

SENATE BILL NO. 391

INTRODUCED BY BISHOP

IN THE SENATE

FEBRUARY 11, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

FEBRUARY 14, 1989

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 15, 1989

PRINTING REPORT.

FEBRUARY 16, 1989

SECOND READING, DO PASS.

FEBRUARY 17, 1989

ENGROSSING REPORT.

FEBRUARY 18, 1989

THIRD READING, PASSED.
AYES, 49; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 20, 1989

FIRST READING.

MARCH 3, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 4, 1989

SECOND READING, CONCURRED IN.

MARCH 6, 1989

THIRD READING, CONCURRED IN.
AYES, 95; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 7, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 391

2 INTRODUCED BY Bishop

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR STAGGERED
5 TERMS FOR CERTAIN MEMBERS OF THE BOARD OF PARDONS; AMENDING
6 SECTION 2-15-2302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE AND A RETROACTIVE APPLICABILITY DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 2-15-2302, MCA, is amended to read:

11 "2-15-2302. Board of pardons -- composition --
12 allocation -- quasi-judicial. (1) There is a board of
13 pardons.

14 (2) The board consists of three members and an
15 auxiliary member, at least one of whom shall have particular
16 knowledge of Indian culture and problems. Members of the
17 board, including the auxiliary member, shall possess
18 academic training which has qualified them for professional
19 practice in a field such as criminology, education,
20 psychiatry, psychology, law, social work, sociology, or
21 guidance and counseling. Related work experience in the
22 areas listed may be substituted for these educational
23 requirements.

24 (3) The auxiliary member shall attend any meeting that
25 a regular board member is unable to attend, and at that time

1 the auxiliary member has all the rights and responsibilities
2 of a regular board member.

3 (4) One member and the auxiliary member shall serve
4 terms concurrent with the governor. The remaining members
5 shall serve staggered 4-year terms.

6 (4)(5) The board is allocated to the department for
7 administrative purposes only as prescribed in 2-15-121.
8 However, the board may hire its own personnel, and
9 2-15-121(2)(d) does not apply.

10 (5)(6) The board, including the auxiliary member, is
11 designated as a quasi-judicial board for purposes of
12 2-15-124, except board members shall be compensated as
13 provided by legislative appropriation and the terms of board
14 members shall be staggered as provided in subsection (4)."

15 NEW SECTION. Section 2. Implementation of staggered
16 terms. (1) To implement the staggered-term system provided
17 for in 2-15-2302(4), the first terms of the successors to
18 the three members whose terms expire January 2, 1989, are as
19 follows:

20 (a) one member and the auxiliary member shall serve
21 4-year terms; and

22 (b) one member shall serve a 3-year term.

23 (2) Upon expiration of the terms provided in subsection
24 (1), each member shall serve a 4-year term.

25 NEW SECTION. Section 3. Effective date. [This act] is

LC 0054/01

- 1 effective on passage and approval.
- 2 NEW SECTION. **Section 4. Applicability.** [Section 2]
- 3 applies retroactively, within the meaning of 1-2-109, to the
- 4 members of the board of pardons appointed after January 2,
- 5 1988.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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~~5~~(6) The board, including the auxiliary member, is designated as a quasi-judicial board for purposes of 2-15-124, except board members shall be compensated as provided by legislative appropriation and the terms of board members shall be staggered as provided in subsection (4)."

NEW SECTION. **Section 2.** Implementation of staggered terms. (1) To implement the staggered-term system provided for in 2-15-2302(4), the first terms of the successors to the three members whose terms expire January 2, 1989, are as follows:

(a) one member and the auxiliary member shall serve 4-year terms; and

(b) one member shall serve a 3-year term.

(2) Upon expiration of the terms provided in subsection (1), each member shall serve a 4-year term.

NEW SECTION. **Section 3.** Effective date. [This act] is

SB 0391/02

1 effective on passage and approval.

2 NEW SECTION. **Section 4. Applicability.** [Section 2]
3 applies retroactively, within the meaning of 1-2-109, to the
4 members of the board of pardons appointed after January 2,
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