

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 HOUSE

February 19, 1979	Introduced and referred to Committee on Local Government.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in.

IN THE SENATE

March 13, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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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 NEED AND PEST CONTROL; REPEALING SECTION 84-3205, R.C.M.  
 9 1947."  
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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:  
 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.

18 (2) Where ~~Whenever~~ the rate of license is licenses 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,

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 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) ~~At~~  
 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 same 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~~  
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 19 the earmarked revenue fund to be used by the livestock  
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2 carried on, a license of \$10 per quarter."

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6 apply:

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8 ~~premises" shall be continued to include "Temporary premises"~~  
9 ~~means~~ any hotel, roominghouse, storeroom, building or any  
10 part of any building whatsoever, 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 meaning of this part, "transient~~  
15 ~~retail merchant" is "Transient 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 ~~(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."

24 Section 5. Section 7-21-3401, MCA, is amended to read:

25 "7-21-3401. Authorization to create county fair

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

8 (2) ~~At the regular meeting in December 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."

12 Section 6. Section 7-21-3405, MCA, is amended to read:

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14 (1) Each member of the commission shall receive is entitled  
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16 ~~should~~ If the secretary of the county fair commission be is  
17 a member of the commission, then his salary shall be fixed  
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20 (1), each commissioner may be allowed his actual and  
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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,

1 constituting a contiguous territory, may group themselves  
2 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:

8 "7-21-3422. Notice of intention to create fair  
9 district -- hearing. Notice of the resolution of intent to  
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13 resolution by the taxpayers and residents of the county and  
14 at which time objections will be heard ~~if there are any~~  
15 ~~thereto.~~"

16 Section 9. Section 7-21-3423, MCA, is amended to read:

17 "7-21-3423. Decision by board of county commissioners.  
18 After the consideration of ~~the~~ objections if there are any  
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20 fair board commission to join with any existing contiguous  
21 district ~~and/or or to~~ form a fair district with counties in  
22 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)

1 The members of the respective county fair boards commissions  
2 of the counties forming a fair district ~~shall ex-officio~~  
3 constitute a board of directors for ~~said the~~ fair district.

4 (2) After a district has been formed and a county or  
5 ~~counties--one~~ is added thereto, the members of the county  
6 fair board ~~or-boards~~ commission of the county ~~or--counties~~  
7 added to the fair district ~~shall are~~ likewise ~~be-ex-officio~~  
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) ~~They~~ The board of directors shall see that:

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

1 (b) proper vouchers evidence all disbursements of  
2 money; and

3 (c) the records are at all reasonable hours open to  
4 the ~~taxpayers of the counties comprising the district~~  
5 public."

6 Section 12. Section 7-21-4201, MCA, is amended to  
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:

11 (a) auctioneers, peddlers, pawnbrokers, and secondhand  
12 and junk shops;

13 (b) motor vehicles and motor vehicle bodies, except  
14 those on commercial property, which are not otherwise taxed;

15 (c) drivers, porters, ~~pool halls, soft drink parlors,~~  
16 ~~billiard tables,~~ tenpin 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~~  
23 ~~governments, the~~ The council of any city or town ~~shall have~~  
24 ~~power to make and pass~~ may enact necessary ordinances  
25 providing for the licensing, taxation, and regulation of

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  
4 provide by ordinance that the total number of such licenses  
5 may not exceed the number fixed by the city or town council  
6 by ordinance."

7 Section 13. Section 7-22-2101, MCA, is amended to  
8 read:

9 "7-22-2101. Definitions. As used in this part, unless  
10 the context indicates otherwise, the following definitions  
11 apply:

12 (1) "Commissioners" means the board of county  
13 commissioners.

14 (2) "District" means the area included within the  
15 boundaries of any an organized weed control and weed seed  
16 extermination district.

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 pteris 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.

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 board consisting of three or five members, and:

11 (a) if a three-member board, two members shall be:  
12 rural agricultural landowners residents within the county  
13 and one member shall be a teacher of biology or a person  
14 with comparable expertise; or

15 (b) if a five-member board, three members shall be  
16 rural agricultural landowners residents within the county,  
17 one from member shall be a resident of a city or town within  
18 the county, and one member shall be a teacher of biology or  
19 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) Said the supervisors shall be are public  
23 officers."

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

1 "7-22-2104. Term of office. The members of the county  
2 weed board shall be appointed for a period of 1, 2, and 3  
3 years, respectively, for a three member board, or should a  
4 five member board be selected, they shall be appointed for  
5 1 and 2 year terms, respectively, dating from the preceding  
6 duty, and thereafter on appointment or reappointment shall  
7 be made annually by the board of county commissioners.

8 (1) Except as provided in subsection (2), a member of  
9 a county weed board serves a term of 3 years and until the  
10 qualification of his successor.

11 (2) When a three member weed board is established, the  
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 year, 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:

21 "7-22-2108. Violations. (1) Any person who in any  
22 manner interferes with the weed control commissioners, the  
23 weed supervisor, 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

1 guilty of a misdemeanor, and upon conviction thereof, he  
2 shall be fined not to exceed ~~the 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 expenses. (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  
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 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  
21 taxes ~~charges~~ are collected, they shall be credited to the  
22 noxious weed fund.

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

1 ~~shall be is~~ presumed that all work done upon any of the land  
2 of any one landowner ~~shall be is~~ for the benefit of all of  
3 the land within the district belonging to such owner which  
4 was contiguous to or ~~joining the piece or~~ joined the parcel  
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 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 same 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

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~~ ~~Whenever~~  
 17 the district is partly in one county and partly in another  
 18 county, notice must be posted in each county but ~~posting~~  
 19 ~~need not be~~ ~~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 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 ~~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~~ ~~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 --



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  
4 be mailed to all nonresident property owners within the  
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 ~~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  
13 county, and notice must be published in the official  
14 newspaper of each county."

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

-End-

Approved by Comm.  
on Local Government

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2 of the counties forming a fair district ~~shall--ex--officio~~  
3 constitute a board of directors for ~~said the~~ fair district.

4 (2) After a district has been formed and a county or  
5 ~~counties--are~~ is added thereto, the members of the county  
6 fair board ~~or boards~~ commission of the county ~~or--counties~~  
7 added to the fair district ~~shall are~~ likewise ~~be--ex--officio~~  
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) ~~They~~ The board of directors shall see that:

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

1 (b) proper vouchers evidence all disbursements of  
2 money; and

3 (c) the records are at all reasonable hours open to  
4 the taxpayers--of--the--counties--comprising--the--district  
5 public."

6 Section 12. Section 7-21-4201, MCA, is amended to  
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:

11 (a) auctioneers, peddlers, pawnbrokers, and secondhand  
12 and junk shops;

13 (b) motor vehicles and motor vehicle bodies, except  
14 those on commercial property, which are not otherwise taxed;

15 (c) drivers, porters, pool-halls, soft-drink--porters,  
16 billiard--tables, tenpin 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  
23 governments, the the council of any city or town shall--have  
24 power--to--make--and--pass may enact necessary ordinances  
25 providing for the licensings, taxation, and regulation of

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  
4 provide by ordinance that the total number of such licenses  
5 may not exceed the number fixed by the city or town council  
6 by ordinance."

7 Section 13. Section 7-22-2101, MCA, is amended to  
8 read:

9 "7-22-2101. Definitions. As used in this part, unless  
10 the context indicates otherwise, the following definitions  
11 apply:

12 (1) "Commissioners" means the board of county  
13 commissioners.

14 (2) "District" means the area included within the  
15 boundaries of any an organized weed control and weed seed  
16 extermination district.

17 (3) "Noxious weeds" or "weeds" means Canadian thistle  
18 (*Cirsium arvense* (L.) Scop.), wild morning glory or bindwee,  
19 (*Convolvulus arvensis* L.), whitetop (*Lepidium draba* L.),  
20 leafy spurge (*Euphorbia virgata* Waldst. and Kit.), Russian  
21 knapweed (*Centaurea pteris 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.

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 board consisting of three or five members, and:

11 (a) if a three-member board, two members shall be  
12 rural agricultural landowners ~~residents~~ 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 landowners ~~residents~~ LANDOWNERS within  
17 the county, one ~~from member shall be a resident of~~ a city or  
18 town within the county, and one ~~member shall be a~~ 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) ~~Said the~~ supervisors ~~shall be~~ ~~are~~ public  
23 officers."

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

1 "7-22-2104. Term of office. ~~The members of the county~~  
2 ~~weed board shall be appointed for a period of 1, 2, and 3~~  
3 ~~years, respectively, for a three-member board, or should a~~  
4 ~~five-member board be selected, they shall be appointed for~~  
5 ~~1 and 2-year terms, respectively, dating from the preceding~~  
6 ~~term, and thereafter on appointment or reappointment, shall~~  
7 ~~be made annually by the board of county commissioners.~~

8 (1) Except as provided in subsection (2), a member of  
9 a county weed board serves a term of 3 years and until the  
10 qualification of his successor.

11 (2) When a three-member weed board is established, the  
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 year, 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 1-year term  
18 as provided in subsection (1)."

19 Section 16. Section 7-22-2108, MCA, is amended to  
20 read:

21 "7-22-2108. Violations. (1) Any person who in any  
22 manner interferes with the ~~weed control commissioners, the~~  
23 ~~weed supervisor, 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~~

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 7-22-2149, MCA, is amended to  
8 read:

9 "7-22-2149. Tax liability for payment of weed control  
10 expenses. (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  
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 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  
21 taxes ~~charges~~ are collected, they shall be credited to the  
22 noxious weed fund.

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

1 ~~shall-be is~~ presumed that all work done upon any of the land  
2 of any one landowner ~~shall-be is~~ for the benefit of all of  
3 the land within the district belonging to such owner which  
4 was contiguous to or ~~joining-the-piece-or~~ ~~joined the~~ parcel  
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 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 ~~same~~ ~~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

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~~ ~~whenever~~  
 17 the district is partly in one county and partly in another  
 18 county, notice must be posted in each county but ~~posting~~  
 19 ~~need not be~~ 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 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 ~~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~~ ~~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 --



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  
4 be mailed to all nonresident property owners within the  
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 ~~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  
13 county, and notice must be published in the official  
14 newspaper of each county."

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

-End-

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.  
9 1947."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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.

18 (2) Where ~~Whenever~~ the ~~rate-of-license-is~~ licenses 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,

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 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) ~~At~~  
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 same 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 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  
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

1 pay, in each county in which said ~~the~~ business may be is  
2 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  
5 the context indicates otherwise, the following definitions  
6 apply:

7 (1) ~~Within the meaning of this part, "temporary~~  
8 ~~premises" shall be continued to include "Temporary premises"~~  
9 ~~means~~ any hotel, roominghouse, storeroom, building or any  
10 part of any building whatsoever, 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 meaning of this part, a "transient~~  
15 ~~retail merchant" is "Transient 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 ~~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."

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

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

8 (2) ~~At the regular meeting in December 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."

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 ~~shall receive~~ is entitled  
15 to a salary of \$25 a year as compensation for his services,  
16 ~~should~~ If the secretary of the county fair commission be is  
17 a member of the commission, then his salary shall be fixed  
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  
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,

1 constituting a contiguous territory, may group themselves  
2 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:

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

16 Section 9. Section 7-21-3423, MCA, is amended to read:

17 "7-21-3423. Decision by board of county commissioners.  
18 After the consideration of the objections if there are any  
19 ~~be made~~, the county commissioners may authorize the county  
20 fair board commission to join with any existing contiguous  
21 district ~~and/or or to~~ form a fair district with counties in  
22 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)

1 The members of the respective county fair boards commissions  
2 of the counties forming a fair district ~~shall--ex--office~~  
3 constitute a board of directors for ~~said the~~ fair district.

4 (2) After a district has been formed and a county or  
5 counties--are is added thereto, the members of the county  
6 fair board-or-boards commission of the county or--counties  
7 added to the fair district ~~shall are~~ likewise be-ex-officio  
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) ~~They~~ The board of directors shall see that:

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

1 (b) proper vouchers evidence all disbursements of  
2 money; and

3 (c) the records are at all reasonable hours open to  
4 the taxpayers--of--the--counties--comprising--the--district  
5 public."

6 Section 12. Section 7-21-4201, MCA, is amended to  
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:

11 (a) auctioneers, peddlers, pawnbrokers, and secondhand  
12 and junk shops;

13 (b) motor vehicles and motor vehicle bodies, except  
14 those on commercial property, which are not otherwise taxed;

15 (c) drivers, porters, pool-halls, soft-drink--parties  
16 billiard--tables, tenpin 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  
23 governments, the the council of any city or town shall--have  
24 power--to--make--and--pass may enact necessary ordinances  
25 providing for the licensing, taxation, and regulation of

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  
4 provide by ordinance that the total number of such licenses  
5 may not exceed the number fixed by the city or town council  
6 by ordinance."

7 Section 13. Section 7-22-2101, MCA, is amended to  
8 read:

9 "7-22-2101. Definitions. As used in this part, unless  
10 the context indicates otherwise, the following definitions  
11 apply:

12 (1) "Commissioners" means the board of county  
13 commissioners.

14 (2) "District" means the area included within the  
15 boundaries of any an organized weed control and weed seed  
16 extermination district.

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 pteris 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.

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 board consisting of three or five members, and:

11 (a) if a three-member board, two members shall be  
12 rural agricultural landowners ~~residents~~ 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 landowners ~~residents~~ LANDOWNERS within  
17 the county, one ~~from member shall be a resident of~~ a city or  
18 town within the county, and one ~~member shall be a~~ 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) ~~Said~~ ~~the~~ supervisors shall ~~---be~~ ~~are~~ public  
23 officers."

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

1 "7-22-2104. Term of office. ~~The members of the county~~  
2 ~~weed board shall be appointed for a period of 1, 2, and 3~~  
3 ~~years, respectively, for a three-member board, or should a~~  
4 ~~five-member board be selected, they shall be appointed for~~  
5 ~~1- and 2-year terms, respectively, dating from the preceding~~  
6 ~~duty and thereafter on appointment or reappointment shall~~  
7 ~~be made annually by the board of county commissioners.~~

8 (1) Except as provided in subsection (2), a member of  
9 a county weed board serves a term of 3 years and until the  
10 qualification of his successor.

11 (2) When a three-member weed board is established, the  
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 year, 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:

21 "7-22-2108. Violations. (1) Any person who in any  
22 manner interferes with the weed control commissioners, the  
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

1 guilty of a misdemeanor, and upon conviction thereof, he  
2 shall be fined not to exceed ~~e-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 expenses. (1) The expenses referred to in 7-22-2124 shall be  
11 paid by the county out of the noxious weed funds, 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  
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 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  
21 ~~taxes charges~~ are collected, they shall be credited to the  
22 noxious weed fund.

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

1 ~~shall-be~~ ~~is~~ presumed that all work done upon any of the land  
2 of any one landowner ~~shall-be~~ ~~is~~ for the benefit of all of  
3 the land within the district belonging to such owner which  
4 was contiguous to or ~~joining-the-piece-or~~ ~~joined~~ ~~the~~ parcel  
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 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 ~~same~~ ~~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

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 ~~Whenever~~  
 17 the district is partly in one county and partly in another  
 18 county, notice must be posted in each county but ~~posting~~  
 19 ~~need not be~~ 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 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 ~~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~~ 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 --



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  
 4 be mailed to all nonresident property owners within the  
 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 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  
 13 county, and notice must be published in the official  
 14 newspaper of each county."

15 Section 22. Repealer. Section 04-3205, R.C.M. 1947, is  
 16 repealed.

-End-

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.  
9 1947."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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.

18 (2) Where ~~whenever~~ the rate-of-license-is licenses 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,

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 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) ~~At~~  
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 same 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 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  
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

1 pay, in each county in which said ~~the~~ business may be is  
2 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  
5 the context indicates otherwise, the following definitions  
6 apply:

7 (1) ~~Within the meaning of this part, "temporary~~  
8 ~~premises" shall be continued to include "Temporary premises"~~  
9 ~~means~~ any hotel, roominghouse, storeroom, building or any  
10 part of any building whatsoever, 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 meaning of this part, a "transient~~  
15 ~~retail merchant" is "Transient 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 ~~(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."

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

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

8 (2) ~~At the regular meeting in December 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."

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 ~~shall receive~~ is entitled  
15 to a salary of \$25 a year as compensation for his services,  
16 ~~should~~ if the secretary of the county fair commission be is  
17 a member of the commission, then his salary shall be fixed  
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  
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,

1 constituting a contiguous territory, may group themselves  
2 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:

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

16 Section 9. Section 7-21-3423, MCA, is amended to read:

17 "7-21-3423. Decision by board of county commissioners.  
18 After the consideration of the objections if ~~there are~~ any  
19 ~~be--made~~, the county commissioners may authorize the county  
20 fair board commission to join with any existing contiguous  
21 district ~~and/or or to~~ form a fair district with counties in  
22 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)

1 The members of the respective county fair boards commissions  
2 of the counties forming a fair district ~~shall--ex--office~~  
3 constitute a board of directors for ~~said the~~ fair district.

4 (2) After a district has been formed and a county or  
5 counties--are is added thereto, the members of the county  
6 fair board--or--boards commission of the county or--counties  
7 added to the fair district ~~shall are~~ likewise be--ex--office  
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) ~~They~~ The board of directors shall see that:

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

1 (b) proper vouchers evidence all disbursements of  
2 money; and

3 (c) the records are at all reasonable hours open to  
4 the taxpayers--of--the--counties--comprising--the--district  
5 public."

6 Section 12. Section 7-21-4201, MCA, is amended to  
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:

11 (a) auctioneers, peddlers, pawnbrokers, and secondhand  
12 and junk shops;

13 (b) motor vehicles and motor vehicle bodies, except  
14 those on commercial property, which are not otherwise taxed;

15 (c) drivers, porters, ~~pool halls, soft drink parlors,~~  
16 ~~billiard--tables,~~ tenpin 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~~  
23 ~~governments,~~ the ~~the~~ council of any city or town shall--have  
24 power--to--make--and--pass may enact necessary ordinances  
25 providing for the licensing, taxation, and regulation of

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  
4 provide by ordinance that the total number of such licenses  
5 may not exceed the number fixed by the city or town council  
6 by ordinance."

7 Section 13. Section 7-22-2101, MCA, is amended to  
8 read:

9 "7-22-2101. Definitions. As used in this part, unless  
10 the context indicates otherwise, the following definitions  
11 apply:

12 (1) "Commissioners" means the board of county  
13 commissioners.

14 (2) "District" means the area included within the  
15 boundaries of any an organized weed control and weed seed  
16 extermination district.

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 pteris 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.

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 board consisting of three or five members, and:

11 (a) if a three-member board, two members shall be  
12 rural agricultural landowners ~~residents~~ 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 landowners ~~residents~~ LANDOWNERS within  
17 the county, one from ~~member shall be a resident of~~ a city or  
18 town within the county, and one ~~member shall be a~~ 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) ~~Said~~ ~~the~~ supervisors ~~shall be~~ ~~are~~ public  
23 officers."

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

1 "7-22-2104. Term of office. ~~The members of the county~~  
2 ~~weed board shall be appointed for a period of 1, 2, and 3~~  
3 ~~years respectively for a three-member board or should a~~  
4 ~~five-member board be selected, they shall be appointed for~~  
5 ~~1 and 2-year terms respectively dating from the preceding~~  
6 ~~duty and thereafter an appointment or reappointment shall~~  
7 ~~be made annually by the board of county commissioners.~~

8 (1) Except as provided in subsection (2), a member of  
9 a county weed board serves a term of 3 years and until the  
10 qualification of his successor.

11 (2) When a three-member weed board is established, the  
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 year, 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:

21 "7-22-2108. Violations. (1) Any person who in any  
22 manner interferes with the weed-control-commissioners, the  
23 weed-supervisor, 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

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:

9 "7-22-2148. Tax liability for payment of weed control  
10 expenses. (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  
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 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  
21 taxes ~~charges~~ are collected, they shall be credited to the  
22 noxious weed fund.

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

1 ~~shall-be is~~ presumed that all work done upon any of the land  
2 of any one landowner ~~shall-be is~~ for the benefit of all of  
3 the land within the district belonging to such owner which  
4 was contiguous to or ~~joining-the-piece-or joined-the~~ parcel  
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6 was done, together with the ~~piece-or~~ parcel upon which ~~such~~  
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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  
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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.

23 (2) The commissioners by resolution shall fix a time  
24 for a hearing upon ~~said the~~ petition at not less than 2 or  
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 2 ~~study as authorized by this subsection.~~ Before setting a  
 3 time for hearing, the commissioners may cause a survey and  
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15 (2) The commissioners shall cause notice to be posted  
 16 in three public places within the district. ~~Where~~ ~~whenever~~  
 17 the district is partly in one county and partly in another  
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 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  
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 13 district whose-name-appears-as-such-property-owner-upon-the  
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 17 act as such, and the members ~~shall be~~ ~~are~~ public officers.

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 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~~ ~~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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3 hearing the same petition 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  
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 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  
13 county, and notice must be published in the official  
14 newspaper of each county."

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

-End-