

HOUSE BILL NO. 596

Introduced: 02/01/83

Referred to Committee on Local Government: 02/01/83

Hearing: 2/14/83

Report: 02/15/83, Do Pass, As Amended

2nd Reading: 02/18/83, Do Pass

3rd Reading: 02/22/83, Do Pass

Transmitted to Senate: 2/22/83

Referred to Committee on Local Government: 3/1/83

Hearing: 3/17/83

Report: 03/21/83, Be Not Concurred In. Report Adopted.

Bill Killed

1 House BILL NO. 596
 2 INTRODUCED BY Kados Night Newman
 3 Richard Van Alstyne
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT BOARDS
 5 OF COUNTY COMMISSIONERS, AFTER NOTICE AND HEARING, MAY
 6 DETERMINE THE NUMBER AND TERM OF OFFICE OF MEMBERS ON
 7 APPOINTED BOARDS AND COMMISSIONS THAT PROVIDE LOCAL
 8 GOVERNMENT SERVICES, INCLUDING THE COUNTY MUSEUM BOARD, PARK
 9 BOARD, FAIR COMMISSION, WEED BOARD, MOSQUITO CONTROL BOARD,
 10 CEMETERY DISTRICT, TAX APPEAL BOARD, LIBRARY BOARD, BOARD OF
 11 HEALTH, PLANNING BOARD, PLANNING AND ZONING COMMISSION,
 12 ZONING COMMISSION, AND BOARD OF ADJUSTMENT; AMENDING
 13 SECTIONS 7-16-2203, 7-16-2302 THROUGH 7-16-2304, 7-21-3401,
 14 7-21-3402, 7-22-2103, 7-22-2104, 7-22-2411, 7-22-2412,
 15 7-35-2108, 15-15-101, 22-1-308, 50-2-104, 76-1-211,
 16 76-2-101, 76-2-102, 76-2-220, AND 76-2-222, MCA."

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

19 NEW SECTION. Section 1. Number of members -- term of
 20 office -- appointed boards and commissions. (1) whenever a
 21 board of county commissioners is empowered or required to
 22 appoint a board or commission to provide local government
 23 services, the board of county commissioners may in its
 24 discretion determine the number and term of office of
 25 members to be appointed that best serve the public interest.

1 (2) To help determine the best interest of the county,
 2 before determining or changing the number or term of office
 3 of members of any board pursuant to this section, the board
 4 of county commissioners must hold a public hearing. Not less
 5 than 14 days before the hearing, the board must publish
 6 notice of its intended action and the date of the hearing.

7 Section 2. Section 7-16-2203, MCA, is amended to read:
 8 "7-16-2203. Museum board of trustees -- appointment
 9 and term. (1) The board of county commissioners of each
 10 county owning or acquiring any such museum or collection of
 11 exhibits may, at the first regular meeting of the board
 12 after acquiring any such museum or collection, appoint a
 13 board of trustees for such museum or collection.

14 (2) ~~Such~~ The board shall consist of three responsible
 15 ~~persons, electors and residents of the county be appointed~~
 16 ~~pursuant to [section 1]. The term of one of said members~~
 17 ~~shall expire on June 30 of the next following year; the term~~
 18 ~~of another of said members shall expire on June 30 of the~~
 19 ~~second following year; and the term of the third member to~~
 20 ~~expire on June 30 of the third following year. Thereafter~~
 21 ~~the board shall at its regular meeting in July of each~~
 22 ~~year, appoint a member of such board of trustees to take the~~
 23 ~~place of the member whose term expired on June 30~~
 24 ~~immediately preceding."~~

25 Section 3. Section 7-16-2302, MCA, is amended to read:

1 "7-16-2302. Composition of park board. The board of
2 park commissioners shall be composed of the county
3 commissioners and ~~six~~ other persons appointed by the county
4 commissioners pursuant to [section 1]."

5 Section 4. Section 7-16-2303, MCA, is amended to read:

6 "7-16-2303. Qualifications of park commissioners. The
7 ~~six~~ persons to be so appointed shall have the same
8 qualifications for the office of park commissioner as are
9 required by 7-4-2201, for the office of county
10 commissioner."

11 Section 5. Section 7-16-2304, MCA, is amended to read:

12 "7-16-2304. Term of office. ~~(1) Except as provided in~~
13 ~~subsection (2), the~~ The term of office of each park
14 commissioner shall be determined by the board of county
15 commissioners as provided in [section 1] 3-years-with-and
16 ~~after the first Monday of May of the year in which he is~~
17 ~~appointed--and--until--his--successor--is--appointed--and~~
18 ~~qualified.~~

19 ~~(2) Two of the commissioners first appointed shall~~
20 ~~hold office for the period of 1 year, two for 2 years, and~~
21 ~~two for 3 years with and after the first Monday of May--and~~
22 ~~until their successors are appointed and qualified."~~

23 Section 6. Section 7-21-3401, MCA, is amended to read:

24 "7-21-3401. Authorization to create county fair
25 commission. ~~(1)~~ The board of county commissioners may,

1 pursuant to [section 1], at any regular meeting, appoint
2 from the electors of the county ~~five~~ responsible persons to
3 constitute a county fair commission ~~three of the members to~~
4 ~~be appointed for a term of 2 years and two for a term of 1~~
5 ~~year and until their successors are appointed.~~

6 ~~(2) Each year thereafter, the board of county~~
7 ~~commissioners shall appoint members of the county fair~~
8 ~~commission to succeed the members whose terms then expire."~~

9 Section 7. Section 7-21-3402, MCA, is amended to read:

10 "7-21-3402. Term of office. The appointments
11 ~~subsequent to the initial~~ appointments shall be for a term
12 established by the board of county commissioners pursuant to
13 [section 1] of 2 years."

14 Section 8. Section 7-22-2103, MCA, is amended to read:

15 "7-22-2103. County weed board. (1) The board of county
16 commissioners of each county shall appoint a county weed
17 board ~~consisting of three or five members, and~~ pursuant to
18 [section 1], except that the county weed board must include
19 at least the following members:

20 (a) ~~if a three-member board,~~ two members shall be
21 rural agricultural landowners within the county and one
22 member shall be a teacher of biology or a person with
23 comparable expertise; or

24 (b) ~~if a five-member board,~~ three members shall be
25 rural agricultural landowners within the county, one member

1 shall be a resident of a city or town within the county, and
2 one member shall be a teacher of biology or a person with
3 comparable expertise.

4 (2) The county extension agent in each county is an ex
5 officio member of that county's weed board.

6 (3) The supervisors are public officers."

7 Section 9. Section 7-22-2104, MCA, is amended to read:

8 "7-22-2104. Term of office. ~~(1) Except as provided in~~
9 ~~subsection (2), a~~ A member of a county weed board serves a
10 ~~term of 3 years and until the qualification of his successor~~
11 ~~of office determined by the board of county commissioners~~
12 ~~pursuant to [section 1].~~

13 ~~(2) When a three-member weed board is established, the~~
14 ~~initial board members serve terms of 1, 2, and 3 years,~~
15 ~~respectively, as designated by the commissioners. When a~~
16 ~~five-member weed board is established, two of the initial~~
17 ~~members serve terms of 1 year, two serve terms of 2 years,~~
18 ~~and one serves a term of 3 years. After expiration of an~~
19 ~~initial term of office, the successor serves a 3-year term~~
20 ~~as provided in subsection (1)."~~

21 Section 10. Section 7-22-2411, MCA, is amended to
22 read:

23 "7-22-2411. District to be governed by appointed
24 mosquito control board. (1) Upon the creation of any
25 mosquito control district, the board of county commissioners

1 shall appoint a mosquito control board ~~composed of not less~~
2 ~~than three or more than five members~~ pursuant to [section
3 1].

4 (2) Each member of the mosquito control board shall be
5 an elector within the boundaries of the district.

6 (3) The board is a body corporate and shall act as
7 such, and the members are public officers.

8 (4) The health officer having jurisdiction in the
9 proposed district, the sanitarian or a member of his staff,
10 and the county extension agent, if the county has any or all
11 such officers, are ex officio members of the board without
12 vote."

13 Section 11. Section 7-22-2412, MCA, is amended to
14 read:

15 "7-22-2412. Term of office. ~~(1)~~ The terms of office
16 for the first appointed members shall be so arranged that
17 they do not all expire at the same time and for that purpose
18 may be set for any length of time ~~not more than 3 years.~~

19 ~~(2) Thereafter, the terms of all members shall be 3~~
20 ~~years, the term of one member expiring on January 1 in each~~
21 ~~year."~~

22 Section 12. Section 7-35-2108, MCA, is amended to
23 read:

24 "7-35-2108. Government of district by trustees. (1)
25 The cemetery district shall be governed and managed by three

1 trustees appointed by the board of county commissioners
2 pursuant to ~~[section 1]~~. The trustees at their first meeting
3 shall adopt bylaws for the government and management of the
4 district.

5 ~~{2} The trustees may be appointed from the residents~~
6 ~~of the district for terms of 1, 2, and 3 years,~~
7 ~~respectively, and until their successors are appointed and~~
8 ~~qualified. Annually thereafter the board of county~~
9 ~~commissioners shall appoint one trustee for a term of 3~~
10 ~~years or until his successor is appointed and qualified.~~

11 ~~{3}{2}~~ Per diem and mileage of the cemetery trustees
12 may be set by resolution of the board of county
13 commissioners."

14 Section 13. Section 15-15-101, MCA, is amended to
15 read:

16 "15-15-101. County tax appeal board — meetings and
17 compensation. (1) The board of county commissioners of each
18 county shall appoint a three-member county tax appeal board,
19 ~~with the members to serve staggered terms of 3 years each~~
20 ~~pursuant to [section 1]~~. The members of each county tax
21 appeal board shall be residents of the county in which they
22 serve. They shall receive compensation of \$25 a day and
23 travel expenses as provided for in 2-18-501 through
24 2-18-503, as amended, only when the county tax appeal board
25 is in session to hear taxpayers' appeals from property tax

1 assessments or when they are attending meetings called by
2 the state tax appeal board. Travel expenses and compensation
3 shall be paid from the appropriation to the state tax appeal
4 board. Office space and equipment for the county tax appeal
5 boards shall be furnished by the county. All other
6 incidental expenses shall be paid from the appropriation of
7 the state tax appeal board.

8 (2) The county tax appeal board must meet on the third
9 Monday of April in each year to hear protests concerning
10 assessments made by the department of revenue. It must
11 continue in session for that purpose from time to time until
12 the business of hearing protests is disposed of, but, except
13 as provided in 15-2-201, not later than 60 days after the
14 department of revenue or its agent:

15 (a) has mailed notice of classification and appraisal
16 to all property owners as required in 15-7-102; and

17 (b) has notified the county tax appeal board that
18 classification and appraisal notices have been mailed to all
19 property owners.

20 (3) In connection with any such appeal, the county tax
21 appeal board may change any assessment or fix the assessment
22 at some other level. The county clerk shall publish a notice
23 to taxpayers, giving the time the county tax appeal board
24 will meet to hear protests concerning assessments and the
25 latest date the county tax appeal board may take

1 applications for such hearings. The notice shall be
2 published in a newspaper if any is printed in the county or,
3 if none, then in such manner as the board may direct. The
4 notice shall be published at least 7 days prior to the first
5 meeting of the county tax appeal board.

6 (4) Challenges to a department of revenue rule
7 governing the assessment of property or to an assessment
8 procedure shall apply only to the taxpayer bringing the
9 challenge and may not apply to all similarly situated
10 taxpayers unless an action is brought in the district court
11 as provided in 15-2-307 through 15-2-310."

12 Section 14. Section 22-1-308, MCA, is amended to read:

13 "22-1-308. Public library -- board of trustees. (1)
14 Upon the establishment of a public library under the
15 provisions of this part, the mayor, with the advice and
16 consent of the city council or city commissioners, shall
17 appoint a board of trustees for the city library and the
18 chairman of the board of county commissioners, with the
19 advice and consent of said board, shall appoint a board of
20 trustees for the county library.

21 (2) The county library board shall consist of trustees
22 appointed pursuant to [section 1]. The city library board
23 shall consist of five trustees. Not more than one member of
24 the governing body shall be, at any one time, a member of
25 such board.

1 (3) Trustees shall serve without compensation, but
2 their actual and necessary expenses incurred in the
3 performance of their official duties may be paid from
4 library funds.

5 (4) ~~Trustees~~ County trustees shall hold office for a
6 term provided by the board of county commissioners pursuant
7 to [section 1]. City trustees shall hold their office for 5
8 years from the date of appointment and until their
9 successors are appointed. Initially, appointments shall be
10 made for 1-, 2-, 3-, 4-, and 5-year terms. Annually
11 thereafter, there shall be appointed before July 1 of each
12 year in the same manner as the original appointments for a
13 5-year term, a trustee to take the place of the retiring
14 trustee. Trustees shall serve no more than two full terms in
15 succession.

16 (5) Following such appointments, in July of each year,
17 the trustees shall meet and elect a chairman and such other
18 officers as they deem necessary, for 1-year terms. Vacancies
19 in the board of trustees shall be filled for the unexpired
20 term in the same manner as original appointments."

21 Section 15. Section 50-2-104, MCA, is amended to read:

22 "50-2-104. County boards of health. ~~(1)~~ There is a
23 county board of health in each county consisting of ~~members~~
24 appointed by the board of county commissioners pursuant to
25 [section 1].

~~(a) the county commissioners and two members who are appointed by the county commissioners and serve at their pleasure or~~

~~(b) five persons who are appointed by the county commissioners and serve at their pleasure~~

~~(2) terms of appointed members shall be staggered and be for 3 years each~~

~~(3) The county commissioners shall establish the staggered order of terms and all rules necessary to establish and maintain the boards"~~

Section 16. Section 76-1-211, MCA, is amended to read:

"76-1-211. Membership of county planning board. (1) County planning boards shall consist of ~~not less than five~~ members appointed by the board of county commissioners pursuant to [section 1]. At least one member of any county planning board existing on or formed after July 1, 1973, shall be a member of the governing board of a conservation district as provided for in chapter 15 or a state cooperative grazing district if officers of either reside in said county.

(2) In the event that any city or town subsequently becomes represented on the county planning board pursuant to 76-1-111, additional members of the planning board representing such cities or towns shall be appointed by the respective city councils."

Section 17. Section 76-2-101, MCA, is amended to read:

"76-2-101. Planning and zoning commission and district. (1) Whenever the public interest or convenience may require and upon petition of 60% of the freeholders affected thereby, the board of county commissioners is hereby authorized and empowered to order and create a planning and zoning district and to appoint a commission consisting of five members pursuant to [section 1].

(2) No such planning or zoning district may be created in an area which has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" shall mean any area that consists of not less than 40 acres."

Section 18. Section 76-2-102, MCA, is amended to read:

"76-2-102. Organization and operation of commission. (1) The commission is to consist of the three county commissioners, the county surveyor, ~~and the county assessor,~~ and any other members appointed by the board of county commissioners pursuant to [section 1]. Members of the commission shall serve without compensation other than reimbursement for duly authorized expenses and shall be residents of the county in which they serve.

(2) The commission hereby is authorized to appoint necessary employees and fix their compensation with the

1 approval of the board of county commissioners, to select a
2 chairman to serve for 1 year, to appoint a secretary who
3 shall keep permanent and complete records of its
4 proceedings, and to adopt rules governing the transaction of
5 its business.

6 (3) The finances necessary for the transaction of the
7 planning and zoning commission's business and to pay the
8 expenses of the employees and justified expenses of the
9 members of the board shall be paid from a levy of not to
10 exceed 1 mill on the taxable valuation of the real property
11 within such district."

12 Section 19. Section 76-2-220, MCA, is amended to read:

13 "76-2-220. Zoning commission -- appointment -- duties.

14 (1) For the purpose of providing an optional method of
15 amending any zoning regulations or zoning classification,
16 the county commissioners may appoint a zoning commission to
17 recommend amendments to the zoning regulations and
18 classifications. Such a zoning commission must be composed
19 of ~~at least five~~ citizen members appointed pursuant to
20 ~~[section 1]~~, at large from the zoning district. The county
21 commissioners may adopt bylaws for the zoning commission
22 pertaining to the qualifications of the members and such
23 other matters as the commissioners consider necessary.

24 (2) If a commission is appointed, it shall hold a
25 public hearing to receive relevant testimony. The hearing,

1 which may be held jointly with the hearing by the county
2 commissioners, must be upon at least 15 days' notice of the
3 time and place of the hearing and must be published in the
4 contracted newspaper provided for in 7-5-2411 or a newspaper
5 of general circulation in the county. Recommendations of
6 the zoning commission must be submitted to the county
7 commissioners."

8 Section 20. Section 76-2-222, MCA, is amended to read:

9 "76-2-222. Membership and term of board members --
10 vacancies. (1) The board of adjustment shall consist of five
11 members, ~~each to be appointed for a term of 2 years pursuant~~
12 ~~to [section 1]~~ and removable for cause by the board of
13 county commissioners upon written charges and after public
14 hearing. The board of county commissioners may designate the
15 same persons to act as members of the board of adjustment
16 for unincorporated portions of the jurisdictional area as
17 may be appointed by the municipality within the
18 jurisdictional area under provisions of 76-2-321 through
19 76-2-328.

20 (2) Vacancies shall be filled for the unexpired term
21 of any member whose term becomes vacant."

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 596

INTRODUCED BY KADAS, NISBET, NEUMAN,

CHRISTIAENS, VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT BOARDS OF COUNTY COMMISSIONERS, AFTER NOTICE AND HEARING, MAY DETERMINE THE NUMBER AND TERM OF OFFICE OF MEMBERS ON APPOINTED BOARDS AND COMMISSIONS THAT PROVIDE LOCAL GOVERNMENT SERVICES, INCLUDING THE COUNTY MUSEUM BOARD, PARK BOARD, FAIR COMMISSION, WEED BOARD, MOSQUITO CONTROL BOARD, CEMETERY DISTRICT, ~~TAX-APPEAL-BOARD~~, LIBRARY BOARD, BOARD OF HEALTH, PLANNING BOARD, PLANNING AND ZONING COMMISSION, ZONING COMMISSION, AND BOARD OF ADJUSTMENT; AMENDING SECTIONS 7-16-2203, 7-16-2302 THROUGH 7-16-2304, 7-21-3401, 7-21-3402, 7-22-2103, 7-22-2104, 7-22-2411, 7-22-2412, 7-35-2108, ~~15-15-101~~, 22-1-308, 50-2-104, 76-1-211, 76-2-101, 76-2-102, 76-2-220, AND 76-2-222, MCA."

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

~~NEW SECTION.~~ Section 1. Number of members -- term of office -- appointed boards and commissions. (1) Whenever a board of county commissioners is empowered or required to appoint a board or commission to provide local government services, the board of county commissioners may in its discretion determine the number and term of office of

members to be appointed that best serve the public interest. ~~IF THE BOARD OF COUNTY COMMISSIONERS REDUCES THE NUMBER OF MEMBERS OR REDUCES THE TERM OF OFFICE OF MEMBERS ON A BOARD OR COMMISSION, SUCH A DECISION DOES NOT AFFECT THE TERM OF OFFICE OF CURRENT MEMBERS OF THE BOARD OR COMMISSION.~~

(2) To help determine the best interest of the county, before determining or changing the number or term of office of members of any board pursuant to this section, the board of county commissioners must hold a public hearing. Not less than 14 days before the hearing, the board must publish notice of its intended action and the date of the hearing.

Section 2. Section 7-16-2203, MCA, is amended to read:

"7-16-2203. Museum board of trustees -- appointment and term. (1) The board of county commissioners of each county owning or acquiring any such museum or collection of exhibits may, at the first regular meeting of the board after acquiring any such museum or collection, appoint a board of trustees for such museum or collection.

(2) ~~Such the board shall consist of three responsible persons -- electors -- and residents of the county be appointed pursuant to [section 1]. The term of one of said members shall expire on June 30 of the next following year; the term of another of said members shall expire on June 30 of the second following year; and the term of the third member to expire on June 30 of the third following year; thereafter~~

1 the board shall at its regular meeting in duty of each
 2 year, appoint a member of such board of trustees to take the
 3 place of the member whose term expired on June 30
 4 immediately preceding."

5 Section 3. Section 7-16-2302, MCA, is amended to read:
 6 "7-16-2302. Composition of park board. The board of
 7 park commissioners shall be composed of the county
 8 commissioners and six other persons appointed by the county
 9 commissioners pursuant to [section 1]."

10 Section 4. Section 7-16-2303, MCA, is amended to read:
 11 "7-16-2303. Qualifications of park commissioners. The
 12 six persons to be so appointed shall have the same
 13 qualifications for the office of park commissioner as are
 14 required by 7-4-2201, for the office of county
 15 commissioner."

16 Section 5. Section 7-16-2304, MCA, is amended to read:
 17 "7-16-2304. Term of office. (1) Except as provided in
 18 subsection (2), the term of office of each park
 19 commissioner shall be determined by the board of county
 20 commissioners as provided in [section 1] 3 years with and
 21 after the first Monday of May of the year in which he is
 22 appointed and until his successor is appointed and
 23 qualified.

24 (2) Two of the commissioners first appointed shall
 25 hold office for the period of 1 year, two for 2 years, and

1 two for 3 years with and after the first Monday of May and
 2 until their successors are appointed and qualified."

3 Section 6. Section 7-21-3401, MCA, is amended to read:
 4 "7-21-3401. Authorization to create county fair
 5 commission. (1) The board of county commissioners may,
 6 pursuant to [section 1], at any regular meeting, appoint
 7 from the electors of the county five responsible persons to
 8 constitute a county fair commission, three of the members to
 9 be appointed for a term of 2 years and two for a term of 1
 10 year and until their successors are appointed.

11 (2) Each year thereafter, the board of county
 12 commissioners shall appoint members of the county fair
 13 commission to succeed the members whose terms then expire."

14 Section 7. Section 7-21-3402, MCA, is amended to read:
 15 "7-21-3402. Term of office. The appointments
 16 subsequent to the initial appointments shall be for a term
 17 established by the board of county commissioners pursuant to
 18 [section 1] of 2 years."

19 Section 8. Section 7-22-2103, MCA, is amended to read:
 20 "7-22-2103. County weed board. (1) The board of county
 21 commissioners of each county shall appoint a county weed
 22 board consisting of three or five members and pursuant to
 23 [section 1], except that the county weed board must include
 24 at least the following members:

25 (a) if a three-member board, two members shall be

1 rural agricultural landowners within the county and one
2 member shall be a teacher of biology or a person with
3 comparable expertise; or

4 (b) ~~if a five-member board,~~ three members shall be
5 rural agricultural landowners within the county, one member
6 shall be a resident of a city or town within the county, and
7 one member shall be a teacher of biology or a person with
8 comparable expertise.

9 (2) The county extension agent in each county is an ex
10 officio member of that county's weed board.

11 (3) The supervisors are public officers."

12 Section 9. Section 7-22-2104, MCA, is amended to read:

13 "7-22-2104. Term of office. ~~(1) Except as provided in~~
14 ~~subsection (2), a~~ A member of a county weed board serves a
15 ~~term of 3 years and until the qualification of his successor~~
16 ~~of office determined by the board of county commissioners~~
17 ~~pursuant to section 1).~~

18 ~~(2) When a three-member weed board is established, the~~
19 ~~initial board members serve terms of 1, 2, and 3 years~~
20 ~~respectively, as designated by the commissioners. When a~~
21 ~~five-member weed board is established, two of the initial~~
22 ~~members serve terms of 1 year, two serve terms of 2 years,~~
23 ~~and one serves a term of 3 years. After expiration of an~~
24 ~~initial term of office, the successor serves a 3-year term~~
25 ~~as provided in subsection (1)."~~

1 Section 10. Section 7-22-2411, MCA, is amended to
2 read:

3 "7-22-2411. District to be governed by appointed
4 mosquito control board. (1) Upon the creation of any
5 mosquito control district, the board of county commissioners
6 shall appoint a mosquito control board ~~composed of not less~~
7 ~~than three or more than five members~~ pursuant to section
8 1).

9 (2) Each member of the mosquito control board shall be
10 an elector within the boundaries of the district.

11 (3) The board is a body corporate and shall act as
12 such, and the members are public officers.

13 (4) The health officer having jurisdiction in the
14 proposed district, the sanitarian or a member of his staff,
15 and the county extension agent, if the county has any or all
16 such officers, are ex officio members of the board without
17 vote."

18 Section 11. Section 7-22-2412, MCA, is amended to
19 read:

20 "7-22-2412. Term of office. (1) The terms of office
21 for the first appointed members shall be so arranged that
22 they do not all expire at the same time and for that purpose
23 may be set for any length of time ~~not more than 3 years.~~

24 (2) ~~Thereafter the terms of all members shall be 3~~
25 ~~years, the term of one member expiring on January 1 in each~~

years"

Section 12. Section 7-35-2108, MCA, is amended to read:

"7-35-2108. Government of district by trustees. (1) The cemetery district shall be governed and managed by three trustees appointed by the board of county commissioners pursuant to [section 1]. The trustees at their first meeting shall adopt bylaws for the government and management of the district.

(2) The trustees may be appointed from the residents of the district for terms of 1, 2, and 3 years, respectively, and until their successors are appointed and qualified. Annually thereafter the board of county commissioners shall appoint one trustee for a term of 3 years or until his successor is appointed and qualified.

(3)(2) Per diem and mileage of the cemetery trustees may be set by resolution of the board of county commissioners."

Section 13. Section 15-15-101, MCA, is amended to read:

"15-15-101. County tax appeal board. Meetings and compensations. (1) The board of county commissioners of each county shall appoint a three-member county tax appeal board with the members to serve staggered terms of 3 years each pursuant to [section 1]. The members of each county tax

appeal board shall be residents of the county in which they serve. They shall receive compensation of \$25 a day and travel expenses as provided for in 2-10-501 through 2-10-503, as amended, only when the county tax appeal board is in session to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the state tax appeal boards. Travel expenses and compensation shall be paid from the appropriation to the state tax appeal boards. Office space and equipment for the county tax appeal boards shall be furnished by the county. All other incidental expenses shall be paid from the appropriation of the state tax appeal boards.

(2) The county tax appeal board must meet on the third Monday of April in each year to hear protests concerning assessments made by the department of revenue. It must continue in session for that purpose from time to time until the business of hearing protests is disposed of, but except as provided in 15-2-201, not later than 60 days after the department of revenue or its agents

(a) has mailed notice of classification and appraisal to all property owners as required in 15-7-102, and (b) has notified the county tax appeal board that classification and appraisal notices have been mailed to all property owners.

(3) In connection with any such appeal, the county tax

1 ~~appeal board may change any assessment or fix the assessment~~
 2 ~~at some other level. The county clerk shall publish a notice~~
 3 ~~to taxpayers giving the time the county tax appeal board~~
 4 ~~will meet to hear protests concerning assessments and the~~
 5 ~~latest date the county tax appeal board may take~~
 6 ~~applications for such hearings. The notice shall be~~
 7 ~~published in a newspaper if any is printed in the county or~~
 8 ~~if none then in such manner as the board may direct. The~~
 9 ~~notice shall be published at least 7 days prior to the first~~
 10 ~~meeting of the county tax appeal board.~~

11 ~~(4) Challenges to a department of revenue rate~~
 12 ~~governing the assessment of property or to an assessment~~
 13 ~~procedure shall apply only to the taxpayer bringing the~~
 14 ~~challenge and may not apply to all similarly situated~~
 15 ~~taxpayers unless an action is brought in the district court~~
 16 ~~as provided in 15-2-307 through 15-2-310.~~

17 Section 13. Section 22-1-308, MCA, is amended to read:

18 "22-1-308. Public library -- board of trustees. (1)
 19 Upon the establishment of a public library under the
 20 provisions of this part, the mayor, with the advice and
 21 consent of the city council or city commissioners, shall
 22 appoint a board of trustees for the city library and the
 23 chairman of the board of county commissioners, with the
 24 advice and consent of said board, shall appoint a board of
 25 trustees for the county library.

1 (2) The county library board shall consist of trustees
 2 appointed pursuant to [section 1]. The city library board
 3 shall consist of five trustees. Not more than one member of
 4 the governing body shall be, at any one time, a member of
 5 such board.

6 (3) Trustees shall serve without compensation, but
 7 their actual and necessary expenses incurred in the
 8 performance of their official duties may be paid from
 9 library funds.

10 (4) Trustees County trustees shall hold office for a
 11 term provided by the board of county commissioners pursuant
 12 to [section 1]. City trustees shall hold their office for 5
 13 years from the date of appointment and until their
 14 successors are appointed. Initially, appointments shall be
 15 made for 1-, 2-, 3-, 4-, and 5-year terms. Annually
 16 thereafter, there shall be appointed before July 1 of each
 17 year in the same manner as the original appointments for a
 18 5-year term, a trustee to take the place of the retiring
 19 trustee. Trustees shall serve no more than two full terms in
 20 succession.

21 (5) Following such appointments, in July of each year,
 22 the trustees shall meet and elect a chairman and such other
 23 officers as they deem necessary, for 1-year terms. Vacancies
 24 in the board of trustees shall be filled for the unexpired
 25 term in the same manner as original appointments."

a

1 Section 14. Section 50-2-104, MCA, is amended to read:

2 "50-2-104. County boards of health. ~~(1) There is a~~
3 county board of health in each county consisting of ~~members~~
4 ~~appointed by the board of county commissioners pursuant to~~
5 ~~[section 1].~~

6 ~~(a) the county commissioners and two members who are~~
7 ~~appointed by the county commissioners and serve at their~~
8 ~~pleasure or~~

9 ~~(b) five persons who are appointed by the county~~
10 ~~commissioners and serve at their pleasure~~

11 ~~(2) Terms of appointed members shall be staggered and~~
12 ~~be for 3 years each~~

13 ~~(3) The county commissioners shall establish the~~
14 ~~staggered order of terms and all rules necessary to~~
15 ~~establish and maintain the board.~~

16 Section 15. Section 76-1-211, MCA, is amended to read:

17 "76-1-211. Membership of county planning board. (1)
18 County planning boards shall consist of ~~not less than five~~
19 ~~members appointed by the board of county commissioners~~
20 ~~pursuant to [section 1].~~ At least one member of any county
21 planning board existing on or formed after July 1, 1973,
22 shall be a member of the governing board of a conservation
23 district as provided for in chapter 15 or a state
24 cooperative grazing district if officers of either reside in
25 said county.

1 (2) In the event that any city or town subsequently
2 becomes represented on the county planning board pursuant to
3 76-1-111, additional members of the planning board
4 representing such cities or towns shall be appointed by the
5 respective city councils."

6 Section 16. Section 76-2-101, MCA, is amended to read:

7 "76-2-101. Planning and zoning commission and
8 district. (1) Whenever the public interest or convenience
9 may require and upon petition of 60% of the freeholders
10 affected thereby, the board of county commissioners is
11 hereby authorized and empowered to order and create a
12 planning and zoning district and to appoint a commission
13 ~~consisting of five members pursuant to [section 1].~~

14 (2) No such planning or zoning district may be created
15 in an area which has been zoned by an incorporated city
16 pursuant to 76-2-310 and 76-2-311.

17 (3) For the purposes of this part, the word "district"
18 shall mean any area that consists of not less than 40
19 acres."

20 Section 17. Section 76-2-102, MCA, is amended to read:

21 "76-2-102. Organization and operation of commission.
22 (1) The commission is to consist of the three county
23 commissioners, the county surveyor, and the county assessor,
24 ~~and any other members appointed by the board of county~~
25 ~~commissioners pursuant to [section 1].~~ Members of the

commission shall serve without compensation other than reimbursement for duly authorized expenses and shall be residents of the county in which they serve.

(2) The commission hereby is authorized to appoint necessary employees and fix their compensation with the approval of the board of county commissioners, to select a chairman to serve for 1 year, to appoint a secretary who shall keep permanent and complete records of its proceedings, and to adopt rules governing the transaction of its business.

(3) The finances necessary for the transaction of the planning and zoning commission's business and to pay the expenses of the employees and justified expenses of the members of the board shall be paid from a levy of not to exceed 1 mill on the taxable valuation of the real property within such district."

Section 18. Section 76-2-220, MCA, is amended to read:

"76-2-220. Zoning commission -- appointment -- duties.

(1) For the purpose of providing an optional method of amending any zoning regulations or zoning classification, the county commissioners may appoint a zoning commission to recommend amendments to the zoning regulations and classifications. Such a zoning commission must be composed of at least five citizen members appointed pursuant to [section 11], at large from the zoning district. The county

commissioners may adopt bylaws for the zoning commission pertaining to the qualifications of the members and such other matters as the commissioners consider necessary.

(2) If a commission is appointed, it shall hold a public hearing to receive relevant testimony. The hearing, which may be held jointly with the hearing by the county commissioners, must be upon at least 15 days' notice of the time and place of the hearing and must be published in the contracted newspaper provided for in 7-5-2411 or a newspaper of general circulation in the county. Recommendations of the zoning commission must be submitted to the county commissioners."

Section 19. Section 76-2-222, MCA, is amended to read:

"76-2-222. Membership and term of board members -- vacancies. (1) The board of adjustment shall consist of five members ~~each to be appointed for a term of 2 years pursuant to [section 11]~~ and removable for cause by the board of county commissioners upon written charges and after public hearing. The board of county commissioners may designate the same persons to act as members of the board of adjustment for unincorporated portions of the jurisdictional area as may be appointed by the municipality within the jurisdictional area under provisions of 76-2-321 through 76-2-328.

(2) Vacancies shall be filled for the unexpired term

1 of any member whose term becomes vacant."

-End-

HOUSE BILL NO. 596

INTRODUCED BY KADAS, NISBET, NEUMAN,
CHRISTIAENS, VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT BOARDS OF COUNTY COMMISSIONERS, AFTER NOTICE AND HEARING, MAY DETERMINE THE NUMBER AND TERM OF OFFICE OF MEMBERS ON APPOINTED BOARDS AND COMMISSIONS THAT PROVIDE LOCAL GOVERNMENT SERVICES, INCLUDING THE COUNTY MUSEUM BOARD, PARK BOARD, FAIR COMMISSION, NEED BOARD, MOSQUITO CONTROL BOARD, CEMETERY DISTRICT, ~~TAX-APPEAL-BOARD~~, LIBRARY BOARD, BOARD OF HEALTH, PLANNING BOARD, PLANNING AND ZONING COMMISSION, ZONING COMMISSION, AND BOARD OF ADJUSTMENT; AMENDING SECTIONS 7-16-2203, 7-16-2302 THROUGH 7-16-2304, 7-21-3401, 7-21-3402, 7-22-2103, 7-22-2104, 7-22-2411, 7-22-2412, 7-35-2108, ~~15-15-101~~, 22-1-308, 50-2-104, 76-1-211, 76-2-101, 76-2-102, 76-2-220, AND 76-2-222, MCA."

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

~~NEW SECTION~~ Section 1. Number of members -- term of office -- appointed boards and commissions. (1) Whenever a board of county commissioners is empowered or required to appoint a board or commission to provide local government services, the board of county commissioners may in its discretion determine the number and term of office of

members to be appointed that best serve the public interest. ~~IF THE BOARD OF COUNTY COMMISSIONERS REDUCES THE NUMBER OF MEMBERS OR REDUCES THE TERM OF OFFICE OF MEMBERS ON A BOARD OR COMMISSION, SUCH A DECISION DOES NOT AFFECT THE TERM OF OFFICE OF CURRENT MEMBERS OF THE BOARD OR COMMISSION.~~

(2) To help determine the best interest of the county, before determining or changing the number or term of office of members of any board pursuant to this section, the board of county commissioners must hold a public hearing. Not less than 14 days before the hearing, the board must publish notice of its intended action and the date of the hearing.

Section 2. Section 7-16-2203, MCA, is amended to read:

"7-16-2203. Museum board of trustees -- appointment and term. (1) The board of county commissioners of each county owning or acquiring any such museum or collection of exhibits may, at the first regular meeting of the board after acquiring any such museum or collection, appoint a board of trustees for such museum or collection.

(2) ~~Such~~ ~~the~~ board shall consist of ~~three~~ ~~responsible persons~~ ~~electors~~ ~~and residents of the county~~ ~~be appointed pursuant to [section 1]~~. ~~The term of one of said members shall expire on June 30 of the next following year, the term of another of said members shall expire on June 30 of the second following year, and the term of the third member to expire on June 30 of the third following year. Thereafter~~

1 the board shall at its regular meeting in July of each
2 year appoint a member of such board of trustees to take the
3 place of the member whose term expired on June 30
4 immediately preceding."

5 Section 3. Section 7-16-2302, MCA, is amended to read:
6 "7-16-2302. Composition of park board. The board of
7 park commissioners shall be composed of the county
8 commissioners and six other persons appointed by the county
9 commissioners pursuant to [section 1]."

10 Section 4. Section 7-16-2303, MCA, is amended to read:
11 "7-16-2303. Qualifications of park commissioners. The
12 six persons to be so appointed shall have the same
13 qualifications for the office of park commissioner as are
14 required by 7-4-2201, for the office of county
15 commissioner."

16 Section 5. Section 7-16-2304, MCA, is amended to read:
17 "7-16-2304. Term of office. (1) Except as provided in
18 subsection (2), the term of office of each park
19 commissioner shall be determined by the board of county
20 commissioners as provided in [section 1] 3 years with and
21 after the first Monday of May of the year in which he is
22 appointed and until his successor is appointed and
23 qualified.

24 (2) Two of the commissioners first appointed shall
25 hold office for the period of 1 year, two for 2 years, and

1 two for 3 years with and after the first Monday of May and
2 until their successors are appointed and qualified."

3 Section 6. Section 7-21-3401, MCA, is amended to read:

4 "7-21-3401. Authorization to create county fair
5 commission. (1) The board of county commissioners may,
6 pursuant to [section 1], at any regular meeting, appoint
7 from the electors of the county five responsible persons to
8 constitute a county fair commission, three of the members to
9 be appointed for a term of 2 years and two for a term of 1
10 year and until their successors are appointed.

11 (2) Each year thereafter the board of county
12 commissioners shall appoint members of the county fair
13 commission to succeed the members whose terms then expire."

14 Section 7. Section 7-21-3402, MCA, is amended to read:

15 "7-21-3402. Term of office. The appointments
16 subsequent to the initial appointments shall be for a term
17 established by the board of county commissioners pursuant to
18 [section 1] of 2 years."

19 Section 8. Section 7-22-2103, MCA, is amended to read:

20 "7-22-2103. County weed board. (1) The board of county
21 commissioners of each county shall appoint a county weed
22 board consisting of three or five members and pursuant to
23 [section 1], except that the county weed board must include
24 at least the following members:

25 (a) if a three member board, two members shall be

1 rural agricultural landowners within the county and one
2 member shall be a teacher of biology or a person with
3 comparable expertise; or

4 (b) ~~if a five-member board, three members shall be~~
5 rural agricultural landowners within the county, one member
6 shall be a resident of a city or town within the county, and
7 one member shall be a teacher of biology or a person with
8 comparable expertise.

9 (2) The county extension agent in each county is an ex
10 officio member of that county's weed board.

11 (3) The supervisors are public officers."

12 Section 9. Section 7-22-2104, MCA, is amended to read:

13 "7-22-2104. Term of office. ~~(1) Except as provided in~~
14 ~~subsection (2), a~~ A member of a county weed board serves a
15 term of 3 years and until the qualification of his successor
16 of office determined by the board of county commissioners
17 pursuant to [section 1].

18 ~~(2) When a three-member weed board is established, the~~
19 ~~initial board members serve terms of 1, 2, and 3 years,~~
20 ~~respectively, as designated by the commissioners. When a~~
21 ~~five-member weed board is established, two of the initial~~
22 ~~members serve terms of 1 year, two serve terms of 2 years,~~
23 ~~and one serves a term of 3 years. After expiration of an~~
24 ~~initial term of office, the successor serves a 3-year term~~
25 ~~as provided in subsection (1)."~~

1 Section 10. Section 7-22-2411, MCA, is amended to
2 read:

3 "7-22-2411. District to be governed by appointed
4 mosquito control board. (1) Upon the creation of any
5 mosquito control district, the board of county commissioners
6 shall appoint a mosquito control board ~~composed of not less~~
7 ~~than three or more than five members~~ pursuant to [section
8 1].

9 (2) Each member of the mosquito control board shall be
10 an elector within the boundaries of the district.

11 (3) The board is a body corporate and shall act as
12 such, and the members are public officers.

13 (4) The health officer having jurisdiction in the
14 proposed district, the sanitarian or a member of his staff,
15 and the county extension agent, if the county has any or all
16 such officers, are ex officio members of the board without
17 vote."

18 Section 11. Section 7-22-2412, MCA, is amended to
19 read:

20 "7-22-2412. Term of office. (1) The terms of office
21 for the first appointed members shall be so arranged that
22 they do not all expire at the same time and for that purpose
23 may be set for any length of time ~~not more than 3 years.~~

24 (2) ~~Thereafter the terms of all members shall be 3~~
25 ~~years, the term of one member expiring on January 1 in each~~

1 years"

2 Section 12. Section 7-35-2108, MCA, is amended to
3 read:

4 "7-35-2108. Government of district by trustees. (1)
5 The cemetery district shall be governed and managed by three
6 trustees appointed by the board of county commissioners
7 pursuant to [section 1]. The trustees at their first meeting
8 shall adopt bylaws for the government and management of the
9 district.

10 ~~(2) The trustees may be appointed from the residents~~
11 ~~of the district for terms of 1, 2, and 3 years,~~
12 ~~respectively, and until their successors are appointed and~~
13 ~~qualified. Annually thereafter the board of county~~
14 ~~commissioners shall appoint one trustee for a term of 3~~
15 ~~years or until his successor is appointed and qualified.~~

16 (3)(2) Per diem and mileage of the cemetery trustees
17 may be set by resolution of the board of county
18 commissioners."

19 Section 13. Section 15-15-101, MCA, is amended to
20 read:

21 "15-15-101. County tax appeal board. Meetings and
22 compensations. (1) The board of county commissioners of each
23 county shall appoint a three-member county tax appeal board,
24 with the members to serve staggered terms of 3 years each
25 pursuant to [section 1]. The members of each county tax

1 appeal board shall be residents of the county in which they
2 serve. They shall receive compensation of \$25 a day and
3 travel expenses as provided for in 2-10-501 through
4 2-10-503, as amended, only when the county tax appeal board
5 is in session to hear taxpayers' appeals from property tax
6 assessments or when they are attending meetings called by
7 the state tax appeal boards. Travel expenses and compensation
8 shall be paid from the appropriation to the state tax appeal
9 boards. Office space and equipment for the county tax appeal
10 boards shall be furnished by the county. All other
11 incidental expenses shall be paid from the appropriation of
12 the state tax appeal boards.

13 (2) The county tax appeal board must meet on the third
14 Monday of April in each year to hear protests concerning
15 assessments made by the department of revenue. It must
16 continue in session for that purpose from time to time until
17 the business of hearing protests is disposed of, but except
18 as provided in 15-2-201, not later than 60 days after the
19 department of revenue or its agents

20 (a) has mailed notice of classification and appraisal
21 to all property owners as required in 15-7-101, and

22 (b) has notified the county tax appeal board that
23 classification and appraisal notices have been mailed to all
24 property owners.

25 (3) In connection with any such appeal, the county tax

~~1 appeal board may change any assessment or fix the assessment~~
~~2 at some other level. The county clerk shall publish a notice~~
~~3 to taxpayers giving the time the county tax appeal board~~
~~4 will meet to hear protests concerning assessments and the~~
~~5 latest date the county tax appeal board may take~~
~~6 applications for such hearings. The notice shall be~~
~~7 published in a newspaper if any is printed in the county or~~
~~8 if none then in such manner as the board may direct. The~~
~~9 notice shall be published at least 7 days prior to the first~~
~~10 meeting of the county tax appeal board.~~

~~11 (4) Challenges to a department of revenue rule~~
~~12 governing the assessment of property or to an assessment~~
~~13 procedure shall apply only to the taxpayer bringing the~~
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 19 Upon the establishment of a public library under the
 20 provisions of this part, the mayor, with the advice and
 21 consent of the city council or city commissioners, shall
 22 appoint a board of trustees for the city library and the
 23 chairman of the board of county commissioners, with the
 24 advice and consent of said board, shall appoint a board of
 25 trustees for the county library.

1 (2) The county library board shall consist of trustees
 2 appointed pursuant to [section 1]. The city library board
 3 shall consist of five trustees. Not more than one member of
 4 the governing body shall be, at any one time, a member of
 5 such board.

6 (3) Trustees shall serve without compensation, but
 7 their actual and necessary expenses incurred in the
 8 performance of their official duties may be paid from
 9 library funds.

10 (4) Trustees County trustees shall hold office for a
 11 term provided by the board of county commissioners pursuant
 12 to [section 1]. City trustees shall hold their office for 5
 13 years from the date of appointment and until their
 14 successors are appointed. Initially, appointments shall be
 15 made for 1-, 2-, 3-, 4-, and 5-year terms. Annually
 16 thereafter, there shall be appointed before July 1 of each
 17 year in the same manner as the original appointments for a
 18 5-year term, a trustee to take the place of the retiring
 19 trustee. Trustees shall serve no more than two full terms in
 20 succession.

21 (5) Following such appointments, in July of each year,
 22 the trustees shall meet and elect a chairman and such other
 23 officers as they deem necessary, for 1-year terms. Vacancies
 24 in the board of trustees shall be filled for the unexpired
 25 term in the same manner as original appointments."

1 Section 14. Section 50-2-104, MCA, is amended to read:
 2 "50-2-104. County boards of health. ~~{1}~~ There is a
 3 county board of health in each county consisting of ~~members~~
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 5 ~~[section 1]~~.

6 ~~{a}--the county commissioners and two members who are~~
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 8 ~~pleasure or~~

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 12 ~~be for 3 years each~~

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 14 ~~staggered order of terms and all rules necessary to~~
 15 ~~establish and maintain the boards"~~

16 Section 15. Section 76-1-211, MCA, is amended to read:

17 "76-1-211. Membership of county planning board. (1)
 18 County planning boards shall consist of ~~not less than five~~
 19 ~~members appointed by the board of county commissioners~~
 20 ~~pursuant to [section 1]~~. At least one member of any county
 21 planning board existing on or formed after July 1, 1973,
 22 shall be a member of the governing board of a conservation
 23 district as provided for in chapter 15 or a state
 24 cooperative grazing district if officers of either reside in
 25 said county.

1 (2) In the event that any city or town subsequently
 2 becomes represented on the county planning board pursuant to
 3 76-1-111, additional members of the planning board
 4 representing such cities or towns shall be appointed by the
 5 respective city councils."

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 8 district. (1) Whenever the public interest or convenience
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 10 affected thereby, the board of county commissioners is
 11 hereby authorized and empowered to order and create a
 12 planning and zoning district and to appoint a commission
 13 ~~consisting of five members pursuant to [section 1]~~.

14 (2) No such planning or zoning district may be created
 15 in an area which has been zoned by an incorporated city
 16 pursuant to 76-2-310 and 76-2-311.

17 (3) For the purposes of this part, the word "district"
 18 shall mean any area that consists of not less than 40
 19 acres."

20 Section 17. Section 76-2-102, MCA, is amended to read:

21 "76-2-102. Organization and operation of commission.
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 23 commissioners, the county surveyor, and the county assessor,
 24 ~~and any other members appointed by the board of county~~
 25 ~~commissioners pursuant to [section 1]~~. Members of the

1 commission shall serve without compensation other than
2 reimbursement for duly authorized expenses and shall be
3 residents of the county in which they serve.

4 (2) The commission hereby is authorized to appoint
5 necessary employees and fix their compensation with the
6 approval of the board of county commissioners, to select a
7 chairman to serve for 1 year, to appoint a secretary who
8 shall keep permanent and complete records of its
9 proceedings, and to adopt rules governing the transaction of
10 its business.

11 (3) The finances necessary for the transaction of the
12 planning and zoning commission's business and to pay the
13 expenses of the employees and justified expenses of the
14 members of the board shall be paid from a levy of not to
15 exceed 1 mill on the taxable valuation of the real property
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22 recommend amendments to the zoning regulations and
23 classifications. Such a zoning commission must be composed
24 of ~~at least five~~ citizen members appointed ~~pursuant to~~
25 ~~[section 1]~~ at large from the zoning district. The county

1 commissioners may adopt bylaws for the zoning commission
2 pertaining to the qualifications of the members and such
3 other matters as the commissioners consider necessary.

4 (2) If a commission is appointed, it shall hold a
5 public hearing to receive relevant testimony. The hearing,
6 which may be held jointly with the hearing by the county
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8 time and place of the hearing and must be published in the
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10 of general circulation in the county. Recommendations of
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13 Section 19. Section 76-2-222, MCA, is amended to read:

14 "76-2-222. Membership and term of board members --
15 vacancies. (1) The board of adjustment shall consist of five
16 members, ~~each to be appointed for a term of 2 years pursuant~~
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18 county commissioners upon written charges and after public
19 hearing. The board of county commissioners may designate the
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22 may be appointed by the municipality within the
23 jurisdictional area under provisions of 76-2-321 through
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1 of any member whose term becomes vacant."

-End-