

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING FISH AND WILDLIFE COMMISSIONERS TO BE  
5 ELECTED; ESTABLISHING TERMS AND DISTRICTS; PROVIDING FOR REVIEW OF DISTRICTS; AND  
6 AMENDING SECTIONS 2-15-3402, 13-10-202, 13-12-207, 13-37-225, 13-37-226, AND 13-37-240, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 **Section 1.** Section 2-15-3402, MCA, is amended to read:

11 **"2-15-3402. Fish and wildlife commission -- membership -- removal or suspension.** (1) There is  
12 a fish and wildlife commission.

13 (2) The commission consists of five members who each must be a qualified elector of the district from  
14 which each is elected. ~~At least one member must be experienced in the breeding and management of domestic~~  
15 ~~livestock. The governor shall appoint one member from~~ One commissioner must be elected from each of the  
16 following districts:

17 (a) District No. 1, consisting of Lincoln, ~~Flathead,~~ Sanders, ~~Lake,~~ Mineral, Missoula, Powell, Ravalli, and  
18 ~~Granite, and Lewis and Clark~~ Counties;

19 (b) District No. 2, consisting of Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater,  
20 Gallatin, Park, and Sweet Grass, Meagher, Wheatland, and Stillwater Counties;

21 (c) District No. 3, consisting of Glacier, ~~Toole, Liberty, Hill, Pondera,~~ Flathead, Lake, Teton, ~~Chouteau,~~  
22 ~~Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland~~ and Lewis and Clark Counties;

23 (d) District No. 4, consisting of Toole, Pondera, Cascade, Liberty, Hill, Chouteau, Judith Basin, Blaine,  
24 Fergus, Golden Valley, Phillips, Valley, Daniels, Sheridan, Roosevelt, Musselshell, Petroleum, Garfield, Prairie,  
25 McCone, Richland, Dawson, and Wibaux Counties; and

26 (e) District No. 5, consisting of ~~Golden Valley, Musselshell, Stillwater,~~ Carbon, Yellowstone, Big Horn,  
27 Treasure, Rosebud, Custer, Powder River, Carter, and Fallon, ~~and Prairie~~ Counties.

28 ~~(3) Appointments must be made without regard to political affiliation and must be made solely for the~~  
29 ~~wise management of fish, wildlife, and related recreational resources of this state. A person may not be appointed~~  
30 ~~to the commission unless the person is informed or interested and experienced in the subject of fish, wildlife, and~~

1 recreation and the requirements for the conservation and protection of fish, wildlife, and recreational resources.

2 (3) Except as provided in [section 8(2)], the term of each commissioner is 4 years. When elected, the  
 3 commissioner shall qualify at the time and in the manner provided by law for other state officers and shall take  
 4 office on the first Monday of January after the election. A commissioner shall serve until a successor is elected  
 5 and qualified.

6 (4) A vacancy occurring on the commission must be filled by appointment by the governor in the same  
 7 manner and from the district in which the vacancy occurs. The appointee shall hold office until the next general  
 8 election and until a successor is elected and qualified. At the biennial election following the occurrence of a  
 9 vacancy on the commission, a commissioner must be elected to fill the unexpired term for which the vacancy  
 10 exists.

11 (5) If a commissioner fails to perform the commissioner's duties as provided in Title 23, Title 87, and this  
 12 title, the commissioner may be removed from office as provided by 45-7-401. If a complaint is made and good  
 13 cause is shown, the governor may suspend any commissioner, and if in the governor's judgment the exigencies  
 14 of the case require, the governor may appoint temporarily a competent person to perform the duties of the  
 15 suspended commissioner during the period of the suspension.

16 (6) A presiding officer must be selected by the commission from its membership at the first meeting of  
 17 each year after a general election.

18 ~~(5)(7)~~ The fish and wildlife commission is designated as a quasi-judicial board for the purposes of  
 19 2-15-124. Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to  
 20 serve as a member of the commission: Title 2, chapter 2, part 1; Title 2, chapter 4; 2-15-124(7) and (8); and Title  
 21 75, chapter 1, parts 1 through 3."

22  
 23 **NEW SECTION. Section 2. Fish and wildlife commission -- review of districts by environmental**  
 24 **quality council.** (1) In each interim following the release of county population figures for each federal population  
 25 census, the environmental quality council provided for in 5-16-101 shall review the fish and wildlife commission  
 26 districts provided for in 2-15-3402.

27 (2) When considering whether commission districts should be revised, the council shall:

28 (a) comply with the requirements of subsections (3) and (4);

29 (b) complete its work before September 15 of the year preceding a legislative session; and

30 (c) submit its recommendations to the legislature in the form of draft legislation or in the form of a report

1 if draft legislation is not needed and revisions to the districts are unnecessary.

2 (3) A plan to revise commission districts must provide for five districts, with one commissioner elected  
3 from each district, distributed as follows:

4 (a) the districts must be as equal as practicable based on population;

5 (b) district boundaries must coincide with the boundaries of counties of the state; and

6 (c) the districts must be contiguous, meaning that the district must be in one piece.

7 (4) A district may not be drawn for the purpose of favoring a political party or an incumbent commissioner.

8 The following data or information may not be considered in the development of a plan:

9 (a) addresses of incumbent commissioners;

10 (b) political affiliations of registered voters;

11 (c) partisan political voter lists; and

12 (d) previous election results unless required as a remedy by a court.

13 (5) The council may consult with the commission and with the districting and apportionment commission  
14 provided for in Title 5, chapter 1, part 1, in preparing the plan.

15 (6) Before the council submits to the legislature a plan to revise commission districts, it shall hold at least  
16 one public hearing on the plan at the state capitol. The council may hold other hearings as it considers necessary.

17

18 **Section 3.** Section 13-10-202, MCA, is amended to read:

19 **"13-10-202. Filing fees.** Filing fees are as follows:

20 (1) for offices having an annual salary of \$2,500 or less and for candidates for the legislature and the  
21 fish and wildlife commission, \$15;

22 (2) for county offices having an annual salary of more than \$2,500, 0.5% of the total annual salary;

23 (3) for other offices having an annual salary of more than \$2,500, 1% of the total annual salary;

24 (4) for offices in which compensation is paid in fees, \$10; and

25 (5) for officers of political parties, presidential electors, and officers who receive no salary or fees, no  
26 filing fee is required."

27

28 **Section 4.** Section 13-12-207, MCA, is amended to read:

29 **"13-12-207. Order of placement.** (1) The order on the ballot for state and federal offices must be as  
30 follows:

- 1 (a) If the election is in a year in which a president of the United States is to be elected, in spaces  
2 separated from the balance of the party tickets by a line must be the names and spaces for voting for candidates  
3 for president and vice president. The names of candidates for president and vice president for each political party  
4 must be grouped together.
- 5 (b) United States senator;  
6 (c) United States representative;  
7 (d) governor and lieutenant governor;  
8 (e) secretary of state;  
9 (f) attorney general;  
10 (g) state auditor;  
11 (h) state superintendent of public instruction;  
12 (i) public service commissioners;  
13 (j) clerk of the supreme court;  
14 (k) chief justice of the supreme court;  
15 (l) justices of the supreme court;  
16 (m) district court judges;  
17 (n) state senators;  
18 (o) members of the Montana house of representatives;  
19 (p) fish and wildlife commissioners.
- 20 (2) The following order of placement must be observed for county offices:  
21 (a) clerk of the district court;  
22 (b) county commissioner;  
23 (c) county clerk and recorder;  
24 (d) sheriff;  
25 (e) coroner;  
26 (f) county attorney;  
27 (g) county superintendent of schools;  
28 (h) county auditor;  
29 (i) public administrator;  
30 (j) county assessor;

1 (k) county treasurer;

2 (l) surveyor;

3 (m) justice of the peace.

4 (3) The secretary of state shall designate the order for placement on the ballot of any offices not on the  
5 above lists, except that the election administrator shall designate the order of placement for municipal, charter,  
6 or consolidated local government offices and district offices when the district is part of only one county.

7 (4) Constitutional amendments must be placed before statewide referendum and initiative measures.  
8 Ballot issues for a county, municipality, school district, or other political subdivision must follow statewide  
9 measures in the order designated by the election administrator.

10 (5) If any offices are not to be elected they may not be listed, but the order of the offices to be filled must  
11 be maintained.

12 (6) If there ~~is~~ are a short-term election and a long-term election for the same office, the long-term office  
13 must precede the short-term office."

14

15 **Section 5.** Section 13-37-225, MCA, is amended to read:

16 **"13-37-225. Reports of contributions and expenditures required.** (1) Except as provided in  
17 13-37-206, each candidate and political committee shall file periodic reports of contributions and expenditures  
18 made by or on the behalf of a candidate or political committee. Except as provided in subsection (3), all reports  
19 required by this chapter must be filed with the commissioner and with the election administrator of the county in  
20 which a candidate is a resident or the political committee has its headquarters. However, where residency within  
21 a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports must be filed with  
22 the election administrator of the county in which the election is to be held or, if the election is to be held in more  
23 than one county, with the election administrator in the county that the commissioner specifies.

24 (2) In lieu of all contribution and expenditure reports required by this chapter, the commissioner shall  
25 accept copies of the reports filed by candidates for congress and president of the United States and their political  
26 committees pursuant to the requirements of federal law.

27 (3) Reports required by this chapter for candidates for a state district office, including but not limited to  
28 candidates for the legislature, the public service commission, the fish and wildlife commission, or district court  
29 judge, and candidates for a state office filled by a statewide vote must be filed with the commissioner and do not  
30 have to be filed with the election administrator of a county."

1

2           **Section 6.** Section 13-37-226, MCA, is amended to read:

3           **"13-37-226. Time for filing reports.** (1) Candidates for a state office filled by a statewide vote of all the  
4 electors of Montana and political committees that are organized to support or oppose a particular statewide  
5 candidate shall file reports electronically as follows:

6           (a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in  
7 which funds are received or expended during the year or years prior to the election year that the candidate  
8 expects to be on the ballot;

9           (b) on the 10th day of March, April, July, August, and September;

10           (c) on the 15th and 5th days preceding the date on which an election is held;

11           (d) within 24 hours after receiving a contribution of \$200 or more if received between the 10th day before  
12 the election and the day of the election;

13           (e) not more than 20 days after the date of the election; and

14           (f) on the 10th day of March and September of each year following an election until the candidate or  
15 political committee files a closing report as specified in 13-37-228(3).

16           (2) Political committees organized to support or oppose a particular statewide ballot issue shall file  
17 reports:

18           (a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in  
19 which the text of the proposed ballot issue is submitted for review and approval pursuant to 13-27-202 during the  
20 year or years prior to the election year that an issue is or is expected to be on the ballot;

21           (b) on the 10th day of March and on the 10th day of each subsequent month through September in each  
22 year that an election is to be held;

23           (c) on the 15th and 5th days preceding the date on which an election is held;

24           (d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before  
25 the election and the day of the election;

26           (e) within 20 days after the election; and

27           (f) on the 10th day of March and September of each year following an election until the political  
28 committee files a closing report as specified in 13-37-228(3).

29           (3) Candidates for a state district office, including but not limited to candidates for the legislature, the  
30 public service commission, the fish and wildlife commission, or a district court judge, and political committees that

- 1 are specifically organized to support or oppose a particular state district candidate or issue shall file reports:
- 2 (a) on the 12th day preceding the date on which an election is held;
- 3 (b) within 48 hours after receiving a contribution of \$100 or more if received between the 17th day before  
4 the election and the day of the election. The report under this subsection (3)(b) must be made by mail or by  
5 electronic communication to the commissioner pursuant to 13-37-225.
- 6 (c) not more than 20 days after the date of the election; and
- 7 (d) on the 10th day of March and September of each year following an election until the candidate or  
8 political committee files a closing report as specified in 13-37-228(3).
- 9 (4) Candidates for any other public office and political committees that are specifically organized to  
10 support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount  
11 of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing  
12 fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.
- 13 (5) For the purposes of this subsection, a committee that is not specifically organized to support or  
14 oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in  
15 conjunction with an election is an independent committee. For the purpose of reporting, a political party committee  
16 is an independent committee. An independent committee shall file:
- 17 (a) a report on the 12th day preceding the date of an election in which it participates by making an  
18 expenditure;
- 19 (b) a report within 24 hours of making an expenditure or incurring a debt or obligation of \$500 or more  
20 for election material described in 13-35-225(1) if made between the 17th day before the election and the day of  
21 the election;
- 22 (c) a report not more than 20 days after the date of the election in which it participates by making an  
23 expenditure; and
- 24 (d) a report on a date to be prescribed by the commissioner for a closing report at the close of each  
25 calendar year.
- 26 (6) The commissioner may promulgate rules regarding the extent to which organizations that are  
27 incidental political committees shall report their politically related activities in accordance with this chapter.
- 28 (7) Except as provided in subsections (1)(d), (2)(d), (3)(b), and (5)(b), all reports required by this section  
29 must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section."  
30

1           **Section 7.** Section 13-37-240, MCA, is amended to read:

2           **"13-37-240. Surplus campaign funds.** (1) A candidate shall dispose of any surplus funds from the  
3 candidate's campaign within 120 days after the time of filing the closing campaign report pursuant to 13-37-228.  
4 In disposing of the surplus funds, a candidate may not contribute the funds to another campaign, including the  
5 candidate's own future campaign, or use the funds for personal benefit. A successful candidate for a statewide  
6 elected or legislative office, ~~or~~ for public service commissioner, or for fish and wildlife commissioner may establish  
7 a constituent services account as provided in 13-37-402. The candidate shall provide a supplement to the closing  
8 campaign report to the commissioner showing the disposition of any surplus campaign funds.

9           (2) For purposes of this section, "personal benefit" means a use that will provide a direct or indirect  
10 benefit of any kind to the candidate or any member of the candidate's immediate family."  
11

12           NEW SECTION. **Section 8. Transition.** (1) Appointed fish and wildlife commissioners holding office  
13 on [the effective date of this act] shall continue in office, serving the districts to which they were appointed, until  
14 commissioners for the districts described in 2-15-3402 are elected in the November 2016 general election and  
15 take office pursuant to [this act].

16           (2) The first term of the commissioners elected to District No. 1 and District No. 3, as described in  
17 2-15-3402, is 2 years. Subsequent terms are 4 years.

18           (3) The first term of the commissioners elected to District No. 2, District No. 4, and District No. 5, as  
19 described in 2-15-3402, is 4 years. Subsequent terms are 4 years.

20           (4) Appointed fish and wildlife commissioners holding office on [the effective date of this act] are eligible  
21 to file a declaration for nomination for an elected commission district pursuant to 13-10-201.  
22

23           NEW SECTION. **Section 9. Notification to tribal governments.** The secretary of state shall send a  
24 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
25 Chippewa tribe.  
26

27           NEW SECTION. **Section 10. Codification instruction.** [Section 2] is intended to be codified as an  
28 integral part of Title 2, chapter 15, part 34, and the provisions of Title 2, chapter 15, part 34, apply to [section 2].  
29

- END -