

1 SENATE BILL NO. 277

2 INTRODUCED BY J. PETERSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A BOARD OF ETHICS IN POLITICAL PRACTICES
5 APPOINTED BY THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF GOVERNMENT;
6 PROVIDING THAT THE BOARD APPOINTS AND SETS THE SALARY OF THE COMMISSIONER OF
7 POLITICAL PRACTICES; SPECIFYING THE BOARD'S MEMBERSHIP, COMPENSATION, AND DUTIES;
8 PROVIDING FOR IMPLEMENTATION; AMENDING SECTIONS 2-15-411, 13-27-111, 13-37-101, 13-37-104,
9 AND 13-37-106, MCA; AND REPEALING SECTION 13-37-102, MCA."

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

12
13 NEW SECTION. **Section 1. Board of ethics in political practices -- membership -- appointment**
14 **and oversight of commissioner.** (1) The board of ethics in political practices established in 2-15-411 consists
15 of seven members as follows:

- 16 (a) two members must be appointed by the governor;
- 17 (b) two members, one democrat and one republican, must be appointed by the senate committee on
18 committees;
- 19 (c) two members, one democrat and one republican, must be appointed by the speaker of the house;
- 20 and
- 21 (d) one member must be appointed by the Montana supreme court.

22 (2) Board members shall serve 3-year staggered terms and may not be appointed to more than two
23 terms. Members must be compensated as advisory council members are compensated under 2-15-122.

24 (3) The board shall appoint a commissioner of political practices, subject to senate confirmation. The
25 board may remove the commissioner only for incompetence, malfeasance, or neglect of duty. Cause for removal
26 must be stated in writing, and removal is subject to judicial review.

27 (4) The board shall oversee the commissioner's performance of duties as specified by law.

28
29 **Section 2.** Section 2-15-411, MCA, is amended to read:
30 **"2-15-411. Commissioner Board of ethics in political practices and commissioner of political**

1 **practices.** (1) There is a board of ethics in political practices and a commissioner of political practices ~~who is~~
2 ~~appointed~~ as provided in ~~13-37-102~~ [section 1].

3 (2) The board and the office of the commissioner ~~is~~ are attached to the office of the secretary of state
4 for administrative purposes only, as specified in 2-15-121, except that the provisions of subsections (1)(b), (1)(c),
5 (2)(a), (2)(b), (2)(d), (2)(e), and (3)(a) of 2-15-121 do not apply."

6
7 **Section 3.** Section 13-27-111, MCA, is amended to read:

8 **"13-27-111. Definitions.** As used in 13-27-112, 13-27-113, and this section, unless otherwise indicated
9 by the context, the following definitions apply:

10 (1) "Commissioner" means the commissioner of political practices ~~provided for in 13-37-102~~ appointed
11 pursuant to [section 1].

12 (2) "Paid signature gatherer" means a signature gatherer who is compensated in money for the collection
13 of signatures.

14 (3) "Person" has the meaning provided in 13-1-101, but does not include a candidate and includes a
15 political committee.

16 (4) "Signature gatherer" means an individual who collects signatures on a petition for the purpose of an
17 initiative, a referendum, or the calling of a constitutional convention."

18
19 **Section 4.** Section 13-37-101, MCA, is amended to read:

20 **"13-37-101. Definitions.** As used in this chapter, unless the context clearly indicates otherwise, the
21 following definitions apply:

22 (1) "Board" means the board of ethics in political practices established in 2-15-411.

23 ~~(1)(2)~~ (2) "Commissioner" means the commissioner of political practices ~~created by 13-37-102~~ appointed
24 pursuant to [section 1].

25 ~~(2)(3)~~ (3) "Public office" has the meaning provided in 13-1-101.

26 ~~(3)(4)~~ (4) "Recusal" means disqualification from a matter by reason of prejudice or conflict of interest.

27 ~~(4)(5)~~ (5) "Relative" means a family member who is within the second degree of consanguinity or affinity to
28 the commissioner."

29
30 **Section 5.** Section 13-37-104, MCA, is amended to read:

1 **"13-37-104. Vacancy.** (1) If for any reason a vacancy occurs in the position of commissioner, a
 2 successor must be appointed within 30 days ~~as provided in 13-37-102(1)~~ in the same manner as the original
 3 appointment under [section 1] to serve out the unexpired term. Each nomination must be confirmed by the senate,
 4 but a nomination made while the senate is not in session is effective as an appointment until the end of the next
 5 session.

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

8 (3) An individual who is selected to serve out the unexpired term of a preceding commissioner and who
 9 has served less than 3 years may be reappointed for a 6-year term as provided in ~~13-37-102(1)~~ [section 1]."

10

11 **Section 6.** Section 13-37-106, MCA, is amended to read:

12 **"13-37-106. Salary.** (1) The commissioner of political practices is entitled to receive a salary within the
 13 pay band, as defined in 2-18-101, determined by the department of administration as provided in subsection (4).

14 (2) The commissioner is also entitled to longevity, expense reimbursement, leave, insurance, and other
 15 benefits provided to classified state employees under Title 2, chapter 18.

16 (3) The salary of the commissioner may not be reduced during the term for which the commissioner is
 17 appointed.

18 (4) The department of administration shall determine the appropriate occupation and pay band for the
 19 commissioner of political practices in the same manner that it determines the occupation and pay band for
 20 employees in state government pursuant to Title 2, chapter 18.

21 (5) The ~~governor board~~ shall set the salary of the commissioner of political practices within the pay band
 22 established by the department of administration.

23 (6) The commissioner of political practices must receive pay adjustments consistent with those required
 24 by the legislature for state employees in 2-18-303 and 2-18-304."

25

26 NEW SECTION. **Section 7. Repealer.** The following section of the Montana Code Annotated is
 27 repealed:

28 13-37-102. Creation of office -- removal.

29

30 NEW SECTION. **Section 8. Implementation.** (1) The members of the board of ethics in political

1 practices must be appointed by July 1, 2016.

2 (2) The initial appointments of members must be as follows:

3 (a) the governor shall appoint one member to a 1-year term and one member to a 2-year term;

4 (b) the senate committee on committees shall appoint one member to a 1-year term and one member
5 to a 3-year term;

6 (c) the speaker of the house shall appoint one member to a 2-year term and one member to a 3-year
7 term; and

8 (d) the Montana supreme court shall appoint a member to a 2-year term.

9 (3) All subsequent appointments must be for a 3-year term.

10 (4) The board's first appointment of a commissioner of political practices must be for the term starting
11 January 1, 2017.

12

13 **NEW SECTION. Section 9. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 13, chapter 37, part 1, and the provisions of Title 13, chapter 37, part 1, apply to [section 1].

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