

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SB-440

Call to Order: The members of the Conference Committee met informally on April 11, 1991, throughout the day.

ROLL CALL

Members Present:

Senator Esther Bengtson, Chairman (D)
Senator Ethel Harding (R)
Senator Mignon Waterman (D)
Representative Diana Wyatt, Chairman (D)
Representative Dave Brown (D)
Representative Jim Rice (R)

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: none

CONFERENCE ACTION ON SB-440

Senator Bengtson polled the members of the committee for their views on SB-440.

Senator Waterman does not want to accept the House amendments. The whole purpose of the bill was to allow County Commissioners flexibility in setting the size, terms, etc. of boards they appoint. These amendments put on restrictions that we wanted to give to the commissioners to decide. She said no amendments or kill the bill.

Senator Harding agreed with Senator Waterman. She did say she would accept the amendments though because the committee had not acted on HB-64 or SB-79 which dealt with the size of museum boards because of SB-440. She felt SB-440 as amended was a starting point, and if there were real problems, then there would be bills to address them.

Representative Jim Rice said that the amendments gave the commissioners some authority, but not full rein. He would kill the bill if the amendments were not accepted.

Representative Dave Brown didn't really care if the amendments were accepted. He would go with what the committee decided.

Representative Wyatt explained that the House Local Government

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committee had members that were concerned about boards being eliminated or stacked with people that did not represent the boards governing area. The amendments mandated that the board members be from the district, city, county, or whatever the board represented. The minimum and maximum number made sure that the board could not be stacked with interests of one side.

Senator Bengtson had no real concerns about the bill, but felt that two other bills had been passed on because this bill covered the issues contained in them. She would accept the House amendments so those concerns would be addressed.

All the members of the committee except, Senator Waterman, decided to accede in the House Amendments to SB-440. All members will sign the Conference Committee Report, except Senator Waterman.

ADJOURNMENT

Adjournment At: Thursday, April 11, 1991

Esther Bengtson

ESTHER BENGTON, Chairman

Diana Wyatt

DIANA WYATT, Chairman

Joyce Inchauspe-Corson

JOYCE INCHAUSPE-CORSON, Secretary

EB/DW/jic

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

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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 Harding
Ethel Harding

Mignon Waterman
Mignon Waterman

Amd. Coord.
Amd. Coord.

Sec. of Senate
Sec. of Senate

For the House:

Diana Wyatt
Diana Wyatt, Chair

Dave Brown
Dave Brown

Jim Rice
Jim Rice

ADOPT

REJECT

77170700.SLE

DATE: April, 1991

ORDER OF BUSINESS NO. 6

SENATOR MR. PRESIDENT, I MOVE THAT THE PRESIDENT
VAN VALKENBURG APPOINT A _____ CONFERENCE COMMITTEE
ON Senate BILL NO. 440.

PRESIDENT THE PRESIDENT APPOINTS CHAIRMAN,
MAZUREK SENATOR Bangster ;
SENATOR Waterman ;
SENATOR Harding ;
AS THE _____ CONFERENCE COMMITTEE
ON Senate BILL NO. 440.

CONFERENCE COMMITTEE REPORT

April 11, 1991

We, the assigned Conference Committee on SB-440, met informally on Thursday, April 11, 1991, have acceded to the amendments concurred in and reported on in House Standing Committee Report from Local Government, dated March 19, 1991, and listed as document 590948SC.HSF.

Esther Bengtson, Senate Chairman

Diana Wyatt, House Chairman

Ethel Harding

Dave Brown

Mignon Waterman

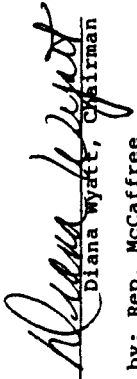
Jim Rice

HOUSE STANDING COMMITTEE REPORT

March 19, 1991
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March 19, 1991
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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."

SA 440
HOUSE

590948SC.HSF

590948SC.HSF

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

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 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:

1 "7-16-2303. Qualifications of park commissioners. The
 2 six persons to--be--so appointed shall must 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
 9 commissioners may, at any regular meeting, appoint from--the
 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) Each--year--thereafter--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."

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

23 "7-22-2103. District weed board -- appointment and
 24 term. (1) The commissioners shall appoint a district weed
 25 board consisting-of-three-or-five-members, and:

1 {a}--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}--if-a-five-member-board, three-members-shall-be
 5 rural-agricultural-landowners--within--the--district--one
 6 member-shall-be-a-resident-of-a-city-or-town--within--the
 7 district--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 {3}{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-or--more--than
 25 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)~~ 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-