

SENATE BILL NO. 134

Introduced: 01/13/83

Referred to Committee on State Administration: 01/13/83

Hearing: 1/19/83

Died in Committee.

1 *Senate* BILL NO. *134*
2 INTRODUCED BY *J. Jackson*
3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
6 EFFECTIVE DATE OF APPOINTMENTS TO QUASI-JUDICIAL BOARDS;
7 AMENDING SECTION 2-15-124, MCA; AND PROVIDING AN IMMEDIATE
8 EFFECTIVE DATE."
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

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 for each day
 4 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."

19 NEW SECTION. Section 2. Effective date. This act is
 20 effective on passage and approval.

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