TIMELINES FOR THE APPOINTMENT PROCESS; ~~AND~~
9 AMENDING SECTION 69-1-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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13 **Section 1.** Section 69-1-106, MCA, is amended to read:
14 **"69-1-106. Vacancies.** (1) Any vacancy occurring in the commission must be filled by appointment by
15 the governor as provided in this section. The appointee shall hold office until the next general election and until
16 a successor is elected and qualified. At the biennial election following the occurrence of any vacancy in the
17 commission, there must be elected one member to fill out the unexpired term for which the vacancy exists.
18 (2) (a) When a vacancy occurs, if the former incumbent represented a party eligible for primary election
19 under 13-10-601, the person appointed by the governor must be a member of the same political party and must
20 be selected by the governor as provided in subsections (3) and (4).
21 (b) If the former incumbent was an independent or was originally nominated from a party that does not
22 meet the requirements of 13-10-601, the governor shall appoint an individual to the vacant position within 45 days
23 of receiving notification from the secretary of state of the vacancy.
24 (3) Within 7 days of being notified of a vacancy as described in 2-16-501, the secretary of state shall
25 notify the governor and, if the former incumbent represented a party eligible for primary election under 13-10-601,
26 the state party that was represented by the former incumbent.
27 (4) (a) Upon receipt of a notification of a vacancy, the state party central committee notified pursuant to
28 subsection (3) has 30 days to forward to the governor a list of three prospective appointees, each of whom must
29 be a resident of the district represented by the former incumbent.
30 (b) If the governor does not select an appointee from the list forwarded pursuant to subsection (4)(a)

1 within 15 days, the central committee shall, within 15 days, forward a second list of three prospective appointees,
2 each of whom must be a resident of the district represented by the former incumbent. The second list may not
3 contain a name submitted on the first list. Within 15 days of receipt of the second list, the governor shall select
4 an appointee from either list."

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6 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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