

HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on State Administration.
January 24, 1985	Fiscal Note requested.
January 30, 1985	Fiscal Note returned.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 9, 1985	Second reading, do pass.
February 11, 1985	Considered correctly engrossed.
February 12, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on State Administration.
March 15, 1985	Committee recommend bill be concurrred in. Report adopted.
March 21, 1985	Second reading, concurrred in.
March 23, 1985	Third reading, concurrred in. Ayes, 44; Noes, 5.
	Returned to House.

IN THE HOUSE

March 25, 1985	Received from Senate. Sent to enrolling.
March 26, 1985	Correctly enrolled. Signed by President. Signed by Speaker.
March 27, 1985	Delivered to Governor.
April 1, 1985	Returned from Governor with recommended amendments.
April 3, 1985	Second reading, passed for the day.
April 4, 1985	Second reading, Governor's amendments concurred in.
April 5, 1985	Third reading, Governor's amendments concurred in. Governor's amendments transmitted to Senate.

IN THE SENATE

April 15, 1985	Received from House.
April 17, 1985	Second reading, Governor's amendments concurred in.
April 18, 1985	Third reading, Governor's amendments concurred in. Returned to House.

IN THE HOUSE

April 18, 1985

Received from Senate.

April 19, 1985

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 394
2 INTRODUCED BY Joe Brown Krueger

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC
5 EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR
6 THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE
7 EDUCATION AND HISTORICAL SOCIETY BOARDS AND TO INCREASE THE
8 PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND
9 HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY;
10 AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706,
11 19-3-302, 20-2-113, AND 22-3-105, MCA; AND PROVIDING AN
12 EFFECTIVE DATE."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 2-15-124, MCA, is amended to read:
16 "2-15-124. Quasi-judicial boards. If an agency is
17 designated by law as a quasi-judicial board for the purposes
18 of this section, the following requirements apply:

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

24 (2) The governor shall appoint the members. A majority
25 of the members shall be appointed to serve for terms

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

11 (3) The appointment of each member is subject to the
12 confirmation of the senate then meeting in regular session
13 or next meeting in regular session following the
14 appointment. A member so appointed has all the powers of the
15 office upon assuming that office and is a de jure officer,
16 notwithstanding the fact that the senate has not yet
17 confirmed the appointment. If the senate does not confirm
18 the appointment of a member, the governor shall appoint a
19 new member to serve for the remainder of the term.

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

24 (5) The governor shall designate the chairman. The
25 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 otherwise provided by law~~, each member is entitled to
6 be paid \$50 for each day in which he is actually and
7 necessarily engaged in the performance of board duties, and
8 he is also entitled to be reimbursed for travel expenses, as
9 provided for in 2-18-501 through 2-18-503, incurred while in
10 the performance of board duties. Members who are full-time
11 salaried officers or employees of this state or of a
12 political subdivision of this state, as defined in 2-18-601
13 and not including the state officers and employees excepted
14 in 2-18-103, are not entitled to be compensated for their
15 service as members but except when they perform their board
16 duties outside their regular working hours or during time
17 charged against their annual leave, but such members are
18 entitled to be reimbursed for travel expenses as provided
19 for in 2-18-501 through 2-18-503. Ex officio board members
20 may not receive compensation but shall receive travel
21 expenses.

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 2-15-1009, MCA, is amended to read:

3 "2-15-1009. Public employees' retirement board --
4 terms -- allocation. (1) There is a public employees'
5 retirement board.

6 (2) The board consists of six members appointed by the
7 governor. The members are:

8 (a) three public employees who are active members of a
9 public retirement system (not more than one of these members
10 may be an employee of the same department);

11 (b) one retired public employee who is an inactive
12 member of the public employees' retirement system; and

13 (c) two members at large.

14 (3) The term of office for each member is 5 years.

15 (4) The board is allocated to the department for
16 administrative purposes only as prescribed in 2-15-121.

17 (5) Members of the board shall be ~~paid their travel~~
18 ~~expenses as provided for in 2-18-501 through 2-18-503, as~~
19 ~~amended, and members of the board who are not active members~~
20 ~~of the public retirement system shall be entitled, in~~
21 ~~addition to travel expenses, to compensation as established~~
22 ~~for a quasi-judicial board compensated and receive travel~~
23 expenses as provided for in 2-15-124."

24 Section 3. Section 2-15-1512, MCA, is amended to read:

25 "2-15-1512. Boards and offices associated with state

1 historical society. (1) (a) There is a board of trustees of
2 the state historical society which is created in Title 22,
3 chapter 3.

4 (b) The composition, method of appointment, terms of
5 office, and qualifications of board members remain as
6 prescribed by law.

7 (2) (a) There is a preservation review board within
8 the Montana historical society consisting of nine members.

9 (b) Members shall be appointed by the governor in the
10 following manner:

11 (i) five professional persons recognized in the fields
12 of archaeology, history, architecture, or architectural
13 history; however, no more than two members may be appointed
14 from any one of these fields;

15 (ii) a professional paleontologist;

16 (iii) the state liaison officer for the federal land
17 and water conservation fund;

18 (iv) two members of the public who have actively
19 demonstrated an interest in historic preservation matters.

20 (c) Each member shall serve a 4-year term. A member
21 may be reappointed.

22 (d) ~~Unless he is a full-time salaried officer or~~
23 ~~employee of this state or of a political subdivision, each~~
24 ~~member is entitled to be paid \$25 a day for each day in~~
25 ~~which he is actually and necessarily engaged in board duties~~

1 ~~and to reimbursement for travel expenses, as provided for in~~
2 ~~2-18-501 through 2-18-503, incurred in the performance of~~
3 ~~board duties. Members shall be compensated and receive travel~~
4 ~~expenses as provided for in 2-15-124.~~

5 (3) (a) There is established the historic preservation
6 office within the Montana historical society, to consist of
7 an historic preservation officer and a qualified
8 professional staff.

9 (b) The historic preservation officer is appointed by
10 the governor."

11 Section 4. Section 2-15-1706, MCA, is amended to read:

12 "2-15-1706. Commission for human rights -- allocation
13 -- quasi-judicial. (1) There is a commission for human
14 rights.

15 (2) The commission consists of five members appointed
16 by the governor with the consent of the senate.

17 (3) The commission is designated as a quasi-judicial
18 board for the purposes of 2-15-124 ~~but~~ and its members shall
19 be compensated and receive travel expenses as provided for
20 in ~~37-1-133~~ 2-15-124.

21 (4) The commission is allocated to the department of
22 labor and industry for administrative purposes only as
23 provided in 2-15-121, except that the commission may hire
24 its own personnel, may seek and receive private and federal
25 funds in its own name, and may determine all matters of

1 policy concerning the use of its budget. Subsection (2)(d)
2 of 2-15-121 shall not apply for purposes of this section."

3 Section 5. Section 19-3-302, MCA, is amended to read:

4 "19-3-302. Compensation and expenses of board members.

5 ~~The--travel--expenses--of--members--of--the--board--shall--be--as~~
6 ~~allowed--in--2-18-581--through--2-18-583,--as--amended,--and~~
7 ~~reimbursed--by--the--retirement--system. Those members of the~~
8 ~~board who are not members of the retirement system~~ Members
9 shall be entitled to receive, ~~in addition to travel~~
10 ~~expenses,~~ compensation as provided in ~~2-15-1009~~ 2-15-124."

11 Section 6. Section 20-2-113, MCA, is amended to read:

12 "20-2-113. Per diem of board members -- expenses.

13 Appointed members of the board of public education and the
14 board of regents ~~are entitled to \$25 per day and travel~~
15 ~~expenses, as provided for in 2-18-581 through 2-18-583,~~
16 shall be compensated and receive travel expenses as provided
17 for in 2-15-124 for each day in attendance at board meetings
18 or in the performance of any duty or service as a board
19 member."

20 Section 7. Section 22-3-105, MCA, is amended to read:

21 "22-3-105. Compensation and expenses of trustees. Each

22 member of the board of trustees ~~is entitled to be paid \$25~~
23 ~~for each day in which he is actually and necessarily engaged~~
24 ~~in the performance of board duties, and he is also entitled~~
25 ~~to be reimbursed for travel expenses, as provided for in~~

1 ~~2-18-581 through 2-18-583, as amended, incurred while in the~~
2 ~~performance of board duties. Members who are full-time~~
3 ~~salaried officers or employees of this state or of any~~
4 ~~political subdivision of this state are not entitled to be~~
5 ~~compensated for their service as members but are entitled to~~
6 ~~be reimbursed for their travel expenses~~ shall be compensated
7 and receive travel expenses as provided for in 2-15-124."

8 NEW SECTION. Section 8. Effective date. This act is
9 effective July 1, 1985.

-End-

FISCAL NOTE

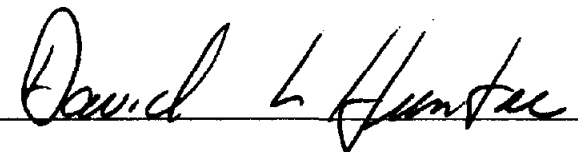
In compliance with a written request received January 24, 19 85, there is hereby submitted a Fiscal Note for H.B. 394 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 394 entitles public employees in certain categories to per diem compensation for their service as members of quasi-judicial and state education and Historical Society boards and to increase the per diem compensation for members of state education and Historical Society boards from \$25 to \$50 a day.

ASSUMPTIONS:

1. There will be fiscal impact on this amount of per diem per member for:
 - a. Board of Public Education
 - b. Board of Regents
 - c. Historical Society Board of Trustees and Preservation Review Board
2. There will be no per diem impact on the following examples of quasi-judicial bodies because either: (1) there would be no public employees on the Commission/Board, or (2) their participation would be within compensated working hours, or (3) the per diem rate is already \$50 per day:
 - a. Commission for Human Rights
 - b. Board of Labor Appeals
 - c. Board of Personnel Appeals
 - d. Public Employees' Retirement Board
 - e. Teachers' Retirement Board
 - f. Board of Investments
 - g. Board of Health and Environmental Sciences
 - h. Fish and Game Commission, etc.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 30, 1985
HB 394

FISCAL IMPACT:

Per Diem Expenditures:	<u>FY86</u>	<u>FY87</u>	<u>87 BIENNIUM</u>
Current Law	\$ 10,775	\$ 10,775	\$ 21,550
Proposed Law	<u>26,350</u>	<u>26,350</u>	<u>52,700</u>
Increased Cost	\$ 15,575	\$ 15,575	\$ 31,150
Funding For Increased Cost:			
General Fund	\$ 14,675	\$ 14,675	\$ 29,350
Federal Funds	<u>900</u>	<u>900</u>	<u>1,800</u>
TOTAL	\$ 15,575	\$ 15,575	\$ 31,150

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS AND; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, 22-1-101, AND 22-3-105, 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. 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. 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 then meeting in regular session or next meeting in regular session following 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 (6) 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 otherwise provided by law, each member is entitled to~~
7 be paid \$50 for each day in which he is actually and
8 necessarily engaged in the performance of board duties, and
9 he is also entitled to be reimbursed for travel expenses, as
10 provided for in 2-18-501 through 2-18-503, incurred while in
11 the performance of board duties. Members who are full-time
12 salaried officers or employees of this state or of a
13 political subdivision of this state, as defined in 2-18-601
14 and not including the state officers and employees excepted
15 in 2-18-103, are not entitled to be compensated for their
16 service as members but except when they perform their board
17 duties outside their regular working hours or during time
18 charged against their annual leave, but such members are
19 entitled to be reimbursed for travel expenses as provided
20 for in 2-18-501 through 2-18-503. Ex officio board members
21 may not receive compensation but shall receive travel
22 expenses.

23 (8) A majority of the membership constitutes a quorum
24 to do business. A favorable vote of at least a majority of
25 all members of a board is required to adopt any resolution,

1 motion, or other decision, unless otherwise provided by
2 law."

3 Section 2. Section 2-15-1009, MCA, is amended to read:
4 "2-15-1009. Public employees' retirement board --
5 terms -- allocation. (1) There is a public employees'
6 retirement board.

7 (2) The board consists of six members appointed by the
8 governor. The members are:

9 (a) three public employees who are active members of a
10 public retirement system (not more than one of these members
11 may be an employee of the same department);

12 (b) one retired public employee who is an inactive
13 member of the public employees' retirement system; and

14 (c) two members at large.

15 (3) The term of office for each member is 5 years.

16 (4) The board is allocated to the department for
17 administrative purposes only as prescribed in 2-15-121.

18 (5) ~~Members of the board shall be paid their travel~~
19 ~~expenses as provided for in 2-18-501 through 2-18-503, as~~
20 ~~amended, and members of the board who are not active members~~
21 ~~of the public retirement system shall be entitled, in~~
22 ~~addition to travel expenses, to compensation as established~~
23 ~~for a quasi-judicial board compensated and receive travel~~
24 expenses as provided for in 2-15-124."

25 Section 3. Section 2-15-1512, MCA, is amended to read:

1 "2-15-1512. Boards and offices associated with state
2 historical society. (1) (a) There is a board of trustees of
3 the state historical society which is created in Title 22,
4 chapter 3.

5 (b) The composition, method of appointment, terms of
6 office, and qualifications of board members remain as
7 prescribed by law.

8 (2) (a) There is a preservation review board within
9 the Montana historical society consisting of nine members.

10 (b) Members shall be appointed by the governor in the
11 following manner:

12 (i) five professional persons recognized in the fields
13 of archaeology, history, architecture, or architectural
14 history; however, no more than two members may be appointed
15 from any one of these fields;

16 (ii) a professional paleontologist;

17 (iii) the state liaison officer for the federal land
18 and water conservation fund;

19 (iv) two members of the public who have actively
20 demonstrated an interest in historic preservation matters.

21 (c) Each member shall serve a 4-year term. A member
22 may be reappointed.

23 (d) ~~Unless he is a full-time salaried officer or~~
24 ~~employee of this state or of a political subdivision, each~~
25 ~~member is entitled to be paid \$25 a day for each day in~~

1 ~~which he is actually and necessarily engaged in board duties~~
2 ~~and to reimbursement for travel expenses, as provided for in~~
3 ~~2-18-501 through 2-18-503, incurred in the performance of~~
4 ~~board duties. Members shall be compensated and receive travel~~
5 ~~expenses as provided for in 2-15-124.~~

6 (3) (a) There is established the historic preservation
7 office within the Montana historical society, to consist of
8 an historic preservation officer and a qualified
9 professional staff.

10 (b) The historic preservation officer is appointed by
11 the governor."

12 Section 4. Section 2-15-1706, MCA, is amended to read:

13 "2-15-1706. Commission for human rights -- allocation
14 -- quasi-judicial. (1) There is a commission for human
15 rights.

16 (2) The commission consists of five members appointed
17 by the governor with the consent of the senate.

18 (3) The commission is designated as a quasi-judicial
19 board for the purposes of 2-15-124 ~~but~~ and its members shall
20 be compensated and receive travel expenses as provided for
21 in ~~37-1-133~~ 2-15-124.

22 (4) The commission is allocated to the department of
23 labor and industry for administrative purposes only as
24 provided in 2-15-121, except that the commission may hire
25 its own personnel, may seek and receive private and federal

1 funds in its own name, and may determine all matters of
2 policy concerning the use of its budget. Subsection (2)(d)
3 of 2-15-121 shall not apply for purposes of this section."

4 Section 5. Section 19-3-302, MCA, is amended to read:

5 "19-3-302. Compensation and expenses of board members.

6 ~~The travel expenses of members of the board shall be as~~
7 ~~allowed in 2-18-501 through 2-18-503, as amended, and~~
8 ~~reimbursed by the retirement system. Those members of the~~
9 ~~board who are not members of the retirement system~~ Members

10 shall be entitled to receive, in addition to travel
11 expenses, compensation as provided in ~~2-15-1009~~ 2-15-124."

12 Section 6. Section 20-2-113, MCA, is amended to read:

13 "20-2-113. Per diem of board members -- expenses.

14 Appointed members of the board of public education and the
15 board of regents ~~are entitled to \$25 per day and travel~~
16 ~~expenses, as provided for in 2-18-501 through 2-18-503,~~
17 ~~shall be compensated and receive travel expenses as provided~~

18 ~~for in 2-15-124~~ for each day in attendance at board meetings
19 or in the performance of any duty or service as a board
20 member."

21 SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ:

22 "22-1-101. State library commission established. (1)

23 There is a state library commission.

24 (2) This commission is composed of the following
25 members:

1 (a) the state superintendent of public instruction or
2 his designee;

3 (b) five persons appointed by the governor, who shall
4 serve staggered terms of 3 years; and

5 (c) a librarian appointed by the commissioner of
6 higher education from one of the six units of the Montana
7 university system, who shall serve a term of 3 years.

8 (3) The commission shall annually elect a chairman
9 from its membership.

10 (4) The members of said commission shall be
11 compensated and receive ~~no compensation for their services~~
12 ~~except their travel expenses,~~ as provided for in ~~2-18-501~~
13 ~~through 2-18-503~~ 2-15-124."

14 Section 8. Section 22-3-105, MCA, is amended to read:

15 "22-3-105. Compensation and expenses of trustees. Each
16 member of the board of trustees ~~is entitled to be paid \$25~~
17 ~~for each day in which he is actually and necessarily engaged~~

18 ~~in the performance of board duties, and he is also entitled~~
19 ~~to be reimbursed for travel expenses, as provided for in~~
20 ~~2-18-501 through 2-18-503, as amended, incurred while in the~~

21 ~~performance of board duties. Members who are full-time~~
22 ~~salaried officers or employees of this state or of any~~
23 ~~political subdivision of this state are not entitled to be~~

24 ~~compensated for their service as members but are entitled to~~
25 ~~be reimbursed for their travel expenses~~ shall be compensated

1 and receive travel expenses as provided for in 2-15-124."

2 NEW SECTION. Section 9. Effective date. This act is

3 effective July 1, 1985.

-End-

HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS AND; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, 22-1-101, AND 22-3-105, 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. 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. 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 then meeting in regular session or next meeting in regular session following 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 (6) 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~~ otherwise provided by law, each member is entitled to
7 be paid \$50 for each day in which he is actually and
8 necessarily engaged in the performance of board duties, and
9 he is also entitled to be reimbursed for travel expenses, as
10 provided for in 2-18-501 through 2-18-503, incurred while in
11 the performance of board duties. Members who are full-time
12 salaried officers or employees of this state or of a
13 political subdivision of this state, as defined in 2-18-601
14 and not including the state officers and employees excepted
15 in 2-18-103, are not entitled to be compensated for their
16 service as members but except when they perform their board
17 duties outside their regular working hours or during time
18 charged against their annual leave, but such members are
19 entitled to be reimbursed for travel expenses as provided
20 for in 2-18-501 through 2-18-503. Ex officio board members
21 may not receive compensation but shall receive travel
22 expenses.

23 (8) A majority of the membership constitutes a quorum
24 to do business. A favorable vote of at least a majority of
25 all members of a board is required to adopt any resolution,

1 motion, or other decision, unless otherwise provided by
2 law."

3 Section 2. Section 2-15-1009, MCA, is amended to read:
4 "2-15-1009. Public employees' retirement board --
5 terms -- allocation. (1) There is a public employees'
6 retirement board.

7 (2) The board consists of six members appointed by the
8 governor. The members are:

9 (a) three public employees who are active members of a
10 public retirement system (not more than one of these members
11 may be an employee of the same department);

12 (b) one retired public employee who is an inactive
13 member of the public employees' retirement system; and

14 (c) two members at large.

15 (3) The term of office for each member is 5 years.

16 (4) The board is allocated to the department for
17 administrative purposes only as prescribed in 2-15-121.

18 (5) ~~Members of the board shall be paid their travel~~
19 ~~expenses as provided for in 2-18-501 through 2-18-503, as~~
20 ~~amended, and members of the board who are not active members~~
21 ~~of the public retirement system shall be entitled, in~~
22 ~~addition to travel expenses, to compensation as established~~
23 ~~for a quasi-judicial board compensated and receive travel~~
24 ~~expenses as provided for in 2-15-124."~~

25 Section 3. Section 2-15-1512, MCA, is amended to read:

1 "2-15-1512. Boards and offices associated with state
2 historical society. (1) (a) There is a board of trustees of
3 the state historical society which is created in Title 22,
4 chapter 3.

5 (b) The composition, method of appointment, terms of
6 office, and qualifications of board members remain as
7 prescribed by law.

8 (2) (a) There is a preservation review board within
9 the Montana historical society consisting of nine members.

10 (b) Members shall be appointed by the governor in the
11 following manner:

12 (i) five professional persons recognized in the fields
13 of archaeology, history, architecture, or architectural
14 history; however, no more than two members may be appointed
15 from any one of these fields;

16 (ii) a professional paleontologist;

17 (iii) the state liaison officer for the federal land
18 and water conservation fund;

19 (iv) two members of the public who have actively
20 demonstrated an interest in historic preservation matters.

21 (c) Each member shall serve a 4-year term. A member
22 may be reappointed.

23 (d) ~~Unless he is a full-time salaried officer or~~
24 ~~employee of this state or of a political subdivision, each~~
25 ~~member is entitled to be paid \$25 a day for each day in~~

1 ~~which he is actually and necessarily engaged in board duties~~
2 ~~and to reimbursement for travel expenses, as provided for in~~
3 ~~2-18-501 through 2-18-503, incurred in the performance of~~
4 ~~board duties. Members shall be compensated and receive travel~~
5 ~~expenses as provided for in 2-15-124.~~

6 (3) (a) There is established the historic preservation
7 office within the Montana historical society, to consist of
8 an historic preservation officer and a qualified
9 professional staff.

10 (b) The historic preservation officer is appointed by
11 the governor."

12 Section 4. Section 2-15-1706, MCA, is amended to read:
13 "2-15-1706. Commission for human rights -- allocation
14 -- quasi-judicial. (1) There is a commission for human
15 rights.

16 (2) The commission consists of five members appointed
17 by the governor with the consent of the senate.

18 (3) The commission is designated as a quasi-judicial
19 board for the purposes of 2-15-124 ~~but~~ and its members shall
20 be compensated and receive travel expenses as provided for
21 in ~~37-1-133~~ 2-15-124.

22 (4) The commission is allocated to the department of
23 labor and industry for administrative purposes only as
24 provided in 2-15-121, except that the commission may hire
25 its own personnel, may seek and receive private and federal

1 funds in its own name, and may determine all matters of
2 policy concerning the use of its budget. Subsection (2)(d)
3 of 2-15-121 shall not apply for purposes of this section."

4 Section 5. Section 19-3-302, MCA, is amended to read:

5 "19-3-302. Compensation and expenses of board members.
6 ~~The travel expenses of members of the board shall be as~~
7 ~~allowed in 2-18-501 through 2-18-503, as amended, and~~
8 ~~reimbursed by the retirement system. Those members of the~~
9 ~~board who are not members of the retirement system~~ Members
10 shall be entitled to receive, in addition to travel
11 expenses, compensation as provided in ~~2-15-1009~~ 2-15-124."

12 Section 6. Section 20-2-113, MCA, is amended to read:

13 "20-2-113. Per diem of board members -- expenses.
14 Appointed members of the board of public education and the
15 board of regents ~~are entitled to \$25 per day and travel~~
16 ~~expenses, as provided for in 2-18-501 through 2-18-503,~~
17 shall be compensated and receive travel expenses as provided
18 for in 2-15-124 for each day in attendance at board meetings
19 or in the performance of any duty or service as a board
20 member."

21 SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ:

22 "22-1-101. State library commission established. (1)
23 There is a state library commission.

24 (2) This commission is composed of the following
25 members:

1 (a) the state superintendent of public instruction or
2 his designee;

3 (b) five persons appointed by the governor, who shall
4 serve staggered terms of 3 years; and

5 (c) a librarian appointed by the commissioner of
6 higher education from one of the six units of the Montana
7 university system, who shall serve a term of 3 years.

8 (3) The commission shall annually elect a chairman
9 from its membership.

10 (4) The members of said commission shall be
11 compensated and receive no compensation for their services
12 except their travel expenses, as provided for in ~~2-18-501~~
13 through 2-18-503 2-15-124."

14 Section 8. Section 22-3-105, MCA, is amended to read:

15 "22-3-105. Compensation and expenses of trustees. Each
16 member of the board of trustees ~~is entitled to be paid \$25~~
17 ~~for each day in which he is actually and necessarily engaged~~
18 ~~in the performance of board duties, and he is also entitled~~
19 ~~to be reimbursed for travel expenses, as provided for in~~
20 ~~2-18-501 through 2-18-503, as amended, incurred while in the~~
21 ~~performance of board duties. Members who are full-time~~
22 ~~salariated officers or employees of this state or of any~~
23 ~~political subdivision of this state are not entitled to be~~
24 ~~compensated for their service as members but are entitled to~~
25 be reimbursed for their travel expenses shall be compensated

1 and receive travel expenses as provided for in 2-15-124."

2 NEW SECTION. Section 9. Effective date. This act is

3 effective July 1, 1985.

-End-

HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS AND; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, 22-1-101, AND 22-3-105, 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. 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. 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 then meeting in regular session or next meeting in regular session following 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 (6) 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 otherwise provided by law, each member is entitled to~~
7 be paid \$50 for each day in which he is actually and
8 necessarily engaged in the performance of board duties, and
9 he is also entitled to be reimbursed for travel expenses, as
10 provided for in 2-18-501 through 2-18-503, incurred while in
11 the performance of board duties. Members who are full-time
12 salaried officers or employees of this state or of a
13 political subdivision of this state, as defined in 2-18-601
14 and not including the state officers and employees excepted
15 in 2-18-103, are not entitled to be compensated for their
16 service as members but except when they perform their board
17 duties outside their regular working hours or during time
18 charged against their annual leave, but such members are
19 entitled to be reimbursed for travel expenses as provided
20 for in 2-18-501 through 2-18-503. Ex officio board members
21 may not receive compensation but shall receive travel
22 expenses.

23 (8) A majority of the membership constitutes a quorum
24 to do business. A favorable vote of at least a majority of
25 all members of a board is required to adopt any resolution,

1 motion, or other decision, unless otherwise provided by
2 law."

3 Section 2. Section 2-15-1009, MCA, is amended to read:
4 "2-15-1009. Public employees' retirement board --
5 terms -- allocation. (1) There is a public employees'
6 retirement board.

7 (2) The board consists of six members appointed by the
8 governor. The members are:

9 (a) three public employees who are active members of a
10 public retirement system (not more than one of these members
11 may be an employee of the same department);

12 (b) one retired public employee who is an inactive
13 member of the public employees' retirement system; and

14 (c) two members at large.

15 (3) The term of office for each member is 5 years.

16 (4) The board is allocated to the department for
17 administrative purposes only as prescribed in 2-15-121.

18 (5) Members of the board shall be ~~paid their travel~~
19 ~~expenses as provided for in 2-18-501 through 2-18-503, as~~
20 ~~amended, and members of the board who are not active members~~
21 ~~of the public retirement system shall be entitled, in~~
22 ~~addition to travel expenses, to compensation as established~~
23 ~~for a quasi-judicial board compensated and receive travel~~
24 expenses as provided for in 2-15-124."

25 Section 3. Section 2-15-1512, MCA, is amended to read:

1 "2-15-1512. Boards and offices associated with state
2 historical society. (1) (a) There is a board of trustees of
3 the state historical society which is created in Title 22,
4 chapter 3.

5 (b) The composition, method of appointment, terms of
6 office, and qualifications of board members remain as
7 prescribed by law.

8 (2) (a) There is a preservation review board within
9 the Montana historical society consisting of nine members.

10 (b) Members shall be appointed by the governor in the
11 following manner:

12 (i) five professional persons recognized in the fields
13 of archaeology, history, architecture, or architectural
14 history; however, no more than two members may be appointed
15 from any one of these fields;

16 (ii) a professional paleontologist;

17 (iii) the state liaison officer for the federal land
18 and water conservation fund;

19 (iv) two members of the public who have actively
20 demonstrated an interest in historic preservation matters.

21 (c) Each member shall serve a 4-year term. A member
22 may be reappointed.

23 (d) ~~Unless he is a full-time salaried officer or~~
24 ~~employee of this state or of a political subdivision, each~~
25 ~~member is entitled to be paid \$25 a day for each day in~~

1 ~~which he is actually and necessarily engaged in board duties~~
2 ~~and to reimbursement for travel expenses, as provided for in~~
3 ~~2-18-501 through 2-18-503, incurred in the performance of~~
4 ~~board duties. Members shall be compensated and receive travel~~
5 ~~expenses as provided for in 2-15-124.~~

6 (3) (a) There is established the historic preservation
7 office within the Montana historical society, to consist of
8 an historic preservation officer and a qualified
9 professional staff.

10 (b) The historic preservation officer is appointed by
11 the governor."

12 Section 4. Section 2-15-1706, MCA, is amended to read:

13 "2-15-1706. Commission for human rights -- allocation
14 -- quasi-judicial. (1) There is a commission for human
15 rights.

16 (2) The commission consists of five members appointed
17 by the governor with the consent of the senate.

18 (3) The commission is designated as a quasi-judicial
19 board for the purposes of 2-15-124 ~~but~~ and its members shall
20 be compensated and receive travel expenses as provided for
21 in ~~37-1-133~~ 2-15-124.

22 (4) The commission is allocated to the department of
23 labor and industry for administrative purposes only as
24 provided in 2-15-121, except that the commission may hire
25 its own personnel, may seek and receive private and federal

1 funds in its own name, and may determine all matters of
2 policy concerning the use of its budget. Subsection (2)(d)
3 of 2-15-121 shall not apply for purposes of this section."

4 Section 5. Section 19-3-302, MCA, is amended to read:
5 "19-3-302. Compensation and expenses of board members.
6 ~~The travel expenses of members of the board shall be as~~
7 ~~allowed in 2-18-501 through 2-18-503, as amended, and~~
8 ~~reimbursed by the retirement system. Those members of the~~
9 ~~board who are not members of the retirement system~~ Members
10 shall be entitled to receive, ~~in addition to travel~~
11 ~~expenses,~~ compensation as provided in ~~2-15-1009~~ 2-15-124."

12 Section 6. Section 20-2-113, MCA, is amended to read:
13 "20-2-113. Per diem of board members -- expenses.
14 Appointed members of the board of public education and the
15 board of regents ~~are entitled to \$25 per day and travel~~
16 ~~expenses, as provided for in 2-18-501 through 2-18-503,~~
17 shall be compensated and receive travel expenses as provided
18 for in 2-15-124 for each day in attendance at board meetings
19 or in the performance of any duty or service as a board
20 member."

21 SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ:
22 "22-1-101. State library commission established. (1)
23 There is a state library commission.
24 (2) This commission is composed of the following
25 members:

1 (a) the state superintendent of public instruction or
2 his designee;

3 (b) five persons appointed by the governor, who shall
4 serve staggered terms of 3 years; and

5 (c) a librarian appointed by the commissioner of
6 higher education from one of the six units of the Montana
7 university system, who shall serve a term of 3 years.

8 (3) The commission shall annually elect a chairman
9 from its membership.

10 (4) The members of said commission shall be
11 compensated and receive no compensation for their services
12 except their travel expenses, as provided for in ~~2-18-501~~
13 ~~through 2-18-503~~ 2-15-124."

14 Section 8. Section 22-3-105, MCA, is amended to read:
15 "22-3-105. Compensation and expenses of trustees. Each
16 member of the board of trustees ~~is entitled to be paid \$25~~
17 ~~for each day in which he is actually and necessarily engaged~~
18 ~~in the performance of board duties, and he is also entitled~~
19 ~~to be reimbursed for travel expenses, as provided for in~~
20 ~~2-18-501 through 2-18-503, as amended, incurred while in the~~
21 ~~performance of board duties. Members who are full-time~~
22 ~~salaries officers or employees of this state or of any~~
23 ~~political subdivision of this state are not entitled to be~~
24 ~~compensated for their service as members but are entitled to~~
25 ~~be reimbursed for their travel expenses~~ shall be compensated

1 and receive travel expenses as provided for in 2-15-124."

2 NEW SECTION. Section 9. Effective date. This act is

3 effective July 1, 1985.

-End-

PROPOSED GOVERNOR'S AMENDMENT
TO
HOUSE BILL NO. 394,
REFERENCE COPY
April 1, 1985

1. Page 3, line 13.
Following: "state" on line 13
Strike: " as " on line 13 through " 2-18-103, " on line 15.

HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS AND; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, 22-1-101, AND 22-3-105, 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. 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. 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 then meeting in regular session or next meeting in regular session following 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 (6) 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 otherwise provided by law, each member is entitled to~~
7 be paid \$50 for each day in which he is actually and
8 necessarily engaged in the performance of board duties, and
9 he is also entitled to be reimbursed for travel expenses, as
10 provided for in 2-18-501 through 2-18-503, incurred while in
11 the performance of board duties. Members who are full-time
12 salaried officers or employees of this state or of a
13 political subdivision of this state, ~~as defined in 2-18-601~~
14 ~~and--not--including--the--state--officers--and--employees--excepted~~
15 ~~in 2-18-103,~~ are not entitled to be compensated for their
16 service as members but except when they perform their board
17 duties outside their regular working hours or during time
18 charged against their annual leave, but such members are
19 entitled to be reimbursed for travel expenses as provided
20 for in 2-18-501 through 2-18-503. Ex officio board members
21 may not receive compensation but shall receive travel
22 expenses.

23 (8) A majority of the membership constitutes a quorum
24 to do business. A favorable vote of at least a majority of
25 all members of a board is required to adopt any resolution,

1 motion, or other decision, unless otherwise provided by
2 law."

3 Section 2. Section 2-15-1009, MCA, is amended to read:
4 "2-15-1009. Public employees' retirement board --
5 terms -- allocation. (1) There is a public employees'
6 retirement board.

7 (2) The board consists of six members appointed by the
8 governor. The members are:

9 (a) three public employees who are active members of a
10 public retirement system (not more than one of these members
11 may be an employee of the same department);

12 (b) one retired public employee who is an inactive
13 member of the public employees' retirement system; and

14 (c) two members at large.

15 (3) The term of office for each member is 5 years.

16 (4) The board is allocated to the department for
17 administrative purposes only as prescribed in 2-15-121.

18 (5) Members of the board shall be ~~paid their travel~~
19 ~~expenses as provided for in 2-18-501 through 2-18-503, as~~
20 ~~amended, and members of the board who are not active members~~
21 ~~of the public retirement system shall be entitled, in~~
22 ~~addition to travel expenses, to compensation as established~~
23 ~~for a quasi-judicial board compensated and receive travel~~
24 expenses as provided for in 2-15-124."

25 Section 3. Section 2-15-1512, MCA, is amended to read:

1 "2-15-1512. Boards and offices associated with state
2 historical society. (1) (a) There is a board of trustees of
3 the state historical society which is created in Title 22,
4 chapter 3.

5 (b) The composition, method of appointment, terms of
6 office, and qualifications of board members remain as
7 prescribed by law.

8 (2) (a) There is a preservation review board within
9 the Montana historical society consisting of nine members.

10 (b) Members shall be appointed by the governor in the
11 following manner:

12 (i) five professional persons recognized in the fields
13 of archaeology, history, architecture, or architectural
14 history; however, no more than two members may be appointed
15 from any one of these fields;

16 (ii) a professional paleontologist;

17 (iii) the state liaison officer for the federal land
18 and water conservation fund;

19 (iv) two members of the public who have actively
20 demonstrated an interest in historic preservation matters.

21 (c) Each member shall serve a 4-year term. A member
22 may be reappointed.

23 (d) ~~Unless he is a full-time salaried officer or~~
24 ~~employee of this state or of a political subdivision, each~~
25 ~~member is entitled to be paid \$25 a day for each day in~~

1 ~~which he is actually and necessarily engaged in board duties~~
2 ~~and to reimbursement for travel expenses, as provided for in~~
3 ~~2-10-501 through 2-10-503, incurred in the performance of~~
4 ~~board duties Members shall be compensated and receive travel~~
5 ~~expenses as provided for in 2-15-124.~~

6 (3) (a) There is established the historic preservation
7 office within the Montana historical society, to consist of
8 an historic preservation officer and a qualified
9 professional staff.

10 (b) The historic preservation officer is appointed by
11 the governor."

12 Section 4. Section 2-15-1706, MCA, is amended to read:

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14 -- quasi-judicial. (1) There is a commission for human
15 rights.

16 (2) The commission consists of five members appointed
17 by the governor with the consent of the senate.

18 (3) The commission is designated as a quasi-judicial
19 board for the purposes of 2-15-124 ~~but and~~ its members shall
20 be compensated and receive travel expenses as provided for
21 in ~~27-1-133~~ 2-15-124.

22 (4) The commission is allocated to the department of
23 labor and industry for administrative purposes only as
24 provided in 2-15-121, except that the commission may hire
25 its own personnel, may seek and receive private and federal

1 funds in its own name, and may determine all matters of
 2 policy concerning the use of its budget. Subsection (2)(d)
 3 of 2-15-121 shall not apply for purposes of this section."

4 Section 5. Section 19-3-302, MCA, is amended to read:

5 "19-3-302. Compensation and expenses of board members.
 6 ~~The travel expenses of members of the board shall be as~~
 7 ~~allowed in 2-18-501 through 2-18-503, as amended, and~~
 8 ~~reimbursed by the retirement system. Those members of the~~
 9 ~~board who are not members of the retirement system~~ Members

10 shall be entitled to receive, in addition to travel
 11 expenses, compensation as provided in 2-15-1009 2-15-124."

12 Section 6. Section 20-2-113, MCA, is amended to read:

13 "20-2-113. Per diem of board members -- expenses.

14 Appointed members of the board of public education and the
 15 board of regents ~~are entitled to \$25 per day and travel~~
 16 ~~expenses, as provided for in 2-18-501 through 2-18-503,~~
 17 shall be compensated and receive travel expenses as provided
 18 for in 2-15-124 for each day in attendance at board meetings
 19 or in the performance of any duty or service as a board
 20 member."

21 SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ:

22 "22-1-101. State library commission established. (1)

23 There is a state library commission.

24 (2) This commission is composed of the following
 25 members:

1 (a) the state superintendent of public instruction or
 2 his designee;

3 (b) five persons appointed by the governor, who shall
 4 serve staggered terms of 3 years; and

5 (c) a librarian appointed by the commissioner of
 6 higher education from one of the six units of the Montana
 7 university system, who shall serve a term of 3 years.

8 (3) The commission shall annually elect a chairman
 9 from its membership.

10 (4) The members of said commission shall be
 11 compensated and receive no compensation for their services
 12 except their travel expenses, as provided for in 2-18-501
 13 through 2-18-503 2-15-124."

14 Section 8. Section 22-3-105, MCA, is amended to read:

15 "22-3-105. Compensation and expenses of trustees. Each
 16 member of the board of trustees ~~is entitled to be paid \$25~~
 17 ~~for each day in which he is actually and necessarily engaged~~
 18 ~~in the performance of board duties, and he is also entitled~~
 19 ~~to be reimbursed for travel expenses, as provided for in~~
 20 ~~2-18-501 through 2-18-503, as amended, incurred while in the~~
 21 ~~performance of board duties. Members who are full-time~~
 22 ~~salaried officers or employees of this state or of any~~
 23 ~~political subdivision of this state are not entitled to be~~
 24 ~~compensated for their service as members but are entitled to~~
 25 ~~be reimbursed for their travel expenses~~ shall be compensated

1 and receive travel expenses as provided for in 2-15-124."

2 NEW SECTION. Section 9. Effective date. This act is

3 effective July 1, 1985.

-End-