

1 House BILL NO. 720
 2 INTRODUCED BY Mary
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND
 5 STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC
 6 FUNDS BY LOCAL GOVERNMENTAL ENTITIES AND TO CHANGE
 7 REIMBURSEMENTS FOR "ACTUAL" OR "NECESSARY" EXPENSES TO
 8 "TRAVEL" EXPENSES, WHEREVER APPLICABLE; AMENDING SECTIONS
 9 1-821, 9-207, 10-1234, 11-3413, 11-3704, 11-3819, 11-3820,
 10 11-3916, 11-4407, 11-4506, 16-1009, 16-1124, 16-1405,
 11 16-1713, 16-2723, 16-2726.2, 16-3205, 16-4207, 16-4804,
 12 16-5110, 16-5112, 23-3407, 25-235, 25-312, 25-508, 32-2805,
 13 32-4005, 35-105, 44-219.2, 44-221, 46-2705, 62-206, 75-5804,
 14 75-8117, 80-2804, 89-1208, 89-1212, 89-2311, 89-3414,
 15 93-401, 93-403, 93-411, 93-1906, AND 93-7704, R.C.M. 1947."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 1-821, R.C.M. 1947, is amended to
 19 read as follows:

20 "1-821. Joint operations. ~~(a) Authorization.~~ (1) For
 21 the purposes of this section, unless otherwise qualified,
 22 the term "public agency" includes municipality, as defined
 23 in this act, any agency of the state government and of the
 24 United States, and any municipality, political subdivision,
 25 and agency of another state; and the term "governing body"

1 means the governing body of a county or municipality, and
 2 the head of the agency if the public agency is other than a
 3 county or municipality.

4 (2) All powers, privileges, and authority granted to
 5 any municipality by this act may be exercised and enjoyed
 6 jointly with any public agency of this state, and jointly
 7 with any public agency of any other state or of the United
 8 States to the extent that the laws of such other state or of
 9 the United States permit such joint exercise or enjoyment.
 10 If not otherwise authorized by law, any agency of the state
 11 government when acting jointly with any municipality, may
 12 exercise and enjoy all of the powers, privileges, and
 13 authority conferred by this act upon a municipality.

14 ~~(b) Agreement.~~ (3) Any two or more public agencies
 15 may enter into agreements with each other for joint action
 16 pursuant to the provisions of this section. Concurrent
 17 action by ordinance, resolution, or otherwise of the
 18 governing bodies of the participating public agencies shall
 19 constitute joint action. Each such agreement shall specify
 20 its duration; the proportionate interest which each public
 21 agency shall have in the property, facilities, and
 22 privileges involved; the proportion to be borne by each
 23 public agency of preliminary costs and costs of acquisition,
 24 establishment, construction, enlargement, improvement, and
 25 equipment of the airport or air navigation facility; the

1 proportion of the expenses of maintenance, operation,
 2 regulation, and protection thereof to be borne by each; and
 3 such other terms as are required by the provisions of this
 4 section. The agreement may also provide for amendments
 5 thereof, and conditions and methods of termination of the
 6 agreement; the disposal of all or any of the property,
 7 facilities, and privileges jointly owned, prior to or upon
 8 said property, facilities, and privileges, or any part
 9 thereof, ceasing to be used for the purposes provided in
 10 this act, or upon termination of the agreement; the
 11 distribution of the proceeds received upon any such
 12 disposal, and of any funds or other property jointly owned
 13 and undisposed of; the assumption or payment of any
 14 indebtedness arising from the joint venture which remains
 15 unpaid upon the disposal of all assets or upon a termination
 16 of the agreement; and such other provisions as may be
 17 necessary or convenient.

18 ~~(c) Joint board.~~ (4) Public agencies acting jointly
 19 pursuant to this section shall create a joint board which
 20 shall consist consists of members appointed by the governing
 21 body of each participating public agency. Per diem and
 22 mileage travel expenses of such the joint board may be set
 23 by resolution of the board of county commissioners or may be
 24 paid as allowed in 59-538, 59-539, or 59-801, as amended.
 25 The number to be appointed and their term shall be provided

1 for in the joint agreement. Each such joint board shall
 2 organize, select officers for terms to be fixed by the
 3 agreement, and from time to time adopt and amend free-time
 4 to-time rules for its own procedure. The joint board shall
 5 have power to may plan, acquire, establish, develop,
 6 construct, enlarge, improve, maintain, equip, operate,
 7 regulate, protect, and police any airport or air navigation
 8 facility or airport hazard to be jointly acquired,
 9 controlled, and operated, and such the board may exercise on
 10 behalf of its constituent public agencies all the powers of
 11 each with respect to such airport, air navigation facility,
 12 or airport hazard, subject to the limitations of subsection
 13 ~~(4)~~ (5) of this section.

14 ~~(d) Limitations of joint board.~~
 15 (5) (a) ~~(7) Expenditures.~~ The total expenditures to be
 16 made by the joint board for any purpose in any calendar year
 17 shall be determined by a budget approved by the governing
 18 bodies of its constituent public agencies.

19 ~~(2) Acquisitions beyond sums allotted.~~ (E) No
 20 airport, air navigation facility, airport hazard, or real or
 21 personal property, the cost of which is in excess of sums
 22 therefor fixed by the joint agreement or allotted in the
 23 annual budget, may be acquired by the joint board without
 24 the approval of the governing bodies of its constituent
 25 public agencies.

1 ~~(3) Eminent domain.~~ (C) Eminent domain proceedings
 2 under this section may be instituted only by authority of
 3 the governing bodies of the constituent public agencies of
 4 the joint board. If so authorized, such proceedings shall be
 5 instituted in the names of the constituent public agencies
 6 jointly, and the property so acquired shall be held by said
 7 public agencies as tenants in common until conveyed by them
 8 to the joint board.

9 ~~(4) Disposal of real property.~~ (d) The joint board
 10 shall not dispose of any airport, air navigation facility,
 11 or real property under its jurisdiction except with the
 12 consent of the governing bodies of its constituent public
 13 agencies, provided that the joint board may, without such
 14 consent, enter into the contract, lease, or other
 15 arrangements contemplated by section 1-812.

16 ~~(5) Police regulations.~~ (e) Any resolutions, rules,
 17 regulations or orders of the joint board dealing with
 18 subjects authorized by ~~section~~ 1-815 shall become effective
 19 only upon approval of the governing bodies of the
 20 constituent public agencies, provided that upon such
 21 approval, the resolutions, rules, ~~regulations~~ or orders of
 22 the joint board shall have the same force and effect in the
 23 territories or jurisdictions involved as the ordinance,
 24 resolutions, rules, ~~regulations~~ or orders of each public
 25 agency would have in its own territory or jurisdiction.

1 ~~(e) Joint fund.~~ (6) For the purpose of providing a
 2 joint board with moneys for the necessary expenditures in
 3 carrying out the provisions of this section, a joint fund
 4 shall be created and maintained, into which shall be
 5 deposited the share of each of the constituent public
 6 agencies as provided by the joint agreement. Each of the
 7 constituent public agencies shall provide its share of the
 8 fund from sources available to each. Any federal, state, or
 9 other contributions or loans, and the revenues obtained from
 10 the joint ownership, control, and operation of any airport
 11 or air navigation facility under the jurisdiction of the
 12 joint board shall be paid into the joint fund. Disbursements
 13 from such fund shall be made by order of the board, subject
 14 to the limitations prescribed in subsection ~~(4)~~ (5) of this
 15 section."

16 Section 2. Section 9-207, R.C.M. 1947, is amended to
 17 read as follows:

18 "9-207. Government of district — appointment and
 19 terms of trustees. ~~Said~~ The cemetery district shall be
 20 governed and managed by three ~~(2)~~ trustees, appointed by the
 21 board of county commissioners. The trustees may be appointed
 22 from the freeholders residing within ~~said~~ the district for
 23 terms of ~~one~~-(1), ~~two~~-(2), and ~~three~~-(3) years respectively,
 24 and or until their successors ~~shall be~~ are appointed and
 25 qualified. Annually thereafter the board of county

1 commissioners shall appoint one trustee for a term of ~~three~~
 2 ~~{3}~~ years or until his successor ~~shall be~~ is appointed and
 3 qualified. ~~The trustees at~~ At their first meeting, the
 4 trustees shall adopt bylaws for the government and
 5 management of the district. ~~Per-diem and mileage travel~~
 6 expenses of ~~each~~ the cemetery trustees may be set by
 7 resolution of the board of county commissioners or may be
 8 reimbursed as provided for in 59-538, 59-539, and 59-801, as
 9 amended."

10 Section 3. Section 10-1234, B.C.M. 1947, is amended to
 11 read as follows:

12 "10-1234. Probation officers -- powers -- duties --
 13 qualifications. (1) The youth division judge of each
 14 judicial district shall appoint such necessary probation
 15 officers as are required to carry out the purpose and intent
 16 of this act. He shall appoint such part-time probation
 17 officers as shall be required. The qualifications for
 18 part-time probation officers shall approximate those
 19 required for probation officers ~~in so far as~~ insofar as
 20 possible. A chief probation officer shall be appointed by
 21 the judge to supervise the youth division offices in the
 22 judicial district. The judge shall also insure that the
 23 youth division offices are staffed with necessary office
 24 personnel and that the offices are properly equipped to
 25 effectively carry out the purpose and intent of this act. No

1 person ~~while~~ serving as a law enforcement officer ~~shall~~ may
 2 be appointed or perform the duties of a full-time or
 3 part-time probation officer.

4 (2) ~~Any~~ A person appointed as a chief probation
 5 officer must have the following qualifications:

6 (a) a master's degree in the behavioral sciences ~~or~~;
 7 (b) a bachelor's degree from an accredited college or
 8 university in the behavioral sciences, and at least ~~one~~ {1}
 9 year's experience in work of a nature related to the duties
 10 of a probation officer as set forth in subsection (4) of
 11 this section; or

12 (c) a bachelor's degree in any field and at least
 13 ~~three~~ {3} years' experience in work related to the duties of
 14 a probation officer as set forth in subsection (4) of this
 15 section.

16 ~~{d}~~ {3} The judge may appoint ~~any reputable person~~ as a
 17 probation officer any reputable person who has had
 18 experience in work of a nature related to the duties of a
 19 chief probation officer, provided, preference shall be
 20 given to persons with the qualifications set forth in
 21 subsection (2) ~~above~~.

22 (4) A probation officer shall:

23 (a) perform the duties set out in ~~section~~ 10-1210;

24 (b) make predisposition studies and submit reports
 25 and recommendations to the court;

1 (c) supervise, assist, and counsel youth placed on
2 probation or under his supervision; and

3 (d) perform any other functions designated by the
4 court.

5 (5) A probation officer shall have no power to make
6 arrests or to perform any other law enforcement functions in
7 carrying out his duties, except that a probation officer may
8 take into custody any youth who violates either his
9 probation or a lawful order of the court.

10 (6) A chief probation officer shall receive for his
11 services a sum specified by the court; however, the judge
12 may employ him on a yearly salary, of not to be less than
13 ~~twelve thousand five hundred dollars (\$12,500) nor of more~~
14 ~~than sixteen thousand dollars (\$16,000),~~ depending on the
15 formal training and experience of each respective officer.
16 The salary of ~~such~~ the officer shall be apportioned among
17 and paid by each of the counties in which ~~such~~ the officer
18 is appointed to act, in proportion to the assessed valuation
19 of such counties for the same year, ~~except where such~~ If
20 the officer is appointed for only one (1) county, whereby
21 ~~such~~ that county shall pay the entire salary.

22 (7) The judge having jurisdiction of juvenile matters
23 may also appoint such additional persons, giving preference
24 to persons having the qualifications suggested for
25 appointment as the chief probation officer, to serve as

1 deputy probation officers as the judge ~~deems~~ considers
2 necessary, ~~their~~ Their salaries ~~to shall~~ be fixed by the
3 judge, ~~provided that such salaries shall but may~~ not exceed
4 ~~ninety percent (90%)~~ of the salary of the chief probation
5 officer.

6 (8) For all necessary travel incident to his official
7 duties in connection with the investigation, supervision,
8 and transportation of youth, the probation officer shall, in
9 addition to his office salary, be reimbursed for ~~actual~~
10 travel expenses incurred as provided for in 59-538, 59-539,
11 and 59-801, as amended."

12 Section 4. Section 11-3413, B.C.H. 1947, is amended to
13 read as follows:

14 "11-3413. Compensation of commission -- maximum --
15 penalty for absences -- mileage. (1) The commission may by
16 ordinance provide compensation for its members by ordinance,
17 but the total amount and manner of compensation may not
18 exceed the maximum sum prescribed by law for aldermen of
19 cities of the first class.

20 (2) Absence from all regular meetings for a period of
21 ~~ninety (90)~~ days shall operate to vacate the seat of a
22 member unless such absence ~~be is~~ authorized by the
23 commission. In addition to any compensation authorized by
24 this section, each member of the commission shall receive
25 ~~the same sum prescribed by law for county commissioners per~~

1 ~~mile mileage as provided for in 59-801, as amended,~~ for any
 2 distance, in excess of ~~ten~~ (10) miles, necessarily traveled
 3 in going from and returning to his residence because of
 4 attendance upon a regular, or regularly called meeting of
 5 the commission or in travel in the county undertaken in
 6 performance of official duties."

7 Section 5. Section 11-3704, B.C.M. 1947, is amended to
 8 read as follows:

9 "11-3704. Members of commission -- appointment --
 10 qualifications -- vesting of commission powers -- expenses
 11 and compensation -- term of office -- chairman -- removal.
 12 (1) When the legislative body of a city first adopts a
 13 resolution declaring need for a parking commission to
 14 function, the mayor, with the approval of the legislative
 15 body, shall appoint not less than five (5) ~~or~~ or more than
 16 seven (7) electors of the city as members of the commission.
 17 The number of members of ~~such~~ the commission, once
 18 established, may be changed within these limits from time to
 19 time as desired by subsequent resolutions of the legislative
 20 body of the city, provided, however, that a resolution to
 21 reduce shall not require resignation of ~~any~~ a member prior
 22 to completion of his appointed term. The powers of each
 23 commission shall be vested in ~~the~~ its members thereof then
 24 in office. Members shall receive their ~~actual and necessary~~
 25 ~~expenses, including traveling travel~~ expenses as provided

1 for in 59-538, 59-539, and 59-801, as amended, and may
 2 receive such other compensation as the legislative body may
 3 prescribe.

4 (2) Three of the members who are first appointed shall
 5 be designated to serve for terms of ~~one, two, and three~~ 1,
 6 2, and 3 years, respectively, from the date of their
 7 appointments, and two shall be designated to serve for terms
 8 of ~~four~~ 4 years from the date of their appointments, except
 9 that for a ~~seven~~ (7) 7-member commission there shall be two
 10 additional appointments of ~~two~~ (2) years and ~~three~~ (3) years
 11 respectively. Thereafter members shall be appointed as
 12 aforesaid for a term of office of ~~four~~ 4 years, except that
 13 all vacancies occurring during a term shall be filled for
 14 the unexpired term. A member shall hold office until his
 15 successor has been appointed and has qualified.

16 (3) The appointing officer shall designate which of
 17 the members of the commission shall be the first chairman,
 18 but when the office of chairman of the commission becomes
 19 vacant thereafter, the commission shall elect a chairman
 20 from among its members. The term of office as chairman of
 21 the commission, unless otherwise prescribed by the
 22 legislative body of the city, shall be for the calendar
 23 year, or for that portion thereof remaining after each ~~such~~
 24 chairman is designated or elected.

25 (4) A member of a commission may be removed by the

1 mayor with the consent of the legislative body of the city."

2 Section 6. Section 11-3819, R.C.M. 1947, is amended to
3 read as follows:

4 "11-3819. Members not to receive salary. The members
5 of planning boards ~~shall~~ may receive no salary for serving
6 on the planning board, but may be reimbursed from local
7 funds for ~~transportation and actual~~ travel expenses up to
8 but not exceeding state ~~transportation~~ travel reimbursements
9 ~~and allowable expenses, as provided for in 59-538, 59-539,~~
10 ~~and 59-801, as amended,~~ incurred in attending planning board
11 meetings."

12 Section 7 Section 11-3820, R.C.M. 1947, is amended to
13 read as follows:

14 "11-3820. Expenses while attending conferences in
15 another city, county, or state. When the planning board
16 determines that it is necessary for members or employees to
17 attend, in another city, county, or state, a regional or
18 national conference or interview dealing with planning or
19 related problems, the planning board may pay the ~~actual~~
20 travel expenses of the attending ~~members~~ member or employee,
21 as provided for in 59-538, 59-539, and 59-801, as amended,
22 provided the amount has been made available in the board's
23 appropriation."

24 Section 8. Section 11-3916, R.C.M. 1947, is amended to
25 read as follows:

1 "11-3916. Urban renewal agency. ~~(a)(1)~~ When a
2 municipality has made the finding prescribed in ~~section~~
3 11-3905 and has elected to have the urban renewal project
4 powers, as specified in ~~section~~ 11-3915, exercised, such
5 urban renewal project powers may be assigned to a department
6 or other officers of the municipality or to any existing
7 public body corporate, or the legislative body of a city may
8 create an urban renewal agency in ~~such~~ the municipality to
9 be known as a public body corporate to which such powers may
10 be assigned.

11 ~~(b)~~ (2) If the urban renewal agency is authorized to
12 transact business and exercise powers hereunder, the mayor,
13 by and with the advice and consent of the local governing
14 body, shall appoint a board of commissioners of the urban
15 renewal agency which shall consist of five commissioners.
16 The initial membership shall consist of one commissioner
17 appointed for ~~one~~ 1 year, one for ~~two~~ 2 years, one for ~~three~~
18 3 years, and two for ~~four~~ 4 years; and each appointment
19 thereafter shall be for ~~four~~ 4 years.

20 ~~(c)~~ 3 A commissioner ~~shall~~ may receive no compensation
21 for his services but ~~shall be~~ is entitled to the necessary
22 expenses, including ~~traveling~~ travel expenses, as provided
23 for in 59-538, 59-539, and 59-801, as amended, incurred in
24 the discharge of his duties. Each commissioner shall hold
25 office until his successor has been appointed and has

1 qualified. A certificate of the appointment or reappointment
2 of any commissioner shall be filed with the clerk of the
3 municipality, and ~~such the~~ certificate shall be conclusive
4 evidence of the due and proper appointment of ~~such the~~
5 commissioner.

6 (4) The powers and responsibilities of an urban
7 renewal agency shall be exercised by the commissioners
8 thereof. A majority of the commissioners shall constitute a
9 quorum for the purpose of conducting business and exercising
10 the powers and responsibilities of the agency and for all
11 other purposes. Action may be taken by the agency upon a
12 vote of a majority of the commissioners present, unless in
13 any case the bylaws shall require a larger number. ~~Any~~
14 ~~persons~~ A person may be appointed as ~~commissioners~~
15 commissioner if ~~they reside~~ he resides within the
16 municipality.

17 (5) The urban renewal agency or department or officers
18 exercising urban renewal project powers shall be staffed
19 with the necessary technical experts and such other agents
20 and employees, permanent and temporary, as ~~it they~~ may
21 require. An agency authorized to transact business and
22 exercise powers under this act shall file, with the local
23 governing body, on or before March 31 of each year, a report
24 of its activities for the preceding calendar year, which
25 report shall include a complete financial statement setting

1 forth its assets, liabilities, income, and operating expense
2 as of the end of ~~each the~~ calendar year. At the time of
3 filing the report, the agency shall publish in a newspaper
4 of general circulation in the community a notice to the
5 effect that ~~such the~~ report has been filed with the
6 municipality and that the report is available for inspection
7 during business hours in the office of the city clerk and in
8 the office of the agency.

9 ~~(4) (6) For a commissioner may be removed from office~~
10 ~~for~~ inefficiency, neglect of duty, or misconduct in office,
11 ~~a commissioner may be removed."~~

12 Section 9. Section 11-4407, R.C.M. 1947, is amended to
13 read as follows:

14 *11-4407. Vacancies -- compensation -- open meetings
15 -- quorum -- rules. (1) In case of a vacancy for any cause,
16 a new member shall be appointed in the same manner as the
17 member he replaces.

18 (2) Members of a commission shall may receive no
19 compensation but shall receive ~~actual and necessary~~ travel
20 ~~and other~~ expenses as provided for in 59-538, 59-539, and
21 59-801, as amended, incurred in the performance of official
22 duties.

23 (3) All meetings of the commission shall be open to
24 the public.

25 (4) A majority of the members of the commission shall

1 constitute a quorum for the transaction of business.

2 (5) Each member shall have one ~~(4)~~ vote. A favorable
3 vote by a majority of the entire commission ~~shall be is~~
4 necessary for any action permitted by ~~section 11-4413~~
5 ~~of this act~~, but other actions may be by a majority of those
6 present and voting. Each commission may adopt such other
7 rules for its proceedings as it ~~deems~~ considers desirable."

8 Section 10. Section 11-4506, R.C.M. 1947, is amended
9 to read as follows:

10 "11-4506. Transportation board -- selection --
11 composition. The district shall be governed by a
12 transportation board. The transportation board shall
13 consist of three ~~(3)~~ members appointed by a selection board
14 composed of the commissioners and an equal number of
15 representatives from the governing bodies of each
16 incorporated city included or partially included in the
17 district. The selection board shall also fill all vacancies
18 occurring on the board. The selection board shall give
19 public notice of its solicitation of applications for
20 membership on the board. The notice shall be published in a
21 newspaper having general circulation in the district, once
22 each week for at least ~~two~~ ~~(2)~~ weeks, the last publication
23 to be at least ~~two~~ ~~(2)~~ weeks before the appointment. If
24 there is no newspaper having general circulation within the
25 boundaries of the proposed district, the notice of

1 solicitation shall be posted in at least three ~~(3)~~ public
2 places within the boundaries of the proposed district for
3 ~~two~~ ~~(2)~~ weeks before the appointment. The appointed members
4 shall serve until the first county general election after
5 their appointment. Thereafter, the board members shall be
6 elected. Any qualified elector in the district may file a
7 petition of candidacy with the county clerk and recorder of
8 the county where the district is located. No filing fee
9 shall may be required. All candidates shall file a
10 nonpartisan petition for candidacy. The names of the six ~~(6)~~
11 candidates receiving the highest number of votes in the
12 primary election shall be placed on the ballots in the
13 county general election. The candidate receiving the
14 highest number of votes in the county general election shall
15 receive a ~~four~~ ~~(4)~~ 4-year term on the board; the two ~~(2)~~
16 candidates receiving the next highest number of votes in the
17 county general election shall receive ~~two~~ ~~(2)~~ 2-year terms
18 on the board. Thereafter, two ~~(2)~~ seats on the board shall
19 be filled at every county general election. The candidate
20 receiving the highest number of votes shall serve a ~~four~~ ~~(4)~~
21 4-year term, and the candidate receiving the next highest
22 number of votes shall serve a ~~two~~ ~~(2)~~ 2-year term. The
23 board members shall serve without pay except for ~~necessary~~
24 ~~transportation travel~~ expenses as provided for in 59-538,
25 59-539, and 59-801, as amended."

1 Section 11. Section 16-1009, R.C.M. 1947, is amended
2 to read as follows:

3 "16-1009. Sale of property. (1) The board of county
4 commissioners of the several counties in this state shall
5 have the power to sell any real or personal property, ~~real~~
6 ~~or personal~~, however acquired, belonging which belongs to
7 the county, and ~~which~~ is not necessary to the conduct of the
8 county's business or the preservation of its property. If
9 the property, ~~real or personal, sought~~ to be sold, is
10 reasonably worth more than ~~of a value in excess of one~~
11 ~~hundred (\$100.00) dollars~~ for real property or ~~a value of~~
12 ~~two thousand five hundred dollars (\$2,500)~~ for personal
13 property, the sale shall be at public auction at the
14 courthouse door after previous notice given by publication
15 in a newspaper published in ~~said the~~ county, notice to be
16 published once a week for ~~four (4)~~ successive weeks and
17 posted in five ~~(5)~~ public places in the county. The sale
18 shall be for cash, or on such terms as the board of county
19 commissioners may approve, provided at least ~~twenty per cent~~
20 ~~(20%)~~ of the purchase price shall be paid in cash. ~~In all~~
21 Before sales of property worth more than ~~of a value in~~
22 ~~excess of one hundred (\$100.00) dollars~~ for real property
23 and ~~of two thousand five hundred dollars (\$2,500)~~ for
24 personal property, there must ~~before any sale~~ be an
25 appraisal ~~thereof~~ by the board ~~and~~ at a price representing a

1 fair market value of ~~such the~~ property, and ~~such the~~
2 appraised value shall be stated in the notice of sale,
3 ~~provided, that whenever, Whenever~~ a county purchases
4 equipment, as provided in ~~section~~ 16-1803, county equipment
5 which is not necessary to the conduct of the county business
6 may be traded in as part of the purchase price after
7 appraisal as herein provided, or may be sold at public
8 auction as herein provided, in the discretion of the board
9 of county commissioners.

10 (2) The board of county commissioners shall have the
11 power to sell any real or personal property, ~~real or~~
12 ~~personal~~, however acquired, belonging which belongs to the
13 county and ~~which~~ is not necessary to the conduct of the
14 county's business or the preservation of its property, to
15 the school district directly for its appraised value, which
16 shall represent a fair market value of ~~such the~~ property,
17 without the necessity of a public auction. If the property
18 to be sold to the school district is reasonably worth more
19 than ~~of a value in excess of one hundred (\$100.00) dollars~~
20 for real property and ~~of two thousand five hundred dollars~~
21 ~~(\$2,500)~~ for personal property, notice of the sale shall be
22 given ~~by publication in a newspaper in said county, notice~~
23 ~~to be published once a week for four (4) successive weeks~~
24 ~~and posted in five (5) public places in the county as~~
25 provided in subsection (1).

1 (3) Any taxpayer who ~~may believe~~ believes that such
 2 appraised value is less than the actual value of the
 3 property, ~~may~~, at any time before the day fixed for the sale
 4 of ~~such the~~ the property, file with the board of county
 5 commissioners written objections to ~~such the~~ the appraised
 6 value. When any ~~such~~ objection is filed, it vacates the sale
 7 and the board of county commissioners must at once apply to
 8 the judge of the district court to have ~~such the~~ the property
 9 reappraised. Upon such application the district judge shall
 10 appoint ~~for such purpose~~ three ~~(3)~~ disinterested persons
 11 whose appraisal must be made and filed with the county clerk
 12 and recorder, ~~which~~. The new appraisal or reappraisal shall
 13 be used in the next sale of ~~such the~~ the property. ~~Such The~~
 14 appraisers, when appointed by the district judge, and after
 15 filing their appraisal report with the county clerk and
 16 recorder, shall be allowed ~~five dollars (\$5.00)~~ per a day
 17 for each day necessarily employed in making ~~such the~~ the
 18 appraisal, and their ~~necessary and actual~~ travel expenses as
 19 provided for in 59-538, 59-539, and 59-801, as amended. No
 20 sale ~~shall may~~ be made at public auction or to any school
 21 district without public auction of any property unless it
 22 has been appraised within ~~three (3)~~ months prior to the date
 23 of the sale, and no ~~such~~ sale ~~shall may~~ be made for less
 24 than ~~ninety per cent (90%)~~ of the appraised value.

25 (4) If no bid or offer is made for any property

1 offered for sale at public auction, ~~after appraisal and~~
 2 ~~notice given, as provided herein~~, the board of county
 3 commissioners may, at any time thereafter, sell ~~such the~~ the
 4 property at private sale, and ~~may on such private sale~~
 5 accept ~~as the purchase price therefor~~ an amount not less
 6 than ~~ninety per cent (90%)~~ of the appraised value ~~thereof~~ as
 7 the purchase price. All deferred payments on the purchase
 8 price of any property sold, shall bear interest at the rate
 9 of ~~six per cent (6%) per annum~~ a year, payable annually, and
 10 may be extended over a period of not more than ~~five (5)~~
 11 years. If the property to be sold is reasonably ~~of a value~~
 12 of worth less than ~~one hundred dollars (\$100.00)~~ for real
 13 property and ~~two thousand five hundred dollars (\$2,500)~~ for
 14 personal property, ~~sale thereof it~~ may be had sold at
 15 either public or private sale, ~~as in the discretion of~~
 16 whichever appears to the board of county commissioners, ~~may~~
 17 appear to be ~~to~~ in the best interests of the county. If ~~it~~
 18 there is to be at a public sale, notice shall be given by
 19 posting in five ~~(5)~~ public places in the county at least
 20 ~~five (5)~~ days before the date of sale. No title to any
 21 property sold under ~~the these~~ provisions ~~hereof~~, ~~shall may~~
 22 pass from the county until the purchaser, or his assigns,
 23 ~~shall~~ have paid the full amount of the purchase price
 24 ~~therefor~~, into the county treasury for the use and benefit
 25 of the county.

1 (5) ~~Provided, however, if~~ If within ~~one~~ (1) year ~~no~~
 2 ~~immediate sale be had of the~~ real estate attempted to be
 3 sold under the provisions of this section has not been sold,
 4 the board of county commissioners may make trades or
 5 exchanges of such real estate owned by the county for any
 6 other lands or real estate of equal value located within the
 7 same county.

8 (6) The funds derived from the sale ~~in the discretion~~
 9 ~~of the board of county commissioners~~ may be credited, in the
 10 discretion of the board of county commissioners, to a
 11 construction reserve account and ~~thereafter~~ used for capital
 12 outlay for present or future construction of or an addition
 13 to a courthouse, ~~or~~ county jail, or county hospital."

14 Section 12. Section 16-1124, E.C.M. 1947, is amended
 15 to read as follows:

16 "16-1124. Employment of stock inspector by county
 17 commissioners. (1) The board of county commissioners of each
 18 county, except ~~in~~ counties of the first class, has the
 19 power, to employ a stock inspector whenever the board is
 20 satisfied from its own knowledge, or from facts and
 21 circumstances submitted to it by the county attorney or
 22 sheriff, that livestock are being stolen, slaughtered, or
 23 otherwise disposed of contrary to law in such county, and in
 24 such manner that the public officers of the county are not
 25 in position to apprehend the criminals or obtain the

1 necessary evidence upon which to base a prosecution.
 2 Whenever ~~such~~ a stock inspector is so employed, the
 3 employment shall be only for the case or cases then under
 4 investigation, and his compensation ~~shall be at the rate of~~
 5 may not to exceed the sum of seven dollars and fifty cents
 6 per \$7.50 a day and necessary travel expenses, as provided
 7 for in 59-538, 59-539, and 59-801, as amended, for the time
 8 actually engaged in such work, ~~and he, he~~ shall be paid by a
 9 warrant on the general fund of the county, and ~~during the~~
 10 ~~existence of such appointment~~ he shall be vested with the
 11 same police power and authority as the sheriff, within the
 12 limitation of the purposes for which he is appointed.

13 (2) Whenever a stock inspector is ~~so~~ employed in the
 14 investigation of a crime, and a reward has been offered
 15 under the preceding section for the apprehension and
 16 conviction of the party or parties guilty of ~~such the~~ crime,
 17 ~~such the~~ inspector shall is not be entitled to any part of
 18 ~~said the~~ reward."

19 Section 13. Section 16-1405, E.C.M. 1947, is amended
 20 to read as follows:

21 "16-1405. Compensation of members. Each member of the
 22 ~~said~~ commission shall receive a salary of ~~twenty-five~~
 23 ~~dollars~~ \$25 a year as compensation for his services. In
 24 addition ~~thereto~~, the ~~said~~ commissicner may be allowed his
 25 ~~actual and necessary~~ travel expenses as provided for in

1 59-538, 59-539, and 59-801, as amended, while fulfilling the
 2 duties of his office."

3 Section 14. Section 16-1713, R.C.M. 1947, is amended
 4 to read as follows:

5 "16-1713. Appointment of weed control and weed seed
 6 extermination supervisors -- term of office -- compensation.
 7 The board of county commissioners of each county shall
 8 appoint a county weed board consisting of three ~~(3)~~ or five
 9 ~~(5)~~ members. If a ~~five~~ ~~(5)~~ five-member board, three ~~(3)~~
 10 members shall be rural agricultural landowners within the
 11 county, one ~~(1)~~ from a city or town within the county, and
 12 one ~~(1)~~ teacher of biology, or person with comparable
 13 expertise. If a ~~three~~ ~~(3)~~ three-member board, two ~~(2)~~
 14 members shall be rural agricultural landowners within the
 15 county, and one ~~(1)~~ member shall be a teacher of biology, or
 16 person with comparable expertise. They shall be appointed
 17 for a period of ~~one~~ ~~(1)~~, ~~two~~ ~~(2)~~, and ~~three~~ ~~(3)~~ years
 18 respectively for a ~~three~~ ~~(3)~~ three-member board, or ~~should~~
 19 if a ~~five~~ ~~(5)~~ five-member board be is selected, they shall
 20 be appointed for ~~one~~ ~~(1)~~ and ~~two~~ ~~(2)~~ year terms respectively
 21 dating from the preceding July, ~~and thereafter~~ Thereafter
 22 an appointment or reappointment shall be made annually by
 23 the board of county commissioners. The county extension
 24 agent in each county shall be an ~~ex-officio~~ ex officio
 25 member of that county's weed board. ~~Said~~ The supervisors

1 shall be public officers, and they shall organize by
 2 choosing a chairman and a secretary. The secretary may or
 3 may not be a member of the board. Salary, ~~per-diem and~~
 4 ~~mileage of such of the~~ supervisors shall be set by
 5 resolution of the board of county commissioners. Travel
 6 expenses may be paid as provided for in 59-538, 59-539, and
 7 59-801, as amended. The supervisors may employ suitable and
 8 competent persons as assistants and employees as may be
 9 necessary and provide for their compensation. It ~~shall be is~~
 10 the duties duty of said the supervisors to supervise the
 11 control program within their county ~~the control program.~~"

12 Section 15. Section 16-2723, R.C.M. 1947, is amended
 13 to read as follows:

14 "16-2723. Mileage and expense of sheriff. Sheriffs
 15 delivering prisoners at the state prison or mentally ill
 16 persons at the state hospital, shall receive ~~actual~~ expenses
 17 necessarily incurred in their transportation, ~~which shall~~
 18 include including the expenses of the sheriff in going to
 19 and returning from such institution. They shall take
 20 vouchers for every item of ~~expenses~~ expense incurred by them
 21 in such transportation, ~~the~~ The amount of ~~which the~~
 22 expenses, as shown by the ~~said~~ vouchers when served by ~~said~~
 23 the sheriff, shall be audited and allowed by the department
 24 of administration or by the board of county commissioners,
 25 as the case may be, and paid out of the same money and in

1 the same manner as are other expense claims against the
 2 state or counties, ~~and no~~ no other or further compensation
 3 shall ~~may~~ be received by sheriffs for such expenses,
 4 ~~provided that in determining the actual expense, if travel~~
 5 ~~be by a privately owned vehicle, the mileage rate shall be~~
 6 ~~allowed as herein provided.~~ While in the discharge of his
 7 duties, both civil and criminal, the sheriff shall receive a
 8 mileage allowance as provided in ~~section~~ section 59-801, ~~as~~
 9 amended. The sheriff shall also be reimbursed as provided in
 10 59-538, 59-539, and 59-801, as amended, for ~~actual and~~
 11 ~~necessarily incurred~~ expenses necessarily incurred for
 12 transporting, lodging, and meals of person(s) ordered by the
 13 court ~~as provided in sections 59-538, 59-539 and 59-801.~~ The
 14 county ~~shall is~~ not be liable for, nor ~~shall may~~ the board
 15 of county commissioners pay for, any claim of the sheriff or
 16 other officer, for any other expense incurred in travel or
 17 for subsistence, in cases where mileage is allowed under
 18 this section, the fees for mileage named in this section
 19 being in full for all such ~~traveling~~ travel expenses in both
 20 civil and criminal work."

21 Section 16. Section 16-2726.2, R.C.M. 1947, is amended
 22 to read as follows:

23 "16-2726.2. Vacancies, succession -- compensation. (1)
 24 In case of a vacancy for any cause, a new member shall be
 25 appointed in the same manner as the person he replaces. A

1 person so appointed shall serve out the unexpired portion of
 2 the term of the person he replaces.

3 (2) The successor for a commission member whose term
 4 has expired shall be appointed in the same manner used to
 5 appoint the commission member he succeeds.

6 (3) A member of a public safety commission is eligible
 7 for reappointment to the commission at the end of his term.

8 (4) Members of a public safety commission shall
 9 receive no compensation but may receive ~~actual and necessary~~
 10 ~~travel and other expenses as provided for in~~ 59-538, 59-539,
 11 and 59-801, as amended, incurred in the performance of
 12 official duties. ~~Such~~ The costs shall be borne by the county
 13 if the commission member is appointed by the board of county
 14 commissioners, by the city or town by which appointed, or
 15 borne equally by the county and city or town if jointly
 16 appointed."

17 Section 17. Section 16-3205, R.C.M. 1947, is amended
 18 to read as follows:

19 "16-3205. Location of principal office -- salary. The
 20 county auditor shall keep his principal office at the county
 21 seat of the county for which he ~~shall have been~~ is elected
 22 or appointed, and he shall receive the annual compensation
 23 provided by law, payable monthly by warrants drawn on the
 24 treasury of the county treasurer, and shall receive no other
 25 compensation or emolument whatsoever for any service or

1 services rendered or performed by him, except ~~actual travel~~
 2 expenses, ~~for living and traveling as provided for in~~
 3 59-538, 59-539, and 59-801, as amended, whenever the duties
 4 of his office require his presence at any place in the
 5 county, other than the county seat, and then only after the
 6 same has been ordered and advised by the board of county
 7 commissioners."

8 Section 18. Section 16-4207, R.C.M. 1947, is amended
 9 to read as follows:

10 "16-4207. Mosquito control board -- members -- term
 11 -- ~~per-die~~ travel expenses. Upon the creation of any
 12 mosquito control district, the commissioners shall appoint a
 13 mosquito control board composed of not less than three ~~(3)~~
 14 ~~or~~ or more than five ~~(5)~~ members, each of whom shall be an
 15 elector and property owner within the boundaries of the
 16 district and whose name appears as such property owner upon
 17 the last completed assessment roll of the county in which
 18 ~~said~~ the district is situated. The terms of office for the
 19 first appointed members shall be so arranged that they do
 20 not all expire at the same time, and for that purpose may be
 21 set for any length of time not more than ~~three~~ ~~(3)~~ years.
 22 Thereafter the terms of all members shall be ~~three~~ ~~(3)~~
 23 years, the term of one ~~(1)~~ member expiring on the first day
 24 of January in each year. The board shall be a body
 25 corporate and shall act as such, and the members shall be

1 public officers and ~~they~~ shall organize each year by
 2 choosing a chairman ~~who shall be~~ from among the appointed
 3 members, and a secretary. All ~~each~~ board members shall serve
 4 without pay, except that the appointed members shall receive
 5 ~~per-die as allowed by state law~~ travel expenses as provided
 6 for in 59-538, 59-539, and 59-801, as amended, for each day
 7 when the board is actually in session ~~and their necessary~~
 8 ~~mileage as provided by law~~. The health officer having
 9 jurisdiction in the proposed district, the sanitarian or a
 10 member of his staff, and the county extension agent, if the
 11 county has any, or all such officers, shall be ex officio
 12 members of ~~each~~ the board without vote."

13 Section 19. Section 16-4804, R.C.M. 1947, is amended
 14 to read as follows:

15 16-4804. Meetings of park commissioners --
 16 compensation of commissioners -- contracts of board --
 17 failure of commissioner to qualify or perform. The board of
 18 park commissioners shall hold an annual meeting on the first
 19 Monday of May, and a meeting at least once in each month in
 20 each year, at such times as the board shall by rule
 21 prescribe. Special meetings may also be held at the call of
 22 the president, or, in his absence, the vice-president, upon
 23 giving ~~to~~ each member of ~~said~~ the board at least ~~twenty-four~~
 24 ~~(24)~~ hours' notice in writing of the time and place of
 25 ~~holding~~ ~~each~~ the meeting. A member of the board by his

1 appearance at a special meeting ~~shall waive~~ waves the
 2 requirement of written notice. A majority of the entire
 3 board ~~shall be~~ is necessary to constitute a quorum for the
 4 transaction of the business of ~~said the~~ board. No park
 5 commissioner ~~shall may~~ receive compensation for his services
 6 rendered under the provisions of this act, but the ~~actual~~
 7 ~~and-necessary~~ travel expense as provided for in 59-538,
 8 59-539, and 59-801, as amended, incurred by any member of
 9 the board while acting under the orders of the board in the
 10 transaction of any business in its behalf may be paid upon
 11 being allowed and audited by the board. No park
 12 commissioner, directly or indirectly, ~~shall may~~ be
 13 interested in, or benefit by, any contract made by the board
 14 or by its authority, or in the furnishing of any supplies
 15 for the use of the board. ~~Any a~~ park commissioner who ~~shall~~
 16 ~~refuse refuses~~ or neglect, ~~for the period of three (3)~~
 17 ~~consecutive months,~~ neglects to attend the meetings of ~~said~~
 18 the board for 3 consecutive months without leave of absence
 19 from ~~said the~~ board, or who ~~shall fail~~ fails to qualify as
 20 provided in this act for ~~the period of twenty (20)~~ days from
 21 and after his appointment ~~to qualify as in this act~~
 22 ~~provided,~~ shall be ~~deemed~~ considered to have vacated his
 23 office, and thereupon his successor may be appointed. All
 24 contracts made by ~~said the~~ board shall be in the name of the
 25 county, and shall be signed by the president, or, in his

1 absence, by the vice-president, of ~~said the~~ board; or, upon
 2 approval by a majority of the members of the board of park
 3 commissioners at a regular meeting of the board at which a
 4 quorum ~~are is~~ in attendance and voting, and with due notice
 5 and report being made to the board of county commissioners,
 6 ~~such the~~ contracts may be signed by the chairman of the
 7 board of county commissioners and attested by the county
 8 clerk and recorder."

9 Section 20. Section 16-5110, R.C.M. 1947, is amended
 10 to read as follows:

11 "16-5110. Compensation of study commissioners. Study
 12 commissioners ~~shall may~~ receive no compensation other than
 13 for ~~actual-and-necessary~~ travel expenses, as provided for in
 14 59-538, 59-539, and 59-801, as amended, incurred in their
 15 official capacity."

16 Section 21. Section 16-5112, R.C.M. 1947, is amended
 17 to read as follows:

18 "16-5112. Administrative powers. A study commission
 19 shall have the following administrative powers. (1) The
 20 study commission may employ and fix the compensation and
 21 duties of necessary staff. State, municipal, and county
 22 officers and employees, at the request of the study
 23 commission and with the consent of the employing agency, may
 24 be granted leave with or without pay from their agency to
 25 serve as consultants to the study commission. If leave with

1 pay is granted, they shall receive no other compensation,
 2 except ~~mileage and per diem travel expenses, as provided for~~
 3 ~~in 59-538, 59-539, and 59-801, as amended,~~ from the study
 4 commission.

5 (2) The study commission may establish advisory boards
 6 and committees, including on them persons who are not study
 7 commissioners.

8 (3) The study commission may retain consultants.

9 (4) The study commission may contract and cooperate
 10 with other agencies, public or private, as it considers
 11 necessary for the rendition and affording of such services,
 12 facilities, studies, and reports to the study commission as
 13 will best assist it to carry out the purposes for which the
 14 study commission was established. Upon request of the
 15 chairperson of the study commission, state agencies,
 16 counties, and other units of local government, and the
 17 officers and employees thereof, shall furnish the commission
 18 such information as may be necessary for carrying out its
 19 function ~~which may be available to or procurable by such~~
 20 ~~agencies or units of government.~~

21 (5) The study commission may do ~~any and~~ all other
 22 things as are consistent with and reasonably required to
 23 perform its function under this act."

24 Section 22. Section 23-3407, R.C.M. 1947, is amended
 25 to read as follows:

1 "23-3407. Payment of convention expenses -- payment of
 2 delegates and alternates to conventions to nominate
 3 presidential electors. (1) Except as provided in subsection
 4 (2) of this section, expenses of county and state
 5 conventions shall be paid by the political parties.

6 (2) Elected delegates and alternates attending state
 7 conventions to nominate presidential electors shall be paid
 8 ~~eight cents (\$.08) per mile~~ mileage, as provided for in
 9 59-801, as amended, from the county general fund for travel
 10 to and from the convention ~~paid from the county general~~
 11 ~~fund."~~

12 Section 23. Section 25-235, R.C.M. 1947, is amended to
 13 read as follows:

14 "25-235. Fees of county surveyor. The county surveyor
 15 is entitled to receive and collect for his own use the
 16 following fees:

17 (1) ~~Fee for~~ for services in making a survey required by
 18 any court, or if made for the county by order of the board
 19 of county commissioners, the sum of ~~twelve (\$12.00) dollars~~
 20 for each working day and ~~with~~ travel expenses, as provided
 21 for in 59-538, 59-539, and 59-801, as amended, while away
 22 from home in the performance of the duties of his office, to
 23 be paid out of the contingent fund;

24 (2) ~~Fee for~~ for copies and certificates, per folio, ~~twenty~~
 25 ~~cents (\$20¢) ;~~

1 ~~(3) For~~ for copy of any plat of survey, ~~two dollars~~
2 ~~(\$2.00);~~

3 ~~(4) Expense~~ expenses of chainmen and markers, if
4 furnished by the surveyor, not to exceed ~~per day, eight~~
5 ~~(\$8.00) dollars a day."~~

6 Section 24. Section 25-312, R.C.M. 1947, is amended to
7 read as follows:

8 "25-312. Compensation of constables. The board of
9 county commissioners shall, by resolution, on or before July
10 1 of each year, fix the salary of constables for the
11 following fiscal year. Constables shall receive mileage, ~~at~~
12 ~~the rate provided by law as provided for in 59-801, as~~
13 ~~amended,~~ when performing their official duties."

14 Section 25. Section 25-508, R.C.M. 1947, is amended to
15 read as follows:

16 "25-508. Traveling expenses of officers attending
17 conventions. (1) ~~Hereafter no~~ No state, county, city, or
18 school district officer or employee of the state, ~~or~~ of any
19 county or city, or of any school district, ~~shall may~~ receive
20 payment from ~~any~~ public funds for ~~traveling expenses~~ travel
21 or other expenses ~~of any sort or kind for attendance upon~~
22 attending any convention, meeting, or other gathering of
23 public officers ~~save and~~ except for attendance ~~upon~~ such
24 convention, meeting, or other ~~gatherings~~ gathering as ~~said~~
25 the officer or employee may by virtue of his office find it

1 necessary to attend, ~~and provided further, that the~~ The
2 board of trustees of any county or district high school or
3 of any school district may by resolution adopted by a
4 majority of the entire board make their district a member of
5 any state association of school districts or school district
6 trustees, or any other strictly educational association and
7 authorize the payment of dues to ~~each the~~ the association, and
8 the necessary ~~traveling~~ travel expenses of employees, or
9 members of ~~said the~~ the board, to attend meetings of ~~each the~~
10 association, or other meetings called for the express
11 purpose of considering educational matters.

12 (2) ~~Provided, further, three~~ Three members of the
13 board of county commissioners may be allowed ~~actual~~
14 ~~transportation~~ travel expenses ~~and per diem for attendance~~
15 ~~upon as provided for in 59-538, 59-539, and 59-801, as~~
16 ~~amended, for attending~~ any general meeting of county
17 commissioners or assessors held within the state ~~not oftener~~
18 ~~than~~ once a each year, and the proportionate expenses and
19 charges against each county as a member of such association
20 shall also be paid, ~~provided also that county~~ County
21 attorneys, sheriffs, and justices of the peace are ~~hereby~~
22 authorized to attend their respective meetings or
23 conventions held within the state once each year and are
24 allowed ~~actual traveling~~ travel expenses ~~as provided for in~~
25 59-538, 59-539, and 59-801, as amended, not oftener than

1 ~~once a year~~ for attending ~~same~~ them.

2 (3) ~~Provided, further, that nothing herein shall be~~
 3 ~~construed to prevent any~~ a city or town council, commission,
 4 or other governing body ~~from paying~~ may pay membership fees
 5 and dues in any organization of city and town officials
 6 whose purpose is improvement of laws relating to city and
 7 town government and their better and more economical
 8 administration, ~~and the necessary expense~~ The travel
 9 expenses as provided for in 59-538, 59-539, and 59-801, as
 10 amended, of any regular officer or employee of ~~such~~ the city
 11 or town ~~is~~ may be paid for attending any convention or
 12 meeting of ~~such~~ the organization upon the direction of ~~such~~
 13 the council, commission, or other governing body by order
 14 upon its minutes, stating that the public interest requires
 15 such attendance, ~~such payment~~ Payment of such membership
 16 fees, dues, and/or ~~expense to~~ expenses shall be made from
 17 such fund of the city or town as the council, commission, or
 18 other governing body shall direct by ~~such~~ order, upon claim
 19 presented, audited, and allowed as are other claims against
 20 such city or town.

21 (4) ~~Provided, further, that all~~ All county clerk and
 22 recorders of the various counties throughout the state of
 23 Montana shall be allowed ~~actual transportation~~ travel
 24 expenses, and per diem allowance for attendance upon as
 25 provided for in 59-538, 59-539, and 59-801, as amended, for

1 attending any general meeting of the Montana association of
 2 county clerk and recorders held within the state ~~not oftener~~
 3 ~~than~~ once a each year, and the proportionate expenses and
 4 charges against each county as a member of ~~such~~ the
 5 association shall be paid by ~~such~~ the county.

6 (5) ~~Provided, further, that all~~ All county clerks of
 7 the district court of the various counties throughout the
 8 state of Montana shall be allowed ~~actual transportation~~
 9 travel expenses, ~~and per diem allowance as provided for in~~
 10 59-538, 59-539, and 59-801, as amended, for attendance upon
 11 attending any general meeting of the Montana association of
 12 clerks of court held within the state, ~~not oftener than~~ once
 13 a each year, and the proportionate expenses and charges
 14 against each county as a member of ~~such~~ the association
 15 shall be paid by ~~such~~ the county.

16 (6) ~~Provided, further, that all~~ All county treasurers
 17 of the various counties throughout the state of Montana
 18 shall be allowed ~~actual transportation~~ travel expenses, ~~and~~
 19 ~~per diem allowance for attendance upon~~ as provided for in
 20 59-538, 59-539, and 59-801, as amended, for attending any
 21 general meeting of the Montana association of county
 22 treasurers held within the state, ~~not oftener than~~ once a
 23 each year, and the proportionate expenses and charges
 24 against each county as a member of ~~such~~ the association
 25 shall be paid by ~~such~~ the county."

1 Section 26. Section 32-2805, R.C.M. 1947, is amended
2 to read as follows:

3 "32-2805. Inspection of roads and construction work --
4 compensation. (1) The board may direct the county surveyor
5 or ~~some member or~~ one or more members of the board to
6 inspect the condition of any road. It may direct ~~such~~
7 ~~persons~~ them to inspect any work, being done under contract
8 or otherwise, which is under the direction, supervision, or
9 control of the board. ~~Such~~ The inspections may be made
10 before any work is commenced, during its progress, or after
11 completion and before payment.

12 (2) The person ~~or persons~~ making such inspections
13 shall receive ~~the sum of thirty-three dollars (\$33) per a~~
14 ~~day and actual travel expenses, as provided for in 59-538,~~
15 59-539, and 59-801, as amended, if he receives no other
16 compensation for that day and is not on an annual salary.
17 The claims shall be audited and allowed in the same manner
18 as other claims against the county.

19 (3) Proper minute entries of ~~such~~ the inspections must
20 be made by the surveyor or board member or members at the
21 next regular meeting of the board."

22 Section 27. Section 32-4005, R.C.M. 1947, is amended
23 to read as follows:

24 "32-4005. Opening of road -- survey. If the petition
25 is for the opening of a county road, and the board grants

1 the prayer, ordering the road opened, ~~it~~ the board shall
2 proceed at once to have it opened to the public and declare
3 it to be a county road. The board may order the county
4 surveyor to survey and plat the road, or ~~some other~~
5 ~~competent surveyor,~~ if the county surveyor is incompetent to
6 ~~survey and plat the road~~ do so, the board may hire some
7 other competent surveyor. He shall file his field notes with
8 the county clerk and recorder. The surveyor shall receive
9 ~~seven dollars (\$7) per a day and actual traveling travel~~
10 ~~expenses as provided for in 59-538, 59-539, and 59-801, as~~
11 amended."

12 Section 28. Section 35-105, R.C.M. 1947, is amended to
13 read as follows:

14 "35-105. Appointment, qualifications, and tenure of
15 commissioners -- officers, legal assistance -- delegation of
16 power. (1) An authority shall consist of five commissioners
17 appointed by the mayor, and he shall designate the first
18 chairman. No commissioner may be a city official.

19 (2) The commissioners who are first appointed shall be
20 designated by the mayor to serve for terms of ~~one 1, two 2,~~
21 ~~three 3, four 4, and five 5~~ years respectively from the date
22 of their appointment. Thereafter, the term of office shall
23 be five 5 years. A commissioner shall hold office until his
24 successor has been appointed and has qualified. Vacancies
25 shall be filled for the unexpired term. Three commissioners

1 shall constitute a quorum. The mayor shall file with the
 2 city clerk a certificate of the appointment or reappointment
 3 of any commissioner, and such certificate shall be
 4 conclusive evidence of the due and proper appointment of
 5 ~~such~~ the commissioner. A commissioner shall may receive no
 6 compensation for his services, but he ~~shall be~~ is entitled
 7 to ~~the necessary expenses including traveling~~ travel
 8 expenses as provided for in 59-538, 59-539, and 59-801, as
 9 amended, incurred in the discharge of his duties.

10 [3] When the office of the first chairman of the
 11 authority becomes vacant, the authority shall select a
 12 chairman from ~~among~~ its members. An authority shall select a
 13 vice-chairman from ~~among~~ its members ~~a vice-chairman~~, and it
 14 may employ a secretary (who shall be executive director),
 15 technical experts, and such other permanent and temporary
 16 officers, agents, and employees, ~~permanent and temporary~~, as
 17 it may require, and shall determine their qualifications,
 18 duties, and compensation. An authority may call upon the
 19 corporation counsel or chief law officer of the city for
 20 such legal services as it may require, or it may employ its
 21 own counsel and legal staff. An authority may delegate to
 22 one or more of its agents or employees such powers or duties
 23 as it ~~may deem~~ considers proper."

24 Section 29. Section 44-219.2, R.C.M. 1947, is amended
 25 to read as follows:

1 "44-219.2. ~~Board of trustees to govern city-county~~
 2 City-county library -- ~~compensation expenses~~ board of
 3 trustees. [1] A joint city-county library shall be governed
 4 by a board of trustees composed of five ~~(5)~~ members chosen
 5 as specified in the contract, with terms not to exceed ~~five~~
 6 ~~(5)~~ years.

7 [2] Trustees shall serve no more than two ~~(2)~~ full
 8 terms in succession.

9 [3] Trustees shall serve without compensation, but
 10 their ~~actual and necessary~~ travel expenses as provided for
 11 in 59-538, 59-539, and 59-801, as amended, incurred in the
 12 performance of their official duties may be paid from
 13 library funds.

14 [4] Trustees shall meet and elect a chairman, and such
 15 other officers as they ~~deem~~ consider necessary, for ~~one~~ ~~(1)~~
 16 1-year terms.

17 [5] The board of trustees shall have the power and
 18 duties as specified in ~~sections~~ 44-213 through 44-225."

19 Section 30. Section 44-221, R.C.M. 1947, is amended to
 20 read as follows:

21 "44-221. ~~Board~~ Public library -- board of
 22 ~~trustees--appointment--composition of--board--tenure~~. [1]
 23 Upon the establishment of a public library under the
 24 provisions of this act, the mayor, with the advice and
 25 consent of the city council or city commissioners, shall

1 appoint a board of trustees for the city library, and the
2 chairman of the board of county commissioners, with the
3 advice and consent of ~~said the~~ board, shall appoint a board
4 of trustees for the county library.

5 (2) The library board shall consist of five trustees.
6 Not more than one member of the governing body shall may be,
7 at any one time, a member of ~~such the~~ board.

8 (3) Trustees shall serve without compensation, but
9 their ~~actual--and-necessary~~ travel expenses as provided for
10 in 59-538, 59-539, and 59-801, as amended, incurred in the
11 performance of their official duties may be paid from
12 library funds.

13 (4) Trustees shall hold their office for ~~five 5~~ years
14 from the date of appointment, and until their successors are
15 appointed. Initially, appointments shall be made for ~~one 1-~~,
16 ~~two 2-~~, ~~three 3-~~, ~~four 4-~~ and ~~five 5-~~ year terms. Annually
17 thereafter, ~~there a trustee~~ shall be appointed before ~~the~~
18 ~~first day of July 1~~ of each year, in the same manner as the
19 original appointments, for a ~~five 5-~~ year term, a ~~trustee~~ to
20 take the place of the retiring trustee. Trustees shall serve
21 no more than two full terms in succession.

22 (5) Following such appointments, in July of each year,
23 the trustees shall meet and elect a chairman and such other
24 officers as they ~~deem~~ consider necessary, for ~~one 1-~~ year
25 terms. Vacancies in the board of trustees shall be filled

1 for the unexpired term in the same manner as original
2 appointments."

3 Section 31. Section 46-2705, R.C.M. 1947, is amended
4 to read as follows:

5 "46-2705. Special livestock deputy -- duties --
6 compensation. The county livestock protective committee may
7 recommend to the board of county commissioners the
8 appointment of a special livestock deputy, satisfactory to
9 the department and the sheriff, whose duties are to assist
10 the department and the sheriff in the enforcement of hide
11 and brand inspection laws, laws governing the movement and
12 sale of livestock and the treatment and prevention of
13 livestock diseases, laws pertaining to the apprehension of
14 livestock rustlers and the prevention of rustling, and other
15 laws which are of particular concern to the livestock
16 industry of the county, particularly ~~as--regards~~ regarding
17 cattle. The special livestock deputy may receive a
18 commission from the department and appointment as a deputy
19 from the sheriff of the county, and shall give the bond for
20 the faithful performance of his duties as required from
21 officers performing similar duties. The special livestock
22 deputy shall receive compensation for his services and for
23 mileage traveled in the performance of his duties, as
24 provided for in 59-801, as amended, or in an amount set by
25 the board of county commissioners, on the recommendation of

1 the committee, to be paid from the stockmen's special deputy
2 fund and from the county general fund in the proportions set
3 by the board of county commissioners."

4 Section 32. Section 62-206, R.C.M. 1947, is amended to
5 read as follows:

6 "62-206. Meetings -- general regulations. ~~Said~~ The
7 board of park commissioners shall hold an annual meeting on
8 the first Monday of May, and a meeting at least once in each
9 month in each year, at such times as the board shall ~~by rule~~
10 prescribe by rule. Special meetings may also be held at the
11 call of the president, or, in his absence, the
12 vice-president, upon giving to each member of ~~said the~~ board
13 at least ~~twenty-four~~ 24 hours' notice in writing of the time
14 and place of ~~holding such the~~ meeting. A majority of the
15 entire board shall be necessary to constitute a quorum for
16 the transaction of the business of ~~said the~~ board. No park
17 commissioner ~~shall~~ may receive compensation for his services
18 rendered under the provisions of this act, but the ~~actual~~
19 ~~and-necessary~~ travel expense incurred by any member of the
20 board while acting under the orders of the board in the
21 transaction of any business in its behalf may be paid as
22 provided for in 59-538, 59-539, and 59-801, as amended, upon
23 being allowed and audited by the board. No park commissioner
24 ~~shall~~ may be interested in any contract made by the board or
25 by its authority, or in the furnishing of any supplies for

1 the use of the board. Any park commissioner who ~~shall refuse~~
2 ~~or neglect, refuses or neglects~~ for ~~the period of three~~ 3
3 consecutive months, to attend the meetings of ~~said the~~ board
4 without leave of absence from ~~said the~~ board, or who ~~shall~~
5 ~~fail fails~~ for ~~the period of twenty~~ 20 days ~~from and~~ after
6 his appointment to qualify as provided in this act ~~provided,~~
7 ~~shall be deemed to have vacated~~ vacates his office, and
8 thereupon his successor may be appointed. All contracts made
9 by ~~said the~~ board shall be in the name of the city, and
10 shall be signed by the city clerk and by the president, or,
11 in his absence, by the vice-president, of ~~said the~~ board."

12 Section 33. Section 75-5804, R.C.M. 1947, is amended
13 to read as follows:

14 "75-5804. Office costs and staff. [1] The board of
15 county commissioners shall supply the county superintendent
16 with suitable office space and office supplies. The county
17 superintendent shall be paid from the county general fund
18 ~~all necessary traveling as provided for in 59-538, 59-539,~~
19 ~~and 59-801, as amended, travel~~ expenses that he ~~actually~~
20 incurs in discharging his duties after ~~such the~~ expenses
21 have been audited by the board of county commissioners.

22 [2] Upon the county superintendent's recommendation of
23 a candidate, the board of county commissioners may appoint
24 ~~such the~~ candidate to the position of chief deputy county
25 superintendent. The commissioners also may appoint deputies

1 and assistants for the county superintendent. The
 2 commissioners shall fix the salaries of the personnel
 3 prescribed by this section at ~~ninety-per-cent~~ (90%) or less
 4 of the salary of the county superintendent."

5 Section 34. Section 75-8117, R.C.M. 1947, is amended
 6 to read as follows:

7 "75-8117. Board of trustees == meetings, quorum,
 8 travel, ~~reimbursements~~ reimbursement, and seal. (1) The
 9 board of trustees of the community college shall hold
 10 monthly meetings within the community college district on
 11 such day of the month the trustees may set. The president
 12 and secretary of the board or a majority of the board may
 13 also call special meetings of the board of trustees at any
 14 time and place within the community college district, if in
 15 their judgment necessity requires it. The secretary of the
 16 board shall give each member a ~~forty-eight~~ (48) 98-hour
 17 written notice of all special meetings.

18 (2) A majority of the board of trustees shall
 19 ~~constitute~~ constitutes a quorum for the transaction of
 20 business, ~~except that~~ but no contract shall may be let,
 21 teacher employed or dismissed, or bill approved unless a
 22 majority of the total board membership ~~shall vote~~ votes in
 23 favor of such action.

24 (3) ~~The members~~ A member of the board of trustees
 25 shall receive ~~ten cents~~ (10¢) per mile mileage as provided

1 for in 59-201, as amended, for the distance necessarily
 2 traveled in going to and returning from the place of the
 3 meeting and his place of residence each day that such trip
 4 is actually made.

5 (4) The board shall keep a common seal with which to
 6 attest its official acts."

7 Section 35. Section 80-2804, R.C.M. 1947, is amended
 8 to read as follows:

9 "80-2804. Mental health corporations. (1) Mental
 10 health regions shall be established in the state mental
 11 health plan and shall conform to the mental health regions
 12 as established in the state mental health construction plan
 13 promulgated by the board of health and environmental
 14 sciences under the Federal Community Mental Health Centers
 15 Act.

16 (2) The mental health regions shall establish
 17 themselves under Title 15, chapter 23, R.C.M. 1947. Upon
 18 incorporation, a mental health region may enter into
 19 contracts with the department in order to carry out the
 20 department's comprehensive plan for mental health. These
 21 nonprofit corporations shall not be considered agencies of
 22 the department or the state of Montana, however, they may
 23 retain and enter into retirement programs as established
 24 under Title 68, the Public Employees Retirement Act. Upon
 25 the establishment of the mental health regions, the county

1 commissioners in each of the various counties in the region
 2 shall designate a person from their respective county to
 3 serve as a representative of the county on the regional
 4 mental health corporation board. The board shall be
 5 established under guidelines adopted by the bylaws of the
 6 corporation. All appointments to the board shall be for
 7 terms of ~~two~~ (2) years, and the department shall be notified
 8 in writing of all appointments.

9 (3) The duties of an organized regional mental health
 10 corporation board include:

11 (a) annual review and evaluation of mental health
 12 needs and services within the region;

13 (b) preparation and submission to the department and
 14 to each of the counties in the region of plans and budget
 15 proposals to provide and support mental health services
 16 within the region;

17 (c) establishment of a recommended proportionate level
 18 of financial participation of each of the counties within
 19 the region in the provision of mental health service within
 20 the limits of this section;

21 (d) receipt and administration of moneys and other
 22 support made available for the purposes of providing mental
 23 health services by the participating agencies, including
 24 grants from the United States government and other agencies,
 25 receipts for established fees for services rendered, tax

1 moneys, gifts, donations, and any other type of support or
 2 income. All funds received by the board in accordance with
 3 this act shall be used to carry out the purposes of this
 4 act.

5 (e) supervision of appropriate administrative staff
 6 personnel of the operation of community mental health
 7 services within the region; and

8 (f) keeping all records of the board and making
 9 reports required by the department.

10 (4) Regional mental health board members shall be
 11 reimbursed from funds of the board for ~~actual and necessary~~
 12 travel expenses as provided for in 59-538, 59-539, and
 13 59-801, as amended, incurred in attending meetings and in
 14 the discharge of board duties, when assigned by the board.

15 (5) The board of mental health shall submit, prior to
 16 June 10 of each year, to the board of county commissioners
 17 of each of the counties within the constituted mental health
 18 region an annual budget, specifying each county's
 19 recommended proportionate share. If the board of county
 20 commissioners includes in the county budget the county's
 21 proportionate share of the regional ~~board's~~ board's budget,
 22 it shall be designated as a participating county. Funds
 23 for each participating county's proportionate share for the
 24 operation of mental health services within the region shall
 25 be derived from the county's general fund. If the general

1 fund is insufficient to meet the approved budget, a levy not
2 to exceed ~~one (1)~~ mill may be made on the taxable valuation
3 of the county in addition to all other taxes allowed by law
4 to be levied on such property.

5 (6) The regional board of mental health with the
6 approval of the department shall establish a schedule of
7 fees for mental health services. The fees may be received
8 by the board and used to implement the budget in accordance
9 with ~~section~~ 80-2804 (3) (d)."

10 Section 36. Section 89-1208, R.C.B. 1947, is amended
11 to read as follows:

12 *89-1208. Compensation of commissioners -- penalty for
13 interest in contract -- bonds of commissioners. (1) The
14 commissioners, when sitting as a board or when engaged in
15 the business of the district, shall each receive a sum not
16 to exceed ~~twenty dollars (\$20)~~, per a day for services, and,
17 in addition ~~thereto~~, their necessary expenses in attending
18 meetings, or when otherwise engaged on district business,
19 including premiums on qualifying bonds and any other bonds
20 required of them in connection with their office, and travel
21 expenses as provided for in 59-538, 59-539, and 59-801, as
22 amended, provided such expenses ~~and per diem~~ be approved by
23 a unanimous vote of ~~said the~~ board and a mileage allowance
24 of ~~twelve cents (\$.12)~~ per mile in attending board meetings
25 or when engaged in the business of the irrigation district.

1 (2) No commissioner or any other officer named in this
2 act shall pay in any manner be interested, directly or
3 indirectly, in any contract awarded or to be awarded by the
4 board, or in the profits derived therefrom; and for any
5 violation of this provision, such officer ~~shall be deemed to be~~
6 guilty of a misdemeanor and his upon conviction ~~thereof~~
7 ~~shall work forfeiture of forfeits~~ his office and he shall be
8 punished by a fine not exceeding ~~five hundred dollars~~
9 ~~(\$500.00)~~, or by imprisonment in the county jail not
10 exceeding ~~six (6)~~ months or by both such fine and
11 imprisonment.

12 (3) The When the obligations of the irrigation
13 district, either existing or proposed, total \$250,000 or
14 more, the commissioners of ~~said irrigation the~~ district
15 shall each furnish a bond in the penal sum of ~~twenty-five~~
16 ~~hundred dollars (\$2500.00)~~ \$2,500, with corporate surety
17 conditioned for the faithful performance of their duties
18 under this act, and the secretary shall furnish bond, with
19 corporate surety, in the sum of ~~one thousand dollars~~
20 ~~(\$1000.00)~~ \$1,000, conditioned for the faithful performance
21 of his duties pursuant to this act, and for the proper and
22 safekeeping of the records and documents of ~~said the~~
23 district, ~~in all cases where the obligations of said~~
24 ~~district, either existing or proposed, total two hundred and~~
25 ~~fifty thousand dollars (\$250,000.00) or over.~~ In all other

1 cases the bond for ~~said the~~ commissioners shall be in the
2 sum of ~~one thousand dollars (\$1000.00)~~ \$1,000."

3 Section 37. Section 89-1212, B.C.M. 1947, is amended
4 to read as follows:

5 "89-1212. Per diem and expenses of members of board of
6 control. The members of the board of control, when sitting
7 as a board, shall receive a sum not to exceed ~~fifteen~~
8 ~~(\$15.00) dollars~~, per day, for services, and ~~in addition~~
9 ~~thereto~~, their necessary travel expenses, as provided for in
10 59-538, 59-539, and 59-801, as amended, ~~is~~ for attending
11 meetings or when otherwise engaged in board of control
12 business."

13 Section 38. Section 89-2311, B.C.M. 1947, is amended
14 to read as follows:

15 "89-2311. Compensation of commissioners. They shall
16 receive for their services such compensation as the court or
17 presiding judge thereof may determine. They shall also
18 receive their actual-reasonable expenses, as provided for in
19 59-538, 59-539, and 59-801, as amended."

20 Section 39. Section 89-3414, B.C.M. 1947, is amended
21 to read as follows:

22 "89-3414. Powers of directors. On behalf of the
23 district, the directors may:

- 24 (1) adopt an official seal;
25 (2) sue and be sued;

1 (3) adopt rules to promote and encourage water
2 recreation, including requirements concerning public access
3 areas and facilities, and rules respecting the use of
4 reservoirs and waters, picnic sites, and other recreational
5 areas operated by the district. Rules adopted shall be filed
6 with the secretary of directors and shall be available to
7 any interested party upon reasonable request,

8 (4) enter private property for the purposes of making
9 surveys, provided that just compensation for actual damages
10 is made;

11 (5) provide for reimbursing of its members for ~~actual~~
12 travel expenses, as provided for in 59-538, 59-539, and
13 59-801, as amended;

14 (6) appropriate water and initiate or participate in
15 the adjudication of streams;

16 (7) acquire, undertake, construct, develop, improve,
17 maintain, and operate works and all incidental facilities;

18 (8) acquire by purchase, exchange, gift, lease, grant,
19 devise, or otherwise, lands, water, water rights, or ~~rights~~
20 of-way rights-of-way as necessary for the execution of any
21 authorized function of the district. Title to all property
22 (including water rights) shall be in the name of the
23 district,

24 (9) merge with other special districts as ~~hereinafter~~
25 provided;

1 (10) hold and dispose of property as necessary or
2 convenient in the performance of the functions of the
3 district;

4 (11) call upon the county attorney or attorney general
5 for such legal services as the district may require, or, in
6 the discretion of the directors, employ private legal
7 counsel;

8 (12) withhold the delivery of water upon which there
9 are any defaults or delinquencies of payment, and otherwise
10 dispose of that water while the default or delinquency
11 continues;

12 (13) borrow money and incur indebtedness and issue
13 bonds to finance works as provided by this act;

14 (14) refund bonded indebtedness incurred by the
15 district as provided by this act;

16 (15) after a hearing held in accordance with ~~section~~
17 ~~47 [89-3417] of this act~~, make assessments sufficient to
18 meet the budgetary requirements for the coming year;

19 (16) contract for service, for water furnished, or for
20 the sale of water with any person;

21 (17) fix and revise, from time to time, and collect
22 rates, fees, and other charges for the services, facilities,
23 or water furnished by the district to any person;

24 (18) allocate or reallocate unused waters of the
25 district;

1 (19) ~~co-operate~~ cooperate with; accept grants, loans,
2 and other assistance from; act as agent for; and enter into
3 agreements with any ~~and all~~ state or federal agencies, and
4 exercise all necessary or convenient powers in connection
5 therewith;

6 (20) enter into any obligation or contract with an
7 agency of the federal government for the construction,
8 operation, and maintenance of works, or for the assumption
9 as principal or guarantor of indebtedness to the United
10 States on account of district lands under the provisions of
11 the federal reclamation act and rules established under that
12 act, or contract with an agency of the federal government
13 for a water supply under any federal act providing for or
14 permitting such a contract. However, the action must be
15 approved by a majority of the electors voting at an
16 election held as provided in ~~section 24 [89-3424]~~. If a
17 contract is made with an agency of the federal government,
18 the directors may deposit bonds of the district with the
19 United States at ~~ninety per cent (90%)~~ of their par value,
20 to secure the amount to be paid by the district to the
21 United States under any contract, the interest on the bonds
22 of the district to be applied as specified by the contract.
23 If bonds of the district are deposited with the United
24 States, it is the duty of the directors to make an
25 assessment sufficient to meet all payments accruing under

1 the terms of any contract with the United States~~;~~

2 (21) accept appointment of the district as fiscal
3 agent for the United States or authorization of the district
4 to make collections of moneys for or on behalf of the United
5 States in connection with any federal reclamation projects,
6 and the district is authorized to act and to assume the
7 duties and liabilities incident to this action. However, the
8 action must be approved by a majority of the electors voting
9 at an election held as provided in ~~section 24~~ [89-3424]. The
10 directors may do all things required by federal statutes and
11 rules and require prompt payment of all charges as a
12 prerequisite to water service~~;~~

13 (22) in addition to all voted indebtedness, borrow
14 money as necessary, but the amount shall not at any one time
15 exceed ~~five per cent~~ (5%) of the taxable valuation of real
16 property in the district;

17 (23) mortgage property owned by the district if the
18 terms of the mortgage are not inconsistent with the
19 provisions of a resolution authorizing the sale of bonds;

20 (24) use any surplus funds to purchase outstanding
21 bonds;

22 (25) make contracts incidental to the performance of
23 the district's functions, and employ and fix the
24 compensation of such employees, agents, or consultants as
25 are ~~deemed~~ considered necessary, including but not limited

1 to, a manager, attorneys, accountants, engineers,
2 construction and financial experts; and

3 (26) ~~co-operate~~ cooperate with soil and water
4 conservation districts to obtain agreements to carry out
5 soil conservation measures and proper farm plans from owners
6 of lands situated in the drainage area above each retention
7 reservoir to be installed with federal assistance."

8 Section 40. Section 93-401, R.C.M. 1947, is amended to
9 read as follows:

10 "93-401. ~~Justices~~ Justice courts and justices of the
11 peace. (1) There must be at least one ~~(4)~~ justice court in
12 each county of the state. The board of county commissioners
13 of each county ~~of the state shall have authority to~~
14 ~~constitute~~ may create one ~~(4)~~ additional justice court in
15 their respective counties as the board ~~deems~~ considers
16 necessary. One ~~(4)~~ justice court in each county must be
17 located at the county seat, and the board of county
18 commissioners shall determine the location of the other
19 justice court in their respective counties.

20 (2) Each justice of the peace must be elected by the
21 qualified electors of the county at the general state
22 election ~~next~~ preceding the expiration of the term of office
23 of his predecessor.

24 ~~(2)~~ (3) A justice of the peace shall be nominated and
25 elected on the nonpartisan judicial ballot in the same

1 manner as are judges of the district court. Each judicial
 2 office shall be a separate and independent office for
 3 election purposes, ~~and each office~~ shall be numbered by the
 4 county commissioners, and each candidate for justice of the
 5 peace shall specify the number of the office for which he
 6 seeks to be elected. A candidate may not file for more than
 7 one ~~(4)~~ office. Section 23-4511 prohibiting political party
 8 endorsement for judicial officers shall also apply to
 9 justices of the peace.

10 ~~(3)~~ (4) Each justice of the peace, ~~elected or~~
 11 ~~appointed,~~ after he has received his certificate of election
 12 or appointment, ~~shall,~~ and before entering upon the duties
 13 of his office, shall take the constitutional oath of office,
 14 which must be filed with the county clerk.

15 ~~(4)~~ (5) Before the county clerk may file the oath, the
 16 elected or appointed justice must satisfy the clerk that he
 17 is either:

18 (a) an ~~attorney-at-law~~ attorney-at-law authorized to
 19 practice law in the state of Montana, ~~or~~;

20 (b) a person who has held the office of justice of the
 21 peace within the preceding ~~five~~ (5) years; or

22 (c) a person who has completed the orientation course
 23 of study held under the direction of the university of
 24 Montana law school, ~~or if~~ If a person is appointed after
 25 the course is offered, he must agree to take the course at

1 the next offering and failure to do so will disqualify him.

2 ~~(5)~~ (6) The university of Montana law school shall
 3 present a course of study as soon as is practical following
 4 each general election. ~~Mileage and per-diem Travel expenses~~
 5 as provided for in 59-538, 59-539, and 59-801, as amended,
 6 shall be paid the elected or appointed justice of the peace
 7 for attending the course and shall be a proper charge
 8 against the county wherein the justice of the peace will
 9 hold court.

10 ~~(6)~~ (7) There shall be an annual training session for
 11 all elected and appointed justices of the peace. This
 12 training session, which may be held in conjunction with the
 13 Montana magistrates' association convention, shall be
 14 supervised by the supreme court. ~~Mileage and per-diem Travel~~
 15 expenses as provided for in 59-538, 59-539, and 59-801, as
 16 amended, shall be paid the elected or appointed justice of
 17 the peace for attending the course and shall be a proper
 18 charge against the county wherein the justice holds court."

19 Section 41. Section 93-403, R.C.M. 1947, is amended to
 20 read as follows:

21 "93-403. Holding court for another justice. A justice
 22 of the peace of any county may hold the court of any other
 23 justice of the peace at his request, and while so acting is
 24 vested with the power of the justice for whom he so holds
 25 court, in which case the proper entry of the proceedings

1 before the attending justice, subscribed by him, must be
 2 made in the docket of the justice for whom he so holds the
 3 court. The visiting justice of the peace shall be paid ~~all~~
 4 ~~necessary and actual travel~~ expenses ~~including mileage~~ by
 5 the county where court is held, as provided for in 59-538,
 6 59-539, and 59-801, as amended."

7 Section 42. Section 93-411, R.C.M. 1947, is amended to
 8 read as follows:

9 "93-411. City courts. (1) City courts are established
 10 in incorporated cities and towns, and their organization,
 11 jurisdiction, and powers are provided for in Title 11.
 12 Police court is hereby renamed city court, and all
 13 references to police court or police judges in sections of
 14 the Revised Codes of Montana shall be considered amended to
 15 read city court, or city judge.

16 (2) There shall be an annual training session for all
 17 elected and appointed judges. This training session, which
 18 may be held in conjunction with the Montana magistrates'
 19 association convention, shall be supervised by the supreme
 20 court. ~~Mileage and per diem~~ Travel expenses, as provided for
 21 in 59-538, 59-539, and 59-801, as amended, shall be paid the
 22 elected or appointed judge for attending the course and
 23 shall be a proper charge against the city wherein the judge
 24 holds court."

25 Section 43. Section 93-1906, R.C.M. 1947, is amended

1 to read as follows:

2 "93-1906. Salary and expenses of reporter --
 3 apportionment. (1) Every reporter appointed under the
 4 provisions of this chapter is entitled to receive an annual
 5 salary of not less than ~~twelve thousand five hundred dollars~~
 6 ~~(\$12,500)~~ and not more than ~~sixteen thousand dollars~~
 7 ~~(\$16,000)~~, said the salary to be set by the judge in the
 8 district in which the reporter works, and no other
 9 compensation except as provided in ~~section 93-1904,~~
 10 ~~provided, however, that all~~

11 (2) All transcripts and bills of exceptions required
 12 by the county shall be furnished without cost, payable in
 13 monthly installments out of the general funds of the
 14 counties comprising the district for which ~~he~~ the reporter
 15 is appointed, according and in proportion to the number of
 16 civil and criminal actions entered and commenced in the
 17 district courts of such counties respectively in the
 18 preceding year, ~~and it shall be the duty of the The~~ judge
 19 of such district shall, on ~~the first day of~~ January 1 of
 20 each year, or as soon thereafter as ~~may be, to~~ possible,
 21 apportion the amount of ~~such~~ the salary to be paid by each
 22 county in his district on the basis aforesaid.

23 (3) The In judicial districts comprising more than one
 24 county, the reporter is allowed, in addition to the salary
 25 and fees ~~above provided, for in subsection (1) in judicial~~

1 ~~districts comprising more than one (1) county~~, his actual
 2 ~~and necessary travel expenses of transportation and living~~
 3 ~~as provided for in 59-538, 59-539, and 59-801, as amended,~~
 4 when he goes on official business to a county of his
 5 judicial district other than the county in which he resides,
 6 from the time he leaves his place of residence until he
 7 returns thereto, ~~said~~ The expenses to shall be apportioned
 8 and payable in the same way as the salary."

9 Section 44. Section 93-7704, B.C.M. 1947, is amended
 10 to read as follows:

11 "93-7704. Calling another justice, when, by whom
 12 Acting justices. (1) (a) Disqualification. When a justice
 13 of the peace is disqualified from acting on any action
 14 because of the application of subsection (1), (2), or (3) of
 15 ~~section~~ 93-901, he shall either transfer the action to
 16 another justice court in the same county or call a justice
 17 from a neighboring county to preside in his behalf, ~~who~~
 18 ~~while so acting is vested with the power of the justice for~~
 19 ~~whom he so holds court.~~

20 (2) (b) Illness or absence. In case of sickness,
 21 disability, or absence of a justice for such a period of
 22 time that the county commissioners of the county find that
 23 there is a delay in the proper administration of justice or
 24 upon the written request of the county attorney, another
 25 justice, if there is one readily available, or a police city

1 judge or some other qualified person shall be called to hold
 2 court for the absent justice until the return of the absent
 3 justice, ~~and when so called and so acting that person is~~
 4 ~~vested with the power of the justice for whom he so holds~~
 5 ~~court.~~

6 (3) (c) Vacations. During the time, when a justice of
 7 the peace is on vacation or attending a training session,
 8 another justice of the peace of the same county shall be
 9 authorized to handle matters that otherwise would be handled
 10 by the absent justice. When there is no other justice of
 11 the peace in the county, the county commissioners shall
 12 handle the situation in the same manner as if the justice
 13 were sick or absent.

14 (4) (2) Necessary expenses. Whenever a justice of the
 15 peace or other person is called to preside over the court of
 16 a justice who is disqualified, sick, or absent, that
 17 visiting justice of the peace or other person shall be paid
 18 ~~all necessary and actual including mileage and if travel~~
 19 ~~expenses as provided for in 59-538, 59-539, and 59-801, as~~
 20 ~~amended.~~ If that acting justice is not a justice of the
 21 peace receiving a salary, then that acting justice shall
 22 receive such compensation as is proper for the time
 23 involved. ~~Such~~ The expenses shall be a proper charge against
 24 the county where the court is held.

25 (5) (3) Court docket entries. When another justice, or

1 any other qualified person is called to preside in a justice
2 court, proper entries of all proceedings must be made in the
3 docket of the justice for whom the visiting justice or
4 person holds court. When the appointment is made by order
5 of the county commissioners, the order shall be placed in
6 the court docket.

7 ~~(6) (4) Jurisdiction of called-in persons.~~ When called
8 to preside over a justice court, ~~as above provided~~ the
9 visiting justice of the peace or other qualified person
10 while acting as justice of the peace is vested with all the
11 power of the justice for whom he so holds court."

-End-

STATE OF MONTANA

REQUEST NO. 603-77

FISCAL NOTE

Form BD-15

In compliance with a written request received March 4, 19 77, there is hereby submitted a Fiscal Note for House Bill 720 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

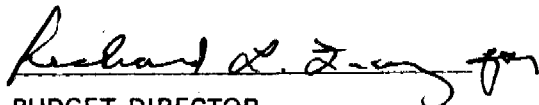
An act to revise, limit, and standardize travel expense reimbursements paid from public funds by local governmental entities and to change reimbursements for "actual" or "necessary" expenses to "travel" expenses, wherever applicable.

ASSUMPTIONS:

The bill reduces the number of state agencies and boards which are allowed "actual and necessary" travel expenses and limits the travel provisions to those specified in Sections 59-538, 59-539 and 59-801, R.C.M. 1947.

FISCAL IMPACT:

It is impossible within the time frame available to provide accurate, meaningful data concerning the financial impact of this bill. However, it can be reasonably construed that this bill will not increase travel costs in the operation of government and may conceivably produce a slight reduction in overall travel costs.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-10-77

Approved by Committee
on Judiciary

Hooper BILL NO. 720
Murray

1
2 INTRODUCED BY _____
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND
5 STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC
6 FUNDS BY LOCAL GOVERNMENTAL ENTITIES AND TO CHANGE
7 REIMBURSEMENTS FOR "ACTUAL" OR "NECESSARY" EXPENSES TO
8 "TRAVEL" EXPENSES, WHEREVER APPLICABLE; AMENDING SECTIONS
9 1-821, 9-207, 10-1234, 11-3413, 11-3704, 11-3819, 11-3820,
10 11-3916, 11-4407, 11-4506, 16-1009, 16-1124, 16-1405,
11 16-1713, 16-2723, 16-2726.2, 16-3205, 16-4207, 16-4804,
12 16-5110, 16-5112, 23-3407, 25-235, 25-312, 25-508, 32-2805,
13 32-4005, 35-105, 44-219.2, 44-221, 46-2705, 62-206, 75-5804,
14 75-8117, 80-2804, 89-1208, 89-1212, 89-2311, 89-3414,
15 93-401, 93-403, 93-411, 93-1906, AND 93-7704, R.C.M. 1947."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 1-821, R.C.M. 1947, is amended to
19 read as follows:

20 "1-821. Joint operations. ~~(a) Authorization.~~ (1) For
21 the purposes of this section, unless otherwise qualified,
22 the term "public agency" includes municipality, as defined
23 in this act, any agency of the state government and of the
24 United States, and any municipality, political subdivision,
25 and agency of another state; and the term "governing body"

There are no changes in *HB 720*, & will not be re-run.

Please refer to white copy for complete text. SECOND READING

1 means the governing body of a county or municipality, and
2 the head of the agency if the public agency is other than a
3 county or municipality.

4 (2) All powers, privileges, and authority granted to
5 any municipality by this act may be exercised and enjoyed
6 jointly with any public agency of this state, and jointly
7 with any public agency of any other state or of the United
8 States to the extent that the laws of such other state or of
9 the United States permit such joint exercise or enjoyment.
10 If not otherwise authorized by law, any agency of the state
11 government when acting jointly with any municipality, may
12 exercise and enjoy all of the powers, privileges, and
13 authority conferred by this act upon a municipality.

14 ~~(b) Agreement.~~ (3) Any two or more public agencies
15 may enter into agreements with each other for joint action
16 pursuant to the provisions of this section. Concurrent
17 action by ordinance, resolution, or otherwise of the
18 governing bodies of the participating public agencies shall
19 constitute joint action. Each such agreement shall specify
20 its duration, the proportionate interest which each public
21 agency shall have in the property, facilities, and
22 privileges involved, the proportion to be borne by each
23 public agency of preliminary costs and costs of acquisition,
24 establishment, construction, enlargement, improvement, and
25 equipment of the airport or air navigation facility, the

HB 720

1 proportion of the expenses of maintenance, operation,
 2 regulation, and protection thereof to be borne by each; and
 3 such other terms as are required by the provisions of this
 4 section. The agreement may also provide for amendments
 5 thereof, and conditions and methods of termination of the
 6 agreement; the disposal of all or any of the property,
 7 facilities, and privileges jointly owned, prior to or upon
 8 said property, facilities, and privileges, or any part
 9 thereof, ceasing to be used for the purposes provided in
 10 this act, or upon termination of the agreement; the
 11 distribution of the proceeds received upon any such
 12 disposal, and of any funds or other property jointly owned
 13 and undisposed of; the assumption or payment of any
 14 indebtedness arising from the joint venture which remains
 15 unpaid upon the disposal of all assets or upon a termination
 16 of the agreement; and such other provisions as may be
 17 necessary or convenient.

18 ~~(c) Joint board.~~ (4) Public agencies acting jointly
 19 ~~peruant to this section~~ shall create a joint board which
 20 ~~shall consist~~ consists of members appointed by the governing
 21 body of each participating public agency. ~~Per-diem and~~
 22 ~~mileage~~ Travel expenses of ~~such~~ the joint board may be set
 23 by resolution of the board of county commissioners or may be
 24 paid as allowed in 59-538, 59-539, or 59-801, as amended.
 25 The number to be appointed and their term shall be provided

1 for in the joint agreement. Each ~~such~~ joint board shall
 2 organize, select officers for terms to be fixed by the
 3 agreement, and from time to time adopt and amend ~~from time~~
 4 ~~to time~~ rules for its own procedure. The joint board ~~shall~~
 5 ~~have power to~~ may plan, acquire, establish, develop,
 6 construct, enlarge, improve, maintain, equip, operate,
 7 regulate, protect, and police any airport or air navigation
 8 facility or airport hazard to be jointly acquired,
 9 controlled, and operated, and ~~such~~ the board may exercise on
 10 behalf of its constituent public agencies all the powers of
 11 each with respect to such airport, air navigation facility,
 12 or airport hazard, subject to the limitations of subsection
 13 ~~(4)~~ (5) of this section.

14 ~~(d) Limitations of joint board.~~
 15 (5) ~~(a) Expenditures.~~ The total expenditures to be
 16 made by the joint board for any purpose in any calendar year
 17 shall be determined by a budget approved by the governing
 18 bodies of its constituent public agencies.

19 ~~(2) Acquisitions beyond sums allotted.~~ (b) No
 20 airport, air navigation facility, airport hazard, or real or
 21 personal property, the cost of which is in excess of sums
 22 therefor fixed by the joint agreement or allotted in the
 23 annual budget, may be acquired by the joint board without
 24 the approval of the governing bodies of its constituent
 25 public agencies.

House BILL NO. 720
Murray

1
2 INTRODUCED BY _____
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE, LIMIT, AND
5 STANDARDIZE TRAVEL EXPENSE REIMBURSEMENTS PAID FROM PUBLIC
6 FUNDS BY LOCAL GOVERNMENTAL ENTITIES AND TO CHANGE
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25 and agency of another state; and the term "governing body"

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1 means the governing body of a county or municipality, and
2 the head of the agency if the public agency is other than a
3 county or municipality.

4 (2) All powers, privileges, and authority granted to
5 any municipality by this act may be exercised and enjoyed
6 jointly with any public agency of this state, and jointly
7 with any public agency of any other state or of the United
8 States to the extent that the laws of such other state or of
9 the United States permit such joint exercise or enjoyment.
10 If not otherwise authorized by law, any agency of the state
11 government when acting jointly with any municipality, may
12 exercise and enjoy all of the powers, privileges, and
13 authority conferred by this act upon a municipality.

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21 agency shall have in the property, facilities, and
22 privileges involved; the proportion to be borne by each
23 public agency of preliminary costs and costs of acquisition,
24 establishment, construction, enlargement, improvement, and
25 equipment of the airport or air navigation facility; the

HB 720

1 proportion of the expenses of maintenance, operation,
 2 regulation, and protection thereof to be borne by each; and
 3 such other terms as are required by the provisions of this
 4 section. The agreement may also provide for amendments
 5 thereof, and conditions and methods of termination of the
 6 agreement; the disposal of all or any of the property,
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 9 thereof, ceasing to be used for the purposes provided in
 10 this act, or upon termination of the agreement; the
 11 distribution of the proceeds received upon any such
 12 disposal, and of any funds or other property jointly owned
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 8 facility or airport hazard to be jointly acquired,
 9 controlled, and operated, and ~~such the~~ board may exercise on
 10 behalf of its constituent public agencies all the powers of
 11 each with respect to such airport, air navigation facility,
 12 or airport hazard, subject to the limitations of subsection
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14 ~~(d) Limitations of joint board.~~
 15 (5) (a) ~~(4) Expenditures.~~ The total expenditures to be
 16 made by the joint board for any purpose in any calendar year
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