

SJ 3: Study the Board of Pardons and Parole
Composition and Structure of Montana's Quasi-Judicial Boards
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for the Law and Justice Interim Committee
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Background and Purpose

As part of its study of the Board of Pardons and Parole, the Law and Justice Interim Committee (LJIC) requested more information about the composition of other quasi-judicial boards in Montana. This paper provides background on the statutory requirements and duties for a quasi-judicial board, as well as a sampling of the various membership requirements for those boards.

Even a glance at the statutes creating these quasi-judicial boards reveals that educational, occupational, and residency requirements vary widely, with the Board of Pardons and Parole falling in the middle of the pack in terms of the specificity of requirements for its members.

Board Composition and Structure

Quasi-Judicial Boards in General

While there is no definition in statute of a quasi-judicial board, a quasi-judicial function is defined in section 2-15-102(10), MCA, as "an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies." The term includes but is not limited to the functions of:

- interpreting, applying, and enforcing existing rules and laws;
- granting or denying privileges, rights, or benefits;
- issuing, suspending, or revoking licenses, permits, and certificates;
- determining rights and interests of adverse parties;
- evaluating and passing on facts;
- awarding compensation;
- fixing prices;
- ordering action or abatement of action;
- adopting procedural rules;
- holding hearings; and
- any other act necessary to the performance of a quasi-judicial function.

Requirements governing quasi-judicial boards are found in section 2-15-124, MCA, and include the following:

- the number and qualifications of members must be set in law;
- unless otherwise provided in law, one member must be an attorney;
- the governor appoints the members;

- a majority of the members must serve terms that run concurrently with the gubernatorial term;
- the appointment of a member is subject to senate confirmation;
- vacancies are filled in the same manner as a regular appointment with a person appointed to fill a vacancy serving only for the rest of the unexpired term;
- the governor designates the presiding officer;
- members can be removed only for cause; and
- a favorable vote of the majority of all members of the board is required to adopt a resolution or motion or make a decision, unless otherwise provided in law.

The section also entitles each member to payment of \$50 for each day the member is engaged in board duties and also provides for travel expenses.¹

Requirements Specific to Individual Boards

Requirements specific to each individual board are contained in various sections of law, mostly in Title 2, chapter 15, MCA. Beyond the general requirements of section 2-15-124, MCA, the composition of each board varies greatly, with some statutes providing very detailed education, experience, or professional requirements for each board member. Three of the boards covered in this paper have defined requirements for each member. For example, the five-member Hard-Rock Mining Impact Board must include:

- a representative of the hard-rock mining industry;
- a representative of a major financial institution in Montana;
- a person who is an elected school district trustee at the time of appointment;
- a person who is an elected county commissioner at the time of appointment; and
- a member of the public at large.

The Board of Aeronautics and the Board of Personnel Appeals also have similarly specific requirements for each member.

Other statutes establish the number of board members and little more. An example is the Commission for Human Rights. This five-member commission is governed by a statute that sets the number of the members, provides it is a quasi-judicial board entitled to compensation and travel expenses, and allocates the commission to the Department of Labor and Industry for administrative purposes. The statute establishing the seven-member Board of Housing provides some sideboards for appointments, but those are general: "[t]he members must be informed and experienced in housing, economics, or finance." The requirements for members of the Montana Facility Finance

¹The \$50/day amount is set unless otherwise provided in law. The members of the Board of Pardons and Parole are reimbursed \$75/day for each day they perform Board duties.

Authority are also broad: "[t]he board must be broadly representative of the state, seeking to balance professional expertise and public accountability."

Some boards' enacting statutes require regional or racial/ethnic diversity. But even within this category, there is difference between boards in how the governor must establish diversity. For example, statutes establishing the Transportation Commission and the Fish and Wildlife Commission set out specific districts from which members must be named. In contrast, the statute for the Board of Pardons and Parole simply requires the governor to "attempt to establish" geographic diversity in the members. Two other boards have members appointed using the districts that govern the appointment of redistricting commissioners.

At least three board statutes contain a specific requirement for ethnic/racial diversity. The Board of Research and Commercialization Technology must have one member who is an enrolled member of a Montana tribal government. The Transportation Commission statutes require that at least one member from certain regional districts "have specific knowledge of Indian culture and tribal transportation needs." Before appointing that member, the governor must consult with the Montana members of the Montana-Wyoming Tribal Leaders Council. The Board of Pardons and Parole must include at least one enrolled member of a state or federally recognized Montana tribe.

Methodology

Boards included in this paper have a provision in their enacting statute either specifically designating the board as quasi-judicial or stating the board was appointed "as prescribed" or "as provided" in section 2-15-124, MCA. The Transportation Commission is an example of the former; the Board of Labor Appeals and the Board of Housing are examples of the latter. There might be other boards that exercise quasi-judicial functions. But for the purposes of this summary, the list of boards generated by those two criteria was a sufficient sampling to provide the LJIC members with an idea of how widely membership requirements can be for quasi-judicial boards in Montana. If LJIC members have other boards or commissions whose memberships they would like to consider, information on those boards can be provided.

The table on page 4 summarizes membership requirements for the quasi-judicial boards included in this paper. Appendix A starting on page 9 provides the statutes that provide the membership requirements for boards listed in the table.

Quasi-Judicial Boards in Montana

Name	Statute	General Membership		Specific Membership Requirements			
		Members	General or Specific Educational/ Professional Requirements for Members?	Attorney	Public Member(s)	Race/ Ethnic or Regional Diversity	Other Requirements?
Board of Directors of State Compensation Insurance Fund	2-15-1019	7 + 1 nonvoting member	Mix of general and specific	No			Requirements for at least four members to represent policyholders; One member to have experience in management or insurance financial accounting. Two legislative liaisons are appointed.
Board of Labor Appeals	2-15-1704	3 + 1 substitute member	No requirements	Yes	All		Members may not employees of state government.
Board of Personnel Appeals	2-15-1705	5 members + 3 substitute members	Specific requirements for each member and substitute member	Yes			
Commission for Human Rights	2-15-1706	5	No requirements	Yes			

Name	Statute	General Membership		Specific Membership Requirements			
		Members	General or Specific Educational/ Professional Requirements for Members?	Attorney	Public Member(s)	Race/ Ethnic or Regional Diversity	Other Requirements?
Board of Investments	2-15-1808	9 voting + 2 nonvoting members	Mix of general and specific	Yes			Two members must represent the retirement boards. Two ex officio members are legislators.
Board of Housing	2-15-1814	7	General requirements	Yes			
Montana Facility Finance Authority	2-15-1815	7	General requirements	Yes			
Board of Research and Commercialization Technology	2-15-1819	6	General requirements	No		Race/ Ethnicity	Includes members appointed by legislative leadership.
Coal Board	2-15-1821	7	Mix of general and specific	Yes		Regional	Two from impact areas; two with expertise in education.
Hard-Rock Mining Impact Board	2-15-1822	5	Specific requirements for each member	No	Yes	Regional	Three members must reside in an area impacted by large-scale mineral development.
Board of Crime Control	2-15-2006	18	General requirements	Yes	Yes		

Name	Statute	General Membership		Specific Membership Requirements			
		Members	General or Specific Educational/ Professional Requirements for Members?	Attorney	Public Member(s)	Race/ Ethnic or Regional Diversity	Other Requirements?
Public Safety Officer Standards and Training Council	2-15-2029	no more than 13	Mix of general and specific	Yes	Yes		Requirements contained in 44-4-402, MCA
Board of Public Assistance	2-15-2203	3	General requirements	Yes			An employee of DPHHS may not be appointed.
Board of Pardons and Parole	2-15-2302	7	Mix of general and specific	Yes		Regional and Race/ Ethnicity	Required training in American Indian culture and problems and in mental illness and recovery.
Transportation Commission	2-15-2502	5	No requirements	No	All	Regional and Race/ Ethnicity	One member must have specific knowledge of Indian culture and tribal transportation needs. Restrictions on political party membership and public employment.

Name	Statute	General Membership		Specific Membership Requirements			
		Members	General or Specific Educational/ Professional Requirements for Members?	Attorney	Public Member(s)	Race/ Ethnic or Regional Diversity	Other Requirements?
Board of Aeronautics	2-15-2506	9	Specific requirements for each member	Yes	Yes		
Board of Milk Control	2-15-3105	5	No requirements	Yes			Members cannot be connected with the industry. Restrictions on political party affiliation and holding elected or appointed public office.
Livestock Loss Board	2-15-3110	5	Mix of general and specific	No	Yes		Three members actively involved in livestock industry; two public members actively involved in wildlife management/ conservation with knowledge of the livestock industry.

Name	Statute	General Membership		Specific Membership Requirements			
		Members	General or Specific Educational/ Professional Requirements for Members?	Attorney	Public Member(s)	Race/ Ethnic or Regional Diversity	Other Requirements?
Board of Oil and Gas Conservation	2-15-3303	7	Mix of general and specific	Yes		Regional	Three members from oil/gas industry with 3 years of experience; two landowners in oil/gas counties.
Fish and Wildlife Commission	2-15-3402	5	Mix of general and specific	No		Regional	One member experienced in breeding and management of domestic livestock.
State Parks and Recreation Board	2-15-3406	5	General requirements	No		Regional	
Board of Environmental Review	2-15-3502	7	Mix of general and specific	Yes		Regional	Expertise required for 4: county health officer or medical doctor; local government planning; hydrology; environmental sciences.

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 must be an attorney licensed to practice law in this state.

(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 \$50 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 all members of a board is required to adopt any resolution, motion, or other decision, unless otherwise provided by law.

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 employees of state fund policyholders. At least four members of the board shall represent private enterprises. One of the seven members may be a licensed insurance producer. One of the seven members must be a person with executive management experience in an insurance company or executive level experience in insurance financial accounting.

(b) A member of the board may not:

(i) except for the licensed insurance producer member, represent or be an employee of an insurance company that is licensed to transact workers' compensation insurance under compensation plan No. 2; or

(ii) be an employee of a self-insured employer under compensation plan No. 1.

(6) A member is appointed for a term of 4 years. The terms of board members must be staggered. A member of the board may serve no more than two 4-year terms. A member shall hold office until a successor is appointed and qualified.

(7) The members must be appointed and compensated in the same manner as members of a quasi-judicial board as provided in 2-15-124, except that the requirement that at least one member be an attorney does not apply.

(8) There must be two legislative liaisons to the board consisting of members of the economic affairs interim committee provided for in 5-5-223. Subject to 5-5-234, the presiding officer of the economic affairs interim committee shall appoint the liaisons from the majority party and the minority party at the first interim committee meeting.

(9) Legislative liaisons shall serve from appointment through each even-numbered calendar year.

(10) A legislative liaison may:

(a) attend board meetings; and

(b) receive board meeting agendas and information relating to agenda items from the staff of the state fund.

(11) Legislative liaisons appointed pursuant to subsection (8) are entitled to compensation and expenses, as provided in 5-2-302, to be paid by the economic affairs interim committee.

2-15-1704. Board of labor appeals -- allocation -- composition -- function -- quasi-judicial. (1) There is a board of labor appeals.

(2) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(3) The board is composed of three members of the public who are not employees of the state government, appointed by the governor as prescribed in 2-15-124.

(4) The governor may appoint a substitute board member to the board who is subject to the same qualifications and confirmation requirements as the regular board members as prescribed in 2-15-124 and subsection (3) of this section. The substitute board member may serve in place of any regular board member who is unable to attend a board meeting and participate in the proceedings and decisions of that board meeting. The substitute board member is entitled to the same compensation and per diem as the regular board members.

(5) The board is designated as a quasi-judicial board for purposes of 2-15-124.

2-15-1705. Board of personnel appeals -- allocation -- composition -- vote necessary for decision -- quasi-judicial. (1) There is a board of personnel appeals.

(2) The board is allocated to the department of labor and industry for administrative purposes only as prescribed in 2-15-121.

(3) (a) The board consists of five members and three substitute members appointed by the governor as follows:

(i) two members who are full-time management employees in organizations with collective bargaining units or who represent management in collective bargaining activities and a substitute member with the same qualifications as the other two members who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending;

(ii) two members who are full-time employees or elected officials of a labor union or an association recognized by the board and a substitute member with the same qualifications as the other two members who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending; and

(iii) one other member having general labor-management experience who is the presiding officer and a substitute member with the same qualifications as the other member who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending.

(b) All members of the board shall serve as impartial decisionmakers and are not appointed to serve the interests of the organizations they represent.

(c) A substitute board member is entitled to the same compensation and per diem when serving as the other members of the board.

(4) In all proceedings before the board, a favorable vote of at least a majority of a quorum is sufficient to adopt any resolution, motion, or other decision.

(5) The board is designated a quasi-judicial board for purposes of 2-15-124.

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

(2) The commission consists of five members appointed by the governor with the consent of the senate.

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

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

2-15-1808. Board of investments -- allocation -- composition -- quasi-judicial. (1)

There is a board of investments within the department of commerce.

(2) Except as otherwise provided in this subsection, the board is allocated to the department for administrative purposes as prescribed in 2-15-121. The board may employ a chief investment officer and an executive director who have general responsibility for selection and management of the board's staff and for direct investment and economic development activities. The board shall prescribe the duties and annual salaries of the chief investment officer, executive director, and six professional staff positions. The chief investment officer, executive director, and six professional staff serve at the pleasure of the board.

(3) The board is composed of nine members appointed by the governor, as prescribed in 2-15-124, and two ex officio, nonvoting members. The members are:

(a) one member from the public employees' retirement board, provided for in 2-15-1009, and one member from the teachers' retirement board provided for in 2-15-1010. If either member of the respective retirement boards ceases to be a member of the retirement board, the position of that member on the board of investments is vacant, and the governor shall fill the vacancy in accordance with 2-15-124.

(b) seven members who will provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representatives of:

(i) the financial community;

(ii) small business;

(iii) agriculture; and

(iv) labor; and

(c) two ex officio, nonvoting legislative liaisons to the board, of which one must be a senator appointed by the president of the senate and one must be a representative appointed by the speaker of the house. The liaisons may not be from the same political party. Preference in appointments is to be given to legislators who have a background in investments or finance. The legislative liaisons shall serve from appointment through each even-numbered calendar year and may attend all board meetings. Legislative liaisons appointed pursuant to this subsection (3)(c) are entitled to compensation and expenses, as provided in 5-2-302, to be paid by the legislative council.

(4) The board is designated as a quasi-judicial board for the purposes of 2-15-124.

2-15-1814. Board of housing -- allocation -- composition -- quasi-judicial. (1)

There is a board of housing.

(2) The board consists of seven members appointed by the governor as provided in 2-15-124. The members must be informed and experienced in housing, economics, or finance.

(3) The board shall elect a presiding officer and other necessary officers.

(4) The board is designated as a quasi-judicial board for purposes of 2-15-124.

(5) The board is allocated to the department of commerce for administrative purposes only as provided in 2-15-121.

(6) In compliance with the state pay plan, the department shall provide all staff and services to the board that are determined by the board in conjunction with the department to be necessary for the purposes of carrying out the board's programs. The department shall assess the board for reasonable costs.

(7) A member of the board may not be considered to have a conflict of interest under the provisions of 2-2-201 merely because the member is a stockholder, officer, or employee of a lending institution that may participate in the board's programs.

2-15-1815. Montana facility finance authority. (1) There is created a public body corporate designated as the Montana facility finance authority. This authority is constituted a public instrumentality, and its exercise of the powers conferred by Title 90, chapter 7, must be considered and held to be the performance of an essential public function.

(2) The authority consists of seven members appointed by the governor as prescribed in 2-15-124. The board must be broadly representative of the state, seeking to balance professional expertise and public accountability.

(3) The board is designated as a quasi-judicial board for the purposes of 2-15-124.

(4) The board is allocated to the department of commerce for administrative purposes only as provided in 2-15-121. The board has authority over its own personnel as provided in 90-7-203.

2-15-1819. Board of research and commercialization technology. (1) There is a Montana board of research and commercialization technology.

(2) The board consists of six members. One member must be appointed by the president of the senate, one member must be appointed by the minority leader of the senate, one member must be appointed by the speaker of the house, one member must be appointed by the minority leader of the house, and two members must be appointed by the governor. One of the members appointed by the governor must be an enrolled member of a Montana tribal government.

(3) A member who ceases to live in the state is disqualified from membership, and the position becomes vacant. If a vacancy occurs, the position must be filled in the manner of the original appointment.

(4) The board shall hire an executive director and shall prescribe the executive director's salary and duties.

(5) (a) The board is a quasi-judicial entity subject to the provisions of 2-15-124, except that none of the members are required to be licensed to practice law in the state.

(b) The board shall elect a presiding officer from among its members at an annual election. The presiding officer may be reelected.

(c) Except for the original appointments, members shall serve 2-year terms.

(6) The board is attached to the department of commerce for administrative purposes only.

2-15-1821. Coal board -- allocation -- composition. (1) There is a coal board composed of seven members.

(2) The coal board is allocated to the department of commerce for administrative purposes only as prescribed in 2-15-121.

(3) The governor shall appoint a seven-member coal board, as provided under 2-15-124.

(4) (a) Subject to subsections (4)(b) and (4)(c), the members of the coal board are selected as follows:

(i) two from the impact areas; and

(ii) two with expertise in education.

(b) At least two but not more than four members must be appointed from each district provided for in 5-1-102.

(c) In making the appointments, the governor shall consider people from the following fields:

(i) business;

(ii) engineering;

(iii) public administration; and

(iv) planning.

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

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

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

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

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

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

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

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

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

(c) At least two persons must be appointed from each district provided for in 5-1-102.

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

2-15-2006. Board of crime control -- composition -- allocation. (1) There is a board of crime control.

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

(3) The board is composed of 18 members appointed by the governor in accordance with 2-15-124 and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The board shall be representative of state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and shall include representatives of citizens and professional and community organizations, including organizations directly related to delinquency prevention.

2-15-2029. Montana public safety officer standards and training council -- administrative attachment -- rulemaking. (1) (a) There is a Montana public safety officer standards and training council. The council is a quasi-judicial board, as provided for in 2-15-124, and is allocated to the department of justice, established in 2-15-2001, for administrative purposes only as provided in 2-15-121, except as provided in subsection (1)(b) of this section.

(b) The council may hire its own personnel and independently administer the conduct of its business, and 2-15-121(2)(a), (2)(d), and (3)(a) do not apply.

(2) The council may adopt rules to implement the provisions of Title 44, chapter 4, part 4. Rules must be adopted pursuant to the Montana Administrative Procedure Act.

2-15-2203. Board of public assistance -- allocation -- quasi-judicial. (1) There is a board of public assistance.

(2) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(3) The board consists of three members appointed by the governor as prescribed in 2-15-124, except that an employee of the department of public health and human services may not be appointed to the board.

(4) The board is designated as a quasi-judicial board for purposes of 2-15-124. For purposes of that section, a majority is considered as one.

2-15-2302. Board of pardons and parole -- composition -- allocation -- quasi-judicial. (1) There is a board of pardons and parole.

(2) (a) The board consists of seven members, each of whom must have knowledge of American Indian culture and problems gained through training as required by rules adopted by the board. One member must be an enrolled member of a state-recognized or federally recognized Indian tribe located within the boundaries of the state of Montana. The tribal member may not be required to hear and act on all American Indian applications before the board.

(b) Board members must have knowledge of serious mental illness and recovery from serious mental illness gained through annual training as required by rules adopted by the board. One member must be a mental health professional as defined in 53-21-102.

(c) Board members must possess academic training that has qualified them for professional practice in a field such as criminology, education, medicine, psychiatry, psychology, law, social work, sociology, psychiatric nursing, or guidance and counseling. Related work experience in the areas listed may be substituted for these educational requirements.

(3) The governor shall attempt to establish geographic balance among board members.

(4) Board members shall serve staggered 4-year terms. The governor shall appoint three members in January of the first year of the governor's term, two members in January of the second year of the governor's term, and two members in January of the third year of the governor's term. The provisions of 2-15-124(2) do not apply to the board.

(5) The terms of board members run with the position, and if a vacancy occurs, the governor shall appoint a person to fill the unexpired portion of the term.

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

(7) The board is designated as a quasi-judicial board for purposes of 2-15-124, except board members must be compensated as provided by legislative appropriation and the terms of board members must be staggered as provided in subsection (4).

(8) A favorable vote of at least a majority of the seven members of the board is required to implement any policy, procedure, or administrative rule. A favorable vote of at least a majority of the members of a hearing panel, as defined in 46-23-103, is required to make decisions regarding parole and executive clemency, and the provisions of 2-15-124(8) do not apply.

2-15-2502. Transportation commission. (1) There is a transportation commission composed of five members. One member must be a resident of and appointed from each of these districts, each composed of the counties named:

(a) District 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, Powell;

(b) District 2. Deer Lodge, Silver Bow, Beaverhead, Madison, Gallatin, Meagher, Broadwater, Jefferson, Park;

(c) District 3. Glacier, Toole, Liberty, Hill, Blaine, Pondera, Teton, Chouteau, Cascade, Lewis and Clark;

(d) District 4. Carter, Powder River, Fallon, Custer, Rosebud, Garfield, Phillips, Valley, McCone, Prairie, Dawson, Wibaux, Richland, Roosevelt, Daniels, Sheridan;

(e) District 5. Golden Valley, Stillwater, Carbon, Big Horn, Yellowstone, Musselshell, Judith Basin, Fergus, Petroleum, Treasure, Wheatland, Sweet Grass.

(2) Of the members appointed from districts 1, 3, 4, and 5, at least one must have specific knowledge of Indian culture and tribal transportation needs. The member provided for under this subsection must be selected by the governor after consultation with the Montana members of the Montana-Wyoming tribal leaders council.

(3) Two members may not be residents of the same district at the time of appointment or during their respective terms of office.

(4) Not more than three members may at the time of appointment or during their respective terms be members of the same political party.

(5) An elective state official or state officer, during the term of office to which elected or appointed, or a state employee may not be a member of the commission.

(6) A resolution, motion, or other decision of the commission may not be adopted or passed without the favorable vote of at least three members.

(7) The commission is allocated to the department of transportation for administrative purposes only as prescribed in 2-15-121.

(8) The commission is designated as a quasi-judicial board for purposes of 2-15-124; however, the provision of 2-15-124(1) that at least one member of a quasi-judicial board be an attorney does not apply to the commission.

(9) The commission may adopt rules necessary for its government.

(10) The director of transportation or the director's designee shall act as liaison between the commission and the department.

2-15-2506. Board of aeronautics -- qualification -- allocation -- quasi-judicial. (1)

There is a board of aeronautics.

(2) The board consists of nine members. The members are:

(a) one member of the Montana pilots' association;

(b) one member of the Montana chamber of commerce;

(c) one representative of the Montana airport management association;

(d) one member of the Montana county commissioners association or the Montana league of cities and towns;

(e) one person actively engaged in aviation education in this state;

(f) one person representative of interstate commercial airline operators, who must at the time of appointment be an employee or official of an interstate commercial airline operator and a resident of this state;

(g) one person representing the general public;

(h) one member of the association of Montana aerial applicators; and

(i) one person who must at the time of appointment be an active fixed base operator in this state, or an official of a fixed base operator in this state, of flying services or flying schools.

(3) The board is allocated to the department of transportation for administrative purposes only as prescribed in 2-15-121.

(4) The board is designated as a quasi-judicial board for purposes of 2-15-124.

(5) The administrator of the aeronautics division shall act as liaison between the board and the department of transportation.

2-15-3105. Board of milk control -- membership -- allocation -- quasi-judicial. (1)

There is a board of milk control.

(2) The board consists of five members. A member may not be connected in any way with the production, processing, distribution, or wholesale or retail sale of milk or dairy products. A member may not have held an elective or appointive public office during the 2 years immediately preceding appointment, and a member may not hold a public office, either elective or appointive, during a term on the board. Not more than three members may be of the same political party.

(3) The board is allocated to the department of livestock for administrative purposes only as prescribed in 2-15-121.

(4) The board is designated as a quasi-judicial board for purposes of 2-15-124.

2-15-3110. Livestock loss board -- purpose, membership, and qualifications. (1)

There is a livestock loss board. The purpose of the board is to administer the programs called for in the Montana gray wolf and grizzly bear management plans and established in 2-15-3111 through 2-15-3113, with funds provided through the accounts established in 81-1-110, in order to minimize losses caused by wolves and grizzly bears to livestock producers and to reimburse livestock producers for livestock losses from wolf and grizzly bear predation.

(2) The board consists of five members, appointed by the governor, as follows:

(a) three members who are actively involved in the livestock industry and who have knowledge and experience with regard to wildlife impacts or management; and

(b) two members of the general public who are or have been actively involved in wildlife conservation or wildlife management and who have knowledge and experience with regard to livestock production or management.

(3) The board is designated as a quasi-judicial board for the purposes of 2-15-124. Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the board.

(4) The board is allocated to the department of livestock for administrative purposes only as provided in 2-15-121.

(5) The board shall adopt rules to implement the provisions of 2-15-3110 through 2-15-3114 and 81-1-110 through 81-1-112.

2-15-3303. Board of oil and gas conservation -- composition -- allocation -- quasi-judicial. (1) There is a board of oil and gas conservation.

(2) The board consists of seven members, three of whom shall be from the oil and gas industry and have had at least 3 years' experience in the production of oil and gas and two of whom shall be landowners residing in oil or gas producing counties of the state but not actively associated with the oil and gas industry, but one of the two landowners shall be one who owns the mineral rights with the surface and the other shall be one who does not own the mineral rights.

(3) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply. The board may also prescribe the duties and annual salary of four professional staff positions.

(4) The board is designated as a quasi-judicial board for purposes of 2-15-124.

2-15-3402. Fish and wildlife commission. (1) There is a fish and wildlife commission.

(2) The commission consists of five members. At least one member must be experienced in the breeding and management of domestic livestock. The governor shall appoint one member from each of the following districts:

(a) District No. 1, consisting of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark Counties;

(b) District No. 2, consisting of Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park, and Sweet Grass Counties;

(c) District No. 3, consisting of Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland Counties;

(d) District No. 4, consisting of Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, and Wibaux Counties;

(e) District No. 5, consisting of Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and Prairie Counties.

(3) Appointments must be made without regard to political affiliation and must be made solely for the wise management of fish, wildlife, and related recreational resources of this state. A person may not be appointed to the commission unless the person is informed or interested and experienced in the subject of fish, wildlife, and recreation and the requirements for the conservation and protection of fish, wildlife, and recreational resources.

(4) A vacancy occurring on the commission must be filled by the governor in the same manner and from the district in which the vacancy occurs.

(5) The fish and wildlife commission is designated as a quasi-judicial board for purposes of 2-15-124. Notwithstanding the provisions of 2-15-124(1), the governor is not required to appoint an attorney to serve as a member of the commission.

2-15-3406. State parks and recreation board -- composition. (1) There is a state parks and recreation board.

(2) The board consists of five members appointed by the governor, as prescribed in 2-15-124. The governor shall appoint one member from each of the following districts:

(a) District No. 1, consisting of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark Counties;

(b) District No. 2, consisting of Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park, and Sweet Grass Counties;

(c) District No. 3, consisting of Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland Counties;

(d) District No. 4, consisting of Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, and Wibaux Counties;

(e) District No. 5, consisting of Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and Prairie Counties.

(3) Appointments must be made without regard to political affiliation and must be made solely for the wise management of state parks and outdoor recreational resources administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9.

(4) A person appointed to the board must be informed or experienced in the conservation and protection of state parks, heritage resources, natural resources, tourism promotion and development, or outdoor recreation.

(5) A vacancy on the board must be filled by the governor in the same manner and from the district in which the vacancy occurs.

(6) The board is designated as a quasi-judicial board for purposes of 2-15-124, except that the requirement that at least one member be an attorney does not apply.

2-15-3502. Board of environmental review. (1) There is a board of environmental review.

(2) The board consists of seven members appointed by the governor. The members must be representative of the geographic areas of the state. One member must have expertise or background in hydrology. One member must have expertise or background in local government planning. One member must have expertise or background in one of the environmental sciences. One member must have expertise or background as a county health officer or as a medical doctor.

(3) A vacancy occurring on the board must be filled by the governor in the same manner and from the same representative area as the original appointment.

(4) The board is designated as a quasi-judicial board for purposes of 2-15-124.

(5) The board is attached to the department of environmental quality for administrative purposes only as provided in 2-15-121.

44-4-402. [Public Safety Officer Standards and Training Council] Membership -- compensation. (1) The council consists of no more than 13 voting members appointed by the governor in accordance with 2-15-124 and as provided in this section.

(2) Membership must include but is not limited to:

(a) one state government law enforcement representative;

(b) one chief of police, who may be appointed based on recommendations from the Montana association of chiefs of police;

(c) one sheriff, who may be appointed based on recommendations from the Montana sheriffs and peace officers association;

(d) one representative from the department of corrections established in 2-15-2301;

(e) one local law enforcement officer in a nonadministrative position, who may be appointed based on recommendations from the Montana police protective association;

(f) one detention center administrator or detention officer;

(g) one Montana-certified tribal law enforcement representative;

(h) one county attorney, who may be appointed based on recommendations from the Montana county attorneys association;

(i) two members of the board of crime control established in 2-15-2006; and

(j) three Montana citizens at large who are informed and experienced in the subject of law enforcement.