SENATE BILL NO. 24 1 INTRODUCED BY _____THIESSEN 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMENO SECTIONS 4 32A-112 AND 82A-706.1, R.C.M. 1947, TO DELETE REQUIREMENT 5 THAT ONE MEMBER OF THE HIGHWAY COMMISSION BE AN ATTORNEY." ю 7 SE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: a Section 1. Section 82A-112, R.C.M. 1947, is amended to 9 10 read as follows: #82A-112. Quasi-judicial boards. If an agency is 11 12 designated by law as a guasi-judicial board for the purposes of this section, the following requirements apply: 13 14 (1) The number of and qualifications of its membars are as prescribed by lawt. in In addition to those 15 qualifications, unless otherwise provided by laws at least 15 one (++) member shall be an attorney licensed to practice law 17 18 in this state. (2) (a) The jovernor shall appoint the members. A 19 majority of the members shall be appointed to serve for 20 terms concurrent with the gubernatorial termy and until 21 their successors are appointed and qualified. The remaining 22 members shall be appointed to serve for terms ending on the 23 first day of the third January of the succeeding 24 gubernatorial termy and until their successors are appointed 25

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 termy 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 15 member so appointed has all the powers of the office upon 17 assuming that officey 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 the appointment of a memoer, the governor shall appoint a 20 new member to serve for the remainder of the term. 21

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

INTRODUCED BILL

-2-

LC 0226/01

LC 0276/01

Æ

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

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

(7) Unless be is a full-time salaried officer or 5 employee of this state or of a political subdivision of this 5 state, each member is entitled to be paid twenty-five 1 8 dollars--(\$25) for each day in which he is actually and Q. 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 membersy but are entitled to be reimbursed for travel expenses as 16 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.^m

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

í

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

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

7 (ii) District 2. Powell, Deer Lodge, Silver 30w,
3 Beaverhead, Madison, Gallatin, Meagher, Wheatland, Purk,
9 Sweet Grass.

10 (iii) District 3. Glacier, Toole, Liberty, Hill,
11 Blaine, Pondera, Teton, Chouteau, Cascade, Judith Basin.

12 (iv) District 4. Fergus, Petroleum, Garfield,
13 Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland,
14 Roosevelt, Daniels, Sheridan.

(v) District 5. Golden Valley, Stillwater, Carbon, Big
Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer,
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.

(c) Not more than three (3) members may at the time of
appointment or thereafter during their respective terms be
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

- 3~

LC 0226/01

-4~

٩

Ŧ

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

- L

.

5 (3) The commission is allocated to the department for
5 administrative purposes only as prescribed in section
7 B2A-108.

3 (4) The commission is designated as a quasi-judicial 9 board for purposes of section 82A-112x-Howevery--members--of 10 the--commission--on--December--15y-1971y-shall-serve-for-the 11 remainder--of--their--termsxy. 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."

45th Legislature

LC 0226/01

LC 0226/01

Approved by	Committee
on Highways	& Transportation
Aut utBunelo	or itenshot.cacion

1	BILL NO24
z	INTRODUCED BYTHIESSEN
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."
7	
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 <u>, the following requirements apply</u> :
14	 The number of and qualifications of its members
15	are as prescribed by law <u>ta in In</u> addition to those
16	qualifications, <u>unless otherwise provided by law</u> at least
17	one (1) 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	subernatorial termy and until their successors are appointed

L 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 termy and the remaining members in the middle of his term. As used in this 4 subsection, "majority" means the next whole number greater 5 6 than half.

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

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 member so appointed has all the powers of the office upon 16 17 assuming that officer and is a de jure officer, 18 notwithstanding the fact that the semate has not yet confirmed the appointment. If the senate does not confirm 19 the appointment of a member, the governor shall appoint a 20 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.

-2-

SECOND READING

SB24

(5) The governor shall designate the chairman. The
 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 employee of this state or of a political subdivision of this 6 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 membersy but 16 are entitled to be reimbursed for travel expenses as 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

commission consists of five (5) members. One (1) member
 shall be a bona fide resident of and appointed from each of
 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,
9 Sweet Grass.

(iii) District 3. Glacier, Toole, Liberty, Hill,
 Blaine, Pondera, Teton, Chouteau, Cascade, Judith Basin.

(iv) District 4. Fergus, Petroleum, Garfield,
 Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland,
 Roosevelt, Daniels, Sheridan.

15 (v) District 5. Golden Valley, Stillwater, Carbon, Big
16 Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer,
17 Powder River, Carter, Fallon.

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

(c) Not more than three (3) members may at the time of
 appointment or thereafter during their respective terms be
 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

LC 0226/01

no state employee may be a member of the commission. 1 2 (2) No resolution, motion, or other decision of the commission may be adopted or passed without the favorable 3 4 vote of at least three {3} members. 5 (3) The commission is allocated to the department for administrative purposes only as prescribed in section 6 7 82A-108. 8 (4) The commission is designated as a guasi-judicial 9 board for purposes of section 82A-112-Howevery-members-of

10 the--commission--on--December--15y-1971y-shall-serve-for-the

11 remainder-of-their-terms=___Bowever__the___provision___of

12 <u>82A-112(1) that at least one member of a quasi-judicial</u>

13 board be an attorney does not apply to the commission."

SENATE BILL NO. 24 1 INTRODUCED BY _____ THIESSEN 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4 32A-112 AND 82A-706.1. R.C.N. 1947. TO DELETE REQUIREMENT 5 THAT ONE MEMBER OF THE HIGHWAY COMMISSION BE AN ATTORNEY." 6 7 AF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: я 9 Section 1. Section 82A-112, R.C.M. 1947, is amended to read as follows: 10 11 #82A-112. Quasi-judicial boards. If an agency is designated by law as a quasi-judicial board for the purposes 12 of this section, the following requirements apply: 13 (1) The number of and gualifications of its members 14 15 are as prescribed by lawse in In addition to those qualifications, unless otherwise provided by laws at least 16 17 one (1) member shall be an attorney licensed to practice law 18 in this state. (2) (a) The governor shall appoint the members. A 19 majority of the members shall be appointed to serve for 20 21 terms concurrent with the gubernatorial termy and until their successors are appointed and qualified. The remaining 22 23 members shall be appointed to serve for terms ending on the first day of the third January of the succeeding 24 25 gubernatorial termy and until their successors are appointed

SB24

and qualified. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his termy and the remaining members in the middle of his term. As used in this subsection, "majority" means the next whole number greater 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 appoint a member to assume office before the senate meets at 14 its next regular session to consider the appointment. A 15 member so appointed has all the powers of the office upon 15 17 assuming that officer 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.

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

-2-

THIRD READING

1(5) The governor shall designate the chairman. The2chairman may make and second motions and vote.3(6) Members may be removed by the governor only for

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 necessarily engaged in the performance of board duties, and 9 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 membersy but 16 are entitled to be reimbursed for travel expenses as 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

4

cause.

LC 0226/01

commission consists of five (5) members. One (1) member
 shall be a bona fide resident of and appointed from each of
 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,
9 Sweet Grass.

10(iii) District 3. Glacier, Toole, Liberty, Hill,11Blaine, Pondera, Teton, Chouteau, Cascade, Judith Basin.

(iv) District 4. Fergus, Petroleum, Garfield,
 Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland,
 Roosevelt, Daniels, Sheridan.

15 (v) District 5. Golden Valley, Stillwater, Carbon, Big
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.

(c) Not more than three (3) members may at the time of
 appointment or thereafter during their respective terms be
 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

-3-

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

LC 0226/01

٩.

1 no state employee may be a member of the commission. (2) No resolution, motion, or other decision of the 2 3 commission may be adopted or passed without the favorable vote of at least three (3) members. 4 5 (3) The commission is allocated to the department for administrative purposes only as prescribed in section 6 7 82A-108. 8 (4) The commission is designated as a quasi-judicial 9 board for purposes of section 82A-112s-Howevery--members--of 10 the--commission--on--December--15v-1971y-shall-serve-for-the 11 remainder-of-their-termse, bowever 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."

58 0024/02

ι SENATE BILL NO. 24 2 INTRODUCED BY THIESSEN 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4 82A-112 AND 82A-706.1, R.C.M. 1947, TO DELETE REQUIREMENT ő 5 THAT JNE MEMBER OF THE HIGHWAY COMMISSION BE AN ATTORNEY." 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: đ, 9 Section 1. Section 82A-112, R.C.M. 1947, is amended to 10 read as follows: *82A-112. Quasi-judicial boards. If an agency is 11 12 designated by law as a guasi-judicial board for the purposes 13 of this section. the following requirements apply: (1) The number of and qualifications of its members 14 15 are as prescribed by lawy in In addition to those qualifications, unless otherwise provided by law. at least 15 one fity member shall be an attorney licensed to practice law 17 in this state. 18 (2) (a) The governor shall appoint the members. A 19 majority of the members shall be appointed to serve for 26 terms concurrent with the gubernatorial termy and until 21 their successors are appointed and qualified. The remaining 22 memoers shall be appointed to serve for terms ending on the 23

24 first day of the third January of the succeeding 25 gubernatorial termy and until their successors are appointed

REFERENCE BILL

SB 0024/02

and qualified. It is the intent of this subsection that the 1 2 governor appoint a majority of the members of each 3 quasi-judicial board at the beginning of his termy 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 nalf. 7 (b) This subsection does not affect the terms of persons who were members of a continued board on the 8 9 effective date of the chapter of this title continuing the board; upon the expiration of those terms, members shall be 10 appointed and serve in accordance with this subsection. 11 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 regular appointments, and the member appointed to fill a 23 24 vacancy shall serve for the unexpired term to which he is

appointed.

25

-2-

SB 24

SB 0024/02

(5) The governor shall designate the chairman. The
 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 б employee of this state or of a political subdivision of this state, each member is entitled to be paid twenty-five 7 dollars--{\$25; for each day in which he is actually and 8 9 necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses; as 10 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 state or of a political subdivision of this state are not 14 entitled to be compensated for their service as membersy but 15 are entitled to be reimbursed for travel expenses as 15 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

-3-

SB 24

SE 0024/02

1 commission consists of five t5; members. One t1; member shall be a bona fide resident of and appointed from each of 2 3 these districts, each composed of the counties named: 4 (i) District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Lewis and Clark, 2 Jefferson, Broadwater. 6 7 (ii) District 2. Powell, Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Wheatland, Park, â 9 Sweet Grass. 10 (iii) District 3. Glacier. Toole. Liberty. Hill. Blaine, Pondera, Teton, Chouteau, Cascade, Judith Basin. 11 12 (iv) District 4. Fergus, Petroleum, Garfield, Phillips, ۇ 1 Valley, McCone, Prairie, Dawson, Wibaux, Richland, 14 Roosevelt, Daniels, Sheridan. 15 (v) District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Rosebud, Treasure, Custer, 16 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

-4-

SB 24

58 0024/02

SB 24

no state employee may be a member of the commission.
 (2) No resolution, motion, or other decision of the
 commission may be adopted or passed without the favorable
 vote of at least three (3) members.
 (3) The commission is allocated to the department for

6 administrative purposes only as prescribed in section 7 82A-108.

6 (4) The commission is designated as a quasi-judicial
9 board for purposes of section 82A-112e-Howevery-members-of
10 the--commission--on--Becember--15e-1971y-shall-serve-for-the
11 remainder--of--their--termsey bowever 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."