HOUSE BILL NO. 394

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

IN THE HOUSE

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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

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April 18, 1985	Received from Senate.
April 19, 1985	Sent to enrolling.
	Reported correctly enrolled.

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HOUSE BILL NO. 394 1 2 INTRODUCED BY 3

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR 5 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; AMENDING SECTIONS 2-15-124, 2-15-1009, 2-15-1512, 2-15-1706, 10 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:

(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.

24 (2) The governor shall appoint the members. A majority25 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 subsection that the governor appoint a majority of the 6 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 used in this subsection, "majority" means the next whole 9 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 appointment. A member so appointed has all the powers of the 14 office upon assuming that office and is a de jure officer, 15 notwithstanding the fact that the senate has not yet 16 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. The25 chairman may make and second motions and vote.

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2	cause.
3	(7) Unless heisafull-timesalariedofficer-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.

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

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(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

l 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);

(b) one retired public employee who is an inactive
 member of the public employees' retirement system; and
 (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-2-18-581-through-2-18-583,-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-s-guasi-judicial-board compensated and receive travel

22 for-a-guasi-judicial-board compensated and receive tra

23 expenses as provided for in 2-15-124."

Section 3. Section 2-15-1512, MCA, is amended to read:
"2-15-1512. Boards and offices associated with state

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

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

1 and-to-reimbursement-for-travel-expenses,-as-provided-for-in 2-18-501-through-2-18-5037-incurred-in--the--performance--of 2 board-duties Members shall be compensated and receive travel 3 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 by the governor with the consent of the senate. 16 (3) The commission is designated as a guasi-judicial 17 18 board for the purposes of 2-15-124 but and its members shall 19 be compensated and receive travel expenses as provided for in 37-1-133 2-15-124. 20 (4) The commission is allocated to the department of 21 labor and industry for administrative purposes only as 22 provided in 2-15-121, except that the commission may hire 23

24 its own personnel, may seek and receive private and federal 25 funds in its own name, and may determine all matters of

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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: *19-3-302. Compensation and expenses of board members. 4 The--travel--expenses--of--members--of-the-board-shall-be-as 5 allowed--in--2-18-581--through--2-18-5837--as--amended7--and 6 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 receiver--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--925--per--day--and--travel 15 expenses7--as--provided--for--in--2-18-501-through-2-18-5037 16 shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at board meetings 17 or in the performance of any duty or service as a board 18 member." 19 20 Section 7. Section 22-3-105, MCA, is amended to read:

21 "22-3-105. Compensation and expenses of trustees. Each member of the board of trustees is-entitled-to-be--paid--\$25 22 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

2-18-581-through-2-18-5837-as-amended;-incurred-while-in-the 1 performance--of--board--duties---Members--who--are-full-time 2 salaried-officers-or-employees--of--this--state--or--of--any 3 political--subdivision--of-this-state-are-not-entitled-to-be 4 compensated-for-their-service-as-members-but-are-entitled-to 5 be-reimbursed-for-their-travel-expenses shall be compensated 6 and receive travel expenses as provided for in 2-15-124." 7 NEW SECTION. Section 8. Effective date. This act is 8 effective July 1, 1985.

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STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN215-85

Form BD-15

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
- 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

Request No.FNN215-85Form BD-15Page 2

FISCAL IMPACT:

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Per Diem Expenditures:	FY86	<u>FY87</u>	87 BIENNIUM
Current Law	\$ 10,775	\$ 10,775	\$ 21,550
Proposed Law	<u>26,350</u>	<u>26,350</u>	52,700
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

1	HOUSE BILL NO. 394
2	INTRODUCED BY D. 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; AND
10	TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE
11	LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009,
12	2-15-1512, 2-15-1706, 19-3-302, 20-2-113, <u>22-1-101,</u> AND
13	22-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 2-15-124, MCA, is amended to read:
17	"2-15-124. Quasi-judicial boards. If an agency is
18	designated by law as a quasi-judicial board for the purposes
19	of this section, the following requirements apply:
20	(1) The number of and qualifications of its members
21	are as prescribed by law. In addition to those
22	qualifications, unless otherwise provided by law, at least
23	one member shall be an attorney licensed to practice law in
24	this state.

25 (2) The governor shall appoint the members. A majority

1 of the members shall be appointed to serve for terms 2 concurrent with the gubernatorial term and until their 3 successors are appointed. The remaining members shall be 4 appointed to serve for terms ending on the first day of the 5 third January of the succeeding gubernatorial term and until 6 their successors are appointed. It is the intent of this 7 subsection that the governor appoint a majority of the 8 members of each quasi-judicial board at the beginning of his 9 term and the remaining members in the middle of his term. As 10 used in this subsection, "majority" means the next whole number greater than half. 11

12 (3) The appointment of each member is subject to the 13 confirmation of the senate then meeting in regular session 14 or next meeting in regular session following the appointment. A member so appointed has all the powers of the 15 16 office upon assuming that office and is a de jure officer. 17 notwithstanding the fact that the senate has not yet 18 confirmed the appointment. If the senate does not confirm 19 the appointment of a member, the governor shall appoint a new member to serve for the remainder of the term. 20

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

25 (5) The governor shall designate the chairman. The

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SECOND READING

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 employee-of-this-state-or-of-a-political-subdivision-of-this 5 state otherwise provided by law, each member is entitled to 6 7 be paid \$50 for each day in which he is actually and necessarily engaged in the performance of board duties, and 8 he is also entitled to be reimbursed for travel expenses, as 9 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 and not including the state officers and employees excepted _14 15 in 2-18-103, are not entitled to be compensated for their service as members but except when they perform their board 16 17 duties outside their regular working hours or during time charged against their annual leave, but such members are 18 entitled to be reimbursed for travel expenses as provided 19 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.

(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,

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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-2-18-501through2-18-5037as
20	amended;-and-members-of-the-board-who-are-not-active-members
21	ofthepublicretirementsystemshallbeentitled;-in
22	addition-to-travel-expensesy-to-compensation-asestablished
23	foraquasi-judicialboard 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:

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

(i) five professional persons recognized in the fields
of archaeology, history, architecture, or architectural
history; however, no more than two members may be appointed
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.

(d) Unless-he--is--a--full-time--salaried--officer--or
employee--of--this-state-or-of-a-political-subdivision7-each
member-is-entitled-to-be-paid-925-a--day--for--each--day--in

1 which-he-is-actually-and-necessarily-engaged-in-board-duties and-to-reimbursement-for-travel-expenses,-as-provided-for-in 2 2-18-581--through--2-18-5837--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 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." Section 4. Section 2-15-1706, MCA, is amended to read: 12 13 "2-15-1706. Commission for human rights -- allocation -- guasi-judicial. (1) There is a commission for human 14 15 rights. (2) The commission consists of five members appointed 16 by the governor with the consent of the senate. 17 18 (3) The commission is designated as a quasi-judicial board for the purposes of 2-15-124 but and its members shall 19 be compensated and receive travel expenses as provided for 20 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 provided in 2-15-121, except that the commission may hire 24

25 its own personnel, may seek and receive private and federal

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HB 394

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--2-18-501--through--2-18-503,--as--amended,--and 7 reimbursed-by-the-retirement-system--Those--members--of--the 8 9 board--who--are-not-members-of-the-retirement-system Members shall be entitled to receivey -- 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 14 Appointed members of the board of public education and the 15 board of regents are--entitled--to-\$25-per-day-and-travel expenses,-as-provided--for--in--2-18-501--through--2-18-503; 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 20 member." SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ: 21

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

24 (2) This commission is composed of the following25 members:

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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 higher education from one of the six units of the Montana 6 university system, who shall serve a term of 3 years. 7 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 2-10-50113 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 member of the board of trustees is-entitled-to-be--paid--925 16 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 2-18-501-through-2-18-5037-as-amended7-incurred-while-in-the 20 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-entitied-to be-reimbursed-for-their-travel-expenses shall be compensated 25

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1	and re	ceive	travel	expenses	as	provided	for	in	2-15-124	• "

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2 <u>NEW SECTION.</u> Section 9. Effective date. This act is

3 effective July 1, 1985.

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HOUSE BILL NO. 394

INTRODUCED BY D. BROWN, KRUEGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC 4 EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR 5 THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE б EDUCATION AND HISTORICAL SOCIETY BOARDS AND; TO INCREASE THE 7 8 PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND 9 HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE 10 LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009, 11 2-15-1512, 2-15-1706, 19-3-302, 20-2-113, 22-1-101, AND 12 13 22-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

14

15 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.

25 (2) The governor shall appoint the members. A majority



of the members shall be appointed to serve for terms 1 2 concurrent with the gubernatorial term and until their 3 successors are appointed. The remaining members shall be appointed to serve for terms ending on the first day of the 4 5 third January of the succeeding gubernatorial term and until 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 9 term and the remaining members in the middle of his term. As 10 used in this subsection, "majority" means the next whole 11 number greater than half.

(3) The appointment of each member is subject to the 12 confirmation of the senate then meeting in regular session 13 14 or next meeting in regular session following the 15 appointment. A member so appointed has all the powers of the 16 office upon assuming that office and is a de jure officer, notwithstanding the fact that the senate has not yet 17 18 confirmed the appointment. If the senate does not confirm the appointment of a member, the governor shall appoint a 19 new member to serve for the remainder of the term. 20

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

25 (5) The governor shall designate the chairman. The

- 2 --

THIRD READING

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1	chairman may make and second motions and vote.	1	motion, or other decision, unless otherwise provided by
2	(6) Members may be removed by the governor only for	2	law."
3	cause.	3	Section 2. Section 2-15-1009, MCA, is amended to read:
4	(7) Unless heisafull-timesalariedofficeror	4	"2-15-1009. Public employees' retirement board
5	employee-of-this-state-or-of-a-political-subdivision-of-this	5	terms allocation. (1) There is a public employees'
6	state otherwise provided by law, each member is entitled to	6	retirement board.
7	be paid \$50 for each day in which he is actually and	7	(2) The board consists of six members appointed by the
8	necessarily engaged in the performance of board duties, and	8	governor. The members are:
9	he is also entitled to be reimbursed for travel expenses, as	9	(a) three public employees who are active members of a
10	provided for in 2-18-501 through 2-18-503, incurred while in	10	public retirement system (not more than one of these members
11	the performance of board duties. Members who are full-time	11	may be an employee of the same department);
12	salaried officers or employees of this state or of a	12	(b) one retired public employee who is an inactive
13	political subdivision of this state, as defined in 2-18-601	13	member of the public employees' retirement system; and
14	and not including the state officers and employees excepted	14	(c) two members at large.
15	in 2-18-103, are not entitled to be compensated for their	15	(3) Thesterm of office for each member is 5 years.
16	service as members but except when they perform their board	16	(4) The board is allocated to the department for
17 .	duties outside their regular working hours or during time	17	administrative purposes only as prescribed in 2-15-121.
18	charged against their annual leave, but such members are	18	(5) Members of the board shall be paid-their-travel
19	entitled to be reimbursed for travel expenses as provided	19	expenses-as-provided-for-in-2-10-501through2-10-5037as
20	for in 2-18-501 through 2-18-503. Ex officio board members	20	amended;-and-members-of-the-board-who-are-not-active-members
21	may not receive compensation but shall receive travel	21	ofthepublicretirementsystemshallbeentitled;-in
22	expenses.	22	addition-to-travel-expenses;-to-compensation-asestablished
23	(8) A majority of the membership constitutes a quorum	23	fora-quasi-judicialboard compensated and receive travel
24	to do business. A favorable vote of at least a majority of	24	expenses as provided for in 2-15-124."
25	all members of a board is required to adopt any resolution,	25	Section 3. Section 2-15-1512, MCA, is amended to read:

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

(i) five professional persons recognized in the fields
of archaeology, history, architecture, or architectural
history; however, no more than two members may be appointed
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.

(d) Unless-he--is--a--full-time--salaried--officer--or
 employee--of--this-state-or-of-a-political-subdivision7-each
 member-is-entitled-to-be-paid-\$25-a--day--for--each--day--in

which-he-is-actually-and-necessarily-engaged-in-board-duties 1 and-to-reimbursement-for-travel-expenses7-as-provided-for-in 2 2-18-581--through--2-18-5837--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 6 (3) (a) There is established the historic preservation office within the Montana historical society, to consist of 7 an historic preservation officer and a gualified я 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 -- guasi-judicial. (1) There is a commission for human 14 15 rights. (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 guasi-judicial 18 19 board for the purposes of 2-15-124 but and its members shall be compensated and receive travel expenses as provided for 20 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 provided in 2-15-121, except that the commission may hire 24

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its own personnel, may seek and receive private and federal

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funds in its own name, and may determine all matters of 1 2 policy concerning the use of its budget. Subsection (2)(d) 3 of 2-15-121 shall not apply for purposes of this section." Section 5. Section 19-3-302, MCA, is amended to read: 4 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--2-18-5037--as--amended7--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 receivez--in--addition--to---travel 11 expenses7 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--2-18-5037 17 shall be compensated and receive travel expenses as provided 18 for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board 19 member." 20

<u>SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ:</u>
 "22-1-101. State library commission established. (1)
 There is a state library commission.

24 (2) This commission is composed of the following25 members:

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

3 (b) five persons appointed by the governor, who shall4 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 <u>be</u>
11 <u>compensated and</u> receive no-compensation-for-their-services
12 except-their travel expenses, as provided for in 2-18-581
13 through-2-18-583 2-15-124."

Section 8. Section 22-3-105, MCA, is amended to read: 14 15 "22-3-105. Compensation and expenses of trustees. Each 16 member of the board of trustees is-entitled-to-be--paid--925 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

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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-

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1	HOUSE BILL NO. 394	1	of the members shall be appointed to serve for terms
2	INTRODUCED BY D. BROWN, KRUEGER	2	concurrent with the gubernatorial term and until their
3		3	successors are appointed. The remaining members shall be
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ENTITLE PUBLIC	4	appointed to serve for terms ending on the first day of the
5	EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR	5	third January of the succeeding gubernatorial term and until
б	THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE	6	their successors are appointed. It is the intent of this
7	EDUCATION AND HISTORICAL SOCIETY BOARDS AND; TO INCREASE THE	7	subsection that the governor appoint a majority of the
8	PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND	8	members of each quasi-judicial board at the beginning of his
9	HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND	9	term and the remaining members in the middle of his term. As
10	TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE	10	used in this subsection, "majority" means the next whole
11	LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009,	11	number greater than half.
12	2-15-1512, 2-15-1706, 19-3-302, 20-2-113, <u>22-1-101,</u> AND	12	(3) The appointment of each member is subject to the
13	22-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE."	13	confirmation of the senate then meeting in regular session
14		14	or next meeting in regular session following the
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	appointment. A member so appointed has all the powers of the
15	Section 1. Section 2-15-124, MCA, is amended to read:	16	office upon assuming that office and is a de jure officer,
17	"2-15-124. Quasi-judicial boards. If an agency is	17	notwithstanding the fact that the senate has not yet
18	designated by law as a quasi-judicial board for the purposes	18	confirmed the appointment. If the senate does not confirm
19	of this section, the following requirements apply:	19	the appointment of a member, the governor shall appoint a
20	(1) The number of and qualifications of its members	20	new member to serve for the remainder of the term.
21	are as prescribed by law. In addition to those	21	(4) A vacancy shall be filled in the same manner as
22	qualifications, unless otherwise provided by law, at least	22	regular appointments, and the member appointed to fill a
23	one member shall be an attorney licensed to practice law in	23	vacancy shall serve for the unexpired term to which he is
24	this state.	24	appointed.
25	(2) The governor shall appoint the members. A majority	25	(5) The governor shall designate the chairman. The
	٨		-2- HB 394

Montana Legislative Council

REFERENCE BILL

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chairman may make and second motions and vote. 1 (6) Members may be removed by the governor only for 2 ٦ cause. (7) Unless he--is--a--full-time--salaried--officer--or 4 employee-of-this-state-or-of-a-political-subdivision-of-this S 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 22 expenses. (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

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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 inactive13 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 for17 administrative purposes only as prescribed in 2-15-121.

18 (5) Members of the board shall be paid-their-travel expenses-as-provided-for-in-2-18-501-~through--2-10-5037--as amended7-and-members-of-the-board-who-are-not-active-members of--the--public--retirement--system--shall--be--entitled7-in addition-to-travel-expenses7-to-compensation-as--established for--a--quasi-judicial--board compensated and receive travel expenses as provided for in 2-15-124."

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

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"2-15-1512. Boards and offices associated with state 1

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

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

16 (ii) a professional paleontologist;

17 (iii) the state liaison officer for the federal land18 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.

(d) Unless-he--is--a--full-time--salaried--officer--or
 employee--of--this-state-or-of-a-political-subdivision7-each
 member-is-entitled-to-be-paid-525-a--day--for--each--day--in

which-he-is-actually-and-necessarily-engaged-in-board-duties 2 and-to-reimbursement-for-travel-expenses7-as-provided-for-in 3 2-18-501--through--2-18-5037--incurred-in-the-performance-of 4 board-duties Members shall be compensated and receive travel expenses as provided for in 2-15-124. 5 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 gualified 9 professional staff. 10 (b) The historic preservation officer is appointed by 11 the governor." Section 4. Section 2-15-1706, MCA, is amended to read: 12 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 board for the purposes of 2-15-124 but and its members shall 19 be compensated and receive travel expenses as provided for 20 21 in 37-1-193 2-15-124. (4) The commission is allocated to the department of 22

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

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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 5 "19-3-302. Compensation and expenses of board members. The-travel-expenses-of-members-of--the--board--shall--be--as 6 allowed--in--2-18-501--through--2-18-5037--as--amended7--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 receiver--in--addition--to---travel 10 expenses; compensation as provided in 2-15-1009 2-15-124." 11 12 Section 6. Section 20-2-113, MCA, is amended to read: "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 18 for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board 19 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: (a) the state superintendent of public instruction or
 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 chairman9 from its membership.

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

Section 8. Section 22-3-105, MCA, is amended to read: 14 "22-3-105. Compensation and expenses of trustees. Each 15 member of the board of trustees is-entitled-to-be--paid--\$25 16 17 for-each-day-in-which-he-is-actually-and-necessarily-engaged 18 in--the-performance-of-board-duties, and he-is-also-entitled to-be-reimbursed-for-travel-expenses,--as--provided--for--in 19 20 2-18-501-through-2-18-5037-as-amended7-incurred-while-in-the performance--of--board--duties---Members--who--are-full-time 21 22 salaried-officers-or-employees--of--this--state--or--of--any 23 political--subdivision--of-this-state-are-not-entitled-to-be compensated-for-their-service-as-members-but-are-entitled-to 24 25 he-reimbursed-for-their-travel-expenses shall be compensated

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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.

.

Montana Legislative Council

1	HOUSE BILL NO. 394
2	INTRODUCED BY D. 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
6	PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND
9	HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND
10	TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE
11	LIBRARY COMMISSION; AMENDING SECTIONS 2-15-124, 2-15-1009,
12	2-15-1512, 2-15-1706, 19-3-302, 20-2-113, <u>22-1-101,</u> AND
13	22-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE."
4	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 2-15-124, MCA, is amended to read:
17	"2-15-124. Quasi-judicial boards. If an agency is
18	designated by law as a quasi-judicial board for the purposes
19	of this section, the following requirements apply:
20	(1) The number of and qualifications of its members
21	are as prescribed by law. In addition to those
22	qualifications, unless otherwise provided by law, at least
23	one member shall be an attorney licensed to practice law in
24	this state.
25	(2) The governor shall appoint the members. A majority

of the members shall be appointed to serve for terms 1 2 concurrent with the gubernatorial term and until their 3 successors are appointed. The remaining members shall be appointed to serve for terms ending on the first day of the 4 third January of the succeeding gubernatorial term and until 5 6 their successors are appointed. It is the intent of this 7 subsection that the governor appoint a majority of the 8 members of each quasi-judicial board at the beginning of his 9 term and the remaining members in the middle of his term. As 10 used in this subsection, "majority" means the next whole 11 number greater than half.

12 (3) The appointment of each member is subject to the confirmation of the senate then meeting in regular session 13 14 or next meeting in regular session following the appointment. A member so appointed has all the powers of the 15 16 office upon assuming that office and is a de jure officer, 17 notwithstanding the fact that the senate has not yet 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

21 (4) A vacancy shall be filled in the same manner as 22 regular appointments, and the member appointed to fill a 23 vacancy shall serve for the unexpired term to which he is 24 appointed.

25 (5) The governor shall designate the chairman. The

-2- HB 394 REFERENCE BILL: INCLUDES GOVERNOR'S AMENDMENTS DATED **'-/- 35**

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1 chairman may make and second motions and vote.

2 (6) Members may be removed by the governor only for3 cause.

(7) Unless he--is--a--full-time--salaried--officer--or 4 5 employee-of-this-state-or-of-a-political-subdivision-of-this 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 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 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 state7-as-defined-in--2-18-601 13 14 and--not-including-the-state-officers-and-employees-excepted in-2-10-1037 are not entitled to be compensated for their 15 16 service as members but except when they perform their board 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 22 expenses.

(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,

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 the8 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 inactive13 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--2-18-5037--as
- 20 amended;-and-members-of-the-board-who-are-not-active-members
- 21 of--the--public--retirement--system--shail--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:

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

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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 from any one of these fields; 15

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 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--2-10-5037--incurred-in-the-performance-of 3 board-duties Members shall be compensated and receive travel Δ expenses as provided for in 2-15-124. 5 6 (3) (a) There is established the historic preservation 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 -- guasi-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 guasi-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

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funds in its own name, and may determine all matters of 1 policy concerning the use of its budget. Subsection (2)(d) 2 3 of 2-15-121 shall not apply for purposes of this section." 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 7 allowed--in--2-18-501--through--2-18-5037--as--amendedr--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 receiver--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. 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--2-18-501--through--2-18-503-16 shall be compensated and receive travel expenses as provided 17 for in 2-15-124 for each day in attendance at board meetings 18 19 or in the performance of any duty or service as a board 20 member." SECTION 7. SECTION 22-1-101, MCA, IS AMENDED TO READ: 21

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 **q** 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 2-10-501 13 through-2-18-503 2-15-124." 14 Section 8. Section 22-3-105, MCA, is amended to read: "22-3-105. Compensation and expenses of trustees. Each 15 member of the board of trustees is-entitled-to-be--paid--525 16 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 2-18-501-through-2-18-5037-as-amended7-incurred-while-in-the 20

- 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

-7-

-8-

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

2 <u>NEW SECTION.</u> Section 9. Effective date. This act is

3 effective July 1, 1985.

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-End-

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