

HB 31

INTRODUCED BY KITSELMAN
CHANGING COMPOSITION OF PRIVATE SECURITY PATROLMEN

1/05	INTRODUCED		
1/05	REFERRED TO BUSINESS & LABOR		
1/09	HEARING		
1/16	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/20	2ND READING PASSED	59	36
1/21	3RD READING PASSED	74	23
	TRANSMITTED TO SENATE		
1/22	REFERRED TO BUSINESS & INDUSTRY		
1/29	HEARING		
1/31	COMMITTEE REPORT--BILL CONCURRED		
2/14	2ND READING CONCUR MOTION FAILED	16	25
2/14	2ND READING INDEFINITELY POSTPONED	32	14
2/14	RETURNED TO HOUSE NOT CONCURRED		

1 HOUSE BILL NO. 31
 2 INTRODUCED BY KITSELMAN
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CONVERTING THE BOARD OF
 5 PRIVATE SECURITY PATROLMEN AND INVESTIGATORS TO A
 6 QUASI-JUDICIAL BOARD; PROVIDING FOR PROFESSIONAL
 7 REPRESENTATION ON THE BOARD; ALLOWING FOR AN EXCEPTION TO
 8 GUBERNATORIAL DESIGNATION OF THE CHAIRMAN OF A
 9 QUASI-JUDICIAL BOARD; PROVIDING FOR TRANSITION; AMENDING
 10 SECTIONS 2-15-124 AND 2-15-1891, MCA; AND PROVIDING AN
 11 EFFECTIVE DATE."
 12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Section 2-15-1891, MCA, is amended to read:
 15 "2-15-1891. Board of private security patrolmen and
 16 investigators. (1) There is a board of private security
 17 patrolmen and investigators.
 18 (2) The board is a quasi-judicial board subject to the
 19 provisions of 2-15-124, except that:
 20 (a) one of the members need not be an attorney
 21 licensed to practice law in this state; and
 22 (b) the board shall elect a chairman from among its
 23 members.
 24 ~~(2)(3)~~ The board consists of seven voting members
 25 appointed by the governor ~~with the consent of the senate~~ as

1 provided in 2-15-124. The members shall represent include:
 2 (a) one two representatives of contract security
 3 company companies, as defined by 37-60-101, who are actively
 4 engaged in the management or operation of a currently
 5 licensed business;
 6 (b) one representative of a proprietary security
 7 organization, as defined by 37-60-101, who is actively
 8 engaged in a management position of a currently licensed
 9 business;
 10 (c) two licensed private investigators, as defined by
 11 37-60-101, who are currently operating active businesses;
 12 ~~(d)~~ one representative of a city police department;
 13 and
 14 ~~(e)~~ one representative of a county sheriff's
 15 department;
 16 ~~(f) --one member of the public;~~
 17 ~~(g) --one member of the peace -- officers -- standards -- and~~
 18 ~~training advisory council; and~~
 19 ~~(g) -- a licensed private investigator;~~
 20 ~~(3)(4)~~ Members of the board must be at least 25 years
 21 of age and have been residents of this state for more than 5
 22 years.
 23 ~~(4)(5) The appointed members of the board shall -- serve~~
 24 ~~for -- a -- term of 3 years.~~ The terms of board members shall be
 25 staggered as provided in 2-15-124.

~~{5}--The-governor-may-remove-a-member--for--misconduct,
incompetency,---neglect---of---duty,--or--unprofessional--or
dishonorable-conduct.~~

~~{6}--A-vacancy-on-the-board-must-be-filled-in-the--same
manner--as--the-original-appointment-and-may-only-be-for-the
unexpired-portion-of-the-term.~~

~~{7}{6}~~ The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 2. 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~~ Except as provided in 2-15-1891, the governor shall designate the chairman. The chairman may make and second motions and vote.

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

(7) Unless otherwise provided by law, each member is entitled to be paid \$50 for each day in which he is actually and necessarily engaged in the performance of board duties,

1 and he is also entitled to be reimbursed for travel
 2 expenses, as provided for in 2-18-501 through 2-18-503,
 3 incurred while in the performance of board duties. Members
 4 who are full-time salaried officers or employees of this
 5 state or of a political subdivision of this state are not
 6 entitled to be compensated for their service as members
 7 except when they perform their board duties outside their
 8 regular working hours or during time charged against their
 9 annual leave, but such members are entitled to be reimbursed
 10 for travel expenses as provided for in 2-18-501 through
 11 2-18-503. Ex officio board members may not receive
 12 compensation but shall receive travel expenses.

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

18 NEW SECTION. Section 3. Transition. (1) The members
 19 of the board of private security patrolmen and investigators
 20 serving on July 1, 1987, shall complete the terms for which
 21 they were appointed. Upon completion of those terms, the
 22 governor, with the concurrence of the senate, shall appoint:

23 (a) to fill the vacancies caused by the expiration of
 24 the terms of two members on August 1, 1987, two members for
 25 terms that will expire concurrently with the gubernatorial

1 term in January 1989;

2 (b) to fill the vacancies caused by the expiration of
 3 the terms of three members on August 1, 1988:

4 (i) two members whose terms will expire concurrently
 5 with the gubernatorial term in January 1989; and

6 (ii) one member whose term will expire on the first day
 7 of January 1991; and

8 (c) to fill the vacancies caused by the expiration of
 9 the terms of two members on August 1, 1989, two members
 10 whose terms will expire on the first day of January 1991.

11 (2) In the appointments under this section during the
 12 transition period, the governor is not bound by the
 13 provisions of 2-15-1891(3) if such compliance would give one
 14 or more categories designated under that subsection more or
 15 fewer members than provided in 2-15-1891.

16 (3) Subsequent vacancies in the membership of the
 17 board will be filled as provided in 2-15-124 and for terms
 18 as provided in 2-15-124.

19 NEW SECTION. Section 4. Effective date. This act is
 20 effective July 1, 1987.

-End-

APPROVED BY COMM. ON BUSINESS AND LABOR

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 12 37-60-101, who are currently operating active businesses;
 13 (d)(C) one representative of a city police
 14 department; and
 15 (d)(E) one representative of a county sheriff's
 16 department;
 17 (e) one member of the public;
 18 (f) one member of the peace officers' standards and
 19 training advisory council; and
 20 (g) a licensed private investigator;
 21 (E) ONE MEMBER OF THE PUBLIC;
 22 (F) ONE MEMBER OF THE PEACE OFFICERS' STANDARDS AND
 23 TRAINING ADVISORY COUNCIL; AND
 24 (G) A LICENSED PRIVATE INVESTIGATOR.
 25 (3)(4) Members of the board must be at least 25 years



1 of age and have been residents of this state for more than 5
2 years.

3 ~~{4}{5}--The--appointed-members-of-the-board-shall-serve~~
4 ~~for-a-term-of-3-years--The-terms-of-board-members--shall--be~~
5 ~~staggered-as-provided-in-2-15-124-~~

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20 qualifications, unless otherwise provided by law, at least
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22 this state.

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24 of the members shall be appointed to serve for terms
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7 term and the remaining members in the middle of his term. As
8 used in this subsection, "majority" means the next whole
9 number greater than half.

10 (3) The appointment of each member is subject to the
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13 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
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25 second motions and vote.

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2 cause.

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4 entitled to be paid \$50 for each day in which he is actually
5 and necessarily engaged in the performance of board duties,
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16 (2) In the appointments under this section during the
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HB 0031/02

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