

SENATE BILL NO. 312

INTRODUCED BY HIMSL, BLAYLOCK, HAZELBAKER, JACOBSON
BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

January 28, 1983	Introduced and referred to Committee on State Administration.
January 29, 1983	Fiscal Note requested.
February 3, 1983	Fiscal Note returned.
February 8, 1983	Committee recommend bill do pass as amended. Report adopted.
February 9, 1983	Bill printed and placed on members' desks.
February 10, 1983	Second reading, do pass.
February 11, 1983	Correctly engrossed.
February 12, 1983	Third reading, passed. Ayes, 38; Noes, 9. Transmitted to House.

IN THE HOUSE

February 14, 1983	Introduced and referred to Committee on State Administration.
February 17, 1983	Committee recommend bill be concurred in as amended. Report adopted.
February 28, 1983	On motion taken from second reading and referred to Committee on Appropriations.

April 7, 1983

Committee recommend bill be concurred in. Report adopted.

April 8, 1983

Second reading, pass consideration.

April 9, 1983

Second reading, pass consideration.

April 12, 1983

Second reading, concurred in as amended.

April 14, 1983

Third reading, concurred in.

IN THE SENATE

April 15, 1983

Returned to Senate with amendments.

April 18, 1983

Second reading, amendments not concurred in.

On motion Free Conference Committee requested and appointed.

April 20, 1983

Free Conference Committee reported.

Free Conference Committee report adopted.

April 21, 1983

Third reading, Free Conference Committee report adopted.

Free Conference Committee report adopted by House.

Sent to enrolling.

Reported correctly enrolled.

1 *State* BILL NO. *312*
2 INTRODUCED BY *Shirley Blaylock*
3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PER DIEM
6 COMPENSATION FOR QUASI-JUDICIAL AND LICENSING AND REGULATORY
7 BOARDS FROM \$25 A DAY TO \$50 A DAY; AMENDING SECTIONS
8 2-15-124 AND 37-1-133, MCA; AND PROVIDING AN EFFECTIVE
9 DATE."

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

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

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

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

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

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

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

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

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

1 cause.

2 (7) Unless he is a full-time salaried officer or
3 employee of this state or of a political subdivision of this
4 state, each member is entitled to be paid ~~\$25~~ \$50 for each
5 day in which he is actually and necessarily engaged in the
6 performance of board duties, and he is also entitled to be
7 reimbursed for travel expenses, as provided for in 2-18-501
8 through 2-18-503, incurred while in the performance of board
9 duties. Members who are full-time salaried officers or
10 employees of this state or of a political subdivision of
11 this state are not entitled to be compensated for their
12 service as members but are entitled to be reimbursed for
13 travel expenses as provided for in 2-18-501 through
14 2-18-503.

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

20 Section 2. Section 37-1-133, MCA, is amended to read:

21 "37-1-133. Board members' compensation and expenses.
22 Unless otherwise provided by law, each member of a board
23 allocated to the department is entitled to receive ~~\$25~~ \$50
24 per day compensation and travel expenses, as provided for in
25 2-18-501 through 2-18-503, for each day spent on official

1 board business. Board members who conduct official board
2 business in their city of residence are entitled to receive
3 a midday meal allowance, as provided for in 2-18-501, for
4 each day in which 6 or more hours are spent on official
5 board business. Ex officio board members may not receive
6 compensation but shall receive travel expenses."

7 NEW SECTION. Section 3. Effective date. This act is
8 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 275-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 29, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 312 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

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:

Senate Bill 312 increases the per diem compensation for quasi-judicial and licensing and regulatory boards from \$25 a day to \$50 a day; amends Sections 2-15-124 and 37-1-133, MCA; and provides an effective date.

ASSUMPTIONS:

- 1) Number of meeting days for board members remain constant.
- 2) Coal board has a larger number of meeting days in FY 85.
- 3) Compensation doubles under this bill.
- 4) Per diem expenses remain the same.

FISCAL IMPACT:

Expenditures:

	FY 84	FY 85	TOTAL BIENNIUM
Personal Services			
Under Proposed Law	\$ 174,500	\$ 177,300	\$ 351,800
Under Current Law	87,250	88,650	175,900
Increased Expenditures	\$ 87,250	\$ 88,650	\$ 175,900

Funding

Earmarked Revenue	\$ 67,650	\$ 69,050	\$ 136,700
Proprietary-Bd. of Housing	2,375	2,375	4,750
General Fund	15,863	15,863	31,726
Federal Fund	1,125	1,125	2,250
Other	237	237	474
Total	\$ 87,250	\$ 88,650	\$ 175,900

FISCAL NOTE 10:0/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-3-83

Approved by Committee
on State Administration

SENATE BILL NO. 312

INTRODUCED BY HIMSL, BLAYLOCK,

HAZELBAKER, JACOBSON

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PER DIEM
COMPENSATION FOR QUASI-JUDICIAL AND LICENSING AND REGULATORY
BOARDS FROM \$25 A DAY TO \$50 A DAY; AMENDING SECTIONS
2-15-124, ~~19-3-302~~, AND 37-1-133, MCA; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 2-15-124, MCA, is amended to read:

"2-15-124. Quasi-judicial boards. If an agency is
designated by law as a quasi-judicial board for the purposes
of this section, the following requirements apply:

(1) The number of and qualifications of its members
are as prescribed by law. In addition to those
qualifications, unless otherwise provided by law, at least
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
gubernatorial term and until their successors are appointed
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
assuming that office and is a de jure officer,
notwithstanding the fact that the senate has not yet
confirmed the appointment. If the senate does not confirm
the appointment of a member, the governor shall appoint a
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.

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

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

3 (7) Unless he is a full-time salaried officer or
4 employee of this state or of a political subdivision of this
5 state, each member is entitled to be paid \$25 ~~\$50~~ for each
6 day in which he is actually and necessarily engaged in the
7 performance of board duties, and he is also entitled to be
8 reimbursed for travel expenses, as provided for in 2-18-501
9 through 2-18-503, incurred while in the performance of board
10 duties. Members who are full-time salaried officers or
11 employees of this state or of a political subdivision of
12 this state are not entitled to be compensated for their
13 service as members but are entitled to be reimbursed for
14 travel expenses as provided for in 2-18-501 through
15 2-18-503.

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

21 SECTION 2. SECTION 19-3-302, MCA, IS AMENDED TO READ:

22 "19-3-302. Compensation and expenses of board members.
23 The travel expenses of members of the board shall be as
24 allowed in 2-18-501 through 2-18-503, as amended, and
25 reimbursed by the retirement system. Those members of the

1 board who are not members of the retirement system shall be
2 entitled to receive, in addition to travel expenses,
3 compensation ~~at the rate of \$25 a day~~ as provided in
4 2-15-1009."

5 Section 3. Section 37-1-133, MCA, is amended to read:

6 "37-1-133. Board members' compensation and expenses.
7 Unless otherwise provided by law, each member of a board
8 allocated to the department is entitled to receive \$25 ~~\$50~~
9 per day compensation and travel expenses, as provided for in
10 2-18-501 through 2-18-503, for each day spent on official
11 board business. Board members who conduct official board
12 business in their city of residence are entitled to receive
13 a midday meal allowance, as provided for in 2-18-501, for
14 each day in which 6 or more hours are spent on official
15 board business. Ex officio board members may not receive
16 compensation but shall receive travel expenses."

17 NEW SECTION. Section 4. Effective date. This act is
18 effective July 1, 1983.

-End-

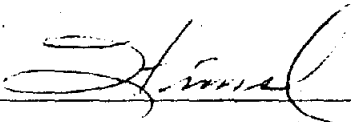
FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL 312

Instruction #3 continued


Section 6. Section 85-7-1613, MCA, is amended to read: "85-7-1613. Board of control -- per diem and expenses. The members of the board of control, when sitting as a board or when engaged in the business of the board, are entitled to compensation for-board-members-as-provided-in-2-15-124 of \$25 for each day they are actually and necessarily engaged in the performance of irrigation district duties, and to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503, and for their necessary expenses." "

Renumber subsequent section.

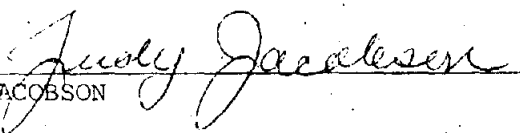
FOR THE SENATE



HIMSL, CHAIR

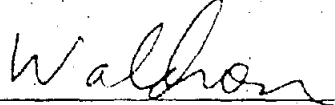


HAZELBAKER

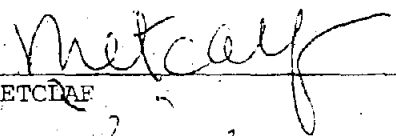


JACOBSON

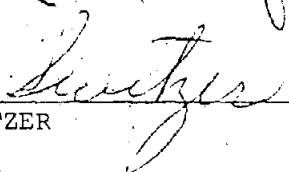
FOR THE HOUSE



WALDRON, CHAIR



METCALF



SWITZER

April 19,

83

19.....

FREE CONFERENCE COMMITTEE
Senate Bill 312
(Report No. 1, 3:45 PM)

MR. PRESIDENT:

We, your Free Conference Committee on Senate Bill 312, met and considered:

Senate Bill 312, third reading, (blue) copy; and
House Committee of the Whole amendments 1, 2, and 3 (undated); and
House Committee of the Whole amendment 1, April 12, 1983.

We respectfully recommend as follows:

That the Senate accede to House Committee of the Whole amendments 1, 2 and 3 (undated);

That the House recede from House Committee of the Whole amendment #1, of April 12, 1983;

That Senate Bill 312 be further amended as specified in CLERICAL INSTRUCTIONS:

and that this Free Conference Committee report be adopted.

.....
for reference copy (salmon)

1. Title, line 9.

Following: "19-4-202,"

Strike: "AND"

Following: "37-1-133,"

Insert: "85-7-1505, AND 85-7-1613,"

2. Page 3, line 10

Following: "duties"

Strike: remainder of line 10 through "DUTIES" on line 15.

3. Page 5

Following: line 7

Insert: "Section 5. Section 85-7-1505, MCA, is amended to read: "85-7-1505.

Compensation and expenses of commissioners. The commissioners, when sitting as a board or when engaged in the business of the district, are entitled to compensation ~~for-board-members-as-provided-in-2-15-124~~ of \$25 for each day they are actually and necessarily engaged in the performance of irrigation district duties, and to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503, and for their necessary expenses when otherwise engaged on district business, including premiums on qualifying bonds and any other bonds required of them in connection with their office."

Shinn

Chairman

SENATE BILL NO. 312

INTRODUCED BY HIMSL, BLAYLOCK,

HAZELBAKER, JACOBSON

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PER DIEM COMPENSATION FOR QUASI-JUDICIAL AND LICENSING AND REGULATORY BOARDS FROM \$25 A DAY TO \$50 A DAY; AMENDING SECTIONS 2-15-124, ~~19-3-302~~, AND 37-1-133, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-124, MCA, is amended to read:

"2-15-124. Quasi-judicial boards. If an agency is designated by law as a quasi-judicial board for the purposes of this section, the following requirements apply:

(1) The number of and qualifications of its members are as prescribed by law. In addition to those qualifications, unless otherwise provided by law, at least 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 gubernatorial term and until their successors are appointed 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 assuming that office and is a de jure officer, notwithstanding the fact that the senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a member, the governor shall appoint a 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.

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

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

3 (7) Unless he is a full-time salaried officer or
4 employee of this state or of a political subdivision of this
5 state, each member is entitled to be paid \$25 ~~150~~ for each
6 day in which he is actually and necessarily engaged in the
7 performance of board duties, and he is also entitled to be
8 reimbursed for travel expenses, as provided for in 2-18-501
9 through 2-18-503, incurred while in the performance of board
10 duties. Members who are full-time salaried officers or
11 employees of this state or of a political subdivision of
12 this state are not entitled to be compensated for their
13 service as members but are entitled to be reimbursed for
14 travel expenses as provided for in 2-18-501 through
15 2-18-503.

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

21 SECTION 2. SECTION 19-3-302, MCA, IS AMENDED TO READ:

22 "19-3-302. Compensation and expenses of board members.
23 The travel expenses of members of the board shall be as
24 allowed in 2-18-501 through 2-18-503, as amended, and
25 reimbursed by the retirement system. Those members of the

1 board who are not members of the retirement system shall be
2 entitled to receive, in addition to travel expenses,
3 compensation ~~at the rate of \$25 a day as provided in~~
4 ~~2-15-1009."~~

5 Section 3. Section 37-1-133, MCA, is amended to read:

6 "37-1-133. Board members' compensation and expenses.
7 Unless otherwise provided by law, each member of a board
8 allocated to the department is entitled to receive \$25 ~~150~~
9 per day compensation and travel expenses, as provided for in
10 2-18-501 through 2-18-503, for each day spent on official
11 board business. Board members who conduct official board
12 business in their city of residence are entitled to receive
13 a midday meal allowance, as provided for in 2-18-501, for
14 each day in which 6 or more hours are spent on official
15 board business. Ex officio board members may not receive
16 compensation but shall receive travel expenses."

17 NEW SECTION. Section 4. Effective date. This act is
18 effective July 1, 1983.

-End-

HOUSE COMMITTEE OF THE WHOLE

April 12, 1983

Amendments to Senate Bill 312, Third reading, Blue copy

1. Page 3, line 10.

Following: "duties"

Insert: ", except that each commissioner of an irrigation district created pursuant to 85-7-101 and each member of an irrigation district joint board of control created pursuant to 85-7-1611 and 85-7-1612 is entitled to be paid \$25 for each day in which he is actually and necessarily engaged in the performance of irrigation district duties"

HOUSE

Amendments to SB 312

1. Title, line 7.

Following: "QUASI-JUDICIAL"

Insert: ", RETIREMENT,"

2. Title, line 9.

Following: "19-3-302,"

Insert: "19-4-202,"

3. Page 4.

Following: line 4

Insert: "Section 3. Section 19-4-202, MCA, is amended to read:

"19-4-202. Per diem and expenses of board members. The members of the retirement board shall serve without direct or indirect compensation except that each appointed member shall receive \$25 \$50 per day and travel expenses, as provided for in 2-18-501 through 2-18-503, for each day in attendance at the meetings of such board or in the execution of his duties as a member of the retirement board. All per diem and expenses paid under the provisions of this section shall be paid from the expense fund of the retirement system."

Renumber: subsequent section

SENATE BILL NO. 312

INTRODUCED BY HIMSL, BLAYLOCK,

HAZELBAKER, JACOBSON

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PER DIEM
COMPENSATION FOR QUASI-JUDICIAL ~~RETIEMENT~~ AND LICENSING
AND REGULATORY BOARDS FROM \$25 A DAY TO \$50 A DAY; AMENDING
SECTIONS 2-15-124, ~~19-3-302~~, ~~19-4-202~~, AND 37-1-133, MCA;
AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-124, MCA, is amended to read:

"2-15-124. Quasi-judicial boards. If an agency is
designated by law as a quasi-judicial board for the purposes
of this section, the following requirements apply:

(1) The number of and qualifications of its members
are as prescribed by law. In addition to those
qualifications, unless otherwise provided by law, at least
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
gubernatorial term and until their successors are appointed
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
assuming that office and is a de jure officer,
notwithstanding the fact that the senate has not yet
confirmed the appointment. If the senate does not confirm
the appointment of a member, the governor shall appoint a
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.

(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.

(7) Unless he is a full-time salaried officer or employee of this state or of a political subdivision of this state, each member is entitled to be paid \$25 ~~150~~ for each day in which he is actually and necessarily engaged in the performance of board duties, and he is also entitled to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties. ~~EXCEPT THAT EACH COMMISSIONER OF AN IRRIGATION DISTRICT CREATED PURSUANT TO 85-7-101 AND EACH MEMBER OF AN IRRIGATION DISTRICT JOINT BOARD OF CONTROL CREATED PURSUANT TO 85-7-1611 AND 85-7-1612 IS ENTITLED TO BE PAID \$25 FOR EACH DAY IN WHICH HE IS ACTUALLY AND NECESSARILY ENGAGED IN THE PERFORMANCE OF IRRIGATION DISTRICT DUTIES.~~ Members who are full-time salaried officers or employees of this state or of a political subdivision of this state are not entitled to be compensated for their service as members but are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

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

~~SECTION 2. SECTION 19-3-302, MCA, IS AMENDED TO READ:~~

"19-3-302. Compensation and expenses of board members.

The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to travel expenses, compensation ~~at the rate of \$25 a day as provided in 2-15-1002.~~"

~~SECTION 3. SECTION 19-4-202, MCA, IS AMENDED TO READ:~~

"19-4-202. Per diem and expenses of board members. The members of the retirement board shall serve without direct or indirect compensation except that each appointed member shall receive \$25 ~~150~~ per day and travel expenses, as provided for in 2-18-501 through 2-18-503, for each day in attendance at the meetings of such board or in the execution of his duties as a member of the retirement board. All per diem and expenses paid under the provisions of this section shall be paid from the expense fund of the retirement system."

Section 4. Section 37-1-133, MCA, is amended to read:

"37-1-133. Board members' compensation and expenses. Unless otherwise provided by law, each member of a board allocated to the department is entitled to receive \$25 ~~150~~ per day compensation and travel expenses, as provided for in

1 2-18-501 through 2-18-503, for each day spent on official
2 board business. Board members who conduct official board
3 business in their city of residence are entitled to receive
4 a midday meal allowance, as provided for in 2-18-501, for
5 each day in which 6 or more hours are spent on official
6 board business. Ex officio board members may not receive
7 compensation but shall receive travel expenses."

8 NEW SECTION. Section 5. Effective date. This act is
9 effective July 1, 1983.

-End-

SENATE BILL NO. 312

INTRODUCED BY HIMSL, BLAYLOCK,

HAZELBAKER, JACOBSON

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PER DIEM
COMPENSATION FOR QUASI-JUDICIAL, ~~RETIREMENT~~, AND LICENSING
AND REGULATORY BOARDS FROM \$25 A DAY TO \$50 A DAY; AMENDING
SECTIONS 2-15-124, ~~19-3-302~~, ~~19-6-202~~, AND 37-1-133,
~~85-7-1505~~, AND ~~85-7-1613~~; MCA; AND PROVIDING AN EFFECTIVE
DATE."

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

Section 1. Section 2-15-124, MCA, is amended to read:

"2-15-124. Quasi-judicial boards. If an agency is
designated by law as a quasi-judicial board for the purposes
of this section, the following requirements apply:

(1) The number of and qualifications of its members
are as prescribed by law. In addition to those
qualifications, unless otherwise provided by law, at least
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
gubernatorial term and until their successors are appointed
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
assuming that office and is a de jure officer,
notwithstanding the fact that the senate has not yet
confirmed the appointment. If the senate does not confirm
the appointment of a member, the governor shall appoint a
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.

(5) The governor shall designate the chairman. The

1 chairman may make and second motions and vote.

2 (5) Members may be removed by the governor only for
3 cause.

4 (7) Unless he is a full-time salaried officer or
5 employee of this state or of a political subdivision of this
6 state, each member is entitled to be paid \$25 ~~150~~ for each
7 day in which he is actually and necessarily engaged in the
8 performance of board duties, and he is also entitled to be
9 reimbursed for travel expenses, as provided for in 2-18-501
10 through 2-18-503, incurred while in the performance of board
11 duties, ~~EXCEPT THAT EACH COMMISSIONER OF AN IRRIGATION~~
12 ~~DISTRICT CREATED PURSUANT TO 05-7-101 AND EACH MEMBER OF AN~~
13 ~~IRRIGATION DISTRICT JOINT BOARD OF CONTROL CREATED PURSUANT~~
14 ~~TO 05-7-1611 AND 05-7-1612 IS ENTITLED TO BE PAID \$25 FOR~~
15 ~~EACH DAY IN WHICH HE IS ACTUALLY AND NECESSARILY ENGAGED IN~~
16 ~~THE PERFORMANCE OF IRRIGATION DISTRICT DUTIES.~~ Members who
17 are full-time salaried officers or employees of this state
18 or of a political subdivision of this state are not entitled
19 to be compensated for their service as members but are
20 entitled to be reimbursed for travel expenses as provided
21 for in 2-18-501 through 2-18-503.

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

1 law."

2 SECTION 2. SECTION 19-3-302, MCA, IS AMENDED TO READ:

3 "19-3-302. Compensation and expenses of board members.
4 The travel expenses of members of the board shall be as
5 allowed in 2-18-501 through 2-18-503, as amended, and
6 reimbursed by the retirement system. Those members of the
7 board who are not members of the retirement system shall be
8 entitled to receive, in addition to travel expenses,
9 compensation ~~at the rate of \$25 a day as provided in~~
10 ~~2-15-1002."~~

11 SECTION 3. SECTION 19-4-202, MCA, IS AMENDED TO READ:

12 "19-4-202. Per diem and expenses of board members. The
13 members of the retirement board shall serve without direct
14 or indirect compensation except that each appointed member
15 shall receive \$25 ~~150~~ per day and travel expenses, as
16 provided for in 2-18-501 through 2-18-503, for each day in
17 attendance at the meetings of such board or in the execution
18 of his duties as a member of the retirement board. All per
19 diem and expenses paid under the provisions of this section
20 shall be paid from the expense fund of the retirement
21 system."

22 Section 4. Section 37-1-133, MCA, is amended to read:

23 "37-1-133. Board members' compensation and expenses.
24 Unless otherwise provided by law, each member of a board
25 allocated to the department is entitled to receive \$25 ~~150~~

1 per day compensation and travel expenses, as provided for in
 2 2-18-501 through 2-18-503, for each day spent on official
 3 board business. Board members who conduct official board
 4 business in their city of residence are entitled to receive
 5 a midday meal allowance, as provided for in 2-18-501, for
 6 each day in which 6 or more hours are spent on official
 7 board business. Ex officio board members may not receive
 8 compensation but shall receive travel expenses."

9 SECTION 5. SECTION 85-7-1505, MCA, IS AMENDED TO READ:

10 "85-7-1505. Compensation and expenses of
 11 commissioners. The commissioners, when sitting as a board or
 12 when engaged in the business of the district, are entitled
 13 to compensation ~~for board members as provided in 2-15-124 of~~
 14 \$25 for each day they are actually and necessarily engaged
 15 in the performance of irrigation district duties and to
 16 reimbursement for travel expenses as provided in 2-18-501
 17 through 2-18-503, and for their necessary expenses when
 18 otherwise engaged on district business, including premiums
 19 on qualifying bonds and any other bonds required of them in
 20 connection with their office."

21 SECTION 6. SECTION 85-7-1613, MCA, IS AMENDED TO READ:

22 "85-7-1613. Board of control -- per diem and expenses.
 23 The members of the board of control, when sitting as a board
 24 or when engaged in the business of the board, are entitled
 25 to compensation ~~for board members as provided in 2-15-124 of~~

1 \$25 for each day they are actually and necessarily engaged
 2 in the performance of irrigation district duties and to
 3 reimbursement for travel expenses as provided in 2-18-501
 4 through 2-18-503, and for their necessary expenses."

5 NEW SECTION. Section 7. Effective date. This act is
 6 effective July 1, 1983.

-End-