

Senate Bill 274

In The Senate

January 26, 1981	Introduced and referred to Committee on State Administration.
	Fiscal note requested.
February 2, 1981	Fiscal note returned.
February 4, 1981	Committee recommend bill as amended.
February 5, 1981	Bill printed and placed on members' desks.
February 6, 1981	Second reading pass consideration.
February 7, 1981	Second reading do pass.
February 9, 1981	Correctly engrossed.
February 10, 1981	Third reading passed.

In The House

February 11, 1981	Introduced and referred to Committee on State Administration.
March 6, 1981	Committee recommend bill not concurred.

In The Senate

March 7, 1981	Returned from House not concurred.
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1 *Senate* BILL NO. *274*
 2 INTRODUCED BY *L. C. Hall*
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 2-15-124, MCA, CONCERNING QUASI-JUDICIAL BOARDS, TO INCREASE
 7 THE DAILY HONORARIUM OF QUASI-JUDICIAL BOARD MEMBERS WHO ARE
 8 NOT STATE OR LOCAL GOVERNMENT EMPLOYEES."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-15-124, MCA, is amended to read:
 12 "2-15-124. Quasi-judicial boards. If an agency is
 13 designated by law as a quasi-judicial board for the purposes
 14 of this section, the following requirements apply:

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

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

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

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

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

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

24 (6) Members may be removed by the governor only for
 25 cause.

INTRODUCED BILL
 -2- SB 274

1 (7) Unless he is a full-time salaried officer or
2 employee of this state or of a political subdivision of this
3 state, each member is entitled to be paid ~~\$25~~ \$50 for each
4 day in which he is actually and necessarily engaged in the
5 performance of board duties, and he is also entitled to be
6 reimbursed for travel expenses, as provided for in 2-18-501
7 through 2-18-503, incurred while in the performance of board
8 duties. Members who are full-time salaried officers or
9 employees of this state or of a political subdivision of
10 this state are not entitled to be compensated for their
11 service as members but are entitled to be reimbursed for
12 travel expenses as provided for in 2-18-501 through
13 2-18-503.

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

-End-

STATE OF MONTANA

REQUEST NO. 229-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 28, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 274 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to amend section 2-15-124, MCA to increase the daily honorarium of quasi-judicial board members from \$25 to \$50.

ASSUMPTIONS:

1. There are 23 quasi-judicial boards.
2. There are 127 affected board members.
3. The average number of days spent in board meetings per year is 7.
4. 75% of the 23 boards' funding comes from general funds, and 25% from other funds.

FISCAL IMPACT:

	FY 1982	FY 1983	Total Biennium
Expenditures under proposed law			
Operating expenses (honorarium)	\$44,450	\$44,450	\$88,900
Total expenditures under proposed law	\$44,450	\$44,450	\$88,900
Less: Expenditures under current law	\$22,225	\$22,225	\$44,450
Increased expenditures under proposed law	\$22,225	\$22,225	\$44,450
General Fund	\$16,669	\$16,669	\$33,338
Other Funds	\$ 5,556	\$ 5,556	\$11,112

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-81

Approved by Committee
on State Administration

SENATE BILL NO. 274

INTRODUCED BY ECK, HAZELBAKER

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

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one member shall be an attorney licensed to practice law in
this state.

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

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

(3) The appointment of each member is subject to the
confirmation of the senate. However, the governor may
appoint a member to assume office before the senate meets at
its next regular session to consider the appointment. A
member so appointed has all the powers of the office upon
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appointed.

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

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

1 (7) Unless he is a full-time salaried officer or
2 employee of this state or of a political subdivision of this
3 state, each member is entitled to be paid \$25 ~~\$50~~ \$40 for
4 each day in which he is actually and necessarily engaged in
5 the performance of board duties, and he is also entitled to
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