

1 HOUSE BILL NO. 309

2 INTRODUCED BY T. BROCKMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE VOTING REQUIREMENT OF QUASI-JUDICIAL  
5 BOARDS FROM AN ABSOLUTE MAJORITY TO A MAJORITY OF A QUORUM; AND AMENDING SECTION  
6 2-15-124, MCA."

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

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10 **Section 1.** Section 2-15-124, MCA, is amended to read:

11 **"2-15-124. Quasi-judicial boards.** If an agency is designated by law as a quasi-judicial board for the  
12 purposes of this section, the following requirements apply:

13 (1) The number of and qualifications of its members are as prescribed by law. In addition to those  
14 qualifications, unless otherwise provided by law, at least one member must be an attorney licensed to practice  
15 law in this state.

16 (2) The governor shall appoint the members. A majority of the members must be appointed to  
17 serve for terms concurrent with the gubernatorial term and until their successors are appointed. The remaining  
18 members must be appointed to serve for terms ending on the first day of the third January of the succeeding  
19 gubernatorial term and until their successors are appointed. It is the intent of this subsection that the governor  
20 appoint a majority of the members of each quasi-judicial board at the beginning of the governor's term and the  
21 remaining members in the middle of the governor's term. As used in this subsection, "majority" means the next  
22 whole number greater than half.

23 (3) The appointment of each member is subject to the confirmation of the senate then meeting in  
24 regular session or next meeting in regular session following the appointment. A member so appointed has all  
25 the powers of the office upon assuming that office and is a de jure officer, notwithstanding the fact that the  
26 senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a member, the  
27 governor shall appoint a new member to serve for the remainder of the term.

28 (4) A vacancy must be filled in the same manner as regular appointments, and the member

1 appointed to fill a vacancy shall serve for the unexpired term to which the member is appointed.

2 (5) The governor shall designate the presiding officer. The presiding officer may make and second  
3 motions and vote.

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

5 (7) Unless otherwise provided by law, each member is entitled to be paid \$50 for each day in  
6 which the member is actually and necessarily engaged in the performance of board duties and is also entitled  
7 to be reimbursed for travel expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the  
8 performance of board duties. Members who are full-time salaried officers or employees of this state or of a  
9 political subdivision of this state are not entitled to be compensated for their service as members except when  
10 they perform their board duties outside their regular working hours or during time charged against their leave,  
11 but those members are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-  
12 503. Ex officio board members may not receive compensation but must receive travel expenses.

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

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