

SENATE BILL NO. 440

INTRODUCED BY BENGTON, 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	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 20, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 21, 1991	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.

APRIL 18, 1991

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 19, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *440*
 2 INTRODUCED BY *Benjamin Hughes*
 3 *Col. Fritz* BY REQUEST OF THE SENATE LOCAL *F. Buck Hammond*
 4 *Harding* GOVERNMENT COMMITTEE

5
 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."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

1 the second member expiring on June 30 of the second year,
 2 and the term of the third member expiring on June 30 of the
 3 third year. The board shall, at its regular meeting in July
 4 of each year, 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
 9 of the appointments."

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

11 "7-16-2302. Composition of park board -- appointment
 12 and term. (1) The board of park commissioners ~~shall be~~ is
 13 composed of the county commissioners and ~~six other persons~~
 14 ~~appointed by as many other persons as~~ the 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."

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

21 "7-16-2303. Qualifications of park commissioners. The
 22 ~~six persons to be so appointed shall~~ must have the same
 23 qualifications for the office of park commissioner as are
 24 required by 7-4-2201, for the office of county
 25 commissioner."

INTRODUCED BILL

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

"7-21-3401. Authorization to create county fair commission -- appointment and term. (1) The board of county commissioners may, at any regular meeting, appoint from the electors--of--the--county--five---responsible---persons---to 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 year-and-until-their-successors-are-appointed.

(2) Each-year--thereafter--the The 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."

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

"7-22-2103. District weed board -- appointment and term. (1) The commissioners shall appoint a district weed board consisting-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--board;--three--members--shall--be rural--agricultural--landowners--within--the--district;--one member--shall--be--a--resident--of-a-city-or-town-within-the district; 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.

(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.

(4) The board members are public officers.

(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-1-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.

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

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

1 official duties; and

2 (b) per diem expenses established by the governing
3 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."

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 -- appointment and term. (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.~~

16 (2) Each member of the mosquito control board shall be
17 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-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 *Senate* BILL NO. *440*
2 INTRODUCED BY *Bengtson Hughes Miller*
3 *Bob Faith* BY REQUEST OF THE SENATE LOCAL
4 *Harding* GOVERNMENT COMMITTEE
5

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."
12

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

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

15 "7-16-2203. Board of trustees -- appointment and term.

16 (1) The board of county commissioners of each county owning
17 or acquiring a museum, facility for the arts, or collection
18 of exhibits may, at the first regular meeting of the board
19 after acquiring a museum, facility, or collection, appoint a
20 board of trustees for the administration of the county
21 museum fund as provided in this part.

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

1 the second member expiring on June 30 of the second year,
2 and the term of the third member expiring on June 30 of the
3 third year. The board shall, at its regular meeting in July
4 of each year, 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
9 of the appointments."

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

11 "7-16-2302. Composition of park board -- appointment
12 and term. (1) The board of park commissioners ~~shall be~~ is
13 composed of the county commissioners and ~~six other persons~~
14 ~~appointed by as many other persons as~~ the 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."

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

21 "7-16-2303. Qualifications of park commissioners. The
22 six persons to be so appointed ~~shall~~ must have the same
23 qualifications for the office of park commissioner as are
24 required by 7-4-2201, for the office of county
25 commissioner."

SECOND READING

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

"7-21-3401. Authorization to create county fair commission -- appointment and term. (1) The board of county commissioners may, at any regular meeting, appoint from the electors--of--the--county--five---responsible---persons---to 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 year-and-until-their-successors-are-appointed.

(2) Each-year--thereafter,--the The 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."

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

"7-22-2103. District weed board -- appointment and term. (1) The commissioners shall appoint a district weed board consisting-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--board,--three--members--shall--be rural--agricultural--landowners--within--the--district,--one member--shall--be--a--resident--of-a-city-or-town-within-the district,--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.

(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.

(4) The board members are public officers.

(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-1-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.

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

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

1 official duties; and

2 (b) per diem expenses established by the governing
3 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."

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 -- appointment and term. (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.~~

16 (2) Each member of the mosquito control board shall be
17 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-

1 *Senate* BILL NO. *440*
 2 INTRODUCED BY *Benjamin Hough*
 3 *Bob Smith* BY REQUEST OF THE SENATE LOCAL *T. Best Hammond*
 4 *Harding* 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."

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

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

15 "7-16-2203. Board of trustees -- appointment and term.

16 (1) The board of county commissioners of each county owning
 17 or acquiring a museum, facility for the arts, or collection
 18 of exhibits may, at the first regular meeting of the board
 19 after acquiring a museum, facility, or collection, appoint a
 20 board of trustees for the administration of the county
 21 museum fund as provided in this part.

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

1 the second member expiring on June 30 of the second year,
 2 and the term of the third member expiring on June 30 of the
 3 third year. The board shall, at its regular meeting in July
 4 of each year, 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
 9 of the appointments."

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

11 "7-16-2302. Composition of park board -- appointment
 12 and term. (1) The board of park commissioners ~~shall be~~ is
 13 composed of the county commissioners and ~~six other persons~~
 14 ~~appointed by~~ as many other persons as the 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."

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

21 "7-16-2303. Qualifications of park commissioners. The
 22 ~~six persons to be so appointed shall must~~ have the same
 23 qualifications for the office of park commissioner as are
 24 required by 7-4-2201, for the office of county
 25 commissioner."

THIRD READING

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

"7-21-3401. Authorization to create county fair commission -- appointment and term. (1) The board of county commissioners may, at any regular meeting, appoint from the electors of the county five responsible persons to 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 year and until their successors are appointed.

(2) Each year thereafter, the The 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."

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

"7-22-2103. District weed board -- appointment and term. (1) The commissioners shall appoint a district weed board consisting 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 board, three members shall be rural agricultural landowners within the district; one member shall be a resident of a city or town within the district, 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.

(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.

(4) The board members are public officers.

(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 1-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.

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

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

1 official duties; and

2 (b) per diem expenses established by the governing
3 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."

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 -- appointment and term. (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.~~

16 (2) Each member of the mosquito control board shall be
17 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.

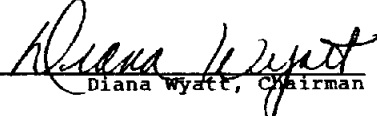
-End-

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.

Signed: 

Diana Wyatt, Chairman

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

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

A BILL FOR AN ACT ENTITLED: "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. 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 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 -- appointment and term. (1) The board of county commissioners may, at any regular meeting, appoint from--the electors---of---the---county--five--responsible--persons--to 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 year-and-until-their-successors-are-appointed.

(2) Each--year--thereafter--the The 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 -- appointment and term. (1) The commissioners shall appoint a district weed board consisting-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--board,--three--members-shall-be rural--agricultural--landowners--within--the--district,--one member-shall-be-a-resident-of-a-city-or-town--within--the district,--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

1 member of the board. Each member of the board must be an
2 elector and reside within the district.

3 (2) ~~Board--members-serve-3-year-staggered-terms--Of-the~~
4 ~~members-first-appointed-to-a-board,at-least-one-shall-serve~~
5 ~~a-1-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:

12 (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

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

13 ~~(4)(5)~~ (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-

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

Page 1 of 1

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
Esther Bengtson, Chair
Ethel M. Harding
Ethel Harding

Mignon Waterman

For the House:

Diana Wyatt
Diana Wyatt, Chair
Dave Brown
Dave Brown
Jim Rice
Jim Rice

4/12
Amd. Coord.

SB 4/12 1:30
Sec. of Senate

ADOPT

REJECT

C.C.R. #1

SB 440



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

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 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 -- appointment and term. (1) The board of county commissioners may, at any regular meeting, appoint ~~from the electors of the county~~

~~five--responsible--persons-to-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-year-and-until-their-successors-are-appointed.~~

(2) ~~Each--year--thereafter,--the~~ The 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 -- appointment and term. (1) The commissioners shall appoint a district weed board consisting 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-board,--three--members--shall--be--rural agricultural--landowners--within--the--district,--one-member-shall-be-a resident-of-a-city-or-town-within-the-district,--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 1-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.

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

(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 -- appointment and term. (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.