

1 SENATE BILL NO. 24
2 INTRODUCED BY THIESSEN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 82A-112 AND 82A-706.1, R.C.M. 1947, TO DELETE REQUIREMENT
6 THAT ONE MEMBER OF THE HIGHWAY COMMISSION BE AN ATTORNEY."

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

9 Section 1. Section 82A-112, R.C.M. 1947, is amended to
10 read as follows:

11 "82A-112. Quasi-judicial boards. If an agency is
12 designated by law as a quasi-judicial board for the purposes
13 of this section, the following requirements apply:

14 (1) The number of and qualifications of its members
15 are as prescribed by law; ~~in~~ in addition to those
16 qualifications, unless otherwise provided by law, at least
17 one ~~of~~ member shall be an attorney licensed to practice law
18 in this state.

19 (2) (a) The governor shall appoint the members. A
20 majority of the members shall be appointed to serve for
21 terms concurrent with the gubernatorial term and until
22 their successors are appointed and qualified. The remaining
23 members shall be appointed to serve for terms ending on the
24 first day of the third January of the succeeding
25 gubernatorial term and until their successors are appointed

1 and qualified. It is the intent of this subsection that the
2 governor appoint a majority of the members of each
3 quasi-judicial board at the beginning of his term and the
4 remaining members in the middle of his term. As used in this
5 subsection, "majority" means the next whole number greater
6 than half.

7 (b) This subsection does not affect the terms of
8 persons who were members of a continued board on the
9 effective date of the chapter of this title continuing the
10 board; upon the expiration of those terms, members shall be
11 appointed and serve in accordance with this subsection.

12 (3) The appointment of each member is subject to the
13 confirmation of the senate. However, the governor may
14 appoint a member to assume office before the senate meets at
15 its next regular session to consider the appointment. A
16 member so appointed has all the powers of the office upon
17 assuming that office and is a de jure officer,
18 notwithstanding the fact that the senate has not yet
19 confirmed the appointment. If the senate does not confirm
20 the appointment of a member, the governor shall appoint a
21 new member to serve for the remainder of the term.

22 (4) A vacancy shall be filled in the same manner as
23 regular appointments, and the member appointed to fill a
24 vacancy shall serve for the unexpired term to which he is
25 appointed.

1 (5) The governor shall designate the chairman. The
2 chairman may make and second motions and vote.

3 (6) Members may be removed by the governor only for
4 cause.

5 (7) Unless he is a full-time salaried officer or
6 employee of this state or of a political subdivision of this
7 state, each member is entitled to be paid ~~twenty-five~~
8 ~~dollars--(\$25)~~ for each day in which he is actually and
9 necessarily engaged in the performance of board duties, and
10 he is also entitled to be reimbursed for travel expenses, as
11 provided for in sections 59-538, 59-539, and 59-801,
12 incurred while in the performance of board duties. Members
13 who are full-time salaried officers or employees of this
14 state or of a political subdivision of this state are not
15 entitled to be compensated for their service as members, but
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17 provided for in sections 59-538, 59-539, and 59-801.

18 (8) A majority of the membership constitutes a quorum
19 to do business. A favorable vote of at least a majority of
20 all members of a board is required to adopt any resolution,
21 motion, or other decision, unless otherwise provided by
22 law."

23 Section 2. Section 82A-706.1, R.C.M. 1947, is amended
24 to read as follows:

25 "82A-706.1. Highway commission. (1) (a) The highway

1 commission consists of five ~~(5)~~ members. One ~~(1)~~ member
2 shall be a bona fide resident of and appointed from each of
3 these districts, each composed of the counties named:

4 (i) District 1. Lincoln, Flathead, Sanders, Lake,
5 Mineral, Missoula, Ravalli, Granite, Lewis and Clark,
6 Jefferson, Broadwater.

7 (ii) District 2. Powell, Deer Lodge, Silver Bow,
8 Beaverhead, Madison, Gallatin, Meagher, Wheatland, Park,
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16 Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer,
17 Powder River, Carter, Fallon.

18 (b) No two ~~(2)~~ members may at the time of appointment
19 or thereafter during their respective terms of office be
20 residents of the same district.

21 (c) Not more than three ~~(3)~~ members may at the time of
22 appointment or thereafter during their respective terms be
23 members of the same political party.

24 (d) No elective state official or state officer during
25 the term of office to which he was elected or appointed and

1 no state employee may be a member of the commission.

2 (2) No resolution, motion, or other decision of the
3 commission may be adopted or passed without the favorable
4 vote of at least three (3) members.

5 (3) The commission is allocated to the department for
6 administrative purposes only as prescribed in section
7 82A-108.

8 (4) The commission is designated as a quasi-judicial
9 board for purposes of section 82A-112. ~~However members of~~
10 ~~the commission on December 15, 1971, shall serve for the~~
11 ~~remainder of their terms, however the provision of~~
12 82A-112(1) that at least one member of a quasi-judicial
13 board be an attorney does not apply to the commission."

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Approved by Committee
on Highways & Transportation

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6 employee of this state or of a political subdivision of this
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