

SENATE BILL NO. 63  
INTRODUCED BY J. COBB

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DAILY PAY RATE FOR QUASI-JUDICIAL BOARD MEMBERS; AMENDING SECTION 2-15-124, 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~~ must be an attorney licensed to practice law in this state.

(2) The governor shall appoint the members. A majority of the members ~~shall~~ must be appointed to serve for terms concurrent with the gubernatorial term and until their successors are appointed. The remaining members ~~shall~~ must 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~~ the governor's term and the remaining members in the middle of ~~his~~ the governor's 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~~ must 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~~ the member is appointed.

(5) The governor shall designate the ~~chairman~~ presiding officer. The ~~chairman~~ presiding officer 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~~ a salary equal to the amount established for legislators pursuant to 5-2-301(1) for each day in which ~~he~~ the member is actually and necessarily engaged in the performance of board duties; and ~~he is also entitled~~ to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state or of a political subdivision of this state are not entitled to be compensated for their service as members except when they perform their board duties outside their regular working hours or during time charged against their annual leave, but ~~such members~~ are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. Ex officio board members may not receive compensation but ~~shall~~ must receive travel 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, motion, or other decision, unless otherwise provided by law."

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2007.

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