CHAPTER NO. 249

SENATE BILL NO. 314

INTRODUCED BY CONOVER

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 31, 1979		Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 2, 1979		Rereferred to Committee on Local Government.
February 12, 1979		Committee recommend bill do pass as amended. Report adopted.
February 13, 1979		Printed and placed on members' desks.
February 14, 1979		Motion pass consideration.
February 15, 1979		Second reading, do pass.
February 16, 1979		Considered correctly engrossed.
February 17, 1979		Third reading, passed. Transmitted to second house.
IN	THE HOU	SE
February 19, 1979		Introduced and referred to Committee on Local Government.
March 6, 1979		Committee recommend bill be concurred in. Report adopted.
Marcy 8, 1979		Second reading, concurred in.
March 12, 197		Third reading, concurred in.
IN	THE SEN	ATE .
March 13, 1979		Returned from second house. Concurred in. Sent to

Reported correctly enrolled.

enrolling.

Least BILL NO. 3/4 1 INTRODUCED BY _{ 2 BY REQUEST OF THE CODE COMMISSIONER 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO BUSINESS. 6

7 AGRICULTURE, AND LIVESTOCK SERVICES AND REGULATIONS AND TO
 8 WEED AND PEST CONTROL; REPEALING SECTION 84-3205, R+C+M+
 9 1947.**

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 7-21-2103, MCA, is amended to read: n7-21-2103. Determination of persons required to obtain licenses -- classes of licenses. (1) The county treasurer must make diligent inquiry as to all persons in his county liable to pay the <u>a</u> license <u>fee</u> as provided in this part.

(2) Where Whenever the rete-of-license-is licenses are 18 divided into classes, the county treasurer must require each 19 person to state, under oath or affirmation, the probable 20 amount of business which he, the firm of which he is a 21 member or for which he is an agent or attorney, or the 22 association or corporation of which he is the president. 23 secretary, or managing agent will do in the next succeeding 24 3 months. Thereupon such person. agent. president. 25

secretary, or other officer must procure a license from the county treasurer for the term desired and the proper class for-which-such-party-is-liable-to-pay. In all cases where an underestimate has been made by the party applying, the party making such the underestimate or the company he represented is required to pay double the sum otherwise required for a license for the next quarter."

8 Section 2. Section 7-21-2105, MCA, is amended to read: 9 "7-21-2105. Disbursement of license fees. (1) Alt 10 Unless the disposition is otherwise provided for, all money 11 collected by the county treasurer for licenses issued by the 12 county under this chapter must be paid into the treasury of 13 the county in which the seme-is-collected.

14 (2) The Unless_otherwise_provided, the county 15 treasurer shall retain 50% thereof for the use of the 16 county, he-shall pay over 45% thereof to the state treasurer 17 for the use of the general fund of the state, and he-shall 18 pay over 5% thereof to the state treasurer for deposit in 19 the carmarked revenue fund to be used by the livestock 20 commission for predatory animal control."

21 Section 3. Section 7-21-2211, MCA, is amended to read: 22 "7-21-2211. Railway warehouse license. Each railway 23 company acting in the capacity of a warehouse for the 24 purpose of storing and distributing goods, except-any other 25 than in the capacity of a common carriers carrier, shall

-2- <u>SB314</u> INTRODUCED BILL

1 pay, in each county in which said the business may be is 2 carried on, a license of \$10 per quarter." з Section 4. Section 7-21-2401, MCA, is amended to read: #7-21-2401. Definitions. As used in this part, unless 4 the context indicates otherwise, the following definitions 5 6 applv: 7 (1) Within--the--meaning--of--this--party---*temporary premises*-shall-be-continued-to-include *Temporary premises* 8 9 neans any hotel+ roominghouse, storeroom, building or any 10 part of any building whotsoever, tent, vacant lot, freight 11 station, railroad car, automobile, truck, trailer or trailer 12 house, or any public or quasi-public place, temporarily 13 occupied for such business as described in subsection (2). 14 (2) Within-the-seaning-of-this-party-e-strangient retoil merchant" is "Transient retail merchant" means every 15 16 person, firm, or corporation acting for himself or itself or

17 representing any other person, firm, or corporation who or 18 which brings into temporary premises (into--any--county--of 19 this---state) a stock of goods, wares, articles of 20 merchandise, notions, or other articles of trade and who or 21 which solicits, sells, offers to sell, or exhibits for sale 22 such stock of goods, wares, articles of merchandise, 23 notions, or other articles of trade at retail."

Section 5. Section 7-21-3401, MCA, is amended to read:
 "7-21-3401. Authorization to create county fair

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commission. (1) The board of county commissioners of--each
 county--of--Montana may, at their any regular meeting in
 Becember--in--1927, appoint from the electors of their
 respective--counties the county five responsible persons to
 constitute a county fair commission, three of soid the
 members to be appointed for a term of 2 years and two for a
 term of 1 year and until their successors are appointed.

8 (2) At-the-regular-meeting-in-Becember--in--each Each
 9 year thereafter, the board of county commissioners of-each
 10 county shall appoint members of the county fair commission
 11 to succeed the members whose terms then expire.^m

Section 6. Section 7-21-3405, MCA, is amended to read: "7-21-3405. Compensation of county fair commissioners. (1) Each member of the commission shall-receive is entitled to a salary of \$25 a year as compensation for his services. should If the secretary of the county fair commission be is a member of the commission, then his salary shall be fixe? by the commission in lieu of the salary of \$25 a year.

19 (2) In addition to the salary provided by subsection 20 (1), each commissioner may be allowed his actual and 21 necessary expenses while fulfilling the duties of his 22 office."

23 Section 7. Section 7-21-3421, MCA, is amended to read:
 24 "7-21-3421. Authorization to create multicounty fair
 25 district. (1) Two or more counties within the state,

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constituting a contiguous territory. may group themselves
 together and form a fair district.

3 (2) The board of county commissioners of any such 4 county, upon application from the regularly appointed county 5 fair board commission, may by resolution declare its 6 intention to join in and form a fair district."

7 Section 8. Section 7-21-3422, MCA, is amended to read: "7-21-3427. Notice of intention to create fair 8 district -- hearing. Notice of the resolution of intent to Q create a fair district shall be published in two regular 10 11 weekly issues of a newspaper in such the county, setting forth the date on which a hearing shall be had on seid the 12 resolution by the taxpayers and residents of the county and 13 14 at which time objections will be heard if-there-are-any 15 thereto."

Section 9. Section 7-21-3423, MCA, is amonded to read: "7-21-3423. Decision by board of county commissioners. After the consideration of the objections if there__are any be--made, the county commissioners may authorize the county fair board commission to join with any existing contiguous district and/or or to form a fair district with counties in contiguous territory."

23 Section 10. Section 7-21-3425, MCA, is amended to 24 read:

25 "7-21-3425. Board of directors of fair district. (1)

The members of the respective county fair beards commissions 1 2 of the counties forming a fair district shall-ex-officio з constitute a board of directors for said the fair district. (2) After a district has been formed and a county or 4 5 counties--- is added thereto, the members of the county fair board-or-boards commission of the county or--counties 6 added to the fair district shall are likewise be-ex-officio 7 8 members of the board of directors of said the fair 9 district."

10 Section 11. Section 7-21-3426, MCA, is amended to 11 read:

12 "7-21-3426. Organization of board and conduct of 13 business. (1) The board of directors shall meet at the place 14 of business. established under 7-21-3427. during the month 15 of December of each year and organize. electing a chairman. 16 vice-chairman, and secretary for the board.

17 (2) Such subsequent meetings shall be held as may be
18 found necessary for the conduct of the district fair.

19 (3) The board of directors shall have power to employ
20 a secretary, whom they may vest with managerial powers, and
21 they shall also appoint a treasurer. The office of secretary
22 may be combined with that of treasurer.

23 (4) The board of directors shall see that:

24 (a) all records and accounts are properly kept,25 supervised, and approved;

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1 (b) proper vouchers evidence all disbursements of 2 money; and 3 (c) the records are at all reasonable hours open to 4 the texpeyers-of--the--counties--comprising--the--district 5 oublic.* 6 Section 12. Section 7-21-4201, MCA, is agended to 7 read: 8 "7-21-4201. Regulation of certain activities. (1) The 9 city or town council hes-power--to may license, tax, and 10 reoulate: 11 (a) auctioneers, peddlers, pawnbrokers, and secondhand 12 and junk shoost 13 (b) motor vehicles and motor vehicle bodies, except 14 those on commercial property, which are not otherwise taxed; 15 (c) drivers, porters, pool-hallsy-soft-drink-portorsy 16 billiord-tables, tempin alleys, shooting galleries, shows, 17 circuses, street parades, theatrical performances, and 18 places of amusement within the city or town. 19 (2) The power to license, tax, and regulate circuses 20 and shows of like character shall--extend extends 3 miles 21 beyond the limits of the city or town. 22 (3) in--addition--to--the--other-powers-vested-in-city **Z**3 governmentsy-the The council of any city or town shall-shave 24 power--to--moke--ond--poss may enact necessary ordinances 25 providing for the licensing. taxations and regulation of -7-

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1 soft drink establishments and all pool and billiard halls. 2 Said The city and or town council shall-have-power-to may 3 regulate and limit the number of such licenses issued and to provide by ordinance that the total number of such licenses may not exceed the number fixed by the city or town council S 6 by ordinance." Section 13. Section 7-22-2101, MCA, is amended to 7 8 read: #7-22-2101. Definitions. As used in this part, unless 9 the context indicates otherwise. the following definitions 10 11 apply: 12 (1) "Commissioners" means the board of county 13 commissioners. [2] "District" means the area included within the 14 15 boundaries of eny an organized weed control and weed seed 16 extermination district. (3) "Noxious weeds" or "weeds" means Canadian thistly 17 18 (Cirsium arvense (L.) scop.), wild morning glory or bindweed (Convolvulus arvensis L.), whitetop (Lepidium draba L.)+ 19 leafy spurge (Euphorbia virgata waldst. and kit.), Russian 20 knapweed (Centaurea pieris pallas.), and such other weed--or 21 weeds as may be defined and designated as a noxious weed 22 23 weeds by the board of county commissioners of each county, subject to the approval of the county extension agent or 24 25 agricultural experiment station at Montana state university.

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(4) "Seed" or "seeds" means the seed of any noxious 1 weed. 2 (5) "Supervisors" means the three persons appointed by 3 the board of county commissioners to supervise the weed 4 control and weed seed extermination within the county.* 5 Section 14. Section 7-22-2103, MCA, is amended to 6 7 read: #7-22-2103. County weed board. (1) The board of county 8 commissioners of each county shall appoint a county weed 9 board consisting of three or five members, and: 10 (a) if a three-member board, two members shall is 11 rural agricultural tendowners residents within the county 12 and one member shall be a teacher of biology or a person 13 with comparable expertise; or 14 (b) if a five-member board, three members shall be 15 rural agricultural tendowners residents within the county. 16 one from member shall be a resident of a city or town within 17 the county, and one member shall be a teacher of biology or 18 a person with comparable expertise. 19

20 {2} The county extension agent in each county shall-be
21 is an ex officio member of that county's weed board.

22 (3) Said <u>The</u> supervisors shall---be are public 23 officers."

24 Section 15. Section 7-22-2104, MCA, is amended to 25 read:

1	#7-Z2-2104. Term of office. The members of the county
2	weedboardshallbe-appointed-for-a-period-of-lv-Zv-and-3
з	yearsy-respectivelyy-for-a-three-meaber-boardy-orshould- -a
4	five-memberboardbe-selectedv-they-shall-be-appointed-for
5	1
6	Julyy-and-thereafter-an-appointment-orreappointmentshall
7	be-mode-onnually-by-the-board-of-county-commissioners.
8	11] Except as provided in subsection (2), a member of
9	a county weed board serves a term of 3 years and until the
10	gualification of his successor.
11	(2) When a three member weed board is established, the
12	initial board members serve terms of 1. Z1 and 3 years.
13	respectively, as designated by the compissioners. When a
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14	five-member weed board is established, two of the initial
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14	five-member weed board is established, two of the initial
14 15	five-member_weed_board_is_established, two_of_the_initial members_serve_terms_of_l_years_two_serve_terms_of2_years;
14 15 16	five-member weed board is established, two of the initial members serve terms of 1 years two serve terms of 2 years, and one serves a term of 3 years. After expiration of an
14 15 16 17	five-member_weed_board_is_established, two_of_the_initial members_serve_terms_of_l_year:_two_serve_terms_of2_years; and_one_serves_a_term_of_3_years; After_expiration_of_an initial_term_of_office; the successor_serves_a3-yearterm
14 15 16 17 18	five-member weed board is established, two of the initial members serve terms of 1 years two serve terms of 2 years, and one serves a term of 3 years. After expiration of an initial term of office, the successor serves a 3-year term as provided in subsection (1)."
14 15 16 17 18 19	five-member_weed_board_is_established.two_of_the_initial members_serve_terms_of_l_years_two_serve_terms_of2_years_ andoneservesa_term_of_3_years.After_expiration_of_an initial_term_of_office.the_successor_serves_a3-yearterm as_provided_in_subsection_(11a ^m
14 15 16 17 18 19 20	five-member weed board is established, two of the initial members serve terms of 1 years two serve terms of 2 years, and one serves a term of 3 years, After expiration of an initial term of office, the successor serves a 3-year term as provided in subsection [1]." Section 16. Section 7-22-2108, MCA, is amended to read:

employees in carrying out the provisions of this part or who

refuses to obey an order of the a supervisor shall-be is

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1 guilty of a misdemeanor, and upon conviction thereof, he 2 shall be fined not to exceed s-sum-of \$100.

3 (2) All fines, bonds, and penalties collected under
4 the provisions of this part shall be paid to the county
5 treasurer of each county and placed by him to the credit of
6 the a fund to be known as the noxious weed fund."

7 Section 17. Section 7-22-2148, MCA, is amended to 8 read:

9 "7-22-2148. Tax liability for payment of weed control 10 expanses. (1) The expenses referred to in 7-22-2124 shall be 11 paid by the county out of the noxious weed fund, and unless 12 the sum to be repaid by the owner or occupant is not repaid 13 before the succeeding October 15 next--ensuing, the county clerk shall certify the amount thereof, with the description 14 15 of the presises land to be charged, and shall extend enter 16 the same to on the assessment list of the said county as a 17 special tax on said the land. If the land for any reason be 18 is exempt from general taxation, the amount of such charge 19 may be recovered by direct claim against the lessee and 20 collected in the same manner as personal taxes. When such **Z1** taxes charges are collected, they shall be credited to the 22 noxious weed fund.

(2) In determining what lands shall-be are included as
land covered by the special tax herein and which--shall-be
are described in the certificate of the county clerk, it

1 shall-be is presumed that all work done upon any of the land z of any one landowner shall-be is for the benefit of all of 3 the land within the district belonging to such owner which was contiguous to or joining the piece or joined the parcel 4 5 upon which such the work was done at the time such the work 6 was done, together with the piece or parcel upon which such 7 the work was done, and the amount so certified shall become 8 becomes a tax upon the whole thereof."

9 Section 18. Section 7-22-2403, MCA, is amended to 10 read:

11 "7-22-2403. Petition to create mosquito control 12 district -- hearing required. (1) When a petition signed by 13 not less than 25% of the gualified electors of the proposed district or 25% of the owners of any property within the 14 15 boundaries whose names appear as such property owners upon 16 the last-completed assessment roll of the county in which 17 the proposed district is situated is presented to the boar 18 of commissioners of such the county, asking for the creation 19 of a mosquito control district, the commissioners shall set 20 a day for the a hearing of on the same petition and order 21 notice thereof of the hearing to be given to all persons 22 interested.

(2) The commissioners by resolution shall fix a time
 for a hearing upon said the petition at not less than 2 or
 more than 4 weeks from the time of presentation thereof

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1 unless additional time is needed to prepare a survey and 2 study as authorized by this subsection. Before setting a 3 time for hearing, the commissioners may cause a survey and 4 study of the area sought to be included in such district to 5 be made by competent personnel and may submit a report 6 thereof to the department of health and environmental 7 sciences for its review and recommendations."

8 Section 19. Section 7+22+2406. MCA, is amended to 9 read:

10 #7-22-2406. Notice of hearing on petition to create 11 district. (1) If addresses are known, the commissioners 12 shall cause notice of the hearing provided for in 7-22-2403 13 to be mailed to each nonresident owner of taxable real and 14 personal property within the proposed district.

15 (2) The commissioners shall cause notice to be posted 16 in three public places within the district. Where <u>Whenever</u> 17 the district is partly in one county and partly in another 18 county, notice must be posted in each county but <u>posting</u> 19 <u>need not be</u> in three places in each county.

20 (3) The commissioners shall also cause notice to be 21 given of the time and place of the hearing and the methods 22 of objection by publication in a newspaper within or nearest 23 to the district and, if the district is partly in one county 24 and partly in another county, in a newspaper in each county, 25 if such newspaper exists. The publication must be for two 1 weekly issues.

2 (4) Posting and first publication shall be at least 10
3 days before the hearing.⁴

4 Section 20. Section 7-22-2411. MCA. is amended to 5 read:

6 •7-22-2411. District to be governed by appointed 7 mosquito control board. (1) Upon the creation of any 8 mosquito control district. the commissioners shall appoint a 9 mosquito control board composed of not less than three or 10 more than five members.

11 (2) Each member of the mosquito control board shall be 12 an elector end-property-owner within the boundaries of the 13 district whose-neme-appears-as-such-property-owner-upon-the 14 last-completed-assessment-roll-of-the-county-in--which--said 15 district-is-situated.

16 (3) The board shall-be is a body corporate and shall
17 act as such, and the members shall-be are public officers.
18 (4) The health officer having jurisdiction in the
19 proposed district, the sanitarian or a member of his staff,
20 and the county extension agent, if the county has any or
21 all such officers shall-be s are ex officio members of such
22 the board without vote.*

23 Section 21. Section 7-22-2446, MCA, is amended to 24 read:

25 *7-22-2446. Hearing on petition for dissolution ---

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1 notice. Upon the filing of such a petition for dissolution. 2 the board of county commissioners shall set a time for 3 hearing the same petition and shall cause notice thereof to be mailed to all nonresident property owners within the 4 5 district whose addresses are known, to be posted in at least 6 three public places within said the district, and to be 7 published at least once in the official newspaper of the 8 county published in the district, such the posting and 9 publication to be at least 10 days before soid the date of 10 hearing. If <u>Whenever</u> the district is partly in one county n and partly in another county, notice must be posted in each 12 countys but posting need not be in three places in each 13 county_ and notice must be published in the official 14 newspaper of each county."

15 Section 22. Repeater. Section 84-3205, R.C.M. 1947, is 16 repeated.

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46th Legislature

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Approved by Comm. on Local Government

1	SENATE BILL NO. 314
2	INTRODUCED BY CONOVER
3	BY REQUEST OF THE CODE COMMISSIONER
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6	CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO BUSINESS,
7	AGRICULTURE, AND LIVESTOCK SERVICES AND REGULATIONS AND TO
8	WEED AND PEST CONTROL; REPEALING SECTION 84-3205, R.C.M.
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 7-21-2103, MCA, is amended to read:

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ı	secretary; or other officer must procure a license from the
2	county treasurer for the term desired and the proper class
3	for-which-such-party-is-liable-to-pay. In all cases where an
4	underestimate has been made by the party applying, the party
5	making such the underestimate or the company he represented
6	is required to pay double the sum otherwise required for a
7	license for the next quarter."
9	Section 2. Section 7-21-2105, MCA, is amended to read:
9	#7-21-2105. Disbursement of license fees. (1) All
10	<u>Unless the disposition is otherwise provided for all</u> money
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19	the earmarked revenue fund to be used by the livestock
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22	"7-21-2211。 Railway warehouse license。 Each railway
23	company acting in the capacity of a warehouse for the

25 than in the capacity of a common corriers carrier, shall

-2- SB 314 SECOND READING

1

1 pays in each county in which sold the business may-be is 2 carried on, a license of \$10 per quarters"

3 Section 4. Section 7-21-2401. MCA. is amended to read:
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#7-21-3401. Authorization to create county fair

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2 county--of--Montone may, at their any regular meeting in Becember--in--1927, appoint from the electors of their 3 respective--counties the county five responsible persons to 4 constitute a county fair commission, three of said the 5 members to be appointed for a term of 2 years and two for a . term of 1 year and until their successors are appointed. 7 (2) At-the-regular-meeting-in-December--in--each Each A 9 year thereafter, the board of county commissioners of-each county shall appoint members of the county fair commission 10 11 to succeed the members whose terms then expire." Section 6. Section 7-21-3405. MCA. is amended to read: 12 13 #7-21-3405. Compensation of county fair commissioners. (1) Each member of the commission shall-receive is entitled 14 15 to a salary of \$25 a year as compensation for his services, should If the secretary of the county fair commission be is 16 17 a member of the commission, then his salary shall be fixed by the commission in lieu of the salary of \$25 a year. 18 19 (2) In addition to the salary provided by subsection

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20 (1), each commissioner may be allowed his actual and 21 necessary expenses while fulfilling the duties of his 22 office."

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9	city or town council has-powerto may license. tax. and	9
10	regulate:	10
11	(a) auctioneers, peddlers, pawnbrokers, and secondhand	11
12	and junk shops;	12
13	(b) motor vehicles and motor vehicle bodies, except	13
14	those on commercial property, which are not otherwise taxed;	14
15	{C} drivers, porters, pool-hollsy-soft-drinkporlorsy	15
16	billiardtables, tenpin alleys, shooting galleries, shows,	16
17	circuses, street parades, theatrical performances, and	17
18	places of amusement within the city or town.	18
19	(2) The power to license, tax, and regulate circuses	19
20	and shows of like character shall~~extend <u>extends</u> 3 miles	20
21	beyond the limits of the city or town.	21
22	(3) Inadditiontotheother-powers-vested-in-city	22
23	governmentsv-the Ibe council of any city or town shallhave	23
24	powertomakeandpass may_enact necessary ordinances	24
25	providing for the licensing <u>e_taxation</u> and regulation of	25
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regulate and limit the number of such licenses issued and to provide by ordinance that the total number of such licenses may not exceed the number fixed by the city or town council by ordinance." Section 13. Section 7-22-2101, MCA, is amended to read: "7-22-2101. Definitions. As used in this parts unless the context indicates otherwise: the following definitions apply: (1) "Commissioners" means of county the board commissioners. (2) "District" means the area included within the boundaries of any an organized weed control and weed seed extermination district. (3) "Noxious weeds" or "weeds" means Canadian thistle (Cirsium arvense (L.) scop.), wild morning glory or bindwer. (Convolvulus arvensis L.), whitetop (Lepidium draba L.), leafy spurge (Euphorbia virgata waldst. and kit.), Russian knapweed (Centaurea pieris pallas.). and such other weed--or weeds as may be defined and designated as a noxious weed weeds by the board of county commissioners of each county, subject to the approval of the county extension agent or

soft drink establishments and all pool and billiard halls. Said The city and or town council shall-have--power--to may

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agricultural experiment station at Montana state university.

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1	(4) "Seed" or "seeds" means the seed of any noxious
2	weed.
3	(5) "Supervisors" means the three persons appointed by
4	the board of county commissioners to supervise the weed
5	control and weed seed extermination within the county."
6	Section 14. Section 7-22-2103, MCA, is amended to
7	read:
8	"7-22-2103. County weed board. (1) The board of county
9	commissioners of each county shall appoint a county weed
10	poard consisting of three or five members, and:
11	(a) if a three-member board, two members shall be
12	rural agricultural landowners <u>residents</u> LANDOWNERS within
13	the county and one member shall be a teacher of biology or a
14	person with comparable expertise; or
15	(b) if a five-member board, three members shall be
16	rural agricultural fondowners <u>residents LANDOWNERS</u> within
17	the county, one from member shall be a resident of a city or
18	town within the county, and one <u>member shall be a</u> teacher of
19	biology or a person with comparable expertise.
20	(2) The county extension agent in each county shall-be
21	is an ex officio member of that county's weed board.
22	(3) Soid <u>The</u> supervisors shallbe <u>are</u> public
23	officers."
24	Section 15. Section 7-22-2104, MCA. is amended to

1	"7-22-2104. Term of office. The-members-of-thecounty
2	weedboardshallbe-appointed-for-a-period-of-lv-2v-snd-3
3	yearsy-respectivelyy-for-a-three-member-boardy-orshoulda
4	five-memberboardbe-salactedy-they-shall-be-appointed-for
5	iand-2-year-termsy-respectivelyy-dating-from-the-preceding
5	Julys-and-thereafter-an-appointment-orreappointmentshall
1	be-made-annually-by-the-board-of-county-commissioners.
8	[1]_Except_as_provided in subsection_121*_a_member_of
9	a county weed board serves a term of 3 years and until_the
10	qualification of his successor.
11	121_When a three-member weed board is established, the
12	initial_board_members_serve_terms_of_1_2, and 3 years:
13	respectivelys_as_designated_by_thecompissionerssWhena
14	five-member_weed_board_is_establisheds_two_of_the_initial
15	members_serve_terms_of_1_years_two_serve_terms_of_2years+
16	and one serves a term of 3 years. After expiration of an
17	initial_term_of_office1_the_successor_serves_a3-yearterm
18	as_provided_in_subsection_lle"
19	Section 16. Section 7-22-2108. MCA, is amended to
20	read:
21	#1-22-2108• Violations• (1) Any person who in any
22	manner interferes with the weed-control-commissionersy-the
23	weed-supervisory-or-his <u>supervisors or their</u> deputies and
24	employees in carrying out the provisions of this part or who
25	refuses to obey an order of the <u>a</u> supervisor sha ll-be <u>is</u>

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25

read:

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1 guilty of a misdemeanor. and upon conviction thereof. he 2 shall be fined not to exceed a-sum-of \$100.

3 (2) All fines, bonds, and penalties collected under
4 the provisions of this part shall be paid to the county
5 treasurer of each county and placed by him to the credit of
6 the a fund to be known as the noxious weed fund.[#]

7 Section 17. Section 7-22-2148, MCA, is amended to 8 read:

"7-22-2148. Tax liability for payment of weed control 9 expenses. (1) The expenses referred to in 7-22-2124 shall be 10 paid by the county out of the noxious weed fund, and unless 11 12 the sum to be repaid by the owner or occupant is not repaid 13 before the succeeding October 15 next--ensuing, the county 14 clerk shall certify the amount thereof, with the description 15 of the premises land to be charged, and shall extend enter 16 the same to on the assessment list of the soid county as a 17 special tax on said the land. If the land for any reason be is exempt from general taxation, the amount of such charge 18 may be recovered by direct claim against the lessee and 19 collected in the same manner as personal taxes. When such 20 taxes charges are collected, they shall be credited to the 21 22 noxious weed fund.

(2) In determining what lands shall-be are included as
land covered by the special tax herein and which--shall--be
are described in the certificate of the county clerk, it

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shall-be is presumed that all work done upon any of the land 1 of any one landowner shall-be is for the benefit of all of 2 the land within the district belonging to such owner which 3 was contiguous to or joining-the-prece-or joined the parcel 4 5 upon which such the work was done at the time such the work 6 was done, together with the piece-or parcel upon which such 7 the work was done, and the amount so certified shall-become becomes a tax upon the whole thereof." 8

9 Section 18. Section 7-22-2403, MCA, is amended to 10 read:

11 "7-22-2403. Petition to create mosquito control district -- hearing required. (1) When a petition signed by 12 not less than 25% of the qualified electors of the proposed 13 14 district or 25% of the owners of any property within the 15 poundaries whose names appear as such property owners upon the last-completed assessment roll of the county in which 16 17 the proposed district is situated is presented to the boar 18 of commissioners of such the county, asking for the creation of a mosquito control district, the commissioners shall set 19 20 a day for the a hearing of on the same petition and order 21 notice thereof of the hearing to be given to all persons 22 interested.

(2) The commissioners by resolution shall fix a time
for a hearing upon soid the petition at not less than 2 or
more than 4 weeks from the time of presentation thereof

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1 <u>unless additional time is needed to prepare a survey and</u>
2 <u>study as authorized by this subsection</u>. Before setting a
3 time for hearing, the commissioners may cause a survey and
4 study of the area sought to be included in such district to
5 be made by competent personnel and may submit a report
6 thereof to the department of health and environmental
7 sciences for its review and recommendations.^m

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8 Section 19. Section 7-22-2406, MCA, is amended to 9 read:

10 *7-22-2406. Notice of hearing on petition to create 11 district. (1) If addresses are known. the commissioners 12 shall cause notice of the hearing provided for in 7-22-2403 13 to be mailed to each nonresident owner of taxable real and 14 personal property within the proposed district.

15 (2) The commissioners shall cause notice to be posted 16 in three public places within the district. Where <u>Whenever</u> 17 the district is partly in one county and partly in another 18 county, notice must be posted in each county but <u>posting</u> 19 <u>neud</u> not <u>be</u> in three places in each county.

(3) The commissioners shall also cause notice to be
given of the time and place of the hearing and <u>the</u> methods
of objection by publication in a newspaper within or nearest
to the district and, if the district is partly in one county
and partly in another county, in a newspaper in each county,
if such newspaper exists. The publication must be for two

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1 weekly issues.

2 (4) Posting and first publication shall be at least 10
3 days before the hearing."

4 Section 20. Section 7-22-2411, MCA, is amended to 5 read:

6 "7-22-2411. District to be governed by appointed 7 mosquito control board. (1) Upon the creation of any 8 mosquito control district. the commissioners shall appoint a 9 mosquito control board composed of not less than three or 10 more than five members.

11 (2) Each member of the mosquito control board shall be 12 an elector and-property-owner within the boundaries of the 13 district whose-name-appears-as-such-property-owner-upon-the 14 iast-completed-assessment-roll-of-the-county-in--which--said 15 district-is-situated.

(3) The board shall-be is a body corporate and shall 16 act as such, and the members shall-be are public officers. 17 18 (4) The health officer having jurisdiction in the proposed district, the sanitarian or a member of his staff, 19 20 and the county extension agent, if the county has any or 21 all such officers shall-be <u>rare</u> ex officio members of such the board without vote." 22 Section 21. Section 7-22-2446, MCA, is amended to 23

23 Section 21. Section (-22-2446) MCR(is amended to 24 read:

25 #7-22-2446. Hearing on petition for dissolution --

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1 notice. Upon the filing of such a petition for dissolution. 2 the board of county commissioners shall set a time for 3 hearing the same <u>petition</u> and shall cause notice thereof to 4 be mailed to all nonresident property owners within the 5 district whose addresses are known, to be posted in at least three public places within said the district, and to be 6 7 published at least once in the official newspaper of the 6 county published in the district, such the posting and 9 publication to be at least 10 days before said the date of 10 hearing. If <u>Whenever</u> the district is partly in one county 11 and partly in another county, notice must be posted in each 12 countys but posting need not be in three places in each countys and notice must be published in the official 13 14 newspaper of each county."

15 Section 22. Repealer. Section 84-3205, R.C.M. 1947, is 16 repealed.

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46th Legislature

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1	SENATE BILL NO. 314
ż	INTRODUCED BY CONOVER
3	BY REQUEST OF THE CODE COMMISSIONER
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6	CLARIFY THE LOCAL GOVERNMENT LANS RELATING TO BUSINESS.
7	AGRICULTURE+ AND LIVESTOCK SERVICES AND REGULATIONS AND TO
8	WEED AND PEST CONTROL; REPEALING SECTION 84-3205+ R.C.M.
9	1947.ª
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 7-21-2103, NCA, is amended to read:
13	#7-21-2103. Determination of persons required to
14	obtain licenses classes of licenses. {1} The county
15	treasurer must make diligent inquiry as to all persons in
16	his county liable to pay the <u>a license fee</u> as provided in
17	this part.
18	(2) Where <u>Whenever</u> the rate-of-license-is <u>licenses</u> are
19	divided into classes, the county treasurer must require each
20	person to state, under oath or affirmation, the probable
21	amount of business which he, the firm of which he is a
22	member or for which he is an agent or attorney. or the
23	association or corporation of which he is the president,
24	secretary, or managing agent will do in the next succeeding
25	3 months. Thereupon such person, agent. president.

l	secretary, or other officer must procure a license from the
2	county treasurer for the term desired and the <u>proper</u> class
3	for-which-such-party-is-liable-to-pay . In all cases where an
4	underestimate has been made by the party applying, the party
5	making such the underestimate or the company he represented
6	is required to pay double the sum otherwise required for a
7	license for the next quarter."
8	Section 2. Section 7-21-2105. MCA. is amended to read:
9	"7-21-2105. Disbursement of license fees. (1) All
10	Unless the disposition is otherwise provided form all money
11	collected <u>by the county treasurer</u> for licenses <u>issued by the</u>
12	county under this chapter must be paid into the treasury of
13	the county in-which-the-some-is-collected.
13 14	the county in-which-the-some-is-collected. (2) The <u>Unlessotherwiseprovidedsthe</u> county
	•
14	(2) The <u>UnlessOtherwiseprovidedsthe</u> county
14 15	(2) The Unless Otherwise provideds the county treasurer shall retain 50% thereof for the use of the
14 15 16	(2) The <u>Unless_Otherwise_provideds_the</u> county treasurer shall retain 50% thereof for the use of the county, he-shall pay over 45% thereof to the state treasurer
14 15 16 17	(2) The Unless_Otherwise_provideds_the county treasurer shall retain 50% thereof for the use of the county. he-shell pay over 45% thereof to the state treasurer for the use of the general fund of the state, and heshell
14 15 16 17 18	(2) The UnlessOtherwiseprovidedsthe county treasurer shall retain 50% thereof for the use of the county. he-shall pay over 45% thereof to the state treasurer for the use of the general fund of the state, and heshall pay over 5% thereof to the state treasurer for deposit in
14 15 16 17 18 19	(2) The Unless_otherwise_provideds_the county treasurer shall retain 50% thereof for the use of the county. he-shell pay over 45% thereof to the state treasurer for the use of the general fund of the state, and heshell pay over 5% thereof to the state treasurer for deposit in the earmarked revenue fund to be used by the livestock
14 15 16 17 18 19 20	(2) The Unlessotherwiseprovidedsthe county treasurer shall retain 50% thereof for the use of the county. he-shall pay over 45% thereof to the state treasurer for the use of the general fund of the state. and heshall pay over 5% thereof to the state treasurer for deposit in the earmarked revenue fund to be used by the livestock commission for predatory animal control."
14 15 16 17 18 19 20 21	(2) The Unlessotherwiseprovidedsthe county treasurer shall retain 50% thereof for the use of the county, he-shall pay over 45% thereof to the state treasurer for the use of the general fund of the state, and heshall pay over 5% thereof to the state treasurer for deposit in the earmarked revenue fund to be used by the livestock commission for predatory animal control." Section 3. Section 7-21-2211, MCA, is amended to read:

than in the capacity of a common corriers carrier, shall

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1 pay, in each county in which said the business may be is z carried on, a license of \$10 per quarter." 3 Section 4. Section 7-21-2401, MCA. is amended to read: 4 "7-21-2401. Definitions. As used in this part. unless the context indicates otherwises the following definitions 5 apoly: 6 7 (1) Within--the--meening--of--this--party---*temporary 8 premises-shall-be-continued-to-include "Temporary premises" 9 means any hotel, roominghouse, storeroom, building or env 10 part of any building whetsoever. tent, vacant lot, freight 11 station, railroad car, automobile, truck, trailer or trailer 12 house, or any public or quasi-public place, temporarily 13 occupied for such business as described in subsection (2). 14 (2) Within--the--peoning--of--this--perty-e-#transient 15 retail_merchants_is "Transient_retail_merchants" means 'every 16 person, firm, or corporation acting for himself or itself or 17 representing any other person+ firm+ or corporation who or 18 which brings into temporary premises {into--eny--county--of 19 this---state; a stock of goods, wares, articles of 20 merchandise, notions, or other articles of trade and who or 21 which solicits, sells, offers to sell, or exhibits for sale 22 such stock of goods, wares, articles of merchandise, 23 notions, or other articles of trade at retail." Section 5. Section 7-21-3401, NCA, is amended to read: 24 25 #7-21-3401. Authorization to create county fair

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2 county--of--Hontong may, at their any regular meeting in Becember--in--1927, appoint from the electors of their а. respective-counties the county five responsible persons to . constitute a county fair commission, three of said the 5 members to be appointed for a term of 2 years and two for a 6 term of 1 year and until their successors are appointed. 7 8 (2) At-the-regular-meeting-in-Becember--in--each Each year thereafter, the board of county commissioners of-each 9 10 county shall appoint members of the county fair commission to succeed the members whose terms then expire." 11 12 Section 6. Section 7-21-3405, MCA, is amended to read: 13 "7-21-3405. Compensation of county fair commissioners. 14 (1) Each member of the commission shell-receive is entitled to a salary of \$25 a year as compensation for his services, 15 should If the secretary of the county fair commission be is 16 a member of the commission, then his salary shall be fixed 17 18 by the commission in lieu of the salary of \$25 a year. 19 (2) In addition to the salary provided by subsection 20 (1), each commissioner may be allowed his actual and necessary expenses while fulfilling the duties of his 21 22 office." 23 Section 7. Section.7-21-3421, MCA, is amended to read: 24 "7-21-3421. Authorization to create multicounty fair 25 district. (1) Two or more counties within the state,

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commission. (1) The board of county commissioners of-eech

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and the the the term of term o

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constituting a contiguous territory, may group themselves
 together and form a fair district.

3 (2) The board of county commissioners of any such 4 county, upon application from the regularly appointed county 5 fair board <u>commission</u>, may by resolution declare its 6 intention to join in and form a fair district.⁴

Section 8. Section 7-21-3422, MCA, is amended to read: 7 #7-21-3422. Notice of intention to create fair 8 district -- hearing. Notice of the resolution of intent to 0 create a fair district shall be published in two regular 10 weekly issues of a newspaper in such the county, setting 11 forth the date on which a hearing shall be had on said the 12 resolution by the taxpayers and residents of the county and 13 at which time objections will be heard if-there-are-any 14 thereto." 15

Section 9. Section 7-21-3423. MCA, is amended to read: "7-21-3423. Decision by board of county commissioners. After the consideration of the objections if there__are any be--mede, the county commissioners may authorize the county fair board <u>commission</u> to join with any existing contiguous district end/or or_to form a fair district with counties in contiguous territory."

23 Section 10. Section 7-21-3425, MCA, is amended to 24 read:

25 #7-21-3425. Board of directors of fair district. (1)

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The members of the respective county fair beards commissions L of the counties forming a fair district shall--ex--officio 2 constitute a board of directors for said the fair district. з (2) After a district has been formed and a county or 4 counties--are is added thereto, the members of the county 5 fair beard-or-boards commission of the county or--counties 6 added to the fair district shall are likewise be-ex-officio 7 members of the board of directors of said the fair district.* 9 10 Section 11. Section 7-21-3426, MCA, is amended to 11 read:

12 "7-21-3426. Organization of board and conduct of 13 business. (1) The board of directors shall meet at the place 14 of business. established under 7-21-3427, during the month 15 of Ducember of each year and organize. electing a chairman. 16 vice-chairman, and secretary for the board.

17 (2) Such subsequent meetings shall be held as may be
 18 found necessary for the conduct of the district fair.

19 (3) The board of directors shall have power to employ
20 a secretary, whom they may vest with managerial powers, and
21 they shall also appoint a treasurer. The office of secretary
22 may be combined with that of treasurer.

23 (4) The board of directors shall see that:
24 (a) all records and accounts are properly kept,
25 supervised, and approved;

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1 (b) proper vouchers evidence all disbursements of 1 money; and 2 2 3 (c) the records are at all reasonable hours open to 3 the texperers-of--the--counties--comprising--the--district 4 4 5 DUDIC. 5 Section 12. Section 7-21-4201, MCA, is amended to 6 7 read: 7 "7-21-4201. Regulation of certain activities. (1) The 8 8 9 9 city or town council has-power--to gay license, tax, and regulate: 10 10 11 (a) auctioneers, peddlers, pawnbrokers, and secondhand 11 12 and junk shops: 12 13 13 (b) motor vehicles and motor vehicle bodies, except those on commercial property, which are not otherwise taxed; 14 14 15 (c) drivers, porters, pool-hallsv-soft-drink--partorsv 15 16 billiard--tablesy tempin alleys, shooting galleries, shows, 16 17 circuses, street parades, theatrical performances, and 17 18 places of amusement within the city or town. 18 19 (2) The power to license, tax, and regulate circuses 19 20 and shows of like character shell--extend extends 3 miles 20 21 beyond the limits of the city or town. 21 22 (3) In--addition--to--the--other-powers-vested-in-city 22 23 governmentsy-the Ing council of any city or town shall--have 23 power--to--make--and--pass may...enact necessary ordinances 24 24 providing for the licensing. taxation: and regulation of 25 25

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soft drink establishments and all pool and billiard halls. Said The city and or town council shall-have-power-to may regulate and limit the number of such licenses issued and to provide by ordinance that the total number of such licenses may not exceed the number fixed by the city or town council by ordinance." Section 13. Section 7-22-2101, MCA, is amended to read: *7-22-2101. Definitions. As used in this parts unless the context indicates otherwise, the following definitions apply: (1) "Commissioners" means the board of county commissioners. (2) "District" means the area included within the boundaries of any an organized weed control and weed seed extermination district. (3) "Noxious weeds" or "weeds" means Canadian thistle

17 (3) "Noxious weeds" or "weeds" means Canadian thistle 18 (Cirsium arvense (L+) scop+), wild morning glory or bindweed 19 (Convolvulus arvensis L+), whitetop (Lepidium draba L+), 20 leafy spurge (Euphorbia virgata waldst+ and kit+), Russian 21 knapweed (Centaurea pieris pallas+), and such other weed--or 22 weeds as may be defined and designated as a noxious weed 23 weeds by the board of county commissioners of each county, 24 subject to the approval of the county extension agent or 25 agricultural experiment station at Montana state university.

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(4) "Seed" or "seeds" means the seed of any noxious ı weed. 2 (5) "Supervisors" means the three persons appointed by 3 the board of county coamissioners to supervise the weed 4 control and weed seed extermination within the county." 5 Section 14. Section 7-22-2103, MCA, is amended to 6 read: 7 #7-22-2103. County weed board. (1) The board of county 8 commissioners of each county shall appoint a county weed 9 board consisting of three or five members, and: 10 (a) if a three-member board, two members shall be 11 rural agricultural tandowners residents LANDOWNERS within 12 the county and one member shall be a teacher of biology or a 13 person with comparable expertise; or 14 (b) if a five-member board, three members shall be 15 rural agricultural fondowners residents LANDOWNERS within 16 the county, one from member shall be a resident of a city or 17 town within the county, and one member shall be a teacher of 18 biology or a person with comparable expertise. 19 (2) The county extension agent in each county shell-be 20 is an ex officio member of that county's weed board. 21 (3) Soid The supervisors shall---be are public 22 officers." 23 Section 15. Section 7-22-2104, MCA, is amended to 24 read: 25

#7-22-2104. Term of office. The-members-of-the--county 1 weed--board--shell--be-appointed-for-a-period-of-lt-2t-and-3 2 veersy-respectively-for-a-three-member-boardy-or--should--a 3 4 five-member--beerd--be-selectedy-they-shall-be-appointed-for 5 1--and-2-year-termsy-respectivelyy-dating-from-the-preceding dutyy-end-thereafter-en-appointment-or--reappointment--shatt be-sade-annually-by-the-board-of-county-commissionersu 7 я (1) Except as provided in subsection (2), a member of a county weed board serves a term of 3 years and until the 9 10 qualification of his successor. (2) When a three-member weed board is established, the 11 12 initial board members serve terms of 1+ 2+ and 3 years. 13 respectively. as designated by the commissioners. When a 14 five-member weed board is established, two of the initial 15 members serve terms of 1 years two serve terms of 2 years. 16 and one serves a term of 3 years, After expiration of an 17 initial term of office, the successor serves a 3-year, term 18 as provided in subsection (1)." 19 Section 16. Section 7-22-2108, MCA, is amended to 20 read: *7-22-2108. Violations. (1) Any person who in any 21 manner interferes with the weed-control-commissionersw-the 22 23 weed-supervisory-or-his supervisors or their deputies and employees in carrying out the provisions of this part or who 24 25 refuses to obey an order of the a supervisor shall-be is

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1 quilty of a misdemeanor, and upon conviction thereof, he shall be fined not to exceed a-sum-of \$100. 2 2 3 (2) All fines, bonds, and penalties collected under 3 4 the provisions of this part shall be paid to the county 4 5 treasurer of each county and placed by him to the credit of ٩. 6 the a fund to be known as the noxious weed fund." 6 7 Section 17. Section 7-22-2148, HCA, is amended to 7 8 read: 8 9 "7-22-2148. Tax liability for payment of weed control 9 10 expenses. (1) The expenses referred to in 7-22-2124 shall be 10 11 paid by the county out of the noxious weed fund, and unless 11 the sum to be repaid by the owner or occupant is not repaid 12 12 13 before the succeeding October 15 next--ensuing, the county 13 clerk shall certify the amount thereof, with the description 14 14 the premises land to be charged, and shall extend enter 15 of 15 the same to on the assessment list of the said county as a 16 16 17 special tax on said the land. If the land for any reason be 17 is exempt from general taxation, the amount of such charge 18 18 19 may be recovered by direct claim against the lessee and 19 20 collected in the same manner as personal taxes. When such 20 texes charges are collected, they shall be credited to the 21 21 noxious weed fund. 22 22

(2) In determining what lands shall-be are included as
land covered by the special tax herein and which--shall--be
are described in the certificate of the county clerk, it

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shall-be is presumed that all work done upon any of the land of any one landowner shall-be is for the benefit of all of the land within the district belonging to such owner which was contiguous to or joining-the-piece-or joined_the parcel upon which such the work was done at the time such the work was done, together with the piece-or parcel upon which such the work was done, and the amount so certified shall-become becomes a tax upon the whole thereof."

9 Section 18. Section 7-22-2403, MCA, is amended to 10 read:

11 "7-22-2403. Petition to create mosquito control 12 district -- hearing required. (1) When a petition signed by 13 not less than 25% of the qualified electors of the proposed 14 district or 25% of the owners of any property within the 15 boundaries whose names appear as such property owners upon 16 the last-completed assessment roll of the county in which 17 the proposed district is situated is presented to the board 18 of commissioners of such the county, asking for the creation 19 of a mosquito control district, the commissioners shall set 20 a day for the a hearing of on the some petition and order 21 notice thereof of the hearing to be given to all persons 22 interested. 23 (2) The commissioners by resolution shall fix a time

24 for a hearing upon said the petition at not less than 2 or
25 more than 4 weeks from the time of presentation thereof

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1 unless additional_time_is_needed_to_prepare__a_survey__and 2 study_as_authorized_by_this_subsection. Before setting a 3 time for hearing, the commissioners may cause a survey and 4 study of the area sought to be included in such district to 5 be made by compatent personnel and may submit a report 6 thereof to the department of health and environmental 7 sciences for its review and recommendations."

B Section 19. Section 7-22-2406. MCA. is amended to 9 read:

10 **7-22-2406. Notice of hearing on petition to create 11 district. (1) If addresses are known, the commissioners 12 shall cause notice of the hearing provided for in 7-22-2403 13 to be mailed to each nonresident owner of taxable real and 14 personal property within the proposed district.

15 (2) The commissioners shall cause notice to be posted 16 in three public places within the district. Where <u>Whenever</u> 17 the district is partly in one county and partly in another 18 county. notice must be posted in each county but <u>posting</u> 19 <u>need not be</u> in three places in each.county.

(3) The commissioners shall also cause notice to be
given of the time and place of the hearing and <u>the</u> methods
of objection by publication in a newspaper within or nearest
<u>to</u> the district and, if the district is partly in one county
and partly in another county, in a newspaper in each county,
if such newspaper exists. The publication must be for two

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1 weekly issues.

2 (4) Posting and first publication shall be at least 10

3 days before the hearing."

4 Section 20. Section 7-22-2411, MCA, is amended to 5 read:

6 "7-22-2411. District to be governed by appointed 7 mosquito control board. (1) Upon the creation of any 8 mosquito control district. the commissioners shall appoint a 9 mosquito control board composed of not less than three or 10 more than five members.

11 (2) Each member of the mosquito control board shall be an elector and-property-owner within the boundaries of the 13 district whose-neme-appears-as-such-property-owner-upon-the 14 hast-completed-assessment-roll-of-the-county-in--which--said 15 district-is-situated.

16 [3] The board shall-be is a body corporate and shall
17 act as such, and the members shall-be are public officers.
18 [4] The health officer having jurisdiction in the
19 proposed district, the sanitarian or a member of his staff,
20 and the county extension agent, if the county has any, or
21 all such officers shall-be <u>s are</u> ex officio members of such
22 <u>the</u> board without vote."

23 Section 21. Section 7-22-2446, MCA, is amended to 24 read:

25 "7-22-2446. Hearing on petition for dissolution --

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1 notice. Upon the filing of such a petition for dissolution, 2 the board of county commissioners shall set a time for 3 hearing the same petition and shall cause notice thereof to be mailed to all nonresident property owners within the 4 5 district whose addresses are known, to be posted in at least three public places within said the district, and to be 6 7 published at least once in the official newspaper of the county published in the district, such the posting and 8 9 publication to be at least 10 days before said the date of 10 hearing. If <u>Whenever</u> the district is partly in one county 11 and partly in another county. notice must be posted in each 12 countys but posting need not be in three places in each 13 county_ and notice must be published in the official 14 newspaper of each county."

15 Section 22. Repeater. Section 84-3205. R.C.M. 1947. is 16 repeated.

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SENATE BILL NO. 314 1 INTRODUCED BY CONOVER 2 BY REQUEST OF THE CODE COMMISSIONER 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO BUSINESS. 6 7 AGRICULTURE, AND LIVESTOCK SERVICES AND REGULATIONS AND TO WEED AND PEST CONTROL; REPEALING SECTION 84-3205, R.C.N. 8 1947.8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 7-21-2103, MCA, is amended to read: 13 "7-21-2103. Determination of persons required to 14 obtain licenses -- classes of licenses. (1) The county 15 treasurer must make diligent inquiry as to all persons in 16 his county liable to pay the a license fee as provided in 17 this part. (2) Where <u>Whenever</u> the rote-of-Hicense-Ho licenses are 18 19 divided into classes, the county treasurer must require each 20 person to state, under oath or affirmation, the probable 21 amount of business which he, the firm of which he is a member or for which he is an agent or attorney, or the 22 association or corporation of which he is the president. 23 24 secretary, or managing agent will do in the next succeeding 25 3 months. Thereupon such person: agent: president:

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1	secretary, or other officer must procure a license from the
2	county treasurer for the term desired and the proper class
3	for-which-such-party-is-liable-to-pay. In all cases where an
4	underestimate has been made by the party applying, the party
5	making such the underestimate or the company he represented
6	is required to pay double the sum otherwise required for a
7	lifense for the next quarter."
8	Section 2. Section 7-21-2105, MCA, is amended to read:
9	"7-21-2105. Disbursement of license fees. (1) All
10	Unless_the_disposition_is_otherwise_provided_fors_all money
11	collected by the county treasurer for licenses issued by the
12	<u>county_under_this_chapter</u> must be paid into the treasury of
13	the county in-which-the-some-is-collected.
14	(2) The <u>Unlass</u> otherwise provided, the county
15	treasurer shall retain 50% thereof for the use of the
16	county, he-shall pay over 45% thereof to the state treasurer
17	for the use of the general fund of the state, and heshall
18	pay over 5% thereof to the state treasurer for deposit in
19	the earmarked revenue fund to be used by the livestock
20	commission for predatory animal control."
21	Section 3. Section 7-21-2211, MCA, is amended to read:
22	#7-21-2211. Railway warehouse license. Each railway
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22 23	corpany acting in the capacity of a warehouse for the
	corpany acting in the capacity of a warehouse for the purpose of storing and distributing goods, except-ony other

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pays in each county in which said the business may be is 1 carried on, a license of \$10 per guarter.* Z Section 4. Section 7-21-2401, MCA, is amended to read: 3 #7-21-2401. Definitions. As used in this parts unless 4 the context indicates otherwise: the following definitions 5 apply: 6 [1] Within--the--meening--of--this--party---*temporary 7 presises -- shall-be-continued-to-include "Iemporary presises" 8 9 means any hotel, roominghouse, storeroom, building or any 10 part of any building whotsoever, tent, vacant lot, freight 11 station, railroad car, automobile, truck, trailer or trailer 12 house, or any public or quasi-public place, temporarily 13 occupied for such business as described in subsection (2). (2) Within--the--meaning--of--this--party-s-Mtransfent 14 15 reteil-merchant*~is "Iransient_retail_merchant"_means every 16 person, firm, or corporation acting for himself or itself or 17 representing any other person+ firm+ or corporation who or 18 which brings into temporary premises finto--nny--county--of this---state; a stock of goods, wares, articles of 19 20 merchandise, notions, or other articles of trade and who or which solicits, sells, offers to sell, or exhibits for sale 21 such stock of goods, wares, articles of merchandise, 22 notions, or other articles of trade at retail." 23 Section 5. Section 7-21-3401, MCA, is amended to read:

24Section 5+ Section 7-21-3401, MCA+ is amended to read:25#7-21-3401+ Authorization to create county fair

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commission. (1) The board of county commissioners of-reach 1 county--of--Nontana may, at their any regular meeting in 2 Becember--in--1927, appoint from the electors of their 3 respective--counties the county five responsible persons to 4 constitute a county fair commission, three of said the 5 members to be appointed for a term of 2 years and two for a 6 term of 1 year and until their successors are appointed. 7 (2) At-the-regular-meeting-in-Becember--in--each Each 8 year thereafter, the board of county commissioners of-each 9 county shall appoint members of the county fair commission 10 to succeed the members whose terms then expire." 11 Section 6. Section 7-21-3405, MCA, is amended to read: 12 "7-21-3405. Compensation of county fair commissioners. 13 (1) Each member of the commission shelt-receive is entitled 14 to a salary of \$25 a year as compensation for his services. 15 should If the secretary of the county fair commission be is 16 a member of the commission, then his salary shall be fixed 17 by the commission in lieu of the salary of \$25 a year. 18 (2) In addition to the salary provided by subsection 19 20 (1), each commissioner may be allowed his actual and necessary expenses while fulfilling the duties of his 21 22 office." 23 Section 7. Section 7-21-3421, MCA, is amended to read:

24 "7-21-3421. Authorization to create multicounty fair
 25 district. (1) Two or more counties within the state,

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constituting a contiguous territory. may group themselves 1 together and form a fair district. 2

(2) The board of county commissioners of any such 3 county, upon application from the regularly appointed county 4 fair boord commission, may by resolution declare its 5 intention to join in and form a fair district." 6

Section 8. Section 7-21-3422, MCA, is amended to read: 7 #7-21-3422. Notice of intention to create fair 8 district -- hearing. Notice of the resolution of intent to 9 create a fair district shall be published in two regular 10 weekly issues of a newspaper in such the county. setting 11 forth the date on which a hearing shall be had on seid the 12 resolution by the taxpayers and residents of the county and 13 at which time objections will be heard if-there-are-any 14 thereto." 15

Section 9. Section 7-21-3423, MCA, is amended to read: 16 #7-21-3423. Decision by board of county commissioners. 17 After the consideration of the objections if there_are any 18 be--made, the county commissioners may authorize the county 19 fair boord commission to join with any existing contiguous 20 district and/or or to form a fair district with counties in 21 contiguous territory." 22

Section 10. Section 7-21-3425. MCA, is amended to ٤3 read: 24

#7-21-3425. Board of directors of fair district. (1) 25

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1 The members of the respective county fair beards commissions of the counties forming a fair district shall--ex-officio 2 constitute a board of directors for soid the fair district. 3 (2) After a district has been formed and a county or 4 5 counties--are is added thereto, the members of the county fair board-or-boards commission of the county or--counties 6 7 added to the fair district shell are likewise be-ex-officio members of the poard of directors of said the fair я district." Q Section 11. Section 7-21-3426, MCA, is amended to 10 11 read: 12 #7-21-3426. Organization of board and conduct of business. (1) The board of directors shall meet at the place 13 of business, established under 7-21-3427, during the month 14 of December of each year and organize, electing a chairman, 15 16 vice-chairman, and secretary for the board. 17 (2) Such subsequent meetings shall be held as may be 18 found necessary for the conduct of the district fair. 19 (3) The board of directors shall have power to employ a secretary, whom they may vest with managerial powers, and 20 they shall also appoint a treasurer. The office of secretary

may be combined with that of treasurer. 22

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23 (4) They The board of directors shall see that:

(a) all records and accounts are properly kept. 24 25 supervised, and approved;

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1 (b) proper vouchers evidence all disbursements of 2 money: and (c) the records are at all reasonable hours open to 3 the texpevers--of--the--counties--comprising--the--district 4 5 public." Section 12. Section 7-21-4201, MCA, is amended to 6 7 read: 8 =7-21-4201. Regulation of certain activities. (1) The 9 city or town council has-power--to may license, tax, and 10 regulate: (a) auctioneers, peddlers, paynbrokers, and secondhand 11 and junk shops; 12 (b) motor vehicles and motor vehicle bodies, except 13 14 those on commercial property, which are not otherwise taxed; (c) drivers, porters, pool-hallsy-soft-drink--partorsy 15 16 billiard--toblesy tenpin alleys, shooting galleries, shows, 17 circuses, street parades, theatrical performances, and 18 places of amusement within the city or town. (2) The power to license, tax, and regulate circuses 19 20 and shows of like character sholl--extend extends 3 miles 21 beyond the limits of the city or town. 22 (3) in--addition--to--the--other-powers-vested-in-city governmentsy-the The council of any city or town shall--have 23 24 nower--to--wake--and--pass may gract necessary ordinances 25 providing for the licensing. taxation: and regulation of -7-\$8 314

soft drink establishments and all pool and billiard balls. 1 Said The city and or town council shall-have--power--to may 2 regulate and limit the number of such licenses issued and to 3 4 provide by ordinance that the total number of such licenses may not exceed the number fixed by the city or town council 5 by ordinance." Section 13. Section 7-22-2101. MCA, is amended to 7 read: A *7-22-2101. Definitions. As used in this part, upless 0 10 the context indicates otherwise. the following definitions 11 apoly: (1) "Commissioners" means the board of county 12 commissioners. 13 14 (2) "District" means the area included within the boundaries of any an organized weed control and weed seed 15 16 extermination district. 17 (3) "Noxious weeds" or "weeds" means Canadian thistle (Cirsium arvense (L+) scop+), wild morning glory or bindweed 18 (Convolvulus arvensis L.), whitetop (Lepidium draba L.), 19 leafy spurge (Euphorbia virgata waldst. and kit.)* Russian 20 knapweed (Centaurea pieris pallas.), and such other weed-or 21 weeds as may be defined and designated as a noxious weed 22 weeds by the board of county commissioners of each county, 23 subject to the approval of the county extension agent or 24 agricultural experiment station at Montana state university. 25

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(4) "Seed" or "seeds" means the seed of any noxious 1 2 weed. (5) "Supervisors" means the three persons appointed by 3 the board of county commissioners to supervise the weed 4 control and weed seed extermination within the county." 5 Section 14. Section 7-22-2103, MCA, is amended to 6 read: 7 #7-22-2103. County weed board. (1) The board of county 8 commissioners of each county shall appoint a county weed 9 board consisting of three or five members, and: 10 (a) if a three-member board, two members shall be 11 rural agricultural tendowners residents LANDOWNERS within 12 the county and one member shall be a teacher of biology or a 13 person with comparable expertise; or 14 15 (b) if a five-member board+ three members shall be 16 rural agricultural landowners residents LANDOWNERS within the county, one from member shall be a resident of a city or 17 town within the county, and one member shall be a teacher of 10 biology or a person with comparable expertise. 19 (2) The county extension agent in each county shall-be 20 is an ex officio member of that county's weed board. 21 (3) Said The supervisors shall---be are public 22 23 officers." Section 15. Section 7-22-2104, MCA, is amended to 24 25 read:

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"7-22-2104. Term of office. The-members-of-the--county 1 weed--board--shall--be-appointed-for-s-period-of-ly-2y-and-3 2 3 vegrav-respectivelyv-for-a-three-momber-boardy-or--should--a five-member--board--be-selected-they-shall-be-appointed-for 1--and-2-year-termsy-respectivelyy-dating-from-the-preceding ۰. July -- and-theresfter-an-appointment-or--respointment--shall 6 7 be-mode-annually-by-the-board-of-county-commissioners. (1) Except as provided in subsection (2), a member of 8 a county weed board serves a term of 3 years and until the 9 10 qualification of his successor. 121 When a three-member weed board is established, the 11 12 initial board members serve terms of 1.2. and 3 years. respectively, as designated by the compissioners. When a 13 14 five-member weed board is established, two of the initial members serve terms of 1 years two serve terms of 2 years. 15 15 and one serves a term of 3 years. After expiration of an 17 initial term of office: the successor serves a 3-year term as provided in subsection [1]." 18 Section 16. Section 7-22-2108, MCA, is amended to 19 20 read: #7-22-2108. Violations. (1) Any person who in any 21 manner interferes with the weed-control-commissionersy-the 22 23 weed-supervisory-or-his supervisors or their deputies and 24 employees in carrying out the provisions of this part or who

25 refuses to obey an order of the a supervisor shall-be is

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1 guilty of a misdemeanor. and upon conviction thereof. he 2 shall be fined not to exceed a-sum-of \$100.

3 (2) All fines, bonds, and penalties collected under
4 the provisions of this part shall be paid to the county
5 treasurer of each county and placed by him to the credit of
6 the a fund to be known as the noxious weed fund.^m

7 Section 17. Section 7-22-2148, MCA, is amended to 8 read:

9 #7-22-2148. Tax liability for payment of weed control expenses. (1) The expenses referred to in 7-22-2124 shall be 10 11 paid by the county out of the noxious weed fund, and unless 12 the sum to be repaid by the owner or occupant is not repaid before the succeeding October 15 next--ensuing, the county 13 clerk shall certify the amount thereof, with the description 14 15 of the presises land to be charged, and shall extend enter 16 the same to on the assessment list of the said county as a 17 special tax on said the land. If the land for any reason be 18 is exempt from general taxation, the amount of such charge 19 may be recovered by direct claim against the lessee and collected in the same manner as personal taxes. When such 20 21 taxes charges are collected, they shall be credited to the noxious weed fund. 22

(2) In determining what lands shall-be arg included as
 land covered by the special tax herein and which--shall-be
 arg described in the certificate of the county clerk, it

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shell-be is presumed that all work done upon any of the land of any one landowner shell-be is for the benefit of all of the land within the district belonging to such owner which was contiguous to or joining-the-piece-or joined the parcel upon which such the work was done at the time such the work was done, together with the piece-or parcel upon which such the work was done, and the amount so certified shall-become becomes a tax upon the whole thereof."

9 Section 18. Section 7-22-2403, MCA. is amended to 10 read:

"7-22-2403. Petition to create mosquito control 11 district -- hearing required. (1) When a petition signed by 12 not less than 25% of the qualified electors of the proposed 13 district or 25% of the owners of any property within the 14 15 boundaries whose names appear as such property owners upon the last-completed assessment roll of the county in which 16 the proposed district is situated is presented to the board 17 of commissioners of such the county, asking for the creation 18 of a mosquito control district, the commissioners shall set 19 a day for the a hearing of on the same petition and order 20 21 notice thereof of the hearing to be given to all persons interested. 22

(2) The commissioners by resolution shall fix a time
 for a hearing upon said the petition at not less than 2 or
 more than 4 weeks from the time of presentation thereof

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1 unless additional time is needed to prepare a survey and 2 study as authorized by this subsection. Before setting a 3 time for hearing, the commissioners may cause a survey and 4 study of the area sought to be included in such district to 5 be made by competent personnel and may submit a report 6 thereof to the department of health and environmental 7 sciences for its review and recommendations."

8 Section 19. Section 7-22-2406, MCA, is amended to 9 read:

10 "7-22-2406. Notice of hearing on petition to create 11 district. (1) If addresses are known, the commissioners 12 shall cause notice of the hearing provided for in 7-22-2403 13 to be mailed to each nonresident owner of taxable real and 14 personal property within the proposed district.

15 (2) The commissioners shall cause notice to be posted 16 in three public places within the district. Where <u>Whenever</u> 17 the district is partly in one county and partly in another 18 county, notice must be posted in each county but <u>posting</u> 19 <u>need not be</u> in three places in each county.

(3) The commissioners shall also cause notice to be
given of the time and place of the hearing and <u>the</u> methods
of objection by publication in a newspaper within or nearest
<u>to</u> the district and, if the district is partly in one county
and partly in another county, in a newspaper in each county,
if such newspaper exists. The publication must be for two

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1 weekly issues.

2 (4) Posting and first publication shall be at least 10
 3 days before the hearing."

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Section 20. Section 7-22-2411, MCA, is amended to
read:

6 "7-22-2411. District to be governed by appointed 7 mosquito control board. (1) Upon the creation of any 8 mosquito control district. the commissioners shall appoint a 9 mosquito control board composed of not less than three or 10 more than five members.

11 (2) Each member of the mosquito control board shall be 12 an elector and-property-owner within the boundaries of the 13 district whose-name-appears-as-such-property-owner-upon-the 14 tast-completed-assessment-roll-of-the-county-in--which--said 15 district-is-situated.

16 (3) The board shell-be is a body corporate and shall act as such, and the members shall-be are public officers. 17 18 (4) The health officer having jurisdiction in the 19 propused district, the sanitarian or a member of his staff. 20 and the county extension agent, if the county has any, or all such officers shall-be <u>a are</u> ex officio members of such 21 22 the board without vote." 23 Section 21. Section 7-22-2446, MCA, is amended to

24 read:

25 "7-22-2446. Hearing on petition for dissolution ---

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notice. Upon the filing of such a petition for dissolution. 1 2 the board of county commissioners shall set a time for hearing the same <u>petition</u> and shall cause notice thereof to 3 be mailed to all nonresident property owners within the 4 5 district whose addresses are known, to be posted in at least 6 three public places within said the district, and to be 7 published at least once in the official newspaper of the county published in the district, such the posting and 8 9 publication to be at least 10 days before said the date of 10 hearing. If Whenever the district is partly in one county 11 and partly in another county, notice must be posted in each 12 county: but posting need not be in three places in each county_ and notice must be published in the official 13 14 newspaper of each county."

Section 22. Repeater. Section 84-3205. R.C.M. 1947. is
 repeated.

-End-

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