

HOUSE BILL NO. 603

INTRODUCED BY G. OVERSTREET

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT, EXCEPT FOR THE HUMAN RIGHTS COMMISSION, THAT AT LEAST ONE MEMBER OF A QUASI-JUDICIAL BOARD BE AN ATTORNEY LICENSED TO PRACTICE LAW IN MONTANA; AND AMENDING SECTIONS 2-15-124, 2-15-1019, 2-15-1706, 2-15-1822, 2-15-2305, 2-15-2502, 2-15-3110, 2-15-3402, AND 2-15-3406, MCA; AND PROVIDING AN IMMEDIATE 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 these qualifications, unless otherwise provided by law, at least one member must be an attorney licensed to practice law in this state.~~ As provided in 2-15-1706, one member of the human rights commission must be licensed to practice law in Montana.

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

(5) The governor shall designate the presiding officer. The 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 \$100 for each day in which the member is actually and necessarily engaged in the performance of board duties and 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 leave, but those 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 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 the members in attendance at a meeting at which a quorum is present is required to adopt any resolution, motion, or other decision, unless otherwise provided by law."

Section 2. Section 2-15-1019, MCA, is amended to read:

"2-15-1019. Board of directors of state compensation insurance fund -- legislative liaisons. (1)

There is a board of directors of the state compensation insurance fund.

(2) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may employ its own staff.

(3) The board may provide for its own office space and the office space of the state fund.

(4) The board consists of seven members appointed by the governor. The executive director of the state fund is an ex officio nonvoting member.

(5) (a) At least four of the seven members shall represent state fund policyholders and may be

1 a \$100 annual fee paid by the state fund into the general fund."

3 **Section 3.** Section 2-15-1706, MCA, is amended to read:

4 **"2-15-1706. Commission for human rights -- allocation -- quasi-judicial.** (1) There is a
5 commission for human rights.

6 (2) The commission consists of five members appointed by the governor with the consent of the
7 senate. One member of the commission must be licensed to practice law in Montana.

8 (3) The commission is designated as a quasi-judicial board for the purposes of 2-15-124 and its
9 members must be compensated and receive travel expenses as provided for in 2-15-124.

10 (4) The commission is allocated to the department of labor and industry for administrative
11 purposes only as provided in 2-15-121."

13 **Section 4.** Section 2-15-1822, MCA, is amended to read:

14 **"2-15-1822. Hard-rock mining impact board.** (1) There is a hard-rock mining impact board.

15 (2) The hard-rock mining impact board is a five-member board.

16 (3) (a) Subject to subsections (3)(b) and (3)(c), the hard-rock mining impact board must include
17 among its members:

18 (i) a representative of the hard-rock mining industry;

19 (ii) a representative of a major financial institution in Montana;

20 (iii) a person who, when appointed to the board, is an elected school district trustee;

21 (iv) a person who, when appointed to the board, is an elected county commissioner;

22 (v) a member of the public at large.

23 (b) Three persons appointed to the board must reside in an area impacted or expected to be
24 impacted by large-scale mineral development.

25 (c) At least two persons must be appointed from each district provided for in 2-15-156.

26 (4) The hard-rock mining impact board is a quasi-judicial board subject to the provisions of 2-15-
27 124 ~~except that one of the members need not be an attorney licensed to practice law in this state.~~ The board
28 shall elect a presiding officer from among its members."