

SENATE BILL NO. 332

INTRODUCED BY WELDON

IN THE SENATE

FEBRUARY 8, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

FEBRUARY 20, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 22, 1993

PRINTING REPORT.

SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 23, 1993

THIRD READING, PASSED.
AYES, 46; NOES, 3.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

MARCH 26, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 30, 1993

SECOND READING, CONCURRED IN AS
AMENDED.

APRIL 1, 1993

THIRD READING, CONCURRED IN.
AYES, 52; NOES, 46.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 6, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 332
2 INTRODUCED BY Weldon
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE
5 APPOINTMENT RATHER THAN ELECTION OF MEMBERS TO
6 TRANSPORTATION DISTRICT BOARDS; ALLOWING FOR INCREASING THE
7 NUMBER OF BOARD MEMBERS; AND AMENDING SECTIONS 7-14-212,
8 7-14-213, 7-14-214, 7-14-215, 7-14-216, AND 7-14-217, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 NEW SECTION. Section 1. Option for district to be
12 governed by appointed transportation board. (1) The
13 commissioners and the governing bodies of each incorporated
14 city included or partially included in the district may:
15 (a) agree that the members or a portion of the members
16 of the board be appointed;
17 (b) increase or decrease the number of persons on the
18 board provided that if any members are to be elected the
19 number of elected members may not be less than three and
20 those members must be selected pursuant to 7-14-212 through
21 7-14-215;
22 (c) set the term of office for appointed members; and
23 (d) determine the makeup of the board with respect to
24 the number of appointed members that will represent each
25 city or county included or partially included in the

1 district.

2 (2) The commissioners and the governing bodies of each
3 city included or partially included in the district shall
4 each appoint their own members to the board as provided for
5 in subsection (1)(d) and shall appoint replacements for any
6 vacancies on the board involving a membership position over
7 which the commissioners or the governing body has
8 appointment power.

9 **Section 2.** Section 7-14-212, MCA, is amended to read:

10 "7-14-212. District to be governed by elected
11 transportation board. The district ~~shall~~ must be governed by
12 a transportation board. ~~The board shall consist~~ consisting
13 of three members. After Except as provided in [section 1],
14 after expiration of the term of the individuals appointed to
15 the initial board, the board members ~~shall~~ must be elected."

16 **Section 3.** Section 7-14-213, MCA, is amended to read:

17 "7-14-213. Selection of initial transportation board.
18 (1) The transportation board ~~shall consist~~ consists of three
19 members initially appointed by a selection board composed of
20 the commissioners and an equal number of representatives
21 from the governing bodies of each incorporated city included
22 or partially included in the district.

23 (2) The Except as provided in [section 1], the
24 appointed members shall serve until the first county general
25 election after their appointment."

Section 4. Section 7-14-214, MCA, is amended to read:

"7-14-214. Election of ~~members~~ of transportation board.

(1) ~~Any~~ For a membership position on the board that is an elected position, any registered elector in the district may file a petition of candidacy with the election administrator of the county where the district is located. ~~No~~ A filing fee ~~shall may not~~ be required. All candidates shall file a nonpartisan petition for candidacy containing the signatures of not less than 25 registered electors of the district. Except for the number of petition signers required, the petition ~~shall~~ must be filed as provided in 13-14-113.

(2) The names of the six candidates receiving the highest number of votes in the primary election ~~shall~~ must be placed on the ballots in the county general election."

Section 5. Section 7-14-215, MCA, is amended to read:

"7-14-215. ~~Term of office.~~ With respect to elected positions on the board, the following provisions apply:

(1) At the first election for membership on the transportation board, the candidate receiving the highest number of votes in the county general election shall receive a 4-year term on the board. The two candidates receiving the next highest number of votes in the county general election shall receive 2-year terms on the board.

(2) After the initial election, two seats on the board ~~shall~~ must be filled at every county general election. The

candidate receiving the highest number of votes shall serve a 4-year term and the candidate receiving the next highest number of votes shall serve a 2-year term."

Section 6. Section 7-14-216, MCA, is amended to read:

"7-14-216. ~~Vacancies on transportation board.~~ With respect to elected positions on the board, the following provisions apply:

(1) A vacancy on the board ~~shall~~ must be filled by a selection board composed of two county commissioners, two representatives from governing bodies of each municipality included or partially included in the district, and two transportation board members.

(2) A member appointed to fill a vacancy shall serve until the first county general election after his the appointment."

Section 7. Section 7-14-217, MCA, is amended to read:

"7-14-217. ~~Notice required of opening on board to be filled by appointment.~~ With respect to elected positions on the board, the following provisions apply:

(1) The selection board or the remaining board members shall give public notice of their solicitation of applications for initial membership on the board or for the filling of a board vacancy.

(2) The notice must be published in a newspaper having general circulation in the district, once each week for at

1 least 2 weeks, and, when involving an initial appointment,
2 the last publication must be at least 2 weeks before the
3 appointment. If there is no newspaper having general
4 circulation within the boundaries of the proposed district,
5 the notice of solicitation must be posted in at least three
6 public places within the boundaries of the proposed district
7 for 2 weeks before the appointment."

8 NEW SECTION. **Section 8.** Codification instruction.
9 [Section 1] is intended to be codified as an integral part
10 of Title 7, chapter 14, part 2, and the provisions of Title
11 7, chapter 14, part 2, apply to [section 1].

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 332

INTRODUCED BY WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING--FOR--THE
APPOINTMENT---RATHER---THAN---ELECTION---OF---MEMBERS---TO
TRANSPORTATION-DISTRICT-BOARDS,--ALLOWING-FOR-INCREASING--THE
NUMBER--OF--BOARD--MEMBERS,--AND-AMENDING-SECTIONS-7-14-212,
7-14-213, 7-14-214, 7-14-215, 7-14-216, AND 7-14-217,--MCA." ~~AND~~
REVISING THE URBAN TRANSPORTATION DISTRICT LAWS; ALLOWING
FOR THE APPOINTMENT OF A TRANSPORTATION DISTRICT BOARD;
ALLOWING LOCAL GOVERNING BODIES TO DETERMINE THE NUMBER OF
BOARD MEMBERS, THE TERM OF OFFICE, THE SELECTION OF INITIAL
MEMBERS, AND THE PROCEDURE FOR FILLING VACANCIES; AMENDING
SECTIONS 7-14-212 AND 7-14-214, MCA; AND REPEALING SECTIONS
7-14-213, 7-14-215, 7-14-216, AND 7-14-217, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 7-14-212, MCA, is amended to read:

"7-14-212. District to be governed by elected
transportation board. (1) The district ~~shall~~ must be
governed by a transportation board. ~~The board shall consist~~
~~of three members. After expiration of the term of the~~
~~individuals appointed to the initial board, the board~~

~~members shall be elected~~ The commissioners and the governing
bodies of each city or town included or partially included
in the district shall determine if the board is to be
elected or appointed.

(2) The commissioners and the governing body by
resolution shall:

(a) determine the number of board members;

(b) set the term of office;

(c) determine the makeup of the board with respect to
the number of appointed members that will represent each
county, city, or town;

(d) establish a procedure for selecting the initial
members of an elected board. The initial members shall serve
until the first county general election after their
appointment.

(e) determine the number of candidates for an elected
board whose names must be placed on the ballot in the county
general election, based on the results of the primary
election; and

(f) establish a procedure for filling vacancies on the
board, including a provision for public notice."

Section 2. Section 7-14-214, MCA, is amended to read:

"7-14-214. Election of members of transportation board.
(1) Any registered elector in the district may file a
petition of candidacy with the election administrator of the

1 county where the district is located. No A filing fee shall
2 may not be required. All candidates shall file a nonpartisan
3 petition for candidacy containing the signatures of not less
4 than 25 registered electors of the district. Except for the
5 number of petition signers required, the petition shall be
6 filed as provided in 13-14-113.

7 ~~{2}--The names--of--the--six--candidates--receiving--the~~
8 ~~highest--number--of--votes--in--the--primary--election--shall--be~~
9 ~~placed--on--the--ballots--in--the--county--general--election--"~~

10 NEW SECTION. **Section 3. Repealer.** Sections 7-14-213,
11 7-14-215, 7-14-216, and 7-14-217, MCA, are repealed.

-End-

SENATE BILL NO. 332

INTRODUCED BY WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING--FOR--THE
APPOINTMENT---RATHER---THAN---ELECTION---OF---MEMBERS---TO
TRANSPORTATION-DISTRICT-BOARDS;--ALLOWING-FOR-INCREASING--THE
NUMBER--OF--BOARD--MEMBERS;--AND-AMENDING-SECTIONS-7-14-212,
7-14-213, 7-14-214, 7-14-215, 7-14-216, AND 7-14-217,--MCA."
REVISING THE URBAN TRANSPORTATION DISTRICT LAWS; ALLOWING
FOR THE APPOINTMENT OF A TRANSPORTATION DISTRICT BOARD;
ALLOWING LOCAL GOVERNING BODIES TO DETERMINE THE NUMBER OF
BOARD MEMBERS, THE TERM OF OFFICE, THE SELECTION OF INITIAL
MEMBERS, AND THE PROCEDURE FOR FILLING VACANCIES; AMENDING
SECTIONS 7-14-212 AND 7-14-214, MCA; AND REPEALING SECTIONS
7-14-213, 7-14-215, 7-14-216, AND 7-14-217, MCA."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 7-14-212, MCA, is amended to read:

"7-14-212. District to be governed by elected
transportation board. (1) The district shall must be
governed by a transportation board. ~~The board shall consist~~
~~of three members. After expiration of the term of the~~
~~individuals appointed to the initial board, the board~~

~~members shall be elected~~ The commissioners and the governing
bodies of each city or town included or partially included
in the district shall determine if the board is to be
elected or appointed.

(2) The commissioners and the governing body by
resolution shall:

(a) determine the number of board members;

(b) set the term of office;

(c) determine the makeup of the board with respect to
the number of appointed members that will represent each
county, city, or town;

(d) establish a procedure for selecting the initial
members of an elected board. The initial members shall serve
until the first county general election after their
appointment.

(e) determine the number of candidates for an elected
board whose names must be placed on the ballot in the county
general election, based on the results of the primary
election; and

(f) establish a procedure for filling vacancies on the
board, including a provision for public notice."

Section 2. Section 7-14-214, MCA, is amended to read:

"7-14-214. Election of members of transportation board.
(1) Any registered elector in the district may file a
petition of candidacy with the election administrator of the

1 county where the district is located. No A filing fee shall
2 may not be required. All candidates shall file a nonpartisan
3 petition for candidacy containing the signatures of not less
4 than 25 registered electors of the district. Except for the
5 number of petition signers required, the petition shall be
6 filed as provided in 13-14-113.

7 ~~{2}--The names--of--the--six--candidates--receiving--the~~
8 ~~highest--number--of--votes--in--the--primary--election--shall--be~~
9 ~~placed--on--the--ballots--in--the--county--general--election--"~~

10 NEW SECTION. **Section 3.** Repealer. Sections 7-14-213,
11 7-14-215, 7-14-216, and 7-14-217, MCA, are repealed.

-End-

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that Senate Bill 332 (third reading copy -- blue) be concurred in as amended .

Signed: Norm Wallin
Norm Wallin, Chair

And, that such amendments read:

Carried by: Rep. Hansen

1. Title, line 14.

Following: ";"

Strike: "AND"

2. Title, line 15.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, following line 11.

Insert: "

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

-END-

Committee Vote:
Yes 9, No 5.

HOUSE

SB 332

681025SC.Hss

JS
26-93
11/10

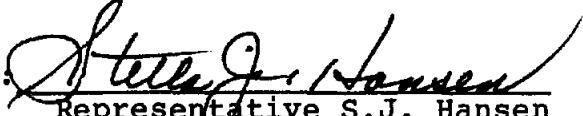
HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 332
Representative S.J. Hansen

#1

March 27, 1993 12:05 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 332 (third reading copy -- blue).

Signed:


Representative S.J. Hansen

And, that such amendments to Senate Bill 332 read as follows:

1. Page 2.

Following: line 21

Insert: "(3) The commissioners and the governing body may, at any, time adopt a resolution changing the method by which the members of the board are selected. The resolution must contain a provision that the term of office of the current members of the board may not be shortened."

-END-

ADOPT

REJECT

HOUSE
SB 332

SENATE BILL NO. 332

INTRODUCED BY WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT ~~ALLOWING--FOR--THE~~
~~APPOINTMENT----~~~~RATHER----~~~~THAN----~~~~ELECTION--OF--MEMBERS--TO~~
~~TRANSPORTATION-DISTRICT-BOARDS;--ALLOWING-FOR-INCREASING--THE~~
~~NUMBER--OF--BOARD--MEMBERS;--AND-AMENDING-SECTIONS-7-14-212,~~
~~7-14-213, 7-14-214, 7-14-215, 7-14-216, AND 7-14-217,--MCA;--~~
 REVISING THE URBAN TRANSPORTATION DISTRICT LAWS; ALLOWING
 FOR THE APPOINTMENT OF A TRANSPORTATION DISTRICT BOARD;
 ALLOWING LOCAL GOVERNING BODIES TO DETERMINE THE NUMBER OF
 BOARD MEMBERS, THE TERM OF OFFICE, THE SELECTION OF INITIAL
 MEMBERS, AND THE PROCEDURE FOR FILLING VACANCIES; AMENDING
 SECTIONS 7-14-212 AND 7-14-214, MCA; AND REPEALING SECTIONS
 7-14-213, 7-14-215, 7-14-216, AND 7-14-217, MCA; AND
 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 7-14-212, MCA, is amended to read:

"7-14-212. District to be governed by elected
 transportation board. (1) The district shall must be
 governed by a transportation board. ~~The board shall consist~~
~~of three members;--After--expiration--of--the--term--of--the~~

~~individuals--appointed--to--the--initial--board;--the--board~~
~~members-shall-be-elected~~ The commissioners and the governing
 bodies of each city or town included or partially included
 in the district shall determine if the board is to be
 elected or appointed.

(2) The commissioners and the governing body by
 resolution shall:

(a) determine the number of board members;

(b) set the term of office;

(c) determine the makeup of the board with respect to
 the number of appointed members that will represent each
 county, city, or town;

(d) establish a procedure for selecting the initial
 members of an elected board. The initial members shall serve
 until the first county general election after their
 appointment.

(e) determine the number of candidates for an elected
 board whose names must be placed on the ballot in the county
 general election, based on the results of the primary
 election; and

(f) establish a procedure for filling vacancies on the
 board, including a provision for public notice.

(3) THE COMMISSIONERS AND THE GOVERNING BODY MAY, AT
 ANY TIME, ADOPT A RESOLUTION CHANGING THE METHOD BY WHICH
 THE MEMBERS OF THE BOARD ARE SELECTED. THE RESOLUTION MUST

1 CONTAIN A PROVISION THAT THE TERM OF OFFICE OF THE CURRENT
2 MEMBERS OF THE BOARD MAY NOT BE SHORTENED."

3 **Section 2.** Section 7-14-214, MCA, is amended to read:

4 "7-14-214. Election of ~~members~~ of transportation board.

5 ~~{1}~~ Any registered elector in the district may file a
6 petition of candidacy with the election administrator of the
7 county where the district is located. No A filing fee ~~shall~~
8 may not be required. All candidates shall file a nonpartisan
9 petition for candidacy containing the signatures of not less
10 than 25 registered electors of the district. Except for the
11 number of petition signers required, the petition shall be
12 filed as provided in 13-14-113.

13 ~~{2}--The--names--of--the--six--candidates--receiving-the~~
14 ~~highest-number-of-votes-in-the--primary--election--shall--be~~
15 ~~placed-on-the-ballots-in-the-county-general-election."~~

16 NEW SECTION. **Section 3.** Repealer. Sections 7-14-213,
17 7-14-215, 7-14-216, and 7-14-217, MCA, are repealed.

18 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS
19 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

OFFICE OF THE GOVERNOR

STATE OF MONTANA



MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

April 21, 1993

The Honorable Fred Van Valkenburg
President of the Senate
State Capitol
Helena MT 59620

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 332, "AN ACT REVISING THE URBAN TRANSPORTATION DISTRICT LAWS; ALLOWING FOR THE APPOINTMENT OF A TRANSPORTATION DISTRICT BOARDS; ALLOWING LOCAL GOVERNING BODIES TO DETERMINE THE NUMBER OF BOARD MEMBERS, THE TERM OF OFFICE, THE SELECTION OF INITIAL MEMBERS, AND THE PROCEDURE FOR FILLING VACANCIES; AMENDING SECTIONS 7-14-212 AND 7-14-214, MCA; REPEALING SECTIONS 7-14-213, 7-14-215, 7-14-216, AND 7-14-217, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," with the attached amendments for the following reasons.

Transportation district board members are currently elected by the voters. There has been some difficulty in attracting candidates to run for board membership in certain jurisdictions, and Senate Bill 332 was intended to address this situation. It would permit a local governing body to appoint members to a transportation district board; however, in doing so it potentially removes the right to elect board members in a jurisdiction where the election process has worked well. I am proposing an amendment that would allow a local governing body to appoint board members until the next general election, at which time the voters could decide

whether the appointment process was acceptable to them. I urge
your adoption of these amendments.

Sincerely,

Marc Racicot
MARC RACICOT
Governor

Amendments to Senate Bill No. 332
Reference Reading Copy

Prepared by Bart Campbell
April 20, 1993

1. Title, line 10.

Following: "BOARD;"

Insert: "PROVIDING FOR APPROVAL BY THE ELECTORATE OF THE
APPOINTMENT AUTHORITY;"

2. Page 2, line 2.

Strike: "The"

Insert: "Subject to the provisions of subsection (4), the"

3. Page 3, following line 2.

Insert: "(4) The commissioners and the governing body adopting a resolution allowing the appointment of board members may appoint members to the board but shall at the next general election allow the electorate of the district to vote on whether the authority to appoint board members is to remain with the commissioners and the governing body or whether all board members must be elected."