## SENATE BILL NO. 440

# INTRODUCED BY BENGTSON, VAUGHN, THAYER, KENNEDY, ECK, FRITZ, PECK, WATERMAN, T. BECK, HAMMOND, HARDING BY REQUEST OF THE SENATE LOCAL GOVERNMENT COMMITTEE

IN THE SENATE

FEBRUARY 19, 1991

FEBRUARY 21, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.

FIRST READING.

FEBRUARY 20, 1991 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 22, 1991 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.

FIRST READING.

MARCH 19, 1991 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

MARCH 23, 1991 SECOND READING, CONCURRED IN.

MARCH 25, 1991 THIRD READING, CONCURRED IN. AYES, 87; NOES, 9.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 28, 1991

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT

CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE REQUESTED.

APRIL 5, 1991 ON MOTION, CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 6, 1991

ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

APRIL 15, 1991 CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 12, 1991 CONFERENCE COMMITTEE REPORTED.

APRIL 17, 1991 SECOND READING, CONFERENCE COMMITTEE REPORT ADOPTED.

THIRD READING, CONFERENCE COMMITTEE APRIL 18, 1991 REPORT ADOPTED.

APRIL 19, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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LC 2031/01

Senate BILL NO. 4 1 INTRODUCED BY, Benation things BY REQUEST OF THE SENATE LOCAL GOVERNMENT COMMITTE Varking

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 6 LAWS RELATING TO BOARDS APPOINTED BY COUNTY COMMISSIONERS; 7 7-16-2303, 7-16-2203, 7-16-2302, SECTIONS AMENDING 8 7-21-3401, 7-22-2103, 7-22-2215, AND 7-22-2411, MCA; AND 9 REPEALING SECTIONS 7-16-2304, 7-21-3402, 7-22-2104, AND 10 7-22-2412, MCA." 11

12

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13

Section 1. Section 7-16-2203, MCA, is amended to read: 14 "7-16-2203. Board of trustees -- appointment and term. 15 (1) The board of county commissioners of each county owning 16 or acquiring a museum, facility for the arts, or collection 17 of exhibits may, at the first regular meeting of the board 18 after acquiring a museum, facility, or collection, appoint a 19 board of trustees for the administration of the county 20 museum fund as provided in this part. 21

(2) The-board-consists-of--three--responsible--persons, 22 electors--and--residents-of-the-county--The-initial-terms-of 23 members-must-be-staggered;-with--the--term--of--one--of--the 24 members--expiring--on--June-30-of-the-next-year7-the-term-of 25

Montana Legislative Council

the-second-member-expiring-on-dune-30-of--the--second--year; 1 2 and--the-term-of-the-third-member-expiring-on-June-30-of-the third-year--The-board-shall;-at-its-regular-meeting-in--July 3 of--each--year,-appoint-a-member-to-the-board-of-trustees-to 4 take-the-place-of-the-member-whose-term-expired-on--June--30 5 immediately--preceding The board of county commissioners 6 shall, at a public meeting, pass a resolution establishing 7 8 the number of members on the board of trustees and the terms of the appointments." 9 Section 2. Section 7-16-2302, MCA, is amended to read: 10 "7-16-2302. Composition of park board -- appointment 11 and term. (1) The board of park commissioners shall-be is 12 13 composed of the county commissioners and six-other-persons appointed--by as many other persons as the 14 county commissioners determine are necessary. 15 16 (2) The board of county commissioners shall, at a public meeting, pass a resolution establishing the number of 17 18 members on the park board and the terms of the 19 appointments." Section 3. Section 7-16-2303, MCA, is amended to read: 20 21 "7-16-2303. Oualifications of park commissioners. The 22 six persons to-be-so appointed shall must have the same qualifications for the office of park commissioner as are 23 required by 7-4-2201. for the office of 24 county commissioner." 25

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INTRODUCED BILL 5R 440

## LC 2031/01

1 Section 4. Section 7-21-3401, MCA, is amended to read: "7-21-3401. Authorization to create county fair 2 3 commission -- appointment and term. (1) The board of county 4 commissioners may, at any regular meeting, appoint from-the 5 electors--of--the--county--five---responsible---persona---to 6 constitute a county fair commission-three-of-the-members-to be--appointed--for-a-term-of-2-years-and-two-for-a-term-of-1 7 year-and-until-their-successors-are-appointed. 8

9 (2) Each-year--thereafter7--the <u>The</u> board of county 10 commissioners shall appoint--members-of--the--county-fair 11 commission-to-succeed-the-members-whose-terms--then--expire, 12 <u>at a public meeting, pass a resolution establishing the</u> 13 <u>number of members of the fair commission and the terms of</u> 14 the appointments."

15 Section 5. Section 7-22-2103, MCA, is amended to read: 16 "7-22-2103. District weed board -- appointment and 17 term. (1) The commissioners shall appoint a district weed 18 board consisting-of-three-or-five-membersy-and:

19 (a)--if-a-three-member-board;-two-members-shall-be-rural 20 agricultural-landowners-within-the-district-and-one-shall-be 21 a-member-at-large;-or

22 (b)--if-a-five-member--board7--three--members-shall--be 23 rural--agricultural--landowners--within--the--district7--one 24 member--shall--be--a--resident--of-a-city-or-town-within-the 25 district7-and-one-shall-be-a-member-at-large.

1 (2) The commissioners shall, at a public meeting, pass 2 a resolution establishing the number of members of the 3 district weed board and the terms of the appointments. 4 (2)(3) The county extension agent in each county and 5 other interested individuals may be appointed to serve as nonvoting members of that district's weed board. 6 7 (3) (4) The board members are public officers. 8 (4) (5) The board may call upon the county attorney for 9 legal advice and services as it may require." Section 6. Section 7-22-2215, MCA, is amended to read: 10 11 "7-22-2215. Rodent control board. (1) A governing body 12 creating a rodent control district shall appoint a rodent 13 control board composed-of-not-less-than-three-or-more-than 14 five-members. The county extension agent is an ex officio 15 member of the board. Each member of the board must be an 16 elector and reside within the district. 17 (2) Board-members-serve-3-year-staggered-terms--Of--the 18 members-first-appointed-to-a-boardy-at-least-one-shall-serve 19 a-1-year-term-and-at-least-one-shall-serve-a-2-year-term The 20 governing body shall, at a public meeting, pass a resolution 21 establishing the number of members on the board and the 22 terms of the appointments.

23 (3) Each member of the board is entitled to:

24 (a) a mileage allowance as provided in 2-18-503 for the
25 distance actually and necessarily traveled to perform

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-4-

## LC 2031/01

1 official duties; and

2 (b) per diem expenses established by the governing3 body.

4 (4) The district weed board appointed under 7-22-2103 5 may be appointed by the governing body to also serve as the 6 rodent control board, in which case the qualifications, 7 terms, compensation, mileage, and expenses of the rodent 8 control board are the same as those of the district weed 9 board and subsections (1) through (3) do not apply."

Section 7. Section 7-22-2411, MCA, is amended to read: "7-22-2411. District to be governed by appointed mosquito control board -- appointment and term. (1) Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control board composed-of-not--less

## 15 than-three-or-more-than-five-members.

16 (2) Each member of the mosquito control board shall be17 an elector within the boundaries of the district.

18 (3) The commissioners shall, at a public meeting, pass
19 a resolution establishing the number of members of the board

#### 20 and the terms of the appointments.

21 (3)(4) The board is a body corporate and shall act as 22 such, and the members are public officers.

23 (4)(5) The health officer having jurisdiction in the 24 proposed district, the sanitarian or a member of his staff, 25 and the county extension agent, if the county has any or all 1 such officers, are ex officio members of the board without

2 vote."

- 3 NEW SECTION. Section 8. Repealer. Sections 7-16-2304,
- 4 7-21-3402, 7-22-2104, and 7-22-2412, MCA, are repealed.

-End-

52nd Legislature

LC 2031/01 APPROVED BY COMM. ON LOCAL GOVERNMENT

Senate BILL NO. 4/ 1 INTRODUCED BY 130. 2 BY REQUEST OF THE SENATE. GOVERNMENT COMMITTEE

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 7 LAWS RELATING TO BOARDS APPOINTED BY COUNTY COMMISSIONERS; 8 AMENDING SECTIONS 7-16-2203, 7-16-2302, 7-16-2303, 9 7-21-3401, 7-22-2103, 7-22-2215, AND 7-22-2411, MCA; AND 10 REPEALING SECTIONS 7-16-2304, 7-21-3402, 7-22-2104, AND 11 7-22-2412, MCA."

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Section 1. Section 7-16-2203, MCA, is amended to read: 14 "7-16-2203. Board of trustees -- appointment and term. 15 (1) The board of county commissioners of each county owning 16 or acquiring a museum, facility for the arts, or collection 17 of exhibits may, at the first regular meeting of the board 18 after acquiring a museum, facility, or collection, appoint a 19 board of trustees for the administration of the county 20 museum fund as provided in this part. 21

(2) The-board-consists-of--three--responsible--persons;
 electors--and--residents-of-the-county;-The-initial-terms-of
 members-must-be-staggered;-with--the--term--of--one--of--the
 members--expiring--on--June-30-of-the-next-year;-the-term-of

Iontana Legislative Counci

1 the-second-member-expiring-on-June-30-of--the--second--vearand--the-term-of-the-third-member-expiring-on-June-30-of-the 2 third-year--The-board-shall;-at-its-regular-meeting-in--July 3 4 of--each--year7-appoint-a-member-to-the-board-of-trustees-to 5 take-the-place-of-the-member-whose-term-expired-on--June--30 6 immediately--preceding The board of county commissioners 7 shall, at a public meeting, pass a resolution establishing 8 the number of members on the board of trustees and the terms of the appointments." 9 Section 2. Section 7-16-2302, MCA, is amended to read: 10 11 "7-16-2302. Composition of park board -- appointment and term. (1) The board of park commissioners shalt--be is 12 13 composed of the county commissioners and six-other-persons appointed--by as many other persons as the 14 county 15 commissioners determine are necessary. 16 (2) The board of county commissioners shall, at a 17 public meeting, pass a resolution establishing the number of 18 members on the park board and the terms of the 19 appointments." Section 3. Section 7-16-2303, MCA, is amended to read: 20 21 "7-16-2303. Qualifications of park commissioners. The 22 six persons to-be-so appointed shall must have the same qualifications for the office of park commissioner as are 23 24 required by 7-4-2201, for the office of county 25 commissioner." SECOND READING

-2-

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#### LC 2031/01

Section 4. Section 7-21-3401, MCA, is amended to read: 1 2 \*7-21-3401. Authorization to create county fair commission -- appointment and term. (1) The board of county 3 commissioners may, at any regular meeting, appoint from-the 4 electors--of--the--county--five---responsible---persons---to 5 6 constitute a county fair commission-three-of-the-members-to 7 be--appointed--for-a-term-of-2-years-and-two-for-a-term-of-1 8 year-and-until-their-successors-are-appointed.

9 (2) Each-year--thereafter7--the <u>The</u> board of county 10 commissioners shall appoint--members--of--the--county-fair 11 commission-to-succeed-the-members-whose-terms--then--expire, 12 <u>at a public meeting, pass a resolution establishing the</u> 13 <u>number of members of the fair commission and the terms of</u> 14 the appointments."

15 Section 5. Section 7-22-2103, MCA, is amended to read:
 16 "7-22-2103. District weed board <u>-- appointment and</u>
 17 <u>term</u>. (1) The commissioners shall appoint a district weed
 18 board consisting-of-three-or-five-membersy-and:

19 taj--if-a-three-member-boardy-two-members-shall-be-rural 20 agricultural-landowners-within-the-district-and-one-shall-be 21 a-member-at-large;-or

22 (b)--if-a-five-member--boardy--three--members--shall--be 23 rural--agricultural--landowners--within--the--districty--one 24 member--shall--be--a--resident--of-a-city-or-town-within-the 25 districty-and-one-shall-be-a-member-at-large.

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LC 2031/01

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10 Section 7. Section 7-22-2411, MCA, is amended to read:

11 "7-22-2411. District to be governed by appointed 12 mosquito control board <u>-- appointment and term</u>. (1) Upon the 13 creation of any mosquito control district, the commissioners 14 shall appoint a mosquito control board composed-of-not--less 15 than-three-or-more-than-five-members.

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- 3 NEW SECTION. Section 8. Repealer. Sections 7-16-2304,
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-End-

LC 2031/01

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- 2 -

THIRD READING 58440 1 Section 4. Section 7-21-3401, MCA, is amended to read: 2 "7-21-3401. Authorization to create county fair 3 commission -- appointment and term. (1) The board of county 4 commissioners may, at any regular meeting, appoint from-the 5 electors--of--the--county--five---responsible---persons---to 6 constitute a county fair commission, -three-of-the-members-to 7 be--appointed--for-a-term-of-2-years-and-two-for-a-term-of-1 8 year-and-until-their-successors-are-appointed.

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22 (b)--if-a-five-member--board;--three--members-shall--be
23 rural--agricultural--landowners--within--the--district;--one
24 member--shall--be--a--resident--of-a-city-or-town-within-the
25 district;-and-one-shall-be-a-member-at-large.

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(a) a mileage allowance as provided in 2-18-503 for the
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1 official duties; and

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4 (4) The district weed board appointed under 7-22-2103 5 may be appointed by the governing body to also serve as the 6 rodent control board, in which case the qualifications, 7 terms, compensation, mileage, and expenses of the rodent 8 control board are the same as those of the district weed 9 board and subsections (1) through (3) do not apply."

Section 7. Section 7-22-2411, MCA, is amended to read: "7-22-2411. District to be governed by appointed mosquito control board <u>-- appointment and term</u>. (1) Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control board composed-of-not--less than-three-or-more-than-five-members.

16 (2) Each member of the mosquito control board shall be17 an elector within the boundaries of the district.

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23 (4)(5) The health officer having jurisdiction in the
24 proposed district, the sanitarian or a member of his staff,
25 and the county extension agent, if the county has any or all

1 such officers, are ex officio members of the board without

2 vote."

- 3 NEW SECTION. Section 8. Repealer. Sections 7-16-2304,
- 4 7-21-3402, 7-22-2104, and 7-22-2412, MCA, are repealed.

-End-

#### HOUSE STANDING COMMITTEE REPORT

March 19, 1991 Page 2 of 2

March 19, 1991 Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that Senate Bill 440 (third reading copy -- blue) be concurred in as amended .

Carried by: Rep. McCaffree

And, that such amendments read:

1. Page 2, line 9.

Following:

Insert: "The board of trustees must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

2. Page 2, line 19.

Following: \_

Insert: "The park board must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

3. Page 3. line 14.

Following: "\_"

Insert: "The fair commission must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

4. Page 4, line 3.

Following:

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district. A majority of the board members must be rural agricultural land owners."

5. Page 4, line 22.

Following: "."

Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district."

6. Page 5, line 20.

Following: "." Insert: "The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district."

> SB 440 HOUSE

52nd Legislature

2

SB 0440/02

1	SENATE BILL NO. 440	1	membersexpiringonJune-30-of-the-next-yeary-the-term-of
2	INTRODUCED BY BENGTSON, VAUGHN, THAYER, KENNEDY, ECK,	2	the-second-member-expiring-on-dune-30-ofthesecondyear,
3	FRITZ, PECK, WATERMAN, T. BECK, HAMMOND, HARDING	3	andthe-term-of-the-third-member-expiring-on-dune-30-of-the
4	BY REQUEST OF THE SENATE LOCAL	4	third-yearThe-board-shall,-at-its-regular-meeting-inJuly
5	GOVERNMENT COMMITTEE	5	ofeachyear,-appoint-a-member-to-the-board-of-trustees-to
6		6	take-the-place-of-the-member-whose-term-expired-ondune30
7	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	7	immediatelypreceding The board of county commissioners
8	LAWS RELATING TO BOARDS APPOINTED BY COUNTY COMMISSIONERS;	8	shall, at a public meeting, pass a resolution establishing
9	AMENDING SECTIONS 7-16-2203, 7-16-2302, 7-16-2303,	9	the number of members on the board of trustees and the terms
10	7-21-3401, 7-22-2103, 7-22-2215, AND 7-22-2411, MCA; AND	10	of the appointments. THE BOARD OF TRUSTEES MUST CONSIST OF
11	REPEALING SECTIONS 7-16-2304, 7-21-3402, 7-22-2104, AND	11	AT LEAST THREE MEMBERS AND NO MORE THAN NINE MEMBERS, AND
12	7-22-2412, MCA."	12	THE MEMBERS OF THE BOARD MUST BE RESIDENTS OF THE COUNTY."
13		13	Section 2. Section 7-16-2302, MCA, is amended to read:
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	"7-16-2302. Composition of park board appointment
15	Section 1. Section 7-16-2203, MCA, is amended to read:	15	and term. (1) The board of park commissioners shall-be is
16	"7-16-2203. Board of trustees appointment and term.	16	composed of the county commissioners and six-other-persons
17	(1) The board of county commissioners of each county owning	10	appointed-by as many other persons as the county
18	or acquiring a museum, facility for the arts, or collection		
19	of exhibits may, at the first regular meeting of the board	18	commissioners determine are necessary.
		19	(2) The board of county commissioners shall, at a
20	after acquiring a museum, facility, or collection, appoint a	20	public meeting, pass a resolution establishing the number of
21	board of trustees for the administration of the county	21	members on the park board and the terms of the appointments.
22	museum fund as provided in this part.	22	THE PARK BOARD MUST CONSIST OF AT LEAST THREE MEMBERS AND NO
23	(2) The-board-consists-ofthreeresponsiblepersons;	23	MORE THAN NINE MEMBERS, AND THE MEMBERS OF THE BOARD MUST BE
24	electorsandresidents-of-the-countyThe-initial-terms-of	24	RESIDENTS OF THE COUNTY."
25	members-must-be-staggered;-withthetermofoneofthe	25	Section 3. Section 7-16-2303, MCA, is amended to read:

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membersexpiringonJune-30-of-the-next-yeary-the-term-of
the-second-member-expiring-on-dune-30-ofthesecondyear7
andthe-term-of-the-third-member-expiring-on-June-30-of-the
third-yearThe-board-shall;-at-its-regular-meeting-inJuly
ofeachyear,-appoint-a-member-to-the-board-of-trustees-to
take-the-place-of-the-member-whose-term-expired-onJune30
immediatelypreceding The board of county commissioners
shall, at a public meeting, pass a resolution establishing
the number of members on the board of trustees and the terms
of the appointments. THE BOARD OF TRUSTEES MUST CONSIST OF
AT LEAST THREE MEMBERS AND NO MORE THAN NINE MEMBERS, AND
THE MEMBERS OF THE BOARD MUST BE RESIDENTS OF THE COUNTY."
Section 2. Section 7-16-2302, MCA, is amended to read:
"7-16-2302. Composition of park board appointment
and term. (1) The board of park commissioners shall-be is
composed of the county commissioners and six-other-persons
appointed-by as many other persons as the county
commissioners determine are necessary.
(2) The board of county commissioners shall, at a
public meeting, pass a resolution establishing the number of
members on the park board and the terms of the appointments.
THE PARK BOARD MUST CONSIST OF AT LEAST THREE MEMBERS AND NO

- THE COUNTY."
- 3. Section 7-16-2303, MCA, is amended to read:

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1 "7-16-2303. Qualifications of park commissioners. The
2 six persons to--be--so appointed shall <u>must</u> have the same
3 qualifications for the office of park commissioner as are
4 required by 7-4-2201, for the office of county
5 commissioner."

6 Section 4. Section 7-21-3401, MCA, is amended to read: 7 \*7-21-3401. Authorization to create county fair 8 commission -- appointment and term. (1) The board of county commissioners may, at any regular meeting, appoint from--the 9 10 electors---of---the---county--five--responsible--persons--to 11 constitute a county fair commission;~three-of-the-members-to 12 be-appointed-for-a-term-of-2-years-and-two-for-a-term--of--1 13 year-and-until-their-successors-are-appointed.

14 (2) Bach--year--thereaftery--the The board of county 15 commissioners shall appoint -- members -- of -- the -- county -- fair 16 commission--to--succeed-the-members-whose-terms-then-expire, 17 at a public meeting, pass a resolution establishing the 18 number of members of the fair commission and the terms of 19 the appointments. THE FAIR COMMISSION MUST CONSIST OF AT 20 LEAST THREE MEMBERS AND NO MORE THAN NINE MEMBERS, AND THE 21 MEMBERS OF THE BOARD MUST BE RESIDENTS OF THE COUNTY."

Section 5. Section 7-22-2103, MCA, is amended to read:
 "7-22-2103. District weed board <u>-- appointment and</u>
 term. (1) The commissioners shall appoint a district weed
 board consisting-of-three-or-five-membersy-and-

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1	ta;if-a-three-member-board;-two-members-shall-be-rural
2	agricultural-landowners-within-the-district-and-one-shall-be
3	a-member-at-large; or
4	(b)ifafive-memberboard;threemembers-shall-be
5	ruralagriculturallandownerswithinthedistrict,one
6	member-shall-be-a-resident-of-acityortownwithinthe
7	district7-and-one-shall-be-a-member-at-large.
8	(2) The commissioners shall, at a public meeting, pass
9	a resolution establishing the number of members of the
10	district weed board and the terms of the appointments. THE
11	BOARD MUST CONSIST OF AT LEAST THREE MEMBERS AND NO MORE
12	THAN NINE MEMBERS, AND THE MEMBERS OF THE BOARD MUST BE
13	RESIDENTS OF THE DISTRICT. A MAJORITY OF THE BOARD MEMBERS
14	MUST BE RURAL AGRICULTURAL LAND OWNERS.
15	(2)(3) The county extension agent in each county and
16	other interested individuals may be appointed to serve as
17	nonvoting members of that district's weed board.
18	+3+(4) The board members are public officers.
19	(4)(5) The board may call upon the county attorney for
20	legal advice and services as it may require."
21	Section 6. Section 7-22-2215, MCA, is amended to read:
22	"7-22-2215. Rodent control board. (1) A governing body
23	creating a rodent control district shall appoint a rodent
24	control board composed-of-not-less-than-three-ormorethan
25	fivemembers. The county extension agent is an ex officio

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1	member of the board. Each member of the board must be an
2	elector and reside within the district.
3	(2) Boardmembers-serve-3-year-staggered-termsOf-the
4	members-first-appointed-to-a-boardy-at-least-one-shall-serve
5	a-l-year-term-and-at-least-one-shall-serve-a-2-year-term The
6	governing body shall, at a public meeting, pass a resolution
7	establishing the number of members on the board and the
8	terms of the appointments. THE BOARD MUST CONSIST OF AT
9	LEAST THREE MEMBERS AND NO MORE THAN NINE MEMBERS, AND THE
10	MEMBERS OF THE BOARD MUST BE RESIDENTS OF THE DISTRICT.
11	(3) Each member of the board is entitled to:
1 <b>2</b>	(a) a mileage allowance as provided in 2-18-503 for the
13	distance actually and necessarily traveled to perform
14	official duties; and
15	(b) per diem expenses established by the governing
16	body.
17	(4) The district weed board appointed under 7-22-2103
18	may be appointed by the governing body to also serve as the
19	rodent control board, in which case the qualifications,
20	terms, compensation, mileage, and expenses of the rodent
21	control board are the same as those of the district weed
22	board and subsections (1) through (3) do not apply."
23	Section 7. Section 7-22-2411, MCA, is amended to read:
24	"7-22-2411. District to be governed by appointed
25	mosquito control board appointment and term. (1) Upon the
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1	creation of any mosquito control district, the commissioners
2	shall appoint a mosquito control board composed-of-not-less
3	than-three-or-more-than-five-members.
4	(2) Each member of the mosquito control board shall be
5	an elector within the boundaries of the district.
6	(3) The commissioners shall, at a public meeting, pass
7	a resolution establishing the number of members of the board
8	and the terms of the appointments. THE BOARD MUST CONSIST OF
9	AT LEAST THREE MEMBERS AND NO MORE THAN NINE MEMBERS, AND
10	THE MEMBERS OF THE BOARD MUST BE RESIDENTS OF THE DISTRICT.
11	(3) The board is a body corporate and shall act as
12	such, and the members are public officers.
13	(4) (5) The health officer having jurisdiction in the
14	proposed district, the sanitarian or a member of his staff,
15	and the county extension agent, if the county has any or all
16	such officers, are ex officio members of the board without
17	vote."
18	NEW SECTION. Section 8. Repealer. Sections 7-16-2304,
19	7-21-3402, 7-22-2104, and 7-22-2412, MCA, are repealed.
	-End-

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# Conference Committee on Senate Bill No. 440 Report No. 1, April 11, 1991

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 440, met and considered:

House Committee on Local Government Amendments dated March 19, 1991.

We recommend that the Senate accede to the House Amendments, and that this Conference Committee report be adopted.

For the Senate:

Esther Bengtson Chair

Mignon Waterman

For the House:

Wyatt, Chai а

Brown Dave Tice Jim Rice

Amd.

1:30

Sec. of Senate

C.C R. # 1 5B 440

ADOPT

REJECT



AN ACT TO GENERALLY REVISE THE LAWS RELATING TO BOARDS APPOINTED BY COUNTY COMMISSIONERS; AMENDING SECTIONS 7-16-2203, 7-16-2302, 7+16-2303, 7-21-3401, 7-22-2103, 7-22-2215, AND 7-22-2411, MCA; AND REPEALING SECTIONS 7-16-2304, 7-21-3402, 7-22-2104, AND 7-22-2412, MCA.

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

Section 1. Section 7-16-2203, MCA, is amended to read:

\*7-16-2203. Board of trustees -- appointment and term. (1) The board of county commissioners of each county owning or acquiring a museum, facility for the arts, or collection of exhibits may, at the first regular meeting of the board after acquiring a museum, facility, or collection, appoint a board of trustees for the administration of the county museum fund as provided in this part.

(2) The board consists-of-three-responsible-persons,-electors and-residents-of-the-county,-The-initial-terms-of-members-must--be staggered,-with-the-term-of-one-of-the-members-expiring-on-June-30 of--the-next-year,-the-term-of-the-second-member-expiring-on-June 30-of-the-second-year,-and-the-term-of-the-third--member--expiring on--June--30--of--the--third-year.-The-board-shall,-at-its-regular meeting-in-July-of-each-year,-appoint-a-member--to--the--board--of trustees--to--take--the--place-of-the-member-whose-term-expired-on June-30-immediately-preceding of county commissioners shall, at a public meeting, pass a resolution establishing the number of

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members on the board of trustees and the terms of the appointments. The board of trustees must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

Section 2. Section 7-16-2302, MCA, is amended to read:

"7-16-2302. Composition of park board <u>-- appointment and</u> <u>term. (1)</u> The board of park commissioners shall-be is composed of the county commissioners and six-other--persons--appointed--by <u>as</u> <u>many other persons as</u> the county commissioners <u>determine are</u> necessary.

(2) The board of county commissioners shall, at a public meeting, pass a resolution establishing the number of members on the park board and the terms of the appointments. The park board must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

Section 3. Section 7-16-2303, MCA, is amended to read:

"7-16-2303. Qualifications of park commissioners. The six persons to-be-so appointed shall must have the same qualifications for the office of park commissioner as are required by 7-4-2201, for the office of county commissioner."

Section 4. Section 7-21-3401, MCA, is amended to read:

"7-21-3401. Authorization to create county fair commission <u>--</u> <u>appointment and term</u>. (1) The board of county commissioners may, a: any regular meeting, appoint from-the-electors-of--the--county

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five--responsible--persons-to-constitute a county fair commission7 three-of-the-members-to-be-appointed-for-a-term-of-2-years-and-two for-a-term-of-1-year-and-until-their-successors-are-appointed.

(2) Each--year--thereafter7---the <u>The</u> board of county commissioners shall appoint-members-of-the-county-fair-commission to-succeed-the-members--whose--terms--then--expire, at a public meeting, pass a resolution establishing the number of members of the fair commission and the terms of the appointments. The fair commission must consist of at least three members and no more than nine members, and the members of the board must be residents of the county."

Section 5. Section 7-22-2103, MCA, is amended to read:

"7-22-2103. District weed board <u>-- appointment and term</u>. (1) The commissioners shall appoint a district weed board <del>consisting</del> of-three-or-five-members-and:

{a}--if-a-three-member--board;--two--members--shall--be--rural
agricultural--landowners--within--the--district-and-one-shall-be-a
member-at-large;-or

(b)--if-a-five-member-board7--three--members--shall-be--rural agricultural-landowners-within-the-district7-one-member-shall-be-a resident-of-a-city-or-town-within-the-district7-and-one-shall-be-a member-at-large.

(2) The commissioners shall, at a public meeting, pass a resolution establishing the number of members of the district weed board and the terms of the appointments. The board must consist of

at least three members and no more than nine members, and the members of the board must be residents of the district. A majority of the board members must be rural agricultural land owners.

(2)(3) The county extension agent in each county and other interested individuals may be appointed to serve as nonvoting members of that district's weed board.

(3)(4) The board members are public officers.

(4)(5) The board may call upon the county attorney for legal
advice and services as it may require."

Section 6. Section 7-22-2215, MCA, is amended to read:

"7-22-2215. Rodent control board. (1) A governing body creating a rodent control district shall appoint a rodent control board composed-of-not-less-than-three-or-more-than-five--members. The county extension agent is an ex officio member of the board. Each member of the board must be an elector and reside within the district.

(2) Board--members--serve--3-year--staggered--terms--Of--the members--first--appointed--to--a-board,-at-least-one-shall-serve-a t-year-term-and-at--least--one--shall--serve--a--2-year--term The governing body shall, at a public meeting, pass a resolution establishing the number of members on the board and the terms of the appointments. The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district.

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(3) Each member of the board is entitled to:

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(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled to perform official duties; and

(b) per diem expenses established by the governing body.

(4) The district weed board appointed under 7-22-2103 may be appointed by the governing body to also serve as the rodent control board, in which case the qualifications, terms, compensation, mileage, and expenses of the rodent control board are the same as those of the district weed board and subsections (1) through (3) do not apply."

Section 7. Section 7-22-2411, MCA, is amended to read:

"7-22-2411. District to be governed by appointed mosquito control board <u>-- appointment and term</u>. (1) Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control board composed-of-not-less--than--three--or--more than-five-members.

(2) Each member of the mosquito control board shall be an elector within the boundaries of the district.

(3) The commissioners shall, at a public meeting, pass a resolution establishing the number of members of the board and the terms of the appointments. The board must consist of at least three members and no more than nine members, and the members of the board must be residents of the district.

(3) (4) The board is a body corporate and shall act as such, and the members are public officers.

(4)(5) The health officer having jurisdiction in the proposed district, the sanitarian or a member of his staff, and the county extension agent, if the county has any or all such officers, are ex officio members of the board without vote."

Section 8. Repealer. Sections 7-16-2304, 7-21-3402, 7-22-2104, and 7-22-2412, MCA, are repealed.

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