

CHAPTER NO. 538

SENATE BILL NO. 462

INTRODUCED BY MANLEY

IN THE SENATE

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| February 12, 1979 | Introduced and referred to Committee on Local Government. |
| February 17, 1979 | Committee recommend bill do pass. Report adopted. |
| February 19, 1979 | Printed and placed on members' desks. |
| February 20, 1979 | Second reading, do pass. |
| February 21, 1979 | Considered correctly engrossed. |
| February 22, 1979 | Third reading, passed. Transmitted to second house. |

IN THE HOUSE

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| February 23, 1979 | Introduced and referred to Committee on Local Government. |
| March 19, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 20, 1979 | Second reading, concurred in. Segregated from Committee of the Whole report. |
| March 21, 1979 | Second reading, concurred in as amended. |
| March 23, 1979 | On motion taken from third reading and referred to second reading. Second reading, concurred in as amended. |
| March 26, 1979 | Third reading, concurred in as amended. |

IN THE SENATE

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| March 27, 1979 | Returned from second house. Concurred in as amended. |
| March 29, 1979 | Second reading, amendments adopted. |
| March 30, 1979 | Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled. |

1 *Andy* BILL NO. 462
2 INTRODUCED BY *Mandy*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STAGGER ELECTIONS
5 AND TERMS OF OFFICE OF DIRECTORS OF COUNTY WATER AND SEWER
6 DISTRICTS; TO REQUIRE DIRECTORS TO RESIDE AND OWN OR LEASE
7 REAL PROPERTY IN THE DISTRICT; AMENDING SECTIONS 7-13-2233,
8 7-13-2234, AND 7-13-2236; AND REPEALING SECTION 7-13-2224,
9 MCA."

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

12 Section 1. Section 7-13-2233, MCA, is amended to read:

13 "7-13-2233. Qualifications of directors. Any director
14 so elected or appointed shall be an owner or lessee of real
15 property within said district or and a resident therein."

16 Section 2. Section 7-13-2234, MCA, is amended to read:

17 "7-13-2234. Term of office. (1) All directors, elected
18 or appointed, shall hold office until the election and
19 qualification or appointment and qualification of their
20 successors.

21 (2) The Except for a first election under this part
22 and part 23 after July 1, 1979, the term of office of
23 directors elected under the provisions of this part and part
24 23 shall be 4 years from and after the date of their
25 elections--provided--that--the--directors--first--elected--after

1 ~~March 13, 1957, shall hold office only until the election~~
2 ~~and qualification of their successors as hereinafter~~
3 ~~provided. Directors elected at the first election under~~
4 ~~this part and part 23 after July 1, 1979, shall serve as~~
5 ~~follows:~~

6 (a) In districts requiring the election of five
7 elected directors, three directors shall serve for a term of
8 2 years and two for a term of 4 years.

9 (b) In districts requiring the election of three
10 elected directors, one director shall serve for a term of 2
11 years and two for a term of 4 years.

12 (c) At their first meetings, the directors shall
13 determine by lot which of them shall serve the term or terms
14 less than 4 years. Every term thereafter shall be for a
15 period of 4 years.

16 (3) The term of office of directors appointed by said
17 mayor or mayors or by said board of county commissioners
18 shall be 6 years from and after the date of appointment.
19 Directors to be first appointed under the provisions of this
20 part and part 23 shall be appointed within 90 days after the
21 formation of the district."

22 Section 3. Section 7-13-2236, MCA, is amended to read:

23 "7-13-2236. General district election. The election of
24 directors of such district shall be ~~in every fourth year~~
25 ~~after its organization~~ on the fourth Tuesday in March, and

1 shall be known as the general district election.*
2 Section 4. Repealer. Section 7-13-2224, MCA, is
3 repealed.

-End-

1 *Andy* BILL NO. 462
2 INTRODUCED BY *Manly*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STAGGER ELECTIONS
5 AND TERMS OF OFFICE OF DIRECTORS OF COUNTY WATER AND SEWER
6 DISTRICTS; TO REQUIRE DIRECTORS TO RESIDE AND OWN OR LEASE
7 REAL PROPERTY IN THE DISTRICT; AMENDING SECTIONS 7-13-2233,
8 7-13-2234, AND 7-13-2236; AND REPEALING SECTION 7-13-2224,
9 MCA."

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15 property within said district or ~~and~~ a resident therein."

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18 or appointed, shall hold office until the election and
19 qualification or appointment and qualification of their
20 successors.

21 (2) ~~The~~ Except for a first election under this part
22 and part 23 after July 1, 1979, the term of office of
23 directors elected under the provisions of this part and part
24 23 shall be 4 years from and after the date of their
25 election; ~~provided that the directors first elected after~~

1 ~~March 13, 1957, shall hold office only until the election~~
2 ~~and qualification of their successors as hereinafter~~
3 ~~provided. Directors elected at the first election under~~
4 ~~this part and part 23 after July 1, 1979, shall serve as~~
5 ~~follows:~~

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7 elected directors, three directors shall serve for a term of
8 2 years and two for a term of 4 years.

9 (b) In districts requiring the election of three
10 elected directors, one director shall serve for a term of 2
11 years and two for a term of 4 years.

12 (c) At their first meetings, the directors shall
13 determine by lot which of them shall serve the term or terms
14 less than 4 years. Every term thereafter shall be for a
15 period of 4 years.

16 (3) The term of office of directors appointed by said
17 mayor or mayors or by said board of county commissioners
18 shall be 6 years from and after the date of appointment.
19 Directors to be first appointed under the provisions of this
20 part and part 23 shall be appointed within 90 days after the
21 formation of the district."

22 Section 3. Section 7-13-2236, MCA, is amended to read:
23 "7-13-2236. General district election. The election of
24 directors of such district shall be ~~in every fourth year~~
25 ~~after its organization~~ on the fourth Tuesday in March, and

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1 shall be known as the general district election."'
2 Section 4. Repealer. Section 7-13-2224, MCA, is
3 repealed.

-End-

SENATE BILL NO. 462

INTRODUCED BY MANLEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO STAGGER ELECTIONS AND TERMS OF OFFICE OF DIRECTORS OF COUNTY WATER AND SEWER DISTRICTS; ~~TO REQUIRE DIRECTORS TO RESIDE AND OWN OR LEASE REAL PROPERTY IN THE DISTRICT~~ AMENDING SECTIONS ~~7-13-2233~~, ~~7-13-2234~~ AND 7-13-2236; AND REPEALING SECTION 7-13-2224, MCA."

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

~~Section 1. Section 7-13-2233, MCA, is amended to read:~~

~~"7-13-2233. Qualifications of directors. Any director so elected or appointed shall be an owner or lessee of real property within said district or and OR a resident therein."~~

Section 1. Section 7-13-2234, MCA, is amended to read:

"7-13-2234. Term of office. (1) All directors, elected or appointed, shall hold office until the election and qualification or appointment and qualification of their successors.

(2) ~~The~~ Except for a first election under this part and part 23 after July 1, 1979, the term of office of directors elected under the provisions of this part and part 23 shall be 4 years from and after the date of their election; ~~provided that the directors first elected after~~

~~March 13, 1957, shall hold office only until the election and qualification of their successors as hereinafter provided. Directors elected at the first election under this part and part 23 after July 1, 1979, shall serve as follows:~~

(a) In districts requiring the election of five elected directors, three directors shall serve for a term of 2 years and two for a term of 4 years.

(b) In districts requiring the election of three elected directors, one director shall serve for a term of 2 years and two for a term of 4 years.

(c) At their first meeting, the directors shall determine by lot which of them shall serve the term or terms less than 4 years. Every term thereafter shall be for a period of 4 years.

(3) The term of office of directors appointed by said mayor or mayors or by said board of county commissioners shall be 6 years from and after the date of appointment. Directors to be first appointed under the provisions of this part and part 23 shall be appointed within 90 days after the formation of the district."

Section 2. Section 7-13-2236, MCA, is amended to read:

"7-13-2236. General district election. The election of directors of such district shall be ~~in every fourth year after its organization~~ on the fourth Tuesday in March, and

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1 shall be known as the general district election."
2 Section 3. Repealer. Section 7-13-2224, MCA, is
3 repealed.

-End-

1 SENATE BILL NO. 462

2 INTRODUCED BY MANLEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STAGGER ELECTIONS
5 AND TERMS OF OFFICE OF DIRECTORS OF COUNTY WATER AND SEWER
6 DISTRICTS; ~~TO REQUIRE DIRECTORS TO RESIDE AND OWN OR LEASE~~
7 ~~REAL PROPERTY IN THE DISTRICT;~~ AMENDING SECTIONS SECTION
8 ~~7-13-2233, 7-13-2234, AND 7-13-2236; AND REPEALING SECTION~~
9 ~~7-13-2224, MCA."~~

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

12 ~~Section 1. Section 7-13-2233, MCA, is amended to read:~~

13 ~~"7-13-2233. Qualifications of directors. Any director~~
14 ~~so elected or appointed shall be an owner or lessee of real~~
15 ~~property within said district or and OR a resident therein."~~

16 Section 1. Section 7-13-2234, MCA, is amended to read:

17 "7-13-2234. Term of office. (1) All directors, elected
18 or appointed, shall hold office until the election and
19 qualification or appointment and qualification of their
20 successors.

21 (2) ~~The Except for a first election under this part~~
22 ~~and part 23 after July 1, 1979, AS OTHERWISE PROVIDED the~~
23 term of office of directors elected under the provisions of
24 this part and part 23 shall be 4 years from and after the
25 date of their election, provided that the directors first

1 elected after March 13, 1957, shall hold office only until
2 the election and qualification of their successors as
3 hereinafter provided.

4 (3) Directors elected at the first REGULAR election
5 under this part and part 23 after July 1, 1979, shall serve
6 as follows:

7 (a) In districts requiring the election of five
8 elected directors, three directors shall serve for a term of
9 2 years and two for a term of 4 years.

10 (b) In districts requiring the election of three
11 elected directors, one director shall serve for a term of 2
12 years and two for a term of 4 years.

13 (c) At their first meeting, the directors shall
14 determine by lot which of them shall serve the term or terms
15 less than 4 years. Every term thereafter shall be for a
16 period of 4 years.

17 ~~(3)(4)~~ The term of office of directors appointed by
18 said mayor or mayors or by said board of county
19 commissioners shall be 6 years from and after the date of
20 appointment. Directors to be first appointed under the
21 provisions of this part and part 23 shall be appointed
22 within 90 days after the formation of the district."

23 ~~Section 2. Section 7-13-2236, MCA, is amended to read:~~

24 ~~"7-13-2236. General district elections. The election~~
25 ~~of directors of such district shall be in every fourth year~~

1 ~~after--its-organization-on-the-fourth-Tuesday-in-March-and~~
2 ~~shall-be-known-as-the-general-district-elections*~~
3 Section 2. Repealer. Section 7-13-2224, MCA, is
4 repealed.

-End-

HOUSE OF REPRESENTATIVES
March 15, 1979

Committee on LOCAL GOVERNMENT Amendments to Senate Bill 462,
third reading copy, be amended as follows:

1. Page 1, line 15.

Following: "district ~~or~~"

Strike: "and"

Insert: "or"

AND AS AMENDED BE CONCURRED IN

HOUSE OF REPRESENTATIVES
March 21, 1979

Committee of the Whole amendments to Senate Bill No. 462, third reading copy, as follows:

1. Title, lines 6 and 7.

Following: "DISTRICTS;"

Strike: "TO REQUIRE DIRECTORS TO RESIDE AND OWN OR LEASE REAL
PROPERTY IN THE DISTRICT;"

2. Title, line 7.

Following: "SECTIONS"

Strike: "7-13-2233,"

3. Title, line 8.

Following: "7-13-2234"

Strike: ", "

4. Page 1, lines 12 through 15.

Strike: section 1 in its entirety

AND AS AMENDED,
BE CONCURRED IN

Committee of the Whole Amendments to Senate Bill No. 462, reference bill, as follows:

1. Page 1, line 21.

Following: "Except"

Strike: remainder of line 21 in its entirety

2. Page 1, line 22.

Following: line 21

Strike: "and part 23 after July 1, 1979"

Insert: "as otherwise provided"

3. Page 2, line 3.

Following: "."

Insert: "(3)"

Following: "first"

Insert: "regular"

Re-number: subsequent subsection

4. Page 2, line 22 through line 1 on page 3.

Strike: line 22 through line 1 on page 3 in their entirety

Re-number: subsequent section

AND AS AMENDED, BE CONCURRED IN