

1 *House* BILL NO. 245
 2 INTRODUCED BY Broad Menaham, Stigmiller Nular
 3 LOCKREM Kvaalen Sigfat

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO MOSQUITO
 5 ABATEMENT DISTRICTS; PROVIDING THAT PETITIONERS FOR
 6 CREATION, ENLARGEMENT, OR DISSOLUTION OF MOSQUITO CONTROL
 7 DISTRICTS, AND OBJECTORS THERETO, BE QUALIFIED ELECTORS OR
 8 PROPERTY OWNERS WITHIN THE PROPOSED DISTRICTS; THAT MOSQUITO
 9 CONTROL BOARD MEMBERS BE REAL OR PERSONAL PROPERTY OWNERS;
 10 PROVIDING FOR NOTICE OF HEARING BY MAIL TO NONRESIDENT
 11 OWNERS; PROVIDING AN IMMEDIATE EFFECTIVE DATE; AMENDING
 12 SECTIONS 16-4203 THROUGH 16-4207, AND 16-4211, R.C.M. 1947."

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

15 Section 1. Section 16-4203, R.C.M. 1947, is amended to
 16 read as follows:

17 "16-4203. Petition for district--hearing. (1) When a
 18 petition signed by not less than twenty-five per cent (25%)
 19 of the qualified electors of the proposed district or
 20 twenty-five percent (25%) of the owners of any property
 21 within the boundaries and whose names appear as such
 22 property owners upon the last completed assessment role of
 23 the county in which the proposed district is situated, is
 24 presented to the board of commissioners of such county,
 25 asking for the creation of a mosquito control district, the

1 commissioners shall set a day for the hearing of the same
 2 and order notice thereof to be given to all persons
 3 interested.

4 (2) Said petition shall set forth the boundaries of
 5 the proposed district and request that the property within
 6 the boundaries be organized into a mosquito control
 7 district. Such proposed district may include any
 8 incorporated or unincorporated city or town of the county.

9 (3) Sufficient funds to defray the cost of mailing,
 10 publication and posting of notice shall accompany the
 11 petition."

12 Section 2. Section 16-4204, R.C.M. 1947, is amended to
 13 read as follows:

14 "16-4204. Notice of hearing -- mailing -- publication
 15 -- posting. (1) The commissioners by resolution shall fix a
 16 time for a hearing upon said petition at not less than two
 17 (2) nor more than four (4) weeks from the time of
 18 presentation thereof.

19 (2) If addresses are known, the commissioners shall
 20 cause notice of the hearing to be mailed to each nonresident
 21 owner of taxable real and personal property within the
 22 proposed district,

23 (3) Commissioners shall cause notice to be posted in
 24 three (3) public places within the district, and where the
 25 district is partly in one county and partly in another

1 county, notice must be posted in each county, but not in
 2 three (3) places in each county. The notice shall state
 3 that any qualified elector or owner of property lying within
 4 the boundaries of the proposed district ~~in--which--the~~
 5 ~~proposed-district-is-situated~~ may appear before the board at
 6 the time of hearing and show cause why the district should
 7 not be created, or may file his written objection to
 8 creation of the district at any time before the date of said
 9 hearing.

10 (4) The commissioners shall also cause notice to be
 11 given of the time and place of the hearing and methods of
 12 objection by publication in a newspaper within or nearest
 13 the district, and if the district is partly in one (1)
 14 county and partly in another county, in a newspaper in each
 15 county, if such newspaper exists. The publication must be
 16 for two (2) weekly issues.

17 (5) Posting and first publication shall be at least
 18 ten (10) days before the hearing. ~~Accompanying-petition-for~~
 19 ~~creation-of-a-district-shall-be-sufficient-funds--to--defray~~
 20 ~~the-cost-of-publication-and-posting.~~"

21 Section 3. Section 16-4205, R.C.M. 1947, is amended to
 22 read as follows:

23 "16-4205. Hearing--objections to district--creation of
 24 district. At the time fixed for said hearing, the
 25 commissioners shall determine whether or not the petition

1 complies with the requirements hereinbefore set forth, and
 2 whether or not the notice required herein has been published
 3 and posted as required. At such hearing, the board must
 4 hear all competent and relevant testimony offered in support
 5 of or in opposition to said petition and creation of said
 6 district, and shall also consider the written objections to
 7 the creation of the district. Said hearing may be adjourned
 8 from time to time for determination of facts, but no
 9 adjournment shall exceed two (2) weeks in all from and after
 10 the date originally noticed and published for the hearing.
 11 At such a hearing or at any time following the first ~~(1st)~~
 12 publication of notice of such hearing, until the time of
 13 said hearing, any qualified elector or an owner of property
 14 within the proposed district may file his written objections
 15 to the creation of the district. Such objections shall be
 16 delivered to the county clerk, who shall endorse thereon the
 17 date of its receipt by him. Upon such hearing, if the
 18 commissioners determine there has been compliance with all
 19 of the requirements herein set forth, they shall by an
 20 order, duly made and entered on their minutes, declare the
 21 district created, setting forth the name and boundaries of
 22 the district and the description of land contained therein,
 23 except, where, at the time of the hearing, the commissioners
 24 find that a geographical area desires exclusion from the
 25 area contained within the boundaries of the proposed

1 district, the hearing may be adjourned to permit the
 2 commissioners to consult the department of health and
 3 environmental sciences to determine if it would be advisable
 4 to exclude the geographical area from the district. Upon
 5 reconvening, the commissioners shall define and establish
 6 such boundaries as are advisable. Provided,

7 (1) that if fifty-one per cent (51%) or more of the
 8 qualified electors or of the owners of property within the
 9 boundaries of the proposed district file their written
 10 objections to the creation of such district, the
 11 commissioners shall not proceed with the creation of such
 12 district;

13 (2) or, if, as the result of objections filed, the
 14 commissioners, in their discretion, determine the question
 15 in doubt whether or not the creation of a district is to the
 16 best interest of an area and the residents therein, the
 17 commissioners may cause the issue to be determined by
 18 referendum at the next regular election.

19 Before setting a time for hearing, the commissioners
 20 may cause a survey and study of the area sought to be
 21 included in such district to be made by competent personnel
 22 and may submit a report thereof to the department of health
 23 and environmental sciences for its review and
 24 recommendations."

25 Section 4. Section 16-4206, R.C.M. 1947, is amended to

1 read as follows:

2 "16-4206. Enlargement of districts--petitions--
 3 objections. Any such district at any time subsequent to its
 4 creation may be enlarged to include adjacent land upon the
 5 presentation to the board of county commissioners of a
 6 petition signed by the not less than twenty-five per cent
 7 (25%) of the electors within the adjacent land or
 8 twenty-five percent (25%) of the owners of any property
 9 lying within the boundaries of the area proposed to be
 10 annexed to the district and whose names appear as such
 11 property owners upon the last completed assessment role of
 12 the county in which the said proposed area is situated. If
 13 any such petition for enlargement of an existing district is
 14 presented, the board of county commissioners shall set a
 15 time for hearing thereon and shall cause notice thereof to
 16 be given in the manner provided by section 16-4204. If,
 17 upon such hearing, the commissioners believe it to be to the
 18 best interests of the area and those resident therein that
 19 such area be annexed to the district, they shall by an order
 20 duly made and entered on their minutes, declare the area in
 21 question to be annexed to the district, and such annexed
 22 area shall thenceforth be considered a part of such district
 23 for all purposes as thereof originally included therein. If
 24 fifty-one per cent (51%) or more of the qualified electors
 25 or of the property owners in the area proposed to be annexed

1 to the district file their objection to the creation of such
 2 district, the commissioners shall not act on such petition.
 3 If, as a result of objections filed, the commissioners, in
 4 their discretion, determine the question in doubt whether or
 5 not the annexation of the area is to the best interest of
 6 the area and of the residents therein, the commissioners may
 7 cause the issue to be decided by referendum at the next
 8 regular election. If such additional area is added, such
 9 territory shall be subject to the tax authorized by this act
 10 together with the preexisting area of the district. Such
 11 tax shall be uniform for the area added and the territory in
 12 the district as enlarged."

13 Section 5. Section 16-4207, R.C.M. 1947, is amended to
 14 read as follows:

15 "16-4207. Mosquito control board--members--term--per
 16 diem. Upon the creation of any mosquito control district,
 17 the commissioners shall appoint a mosquito control board
 18 composed of not less than three (3) nor more than five (5)
 19 members, each of whom shall be ~~resident--freeholder~~ an
 20 elector and property owner within the boundaries of the
 21 district and whose name appears as such property owner upon
 22 the last completed assessment role of the county in which
 23 said district is situated. The terms of office for the
 24 first appointed members shall be so arranged that they do
 25 not all expire at the same time, and for that purpose may be

1 set for any length of time not more than three (3) years.
 2 Thereafter the terms of all members shall be three (3)
 3 years, the term of one (1) member expiring on the first
 4 ~~(1st)~~ day of July in each year. The board shall be a body
 5 corporate and shall act as such, and the members shall be
 6 public officers and they shall organize each year by
 7 choosing a chairman who shall be from among the appointed
 8 members, and a secretary. All such board members shall
 9 serve without pay, except that the appointed members shall
 10 receive per diem as allowed by state law for each day when
 11 the board is actually in session and their necessary mileage
 12 as provided by law. The health officer having jurisdiction
 13 in the proposed district, sanitarian or a member of his
 14 staff, and the county extension agent, if the county has
 15 any, or all such officers, shall be ex officio members of
 16 such board without vote."

17 Section 6. Section 16-4211, R.C.M. 1947, is amended to
 18 read as follows:

19 "16-4211. Dissolution of mosquito control district --
 20 hearing -- notice -- unexpended funds. A mosquito control
 21 district may be dissolved upon presentation to the board of
 22 county commissioners of a petition signed by at least
 23 fifty-one per cent (51%) of the qualified electors or of the
 24 property owners within the district. Upon the filing of
 25 such petition, the board of county commissioners shall set a

1 time for hearing the same and shall cause notice thereof to
 2 be mailed to all nonresident property owners within the
 3 district whose addresses are known, to be posted in at least
 4 three (3) public places within said district and to be
 5 published at least once in the official newspaper of the
 6 county, published in the district, such posting and
 7 publication to be at least ten (10) days before said date of
 8 hearing. If the district is partly in one (1) county and
 9 partly in another county, notice must be posted in each
 10 county but not three (3) places in each county, and notice
 11 must be published in the official newspaper of each county.
 12 If upon such hearing, the commissioners find such petition
 13 to be sufficient and that the district is not indebted in
 14 any amount beyond the funds immediately available to
 15 extinguish all of its debts and obligations, and that there
 16 is good reason for the dissolution of such district, the
 17 commissioners shall enter upon their minutes an order
 18 dissolving such district. The effective date of such
 19 dissolution shall be set by the commissioners at such time
 20 within the fiscal year as best conforms with the operations
 21 of the county budget providing that before the dissolution
 22 shall be effective for all purposes, the mosquito control
 23 board of the district shall certify to the commissioners
 24 that all debts and obligations of the district have been
 25 paid, discharged, or irrevocably settled together with legal

1 proof thereof. Any funds unexpended at the dissolution of a
 2 district shall be paid over into the county general fund,
 3 and where the district is partly in one (1) county and
 4 partly in another county, the funds shall be apportioned
 5 between the counties and such apportionment shall be based
 6 on the taxable value of the property which is within the
 7 district. Physical assets may be liquidated as provided for
 8 in section 16-1009, and where the district is partly in one
 9 (1) county and partly in another county, the proceeds of the
 10 sale of physical assets will be apportioned in like manner
 11 as the liquid assets."

12 Section 1. This act is effective on its passage and
 13 approval.

-End-

Approved by Comm.
on Local Government

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2 INTRODUCED BY *Broad Menahan Stargiller NULAR*
3 *LOCKREN Kvaalen Siefert*

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22 property owners upon the last completed assessment role of
23 the county in which the proposed district is situated, is
24 presented to the board of commissioners of such county,
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 22 the district and the description of land contained therein,
 23 except, where, at the time of the hearing, the commissioners
 24 find that a geographical area desires exclusion from the
 25 area contained within the boundaries of the proposed

1 district, the hearing may be adjourned to permit the
 2 commissioners to consult the department of health and
 3 environmental sciences to determine if it would be advisable
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 2 district, the commissioners shall not act on such petition.
 3 If, as a result of objections filed, the commissioners, in
 4 their discretion, determine the question in doubt whether or
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 6 the area and of the residents therein, the commissioners may
 7 cause the issue to be decided by referendum at the next
 8 regular election. If such additional area is added, such
 9 territory shall be subject to the tax authorized by this act
 10 together with the preexisting area of the district. Such
 11 tax shall be uniform for the area added and the territory in
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 19 members, each of whom shall be resident--freeholder an
 20 elector and property owner within the boundaries of the
 21 district and whose name appears as such property owner upon
 22 the last completed assessment role of the county in which
 23 said district is situated. The terms of office for the
 24 first appointed members shall be so arranged that they do
 25 not all expire at the same time, and for that purpose may be

1 set for any length of time not more than three (3) years.
 2 Thereafter the terms of all members shall be three (3)
 3 years, the term of one (1) member expiring on the first
 4 ~~(1st)~~ day of July in each year. The board shall be a body
 5 corporate and shall act as such, and the members shall be
 6 public officers and they shall organize each year by
 7 choosing a chairman who shall be from among the appointed
 8 members, and a secretary. All such board members shall
 9 serve without pay, except that the appointed members shall
 10 receive per diem as allowed by state law for each day when
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 22 county commissioners of a petition signed by at least
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 24 property owners within the district. Upon the filing of
 25 such petition, the board of county commissioners shall set a

1 time for hearing the same and shall cause notice thereof to
 2 be mailed to all nonresident property owners within the
 3 district whose addresses are known, to be posted in at least
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 7 publication to be at least ten (10) days before said date of
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-End-

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2 INTRODUCED BY BRAND, MENAHAN, STAIGMILLER, MULAR,
3 LOCKREM, KVAALEN, SEIFERT
4

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22 Section 3. Section 16-4205, R.C.M. 1947, is amended to
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 10 facts, but no adjournment shall exceed two (2) weeks in all
 11 from and after the date originally noticed and published for
 12 the hearing. At such a hearing or at any time following the
 13 first ~~last~~ publication of notice of such hearing, until the
 14 time of said hearing, any qualified elector or an owner of
 15 property within the proposed district may file his written
 16 objections to the creation of the district. Such objections
 17 shall be delivered to the county clerk, who shall endorse
 18 thereon the date of its receipt by him. Upon such hearing,
 19 if the commissioners determine there has been compliance
 20 with all of the requirements herein set forth, they shall by
 21 an order, duly made and entered on their minutes, declare
 22 the district created, setting forth the name and boundaries
 23 of the district and the description of land contained
 24 therein, except, where, at the time of the hearing, the
 25 commissioners find that a geographical area desires

1 exclusion from the area contained within the boundaries of
 2 the proposed district, the hearing may be adjourned to
 3 permit the commissioners to consult the department of health
 4 and environmental sciences to determine if it would be
 5 advisable to exclude the geographical area from the
 6 district. Upon reconvening, the commissioners shall define
 7 and establish such boundaries as are advisable. Provided,

8 (1) that if fifty-one per cent (51%) or more of the
 9 qualified electors or of the owners of property within the
 10 boundaries of the proposed district file their written
 11 objections to the creation of such district, the
 12 commissioners shall not proceed with the creation of such
 13 district;

14 (2) or, if, as the result of objections filed, the
 15 commissioners, in their discretion, determine the question
 16 in doubt whether or not the creation of a district is to the
 17 best interest of an area and the residents therein, the
 18 commissioners may cause the issue to be determined by
 19 referendum at the next regular election.

20 Before setting a time for hearing, the commissioners
 21 may cause a survey and study of the area sought to be
 22 included in such district to be made by competent personnel
 23 and may submit a report thereof to the department of health
 24 and environmental sciences for its review and
 25 recommendations."

1 Section 4. Section 16-4206, R.C.M. 1947, is amended to
 2 read as follows:

3 "16-4206. Enlargement of districts -- petitions --
 4 objections. Any such district at any time subsequent to its
 5 creation may be enlarged to include adjacent land upon the
 6 presentation to the board of county commissioners of a
 7 petition signed by the not less than twenty-five per cent
 8 (25%) of the electors within the adjacent land or
 9 twenty-five percent (25%) of the owners of any property
 10 lying within the boundaries of the area proposed to be
 11 annexed to the district and whose names appear as such
 12 property owners upon the last completed assessment role of
 13 the county in which the said proposed area is situated. If
 14 any such petition for enlargement of an existing district is
 15 presented, the board of county commissioners shall set a
 16 time for hearing thereon and shall cause notice thereof to
 17 be given in the manner provided by section 16-4204. If,
 18 upon such hearing, the commissioners believe it to be to the
 19 best interests of the area and those resident therein that
 20 such area be annexed to the district, they shall by an order
 21 duly made and entered on their minutes, declare the area in
 22 question to be annexed to the district, and such annexed
 23 area shall thenceforth be considered a part of such district
 24 for all purposes as thereof originally included therein. If
 25 fifty-one per cent (51%) or more of the qualified electors

1 or of the property owners in the area proposed to be annexed
 2 to the district file their objection to the creation of such
 3 district, the commissioners shall not act on such petition.
 4 If, as a result of objections filed, the commissioners, in
 5 their discretion, determine the question in doubt whether or
 6 not the annexation of the area is to the best interest of
 7 the area and of the residents therein, the commissioners may
 8 cause the issue to be decided by referendum at the next
 9 regular election. If such additional area is added, such
 10 territory shall be subject to the tax authorized by this act
 11 together with the preexisting area of the district. Such
 12 tax shall be uniform for the area added and the territory in
 13 the district as enlarged."

14 Section 5. Section 16-4207, R.C.M. 1947, is amended to
 15 read as follows:

16 "16-4207. Mosquito control board -- members -- term --
 17 per diem. Upon the creation of any mosquito control
 18 district, the commissioners shall appoint a mosquito control
 19 board composed of not less than three (3) nor more than five
 20 (5) members, each of whom shall be ~~resident--freeholder~~ an
 21 elector and property owner within the boundaries of the
 22 district and whose name appears as such property owner upon
 23 the last completed assessment role of the county in which
 24 said district is situated. The terms of office for the
 25 first appointed members shall be so arranged that they do

1 not all expire at the same time, and for that purpose may be
 2 set for any length of time not more than three (3) years.
 3 Thereafter the terms of all members shall be three (3)
 4 years, the term of one (1) member expiring on the first
 5 ~~(1st)~~ day of July in each year. The board shall be a body
 6 corporate and shall act as such, and the members shall be
 7 public officers and they shall organize each year by
 8 choosing a chairman who shall be from among the appointed
 9 members, and a secretary. All such board members shall
 10 serve without pay, except that the appointed members shall
 11 receive per diem as allowed by state law for each day when
 12 the board is actually in session and their necessary mileage
 13 as provided by law. The health officer having jurisdiction
 14 in the proposed district, sanitarian or a member of his
 15 staff, and the county extension agent, if the county has
 16 any, or all such officers, shall be ex officio members of
 17 such board without vote."

18 Section 6. Section 16-4211, R.C.M. 1947, is amended to
 19 read as follows:

20 "16-4211. Dissolution of mosquito control district --
 21 hearing -- notice -- unexpended funds. A mosquito control
 22 district may be dissolved upon presentation to the board of
 23 county commissioners of a petition signed by at least
 24 fifty-one per cent (51%) of the qualified electors or of the
 25 property owners within the district. Upon the filing of

1 such petition, the board of county commissioners shall set a
 2 time for hearing the same and shall cause notice thereof to
 3 be mailed to all nonresident property owners within the
 4 district whose addresses are known, to be posted in at least
 5 three (3) public places within said district and to be
 6 published at least once in the official newspaper of the
 7 county, published in the district, such posting and
 8 publication to be at least ten (10) days before said date of
 9 hearing. If the district is partly in one (1) county and
 10 partly in another county, notice must be posted in each
 11 county but not three (3) places in each county, and notice
 12 must be published in the official newspaper of each county.
 13 If upon such hearing, the commissioners find such petition
 14 to be sufficient and that the district is not indebted in
 15 any amount beyond the funds immediately available to
 16 extinguish all of its debts and obligations, and that there
 17 is good reason for the dissolution of such district, the
 18 commissioners shall enter upon their minutes an order
 19 dissolving such district. The effective date of such
 20 dissolution shall be set by the commissioners at such time
 21 within the fiscal year as best conforms with the operations
 22 of the county budget providing that before the dissolution
 23 shall be effective for all purposes, the mosquito control
 24 board of the district shall certify to the commissioners
 25 that all debts and obligations of the district have been

1 paid, discharged, or irrevocably settled together with legal
 2 proof thereof. Any funds unexpended at the dissolution of a
 3 district shall be paid over into the county general fund,
 4 and where the district is partly in one (1) county and
 5 partly in another county, the funds shall be apportioned
 6 between the counties and such apportionment shall be based
 7 on the taxable value of the property which is within the
 8 district. Physical assets may be liquidated as provided for
 9 in section 16-1009, and where the district is partly in one
 10 (1) county and partly in another county, the proceeds of the
 11 sale of physical assets will be apportioned in like manner
 12 as the liquid assets."

13 Section 7. This act is effective on its passage and
 14 approval.

-End-

March 20, 1975

SENATE COMMITTEE ON LOCAL GOVERNMENT

AMENDMENTS TO HOUSE BILL NO. 245

That House Bill No. 245, third reading, be amended as follows:

1. Amend page 8, section 5, line 5.
Following: "of"
Strike: "July"
Insert: "January"

1 HOUSE BILL NO. 245
 2 INTRODUCED BY BRAND, MENAHAN, STAIGMILLER, MULAR,
 3 LOCKREM, KVALEN, SEIFERT
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO MOSQUITO
 6 ABATEMENT DISTRICTS; PROVIDING THAT PETITIONERS FOR
 7 CREATION, ENLARGEMENT, OR DISSOLUTION OF MOSQUITO CONTROL
 8 DISTRICTS, AND OBJECTORS THERETO, BE QUALIFIED ELECTORS OR
 9 PROPERTY OWNERS WITHIN THE PROPOSED DISTRICTS; THAT MOSQUITO
 10 CONTROL BOARD MEMBERS BE REAL OR PERSONAL PROPERTY OWNERS;
 11 PROVIDING FOR NOTICE OF HEARING BY MAIL TO NONRESIDENT
 12 OWNERS; PROVIDING AN IMMEDIATE EFFECTIVE DATE; AMENDING
 13 SECTIONS 16-4203 THROUGH 16-4207, AND 16-4211, R.C.M. 1947."
 14

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

16 Section 1. Section 16-4203, R.C.M. 1947, is amended to
 17 read as follows:

18 "16-4203. Petition for district -- hearing. (1) When a
 19 petition signed by not less than twenty-five per cent (25%)
 20 of the qualified electors of the proposed district or
 21 twenty-five percent (25%) of the owners of any property
 22 within the boundaries and whose names appear as such
 23 property owners upon the last completed assessment role of
 24 the county in which the proposed district is situated, is
 25 presented to the board of commissioners of such county,

1 asking for the creation of a mosquito control district, the
 2 commissioners shall set a day for the hearing of the same
 3 and order notice thereof to be given to all persons
 4 interested.

5 (2) Said petition shall set forth the boundaries of
 6 the proposed district and request that the property within
 7 the boundaries be organized into a mosquito control
 8 district. Such proposed district may include any
 9 incorporated or unincorporated city or town of the county.

10 (3) Sufficient funds to defray the cost of mailing,
 11 publication and posting of notice shall accompany the
 12 petition."

13 Section 2. Section 16-4204, R.C.M. 1947, is amended to
 14 read as follows:

15 "16-4204. Notice of hearing -- mailing -- publication
 16 -- posting. (1) The commissioners by resolution shall fix a
 17 time for a hearing upon said petition at not less than two
 18 (2) nor more than four (4) weeks from the time of
 19 presentation thereof.

20 (2) If addresses are known, the commissioners shall
 21 cause notice of the hearing to be mailed to each nonresident
 22 owner of taxable real and personal property within the
 23 proposed district,

24 (3) Commissioners shall cause notice to be posted in
 25 three (3) public places within the district, and where the

1 district is partly in one county and partly in another
 2 county, notice must be posted in each county, but not in
 3 three (3) places in each county. The notice shall state
 4 that any qualified elector or owner of property lying within
 5 the boundaries of the proposed district ~~in--which--the~~
 6 ~~proposed-district-is-situated~~ may appear before the board at
 7 the time of hearing and show cause why the district should
 8 not be created, or may file his written objection to
 9 creation of the district at any time before the date of said
 10 hearing.

11 (4) The commissioners shall also cause notice to be
 12 given of the time and place of the hearing and methods of
 13 objection by publication in a newspaper within or nearest
 14 the district, and if the district is partly in one (1)
 15 county and partly in another county, in a newspaper in each
 16 county, if such newspaper exists. The publication must be
 17 for two (2) weekly issues.

18 (5) Posting and first publication shall be at least
 19 ten (10) days before the hearing. ~~Accompanying-petition-for~~
 20 ~~creation-of-a-district-shall-be-sufficient-funds--to--defray~~
 21 ~~the-cost-of-publication-and-posting."~~

22 Section 3. Section 16-4205, R.C.M. 1947, is amended to
 23 read as follows:

24 "16-4205. Hearing -- objections to district --
 25 creation of district. At the time fixed for said hearing,

1 the commissioners shall determine whether or not the
 2 petition complies with the requirements hereinbefore set
 3 forth, and whether or not the notice required herein has
 4 been published and posted as required. At such hearing, the
 5 board must hear all competent and relevant testimony offered
 6 in support of or in opposition to said petition and creation
 7 of said district, and shall also consider the written
 8 objections to the creation of the district. Said hearing
 9 may be adjourned from time to time for determination of
 10 facts, but no adjournment shall exceed two (2) weeks in all
 11 from and after the date originally noticed and published for
 12 the hearing. At such a hearing or at any time following the
 13 first ~~(1st)~~ publication of notice of such hearing, until the
 14 time of said hearing, any qualified elector or an owner of
 15 property within the proposed district may file his written
 16 objections to the creation of the district. Such objections
 17 shall be delivered to the county clerk, who shall endorse
 18 thereon the date of its receipt by him. Upon such hearing,
 19 if the commissioners determine there has been compliance
 20 with all of the requirements herein set forth, they shall by
 21 an order, duly made and entered on their minutes, declare
 22 the district created, setting forth the name and boundaries
 23 of the district and the description of land contained
 24 therein, except, where, at the time of the hearing, the
 25 commissioners find that a geographical area desires

1 exclusion from the area contained within the boundaries of
 2 the proposed district, the hearing may be adjourned to
 3 permit the commissioners to consult the department of health
 4 and environmental sciences to determine if it would be
 5 advisable to exclude the geographical area from the
 6 district. Upon reconvening, the commissioners shall define
 7 and establish such boundaries as are advisable. Provided,

8 (1) that if fifty-one per cent (51%) or more of the
 9 qualified electors or of the owners of property within the
 10 boundaries of the proposed district file their written
 11 objections to the creation of such district, the
 12 commissioners shall not proceed with the creation of such
 13 district;

14 (2) or, if, as the result of objections filed, the
 15 commissioners, in their discretion, determine the question
 16 in doubt whether or not the creation of a district is to the
 17 best interest of an area and the residents therein, the
 18 commissioners may cause the issue to be determined by
 19 referendum at the next regular election.

20 Before setting a time for hearing, the commissioners
 21 may cause a survey and study of the area sought to be
 22 included in such district to be made by competent personnel
 23 and may submit a report thereof to the department of health
 24 and environmental sciences for its review and
 25 recommendations."

1 Section 4. Section 16-4206, R.C.M. 1947, is amended to
 2 read as follows:

3 "16-4206. Enlargement of districts -- petitions --
 4 objections. Any such district at any time subsequent to its
 5 creation may be enlarged to include adjacent land upon the
 6 presentation to the board of county commissioners of a
 7 petition signed by the not less than twenty-five per cent
 8 (25%) of the electors within the adjacent land or
 9 twenty-five percent (25%) of the owners of any property
 10 lying within the boundaries of the area proposed to be
 11 annexed to the district and whose names appear as such
 12 property owners upon the last completed assessment role of
 13 the county in which the said proposed area is situated. If
 14 any such petition for enlargement of an existing district is
 15 presented, the board of county commissioners shall set a
 16 time for hearing thereon and shall cause notice thereof to
 17 be given in the manner provided by section 16-4204. If,
 18 upon such hearing, the commissioners believe it to be to the
 19 best interests of the area and those resident therein that
 20 such area be annexed to the district, they shall by an order
 21 duly made and entered on their minutes, declare the area in
 22 question to be annexed to the district, and such annexed
 23 area shall thenceforth be considered a part of such district
 24 for all purposes as thereof originally included therein. If
 25 fifty-one per cent (51%) or more of the qualified electors

1 or of the property owners in the area proposed to be annexed
 2 to the district file their objection to the creation of such
 3 district, the commissioners shall not act on such petition.
 4 If, as a result of objections filed, the commissioners, in
 5 their discretion, determine the question in doubt whether or
 6 not the annexation of the area is to the best interest of
 7 the area and of the residents therein, the commissioners may
 8 cause the issue to be decided by referendum at the next
 9 regular election. If such additional area is added, such
 10 territory shall be subject to the tax authorized by this act
 11 together with the preexisting area of the district. Such
 12 tax shall be uniform for the area added and the territory in
 13 the district as enlarged."

14 Section 5. Section 16-4207, R.C.M. 1947, is amended to
 15 read as follows:

16 "16-4207. Mosquito control board -- members -- term --
 17 per diem. Upon the creation of any mosquito control
 18 district, the commissioners shall appoint a mosquito control
 19 board composed of not less than three (3) nor more than five
 20 (5) members, each of whom shall be ~~resident--freeholder~~ an
 21 elector and property owner within the boundaries of the
 22 district and whose name appears as such property owner upon
 23 the last completed assessment role of the county in which
 24 said district is situated. The terms of office for the
 25 first appointed members shall be so arranged that they do

1 not all expire at the same time, and for that purpose may be
 2 set for any length of time not more than three (3) years.
 3 Thereafter the terms of all members shall be three (3)
 4 years, the term of one (1) member expiring on the first
 5 ~~(ist)~~ day of ~~July~~ JANUARY in each year. The board shall be
 6 a body corporate and shall act as such, and the members
 7 shall be public officers and they shall organize each year
 8 by choosing a chairman who shall be from among the appointed
 9 members, and a secretary. All such board members shall
 10 serve without pay, except that the appointed members shall
 11 receive per diem as allowed by state law for each day when
 12 the board is actually in session and their necessary mileage
 13 as provided by law. The health officer having jurisdiction
 14 in the proposed district, sanitarian or a member of his
 15 staff, and the county extension agent, if the county has
 16 any, or all such officers, shall be ex officio members of
 17 such board without vote."

18 Section 6. Section 16-4211, R.C.M. 1947, is amended to
 19 read as follows:

20 "16-4211. Dissolution of mosquito control district --
 21 hearing -- notice -- unexpended funds. A mosquito control
 22 district may be dissolved upon presentation to the board of
 23 county commissioners of a petition signed by at least
 24 fifty-one per cent (51%) of the qualified electors or of the
 25 property owners within the district. Upon the filing of

1 such petition, the board of county commissioners shall set a
 2 time for hearing the same and shall cause notice thereof to
 3 be mailed to all nonresident property owners within the
 4 district whose addresses are known, to be posted in at least
 5 three (3) public places within said district and to be
 6 published at least once in the official newspaper of the
 7 county, published in the district, such posting and
 8 publication to be at least ten (10) days before said date of
 9 hearing. If the district is partly in one (1) county and
 10 partly in another county, notice must be posted in each
 11 county but not three (3) places in each county, and notice
 12 must be published in the official newspaper of each county.
 13 If upon such hearing, the commissioners find such petition
 14 to be sufficient and that the district is not indebted in
 15 any amount beyond the funds immediately available to
 16 extinguish all of its debts and obligations, and that there
 17 is good reason for the dissolution of such district, the
 18 commissioners shall enter upon their minutes an order
 19 dissolving such district. The effective date of such
 20 dissolution shall be set by the commissioners at such time
 21 within the fiscal year as best conforms with the operations
 22 of the county budget providing that before the dissolution
 23 shall be effective for all purposes, the mosquito control
 24 board of the district shall certify to the commissioners
 25 that all debts and obligations of the district have been

1 paid, discharged, or irrevocably settled together with legal
 2 proof thereof. Any funds unexpended at the dissolution of a
 3 district shall be paid over into the county general fund,
 4 and where the district is partly in one (1) county and
 5 partly in another county, the funds shall be apportioned
 6 between the counties and such apportionment shall be based
 7 on the taxable value of the property which is within the
 8 district. Physical assets may be liquidated as provided for
 9 in section 16-1009, and where the district is partly in one
 10 (1) county and partly in another county, the proceeds of the
 11 sale of physical assets will be apportioned in like manner
 12 as the liquid assets."

13 Section 7. This act is effective on its passage and
 14 approval.

-End-