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House BILL NO. 604  
Wm E Bonariski Brainard

INTRODUCED BY  
*Ken...*

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAW; REQUIRING GOVERNING BODIES TO ESTABLISH CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, AND COMMISSIONS BY RESOLUTION; ALLOWING GOVERNING BODIES TO ALTERNATIVELY ESTABLISH LIBRARY BOARDS, BOARDS OF HEALTH, AND PLANNING BOARDS BY RESOLUTION; ALLOWING GOVERNING BODIES TO DISSOLVE CERTAIN BOARDS, DISTRICTS, AND COMMISSIONS; ALLOWING GOVERNING BODIES TO REPEAL OR AMEND FINDINGS OF CERTAIN BOARDS, DISTRICTS, AND COMMISSIONS; ALLOWING GOVERNING BODIES TO ACT AS CERTAIN BOARDS, DISTRICTS, OR COMMISSIONS; REVISING PUBLICATION OF NOTICE PROCEDURES; CLARIFYING FEES AND ASSESSMENTS THAT A GOVERNING BODY MAY LEVY; REPEALING THE MUNICIPAL WINTER WORK PROGRAM; ALLOWING THE COST-OF-LIVING INCREMENT FOR SALARIES OF CHIEF PROBATION OFFICERS TO BE SET AS A PERCENTAGE OF THE CONSUMER PRICE INDEX; AMENDING SECTIONS 7-1-2103, 7-1-4123, 7-2-2209, 7-2-2256, 7-2-2602, 7-2-2606, 7-2-4106, 7-2-4312, 7-2-4322, 7-2-4405, 7-2-4708, 7-2-4805, 7-3-4209, 7-3-4306, 7-3-4372, 7-3-4448, 7-5-4202, 7-6-2316, 7-6-2320, 7-6-4227, 7-6-4231, 7-6-4252, 7-6-4502, 7-8-2103, 7-8-2604, 7-12-1112, 7-12-1132, 7-12-2106, 7-12-2132, 7-12-4106, 7-12-4107, 7-12-4141, 7-12-4177, 7-12-4303, 7-12-4329, 7-12-4406, 7-12-4426, 7-12-4502, 7-12-4603, 7-13-107, 7-13-126, 7-13-213, 7-13-215, 7-13-2510, 7-13-2521, 7-13-3005, 7-13-3021, 7-13-3023, 7-14-208, 7-14-220, 7-14-244, 7-14-1102, 7-14-2615, 7-14-2616, 7-14-4114, 7-14-4626, 7-15-4215, 7-15-4263, 7-15-4404, 7-16-2105, 7-16-2203, 7-16-2301, 7-16-2327, 7-16-2442, 7-16-4201, 7-16-4222, 7-21-3401, 7-21-3406, 7-22-2101, 7-22-2103, 7-22-2109, 7-22-2215, 7-22-2216, 7-22-2232, 7-22-2411, 7-22-2415, 7-33-2125, 7-35-2108, 7-35-2109, 7-35-2112, 22-1-308, 22-1-309, 22-1-317, 41-5-704, 50-2-104, 50-2-105, 50-2-106, 50-2-107, 50-2-116, AND 76-1-101, MCA; REPEALING SECTIONS 7-13-214, 7-13-2522, 7-13-2523, 7-13-2524, 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305, 7-16-2306, 7-16-2307, 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321, 7-16-4202, 7-16-4203, 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209, 7-16-4210, 7-16-4211, 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304, 7-16-4305, 7-16-4306, 7-16-4307, 7-16-4308, 7-16-4309, 7-21-3403, 7-21-3404, 7-21-3405, 7-22-2105, 7-22-2413, AND

1 7-22-2414, MCA; AND PROVIDING EFFECTIVE DATES."

2  
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

4  
5 NEW SECTION. **Section 1. Boards.** (1) A governing body of a county or incorporated city or town  
6 may by resolution establish the administrative boards, districts, or commissions allowed by law or required  
7 by law to be established pursuant to this section. The resolution creating a board, district, or commission  
8 must specify:

9 (a) the number of board, district, or commission members;

10 (b) terms of the members;

11 (c) whether members are entitled to mileage, per diem, expenses, and a salary; and

12 (d) any special qualifications for membership in addition to those established by law.

13 (2) (a) An administrative board, district, or commission may be assigned responsibility for a  
14 department or service district.

15 (b) An administrative board, district, or commission may:

16 (i) exercise administrative powers as granted by resolution, except that it may not be authorized  
17 to pledge the credit of the county or incorporated city or town or to impose a tax unless specifically  
18 authorized by state law;

19 (ii) administer programs, establish policy, and adopt administrative and procedural rules.

20 (c) The resolution creating an administrative board, district, or commission must grant the board,  
21 district, or commission all powers necessary and proper to the establishment, operation, improvement,  
22 maintenance, and administration of the department or district.

23 (d) If authorized by resolution, an administrative board, district, or commission may employ  
24 personnel to assist in its functions.

25 (3) Administrative boards, districts, and commissions may be made elective.

26 (4) Administrative boards, districts, and commissions may not sue or be sued independently of the  
27 governing body unless authorized by state law.

28 (5) Members must be appointed by the governing body. The governing body shall post prospective  
29 membership vacancies at least 1 month prior to filling the vacancy.

30 (6) The governing body shall maintain a register of appointments including:

1 (a) the name of the administrative board, district, or commission;

2 (b) the date of appointment and confirmation, if any is required;

3 (c) the length of term;

4 (d) the name and term of the presiding officer and other officers of each board, district, or  
5 commission; and

6 (e) the date, time, and place of regularly scheduled meetings.

7 (7) Terms of all members, except elected members, may not exceed 4 years. Unless otherwise  
8 provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure of  
9 the governing body.

10 (8) An administrative board, district, or commission must consist of a minimum of three members  
11 and must have an odd number of members.

12 (9) The resolution creating an administrative board, district, or commission may provide for voting  
13 or nonvoting ex officio members.

14 (10) Two or more governing bodies may provide for joint administrative boards, districts, or  
15 commissions to be established by interlocal agreements.

16 (11) A majority of members constitutes a quorum for the purposes of conducting business and  
17 exercising powers and responsibilities. Action may be taken by a majority vote of members present and  
18 voting unless the resolution creating the administrative board, district, or commission specifies otherwise.

19 (12) An administrative board, district, or commission shall provide for the keeping of written  
20 minutes, including the final vote on all actions and the vote of each member.

21 (13) An administrative board, district, or commission shall provide by rule for the date, time, and  
22 place of regularly scheduled meetings and file the information with the county commissioners.

23 (14) Unless otherwise provided by law, a person must be a resident freeholder within the jurisdiction  
24 of the governing body to be eligible for appointment to an administrative board, district, or commission.  
25 The governing body may prescribe by resolution additional qualifications for membership.

26 (15) A person may be removed from an administrative board, district, or commission for cause by  
27 the county commissioners or as provided by resolution.

28 (16) A resolution creating an administrative board, district, or commission must contain, if  
29 applicable, budgeting and accounting requirements for which the board, district, or commission is  
30 accountable to the governing body.

1 (17) Any finding, order, or action of an administrative board, district, or commission created  
2 pursuant to this section or made subject to this section or subsection may be repealed or modified by the  
3 governing body.

4 (18) The governing body may at any time:

5 (a) by resolution dissolve an administrative board, district, or commission created by this section  
6 or made subject to this section or subsection;

7 (b) by resolution dissolve a board, district, or commission and assume the duties of the board,  
8 district, or commission; or

9 (c) by resolution change the selection of the members of a board, district, or commission from  
10 appointment to election or from election to appointment.

11  
12 **NEW SECTION. Section 2. Transition of existing boards, districts, and commissions and creation**  
13 **of new boards, districts, and commissions.** (1) Unless otherwise specified by law, the state laws providing  
14 for the organization and operation of the following boards, districts, and commissions must be given the  
15 status of local ordinances for 1 year following October 1, 1995, and the boards, districts, and commissions  
16 shall continue to function during this period under the respective laws until the boards, districts, or  
17 commissions are reorganized by the governing body pursuant to the provisions of [section 1]:

18 (a) county building commission;

19 (b) cemetery districts;

20 (c) county fair commission;

21 (d) mosquito control board;

22 (e) museum board;

23 (f) board of park commissioners;

24 (g) rodent control board;

25 (h) solid waste district;

26 (i) television district;

27 (j) weed control district.

28 (2) A governing body may apply the provisions of [section 1] and subsection (1) of this section to  
29 boards of health, library boards, and planning boards.

30 (3) Subject to [sections 1 and 3] a governing body may create administrative boards, districts, and

1 commissions in addition to those listed in subsection (1) that are not otherwise provided for by law.

2

3 **NEW SECTION. Section 3. Governing body assuming duties of administrative boards, districts,**  
 4 **and commissions.** (1) In addition to the provisions of [section 1], if the minimum number of qualified  
 5 persons is not available for membership on an administrative board, district, or commission listed in [section  
 6 2], the governing body may by resolution, at a public meeting, assume the duties of the administrative  
 7 board, district, or commission and may act as that board, district, or commission with the same powers  
 8 and duties as that board, district, or commission.

9 (2) Members of a governing body, acting in the capacity of an administrative board, may not  
 10 receive any compensation in addition to their compensation as members of a governing body.

11

12 **Section 4.** Section 7-1-2103, MCA, is amended to read:

13 **"7-1-2103. County powers.** (1) A county has power to:

14 ~~(1)(a)~~ sue and be sued;

15 ~~(2)(b)~~ purchase and hold lands within its limits;

16 ~~(3)(c)~~ make ~~such~~ contracts and purchase and hold ~~such~~ personal property as may be necessary  
 17 to the exercise of its powers;

18 ~~(4)(d)~~ make ~~such~~ orders for the disposition or use of its property as the interests of its inhabitants  
 19 require; and

20 ~~(5)(e)~~ levy and collect ~~such~~ taxes for the purposes under its exclusive jurisdiction as are authorized  
 21 by this code or by special statutes.

22 (2) A county may not levy and collect assessments and fees for purposes not under its exclusive  
 23 jurisdiction unless specifically authorized by law."

24

25 **Section 5.** Section 7-1-4123, MCA, is amended to read:

26 **"7-1-4123. Legislative powers.** A municipality with general powers has the legislative power,  
 27 subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:

28 (1) preserve peace and order and secure freedom from dangerous or noxious activities;

29 (2) secure and promote the general public health and welfare;

30 (3) provide any service or perform any function authorized or required by state law;

1 (4) exercise any power granted by state law;

2 (5) levy any tax authorized by state law;

3 (6) appropriate public funds;

4 (7) impose a special assessment reasonably related to the cost of any special service or special  
5 benefit provided by the municipality or impose a fee for the provision of a service, except that it may not  
6 levy and collect assessments and fees for purposes not under its exclusive jurisdiction unless specifically  
7 authorized by law;

8 (8) grant franchises; and

9 (9) provide for its own organization and the management of its affairs."

10  
11 **Section 6.** Section 7-2-2209, MCA, is amended to read:

12 **"7-2-2209. Hearing and notice on petition.** (1) Upon the filing of ~~such the~~ petition or petitions and  
13 affidavits with the clerk of the board of county commissioners, ~~said the~~ clerk shall ~~forthwith~~ fix a date to  
14 hear the proof of the petitions and of any opponents ~~thereto~~ to the petition, which date ~~must~~ may be not  
15 be later than 30 days after the filing of ~~such the~~ petition with the clerk of ~~said the~~ board.

16 (2) The county clerk shall ~~also~~, at the same time, ~~designate a newspaper of general circulation~~  
17 ~~published~~ provide for publication of the notice to create a new county as provided in 7-1-2121 in the old  
18 ~~counties but not within the proposed new county and also a newspaper of general circulation published that~~  
19 ~~are~~ within the boundaries of the proposed new county, if there be such, in which the county clerk shall  
20 ~~order and cause to be published, at least once a week for 2 weeks preceding the date fixed for such~~  
21 ~~hearing, a.~~ The notice must be in substantially the following form:

22 NOTICE

23 Notice is hereby given that a petition has been presented to the board of county commissioners of  
24 .... County (naming the county represented by the board of county commissioners with which said petition  
25 was filed), praying for the formation of a new county out of portions of .... County and .... County (naming  
26 the county or counties of which it is proposed to form the new county), and that ~~said the~~ petition will be  
27 heard by the board of county commissioners at its place of meeting (designating the city or town and the  
28 day and hour of the meeting ~~to be so held~~), when and where all persons interested may appear and oppose  
29 the granting of ~~said the~~ petition ~~and make any objections thereto~~.

30 Dated .... at ...., Montana. ...., County Clerk"

1           **Section 7.** Section 7-2-2256, MCA, is amended to read:

2           **"7-2-2256. Publication by posting of notice.** Whenever in this part publication of any notice is  
 3 provided for and ~~no~~ a newspaper of general circulation is not published within the territory in which ~~said~~  
 4 the notice is required to be published, notice ~~shall~~ must be given ~~by posting copies of such notice in at least~~  
 5 ~~10 public places in such territory for the same length of time said notice was required to be published as~~  
 6 provided in 7-1-2121."

7  
 8           **Section 8.** Section 7-2-2602, MCA, is amended to read:

9           **"7-2-2602. Filing of petition -- notice and hearing.** (1) A petition for removal of a county seat  
 10 must be filed with the county clerk.

11           (2) The county clerk, immediately upon the filing of ~~said~~ the petition, ~~must cause to be printed in~~  
 12 ~~every newspaper published within said county a notice to the effect that a petition praying for the removal~~  
 13 ~~of said county seat has been filed with the county clerk, that said petition is open to the inspection of any~~  
 14 ~~and all persons interested therein, and that said petition will be presented to the board of county~~  
 15 ~~commissioners at its next regular session for action thereon.~~

16           ~~(3) No other or additional petition than the one originally filed shall be considered by the board shall~~  
 17 provide for publication of the notice of the petition to remove the county seat pursuant to the provisions  
 18 of 7-1-2121."

19  
 20           **Section 9.** Section 7-2-2606, MCA, is amended to read:

21           **"7-2-2606. Determination and publication of election results.** (1) When the returns have been  
 22 received and compared and the results ascertained by the board, if a majority of the qualified electors  
 23 voting on the question have voted in favor of any particular place, the board ~~must~~ shall give notice of the  
 24 results by posting notices ~~thereof~~ in all the election precincts of the county and by publishing a ~~like~~ similar  
 25 notice in a newspaper ~~printed in the county at least once a week for 4 weeks~~ pursuant to the provisions  
 26 of 7-1-2121.

27           (2) In the notice provided for in this section, the place selected to be the county seat of the county  
 28 must be so declared from a day specified in the notice, not more than 90 days after the election. After the  
 29 day named in the notice, the place chosen is the county seat of the county."  
 30

1           **Section 10.** Section 7-2-4106, MCA, is amended to read:

2           "**7-2-4106. First election for officers.** (1) When the incorporation of a city or town is completed,  
3 the board of county commissioners ~~must~~ shall give notice ~~for 30 days in a newspaper published within the~~  
4 ~~limits of the city or town or, if none is published therein, by posting notices in six public places within the~~  
5 ~~limits of the corporation~~ pursuant to the provisions of 7-1-2121 of the time and place or places of holding  
6 the first election for offices of the corporation.

7           (2) At ~~such~~ the election all the electors qualified by the general election laws of the state who have  
8 resided within the limits of the city or town for 6 months and within the limits of the ward for 30 days  
9 preceding the election are qualified electors and may choose officers for the city or town, to hold office as  
10 prescribed in 7-2-4107.

11           (3) The board ~~must~~ shall appoint election judges and canvass and declare the result ~~thereof~~ of the  
12 election. The election must be conducted in the manner required by law for the election of county  
13 officers."

14

15           **Section 11.** Section 7-2-4312, MCA, is amended to read:

16           "**7-2-4312. Resolution of intent by first-class city -- notice.** When, in the judgment of any city  
17 council of a city of the first class expressed by a resolution ~~duly and regularly~~ passed and adopted, it ~~will~~  
18 ~~be to~~ is in the best interest of ~~such~~ the city and the inhabitants of any contiguous platted tracts or parcels  
19 of land or unplatted land for which a certificate of survey has been filed ~~that to extend~~ the boundaries of  
20 ~~such the city shall be extended so as to include the same contiguous platted tracts or parcels of land or~~  
21 unplatted land within the corporate limits ~~thereof~~ of the city, the city clerk ~~of such city~~ shall:

22           (1) immediately notify in writing, addressed to the address to which tax notices are sent, all owners  
23 and purchasers under contracts for deed of property in the territory to be embraced; and

24           (2) cause a notice to be published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the  
25 newspaper published nearest ~~such~~ the platted tracts or parcels of land or unplatted land for which a  
26 certificate of survey has been filed, ~~at least once a week for 2 successive weeks.~~"

27

28           **Section 12.** Section 7-2-4322, MCA, is amended to read:

29           "**7-2-4322. Resolution of intent by second- or third-class municipality -- notice.** When, in the  
30 judgment of any ~~such~~ city or town council expressed by resolution ~~duly and regularly~~ passed and adopted,



1 it ~~will be to~~ is in the best interest of ~~such the~~ city or town and ~~the inhabitants thereof and of~~ the inhabitants  
 2 of ~~any the~~ contiguous tracts or parcels of land, ~~as aforesaid, that to extend~~ the boundaries of ~~such the~~ city  
 3 or town ~~shall be extended so as~~ to include the same contiguous tracts or parcels of land within the  
 4 corporate limits thereof, the city or town clerk ~~of such city or town~~ shall:

5 (1) ~~forthwith~~ immediately notify in writing all property holders within the boundaries of the territory  
 6 proposed to be embraced; and

7 (2) cause a notice to be published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the  
 8 newspaper published nearest ~~such the~~ tracts or parcels of land, ~~at least once a week for 2 successive~~  
 9 ~~weeks."~~

10

11 **Section 13.** Section 7-2-4405, MCA, is amended to read:

12 **"7-2-4405. Notice of resolution -- protest period.** The clerk of the municipality shall ~~forthwith~~  
 13 cause to be published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the newspaper nearest  
 14 ~~such the~~ land, ~~at least once a week for 2 successive weeks~~, a notice that ~~such the~~ resolution has ~~been duly~~  
 15 ~~and regularly~~ passed and that for a period of 20 days after the first publication of ~~such the~~ notice, ~~such the~~  
 16 clerk will receive expressions of approval or disapproval, in writing, of the proposed alterations of the  
 17 boundaries of the municipality. ~~Said The~~ notice shall must also state the time and place set for the public  
 18 hearing on the proposed annexation."

19

20 **Section 14.** Section 7-2-4708, MCA, is amended to read:

21 **"7-2-4708. Notice of hearing.** (1) The notice of public hearing shall must:

22 (a) fix the date, hour, and place of the public hearing;

23 (b) describe clearly the boundaries of the area under consideration;

24 (c) state that the report required in 7-2-4731 will be available in the office of the municipal official  
 25 designated by the governing body at least 14 days prior to the date of the public hearing.

26 (2) ~~Such The~~ notice ~~will~~ must be given by publication ~~in a newspaper having general circulation~~  
 27 ~~in the municipality once a week for at least 4 successive weeks prior to the date of the hearing. The date~~  
 28 ~~of the last publication shall not be more than 7 days preceding the date of the public hearing. If there is~~  
 29 ~~no such newspaper, the municipality shall post the notice in at least five public places within the~~  
 30 ~~municipality and at least five public places in the area to be annexed for 30 days prior to the date of public~~

1 ~~hearing pursuant to the provisions of 7-1-4127 and 7-1-4128."~~

2  
3 **Section 15.** Section 7-2-4805, MCA, is amended to read:

4 **"7-2-4805. Resolution of intent to exclude land -- notice.** If ~~said the~~ council by resolution, ~~duly~~  
5 ~~and regularly passed and adopted,~~ shall find finds that ~~said the~~ petition is signed by the requisite number  
6 of qualified electors of ~~said the~~ city or town or by the owners of not less than three-fourths in value of the  
7 territory to be excluded, that the territory petitioned to be excluded is within the corporate limits and on  
8 the border ~~thereof of the corporate limits,~~ and that the granting of ~~said the~~ petition ~~will be to~~ is in the best  
9 interest of ~~such the~~ city or town and ~~the inhabitants thereof and~~ will not materially mar the symmetry of  
10 ~~such the~~ city or town, the city or town clerk ~~of such city or town~~ shall ~~forthwith~~ cause a notice to be  
11 published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the newspaper nearest ~~such the~~  
12 territory petitioned to be excluded, ~~at least once a week for 2 successive weeks."~~

13  
14 **Section 16.** Section 7-3-4209, MCA, is amended to read:

15 **"7-3-4209. Proclamation and notice of election.** Upon the city council ordering ~~such the~~ special  
16 election ~~to be held,~~ the mayor ~~of such city~~ shall issue a proclamation setting forth the purpose for which  
17 ~~such the~~ special election is called and the date of ~~holding such the~~ special election. The proclamation shall  
18 must be published ~~for 10 consecutive days in each daily newspaper published in said city if there be such;~~  
19 ~~otherwise, once a week for 2 consecutive weeks in each weekly newspaper published therein; and such~~  
20 ~~proclamation shall also be posted in at least five public places within such city pursuant to the provisions~~  
21 of 7-1-4127 and 7-1-4128."

22  
23 **Section 17.** Section 7-3-4306, MCA, is amended to read:

24 **"7-3-4306. Proclamation and notice of election.** (1) Upon the city or town council ordering ~~such~~  
25 ~~the~~ special election ~~to be held,~~ the mayor ~~of such municipality~~ shall issue a proclamation setting forth the  
26 purpose ~~for which such~~ of the special election is ~~held~~ and the date of ~~holding such the~~ special election.

27 (2) The proclamation shall must be published ~~for 10 consecutive days in each daily newspaper~~  
28 ~~published in said municipality if there be such; otherwise, once a week for 2 consecutive weeks in each~~  
29 ~~weekly newspaper published therein. Such proclamation shall also be posted in at least five public places~~  
30 ~~within such municipality pursuant to the provisions of 7-1-4127 and 7-1-4128."~~

1           **Section 18.** Section 7-3-4372, MCA, is amended to read:

2           **"7-3-4372. Procedure to enact appropriation ordinance.** (1) Upon receipt of ~~such~~ the estimate,  
3 the commission shall prepare an appropriation ordinance in ~~such~~ the form ~~as may be~~ prescribed by  
4 ordinance or resolution. Before finally acting upon ~~such~~ the tentative appropriation, the commission shall  
5 fix a time and place for holding a public hearing upon the tentative appropriation and shall give public notice  
6 of ~~such~~ the hearing pursuant to the provisions of 7-1-4127 and 7-1-4128. Following the public hearings  
7 and before its final passage, the appropriation ordinance ~~shall~~ must be published with a parallel comparison  
8 with the recommendation of the city manager. The commission ~~shall~~ may not pass the appropriation  
9 ordinance until 10 days after its publication or before the second Monday in August.

10           (2) If, at the beginning of the term of office of the first commission elected under the provisions  
11 of this part and part 44, the appropriations for the expenditures of the municipal government for the current  
12 fiscal year have been made, ~~said~~ the commission ~~shall have the power~~ may by ordinance ~~to~~ revise, repeal,  
13 or change ~~said~~ the appropriations and ~~to~~ may make additional appropriations."

14

15           **Section 19.** Section 7-3-4448, MCA, is amended to read:

16           **"7-3-4448. Vacating or changing name of street.** (1) The commission, in vacating any street or  
17 part of a street or changing the name of any street, may include in one ordinance the change of name or  
18 the vacation or narrowing of more than one street, alley, or avenue. Before vacating any street or part  
19 ~~thereof~~ of the street or narrowing any street, the commission shall first pass a resolution declaring its  
20 intention to do so.

21           (2) The city manager shall serve notice of the resolution, in the manner that service of summons  
22 is required to be made in civil actions, upon all persons who are owners or purchasers under contracts for  
23 deed of property that abuts upon the portion of the street affected by the proposed vacation or narrowing  
24 and shall publish the notice ~~once in one daily newspaper of general circulation in the municipality if there~~  
25 ~~is one or if not, once in one weekly newspaper of like circulation~~ pursuant to the provisions of 7-1-4127  
26 and 7-1-4128. The notice ~~shall~~ must state the time and place at which objections will be heard.

27           (3) Unless at least 51% of the affected property owners object to the proposed vacation or  
28 narrowing, the commission may by ordinance declare ~~such~~ the vacation or narrowing. The order of the  
29 commission vacating or narrowing a street or alley ~~which~~ that has been dedicated to public use by the  
30 proprietor, to the extent that it is vacated or narrowed, operates as a revocation of the acceptance ~~thereof~~

1 by the commission, but the right-of-way and easement ~~therein~~ of any lot owner is not impaired ~~thereby~~."

2  
3 **Section 20.** Section 7-5-4202, MCA, is amended to read:

4 **"7-5-4202. Incorporation of technical codes by reference.** (1) The governing body of an  
5 incorporated city or town may adopt technical building, zoning, health, electrical, fire, and plumbing codes  
6 in whole or in part by reference.

7 (2) ~~At least 15 days prior to final action by a governing body of the city or town, The~~ notice of  
8 intent to adopt a technical code in whole or in part by reference ~~shall~~ must be published pursuant to the  
9 provisions of 7-1-4127 and 7-1-4128 in a newspaper of general circulation in the city or town. A copy of  
10 the code or part to be adopted ~~shall~~ must be filed with the clerk of the city or town for inspection by the  
11 public.

12 (3) If a technical code or part of a code is adopted by reference, a record in "The Ordinance Book"  
13 may be made by recording the ordinance without setting forth the provisions of the code or part of a code  
14 adopted."

15  
16 **Section 21.** Section 7-6-2316, MCA, is amended to read:

17 **"7-6-2316. Notice of hearing on county proposed budget.** (1) The board of county commissioners  
18 shall ~~then~~ have a notice published stating that:

19 (a) the board has completed its county proposed budget for the current fiscal year;

20 (b) the budget is open to inspection in the office of the county clerk and recorder;

21 (c) the board will meet to fix the final budget and make appropriations, stating the date, time, and  
22 place of the meeting; and

23 (d) any taxpayer or resident of the county may appear and be heard for or against any part of the  
24 budget.

25 (2) The notice ~~shall~~ must be published ~~two times, once each week, in a newspaper of general~~  
26 circulation in the county pursuant to the provisions of 7-1-2121."

27  
28 **Section 22.** Section 7-6-2320, MCA, is amended to read:

29 **"7-6-2320. Final budget -- approval, adoption, and amendment.** (1) The budget as finally  
30 determined, in addition to setting out separately each item for which an appropriation or expenditure is

1 authorized and the fund out of which it is to be paid, ~~shall~~ must set out:

2 (a) the total amount appropriated and authorized to be spent from each fund;

3 (b) the cash balance in the fund at the close of the preceding fiscal year;

4 (c) the amount estimated to accrue to the fund from sources other than taxation;

5 (d) the reserve for the next fiscal year; and

6 (e) the amount necessary to be raised for each fund by tax levy during the current fiscal year.

7 (2) The board shall then by resolution approve and adopt the budget as finally determined and enter  
8 the budget at length in the official minutes of the board.

9 (3) (a) Subject to compliance with the procedures set forth in subsection (4), the board may  
10 approve and adopt a resolution amending a final budget when:

11 (i) shortfalls in anticipated and budgeted ~~revenues~~ revenue occur that, unless reductions in  
12 appropriations are made, will result in expenditures for the year exceeding actual ~~revenues~~ revenue and  
13 available cash balances ~~available therefor~~; or

14 (ii) savings result from unanticipated adjustments in projected expenditures.

15 (b) Amended appropriations must be classified as:

16 (i) salaries and wages;

17 (ii) maintenance and operation;

18 (iii) capital outlay;

19 (iv) interest and debt redemption; or

20 (v) miscellaneous.

21 (4) Prior to amending a final budget, the board shall:

22 (a) hold a public hearing on the proposed amendments at least 7 days prior to a vote on the  
23 resolution amending the budget; and

24 (b) publish notice, ~~at least once, in a newspaper of general circulation in the county at least 6 but~~  
25 ~~not more than 16 days before the hearing~~ pursuant to the provisions of 7-1-2121, on the budget  
26 amendments. The published notice must specify the date, time, place, and subject of the hearing."  
27

28 **Section 23.** Section 7-6-4227, MCA, is amended to read:

29 **"7-6-4227. Notice of hearing on preliminary budget.** (1) The council shall ~~then~~ cause a notice to  
30 be published stating that:

- 1 (a) the council has completed its preliminary municipal budget for the current fiscal year;
- 2 (b) the budget has been placed on file and is open to inspection in the office of the clerk of the  
3 municipality;
- 4 (c) the council will meet for the purpose of fixing the final budget and making appropriations,  
5 designating the date, time, and place when and where ~~such~~ the meeting will be held; and
- 6 (d) any taxpayer or resident may appear at the meeting and be heard for or against any part of the  
7 budget.
- 8 (2) The notice ~~shall~~ must be published ~~at least one time in the official newspaper of the municipality~~  
9 ~~or, if there is none, then in a newspaper of general circulation in the county in which the municipality is~~  
10 ~~situated~~ pursuant to the provisions of 7-1-4127 and 7-1-4128."

11

12 **Section 24.** Section 7-6-4231, MCA, is amended to read:

13 **"7-6-4231. Final budget -- approval, adoption, and amendment.** (1) The budget as finally  
14 determined, in addition to setting out separately each item for which an appropriation is made or  
15 expenditure authorized and the fund out of which it is to be paid, ~~shall~~ must set out:

- 16 (a) the total amount appropriated and authorized to be spent from each fund;
- 17 (b) the cash balance in excess of outstanding unpaid warrants at the close of the preceding fiscal  
18 year;
- 19 (c) the amount estimated to accrue to the fund from sources other than taxation;
- 20 (d) the reserve for the next fiscal year; and
- 21 (e) the amount necessary to be raised for each fund by tax levy during the current fiscal year.

22 (2) The council shall then by resolution approve and adopt the budget as finally determined, and  
23 the clerk shall enter the resolution at length in the official minutes of the council. The clerk shall keep a  
24 copy of the budget with the resolution in the official records of the municipality.

25 (3) (a) Subject to compliance with the procedures set forth in subsection (4), the council may  
26 approve and adopt a resolution amending a final budget when:

- 27 (i) shortfalls in anticipated and budgeted ~~revenues~~ revenue occur that, unless reductions in  
28 appropriations are made, will result in expenditures for the year exceeding actual ~~revenues~~ revenue and  
29 available cash balances ~~available therefor~~; or
- 30 (ii) savings result from unanticipated adjustments in projected expenditures.

1 (b) Amended appropriations must be classified as:

2 (i) salaries and wages;

3 (ii) maintenance and operation;

4 (iii) capital outlay;

5 (iv) interest and debt redemption; or

6 (v) miscellaneous.

7 (4) Prior to amending a final budget, the council shall:

8 (a) hold a public hearing on the proposed amendments at least 7 days prior to a vote on the  
9 resolution amending the budget; and

10 (b) publish notice ~~at least once in a newspaper of general circulation in the city or town at least~~  
11 ~~6 but not more than 16 days before the hearing on the budget amendments pursuant to the provisions of~~  
12 7-1-4127 and 7-1-4128. The published notice must specify the date, time, place, and subject of the  
13 hearing."

14

15 **Section 25.** Section 7-6-4252, MCA, is amended to read:

16 **"7-6-4252. Procedure to make expenditures and incur liabilities in case of other emergencies.** (1)

17 In a public emergency other than those described in 7-6-4251 ~~and which~~ that could not reasonably have  
18 been foreseen at the time of making the budget, the council, by unanimous vote of the members present  
19 at any meeting (the time and place of which all of the members ~~shall~~ must have had reasonable notice),  
20 shall adopt and enter ~~upon their~~ in the minutes a resolution stating the facts constituting the emergency,  
21 the estimated amount of money required to meet the emergency, and the fund against which emergency  
22 warrants ~~shall~~ will be drawn.

23 (2) The council shall publish the resolution, together with a notice pursuant to the provisions of  
24 7-1-4127 and 7-1-4128, that a public hearing will be held on the resolution at the time and place  
25 designated in the notice, ~~once in the official newspaper of the municipality and, if there is none, then in a~~  
26 ~~newspaper of general circulation in the county in which the municipality is situated.~~ The hearing may not  
27 be less than 1 week after the date of publication.

28 (3) Any taxpayer or resident of the municipality may appear at the hearing and be heard for or  
29 against the expenditure of money for the alleged emergency.

30 (4) (a) Upon the conclusion of the hearing, if the council approves the emergency expenditure, it

1 shall make and enter upon its official minutes, by unanimous vote of all of the members of the council  
 2 present at the meeting, an order setting forth the facts constituting the emergency, together with the  
 3 amount of expenditure authorized ~~therefor by them~~ and the fund against which emergency warrants ~~shall~~  
 4 will be drawn. Subject to the limitations of subsection (4)(b), the order is lawful authorization for ~~them~~ the  
 5 council to expend ~~such~~ the amount, but no more, for ~~such~~ the stated purpose.

6 (b) ~~No~~ An expenditure may not be made ~~or~~ and liability may not be incurred pursuant to the order  
 7 until 5 days elapse, exclusive of the day of entry of the order, ~~elapse~~."

8  
 9 **Section 26.** Section 7-6-4502, MCA, is amended to read:

10 **"7-6-4502. Call for payment of warrants drawing interest.** (1) Except as provided in subsection  
 11 (2), when there is money in the city or town treasury applicable to the payment of any warrants drawing  
 12 interest and sufficient to pay the ~~same~~ warrants, the city treasurer or town clerk ~~must~~ shall:

13 (a) ~~give notice in some newspaper published in such city or town or, if none is published therein,~~  
 14 ~~then by written notice posted in a conspicuous place on the outer door of the office of the city treasurer~~  
 15 ~~or town clerk, stating, pursuant to the provisions of 7-1-4127 and 7-1-4128, that he~~ the city treasurer or  
 16 town clerk is ready to pay the warrants and giving the number of the warrants to be paid; and

17 (b) if the warrants are subject to purchase by the county for investment as provided in 7-6-2701,  
 18 notify the county treasurer that any ~~such~~ warrants in the possession of the county will be paid upon  
 19 presentation to the city treasurer or town clerk.

20 (2) If all of ~~such~~ the warrants are held by a county, only the notice provided for in subsection (1)(b)  
 21 is required.

22 (3) The warrants ~~so~~ called cease to draw interest from the time of the first publication or posting  
 23 of ~~such~~ notice unless all of ~~such~~ the warrants are held by a county, in which case the warrants cease to  
 24 draw interest from the time of notification of the county treasurer."

25  
 26 **Section 27.** Section 7-8-2103, MCA, is amended to read:

27 **"7-8-2103. Authorization to create county building commission.** (1) The board of county  
 28 commissioners ~~shall have the power to~~ may create a building commission subject to the provisions of  
 29 [sections 1 through 3]. In addition to any powers and duties established pursuant to [section 1], the  
 30 building commission may be given the authority for the management of ~~such~~ a civic center, youth center,



1 park buildings, museums, county parks, recreation centers, hospitals, or any combination of two or more  
 2 thereof. ~~Such commission shall be composed of the chairman of the board of county commissioners and~~  
 3 ~~five lay members to be appointed by the board. In cases where a commission has been appointed, the~~  
 4 ~~commission, together with the board, shall have the power to employ a manager.~~

5 ~~(2) The terms of office for the first lay members of the commission shall be, respectively, one for~~  
 6 ~~1 year, two for 2 years, and two for 3 years. On the expiration of such terms of figures 1, 2, and 3 years,~~  
 7 ~~their successors shall hold for 3 years each.~~

8 ~~(3) All of the above persons shall serve without compensation."~~

9  
 10 **Section 28.** Section 7-8-2604, MCA, is amended to read:

11 **"7-8-2604. Procedure for sale of timber or other crops.** (1) Subject to the requirements of  
 12 subsection (2), the board of county commissioners may sell the timber crop and other crops of county  
 13 forests under ~~such~~ rules as it may establish. The board may reject any or all bids, or it may award the sale  
 14 to the highest responsible bidder.

15 (2) A notice of any proposed sale of timber in excess of 100,000 feet board measure ~~shall be~~  
 16 ~~advertised at least once in a newspaper~~ must be published in the county pursuant to the provisions of  
 17 7-1-2121 at least 30 days prior to the closing of bids as specified in ~~said~~ the notice. The board ~~shall~~ must  
 18 receive sealed bids up to the hour of the closing of bids."

19  
 20 **Section 29.** Section 7-12-1112, MCA, is amended to read:

21 **"7-12-1112. Resolution of intention to create or expand district -- notice.** (1) Before creating or  
 22 expanding a district, the governing body shall pass a resolution of intention to do so, designating the  
 23 boundaries ~~thereof~~ of the district.

24 (2) Notice of passage of the resolution must be published ~~for 5 days in a daily newspaper or in one~~  
 25 ~~issue of a weekly paper published in the municipality or county or, in case no newspaper is published in~~  
 26 ~~the municipality or county, then by posting for 5 days in three public places in the municipality or county~~  
 27 pursuant to the provisions of 7-1-2121 or 7-1-4127 and 7-1-4128. A copy of the notice ~~shall~~ must be  
 28 mailed to every owner of real property within the proposed district or within the proposed area of expansion  
 29 listed on the last completed assessment roll for state, county, and school district taxes, at the owner's  
 30 last-known address, on the same day the notice is first published or posted.

1 (3) The notice must describe the general purpose of the district or the general reason for the  
 2 expansion and designate the time when and the place where the governing body will hear and pass upon  
 3 all protests that may be made against the creation of the district or the expansion of the existing district.  
 4 The notice ~~shall~~ must refer to the resolution on file with the governing body or clerk, if any, for the  
 5 description of the boundaries.

6 (4) The resolution to expand a district deals only with the question of the expanded area, and the  
 7 existing district does not have to be reestablished."

8  
 9 **Section 30.** Section 7-12-1132, MCA, is amended to read:

10 "**7-12-1132. Annual budget and work plan -- approval -- procedure -- tax.** (1) At a time  
 11 determined by the governing body, the board shall submit to the governing body for approval a work plan  
 12 and budget for the ensuing fiscal year.

13 (2) Following ~~public~~ notice published pursuant to the provisions of 7-1-2121 or 7-1-4127 and  
 14 7-1-4128 that a work plan and budget have been submitted and that the governing body will levy an  
 15 assessment to defray the cost of the work plan and budget, the governing body shall hold a public hearing  
 16 on objections to the work plan and budget. After the hearing, the governing body may modify the work  
 17 plan and budget as it considers necessary and appropriate.

18 (3) After approval of the work plan and budget ~~and to defray the cost thereof~~ for the next fiscal  
 19 year, the governing body shall by resolution levy an assessment upon all of the property in the district using  
 20 as a basis one of the methods prescribed in 7-12-1133.

21 (4) A copy of the resolution ~~shall~~ must be delivered to the treasurer of the local government to be  
 22 placed on the tax roll and collected in the same manner as other taxes."

23  
 24 **Section 31.** Section 7-12-2106, MCA, is amended to read:

25 "**7-12-2106. General provisions related to notice.** (1) ~~The~~ Unless otherwise specified, the notices,  
 26 resolutions, orders, or other matters required to be published by the provisions of this part ~~shall~~ must be  
 27 published ~~in a daily, semiweekly, or weekly newspaper, to be designated by the board of county~~  
 28 ~~commissioners, as often as the same is issued during the period specified for publication, and no other~~  
 29 ~~statute is applicable to publications herein provided for~~ pursuant to the provisions of 7-1-2121. In case  
 30 ~~there is no daily, semiweekly, or weekly~~ publication in a newspaper pursuant to the provisions of 7-1-2121

1 ~~is not possible, printed or circulated in a county,~~ then those notices, resolutions, orders, or other matters  
 2 ~~as are herein~~ required to be published in a newspaper shall must be posted, for the same length of time as  
 3 required ~~herein~~ for publication in a ~~daily, semiweekly, or weekly~~ newspaper, in three of the most public  
 4 places in each voting precinct except as otherwise specifically provided ~~herein~~ in this part.

5 (2) Proof of the publication or posting of any notice is made by affidavit of the owner, publisher,  
 6 printer, or clerk of the newspaper or of the poster of the notice.

7 (3) ~~No publication~~ Publication of notice other than that provided for in this part is not necessary  
 8 to give validity to any of the proceedings provided ~~therein~~ for in this part.

9 (4) ~~The word "twice", as used in this part, referring to the number of times notices, resolutions,~~  
 10 ~~orders, or other matters shall be published, means publication of the same in two entire issues of the~~  
 11 ~~newspaper, one being on one day and the other issue being on a subsequent day of the same or~~  
 12 ~~subsequent week."~~

13  
 14 **Section 32.** Section 7-12-2132, MCA, is amended to read:

15 "**7-12-2132. Advertising for bids.** A notice inviting proposals and referring to specifications on file  
 16 with the engineer ~~selected as hereinbefore provided shall~~ must be published ~~at least twice in a daily,~~  
 17 ~~semiweekly, or weekly newspaper published and circulated nearest to the boundaries of the proposed~~  
 18 ~~improvement district pursuant to the provisions of 7-1-2121. The paper shall be designated by the board~~  
 19 ~~of county commissioners for that purpose.~~ A copy of ~~said~~ the notice shall must be posted in at least three  
 20 public places within the boundaries of the proposed district."

21  
 22 **Section 33.** Section 7-12-4106, MCA, is amended to read:

23 "**7-12-4106. Notice of passage of resolution of intention.** (1) ~~Upon~~ After having passed ~~such the~~  
 24 resolution, the council ~~must~~ shall give notice of the passage of ~~such the~~ resolution of intention.

25 (2) The notice must be published ~~for 5 days in a daily newspaper or in some one issue of a weekly~~  
 26 ~~paper published in the city or town or, in case no newspaper be published in such city, then by posting for~~  
 27 ~~5 days in three public places in the city or town pursuant to the provisions of 7-1-4127 and 7-1-4128. A~~  
 28 copy of ~~such the~~ notice shall must be mailed to ~~every~~ each person, firm, or corporation or the agent of ~~such~~  
 29 ~~the~~ person, firm, or corporation having real property within the proposed district listed in ~~his name upon~~  
 30 ~~the last completed~~ last-completed assessment roll for state, county, and school district taxes, at ~~his~~ the

1 last-known address, ~~upon~~ on the same day ~~such~~ the notice is first published or posted.

2 (3) ~~Such~~ The notice must describe the general character of the improvement or the improvements  
3 ~~so~~ proposed to be made, state the estimated cost ~~thereof~~ of the improvements, describe generally the  
4 method or methods by which the costs of the improvements will be assessed, and designate the time ~~when~~  
5 and the place where the council will hear and pass upon all written protests that may be made against the  
6 making or acquisition of ~~such~~ the improvements or the creation of ~~such~~ the district. The notice ~~shall~~ must  
7 refer to the resolution on file in the office of the city clerk for the description of the boundaries. If the  
8 proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of  
9 the existing improvement."

10

11 **Section 34.** Section 7-12-4107, MCA, is amended to read:

12 **"7-12-4107. General provisions related to notice.** (1) (a) The notices, resolutions, orders, or other  
13 ~~matter~~ matters required to be published by the provisions of ~~this part or part 42 shall~~ or this part must be  
14 published in a daily newspaper or in a semiweekly or weekly newspaper to be designated by the council  
15 of such city, as often as the same is issued during the period specified for said publication; and no other  
16 statute shall govern or be applicable to the publications herein provided for pursuant to the provisions of  
17 7-1-4127 and 7-1-4128.

18 (b) ~~In case~~ If there is no daily, semiweekly, or weekly not a qualified newspaper for publication  
19 printed or circulated in any such city, then ~~such~~ the notices, resolutions, orders, or other matters ~~as are~~  
20 ~~herein~~ required to be published in a newspaper ~~shall~~ must be posted and kept posted, for the same length  
21 of time as required ~~herein~~ for the publication of the same in a daily, semiweekly, or weekly a newspaper,  
22 in three of the most public places in ~~such~~ the city, except as ~~herein~~ otherwise specifically provided in part  
23 42 or this part.

24 (2) Proof of the publication or posting of ~~any a~~ a notice ~~provided for herein shall~~ must be made by  
25 affidavit of the owner, publisher, printer, or clerk of the newspaper or of the poster of the notice.

26 (3) ~~No publication~~ Publication or notice other than that provided for in ~~this part or part 42 shall be~~  
27 or this part is not necessary to give validity to any of the proceedings provided for ~~therein~~ in part 42 or this  
28 part.

29 (4) ~~The word "twice", as used in this part and part 42 referring to the number of times notices,~~  
30 ~~resolutions, or other matters shall be published, shall be held to mean the publication of the same in two~~

1 ~~entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the~~  
 2 ~~same or a subsequent week."~~

3

4 **Section 35.** Section 7-12-4141, MCA, is amended to read:

5 **"7-12-4141. Bid for work -- exception.** (1) Except as provided in subsection (4), the city council  
 6 may call for bids or proposals for several kinds and types of materials for the improvements proposed to  
 7 be made under ~~this part and part 42~~ and this part, reserving the right to select the kind or type of material  
 8 to be used in making the improvements after the bids or proposals have been opened, examined, and  
 9 declared.

10 (2) Notice inviting proposals and referring to the specifications on file must be published ~~at least~~  
 11 ~~twice in a daily, semiweekly, or weekly newspaper published and circulated in the city and designated by~~  
 12 ~~the council for that purpose, and in case there is no newspaper published in the city, then it must be posted~~  
 13 ~~in at least three public places~~ as provided in 7-1-4127 and 7-1-4128.

14 (3) The time fixed for the opening of bids may not be less than 5 days or more than 12 days from  
 15 the time of the final publication of the notice. If the advertisement is made by posting, 15 days must  
 16 elapse, including the day of posting, between the time of the posting of the advertisement and the day set  
 17 for opening bids. The proposals or bids offered must be accompanied by bid security as provided for in  
 18 Title 18, chapter 1, part 2. The proposals or bids must be delivered to the clerk of the city council.

19 (4) If the proposed improvement is the conversion of overhead utilities to an underground location,  
 20 the work must be performed by the public utility responsible for the cost and feasibility report required  
 21 under 69-4-313."

22

23 **Section 36.** Section 7-12-4177, MCA, is amended to read:

24 **"7-12-4177. Notice of resolution for tax levy -- protest and hearing.** (1) A notice signed by the  
 25 city clerk, stating that the resolution levying the special assessment to defray the cost of ~~such the~~  
 26 improvements is on file in ~~his~~ the clerk's office and subject to inspection for a period of 10 days, ~~shall~~ must  
 27 be:

28 (a) ~~published at least once in a newspaper published in the city or town~~ pursuant to the provisions  
 29 of 7-1-4127 and 7-1-4128;

30 (b) mailed to the owner of each lot, tract, or parcel of land to be assessed (~~such the~~ lands must

1 be identified and the mailing address must be determined from the last completed assessment roll for state,  
2 county, and school district taxes); and

3 (c) mailed to ~~such~~ other persons known to the clerk to have an ownership interest in the property.

4 (2) ~~Such~~ The notice ~~shall~~ must state the time and place at which objections to the final adoption  
5 of ~~such~~ the resolution will be heard by the council. The time for ~~such~~ the hearing ~~shall~~ may not be less  
6 than 10 days after the publication and mailing of ~~such~~ the notice."

7  
8 **Section 37.** Section 7-12-4303, MCA, is amended to read:

9 **"7-12-4303. Notice of resolution of intent to create lighting district.** (1) Upon ~~having passed~~  
10 passage of the resolution required by 7-12-4302, the council ~~must~~ shall give notice of the passage of ~~such~~  
11 the resolution of intention. The notice of the passage of ~~such~~ the resolution must be published ~~for 5 days~~  
12 ~~in a daily newspaper or in some one issue of a weekly newspaper in the city or town or, in case no~~  
13 ~~newspaper be published in such city or town~~ as provided in 7-1-4127 and 7-1-4128, and then by posting  
14 ~~for 5 days~~ in three public places in the city or town. A copy of ~~such~~ the notice ~~shall~~ must be mailed to  
15 ~~every~~ each person, firm, or corporation having property within the proposed district, at ~~his~~ the last-known  
16 address, upon the same day ~~such~~ that the notice is first published or posted.

17 (2) ~~Such~~ The notice must describe the general character of the improvement ~~so~~ proposed to be  
18 made, state the estimated cost ~~thereof~~ of the improvement and the estimated cost of maintaining the lights  
19 and supplying the electrical current ~~therefor~~ for the improvement within ~~such~~ the district for the first year,  
20 and designate the time ~~when~~ and the place where the council will hear and pass upon all protests that may  
21 be made against the ~~making of~~ such the improvement or the creation of ~~such~~ the district. ~~Such~~ The notice  
22 ~~shall~~ must refer to the resolution on file in the office of the city clerk for a description of the boundaries."

23  
24 **Section 38.** Section 7-12-4329, MCA, is amended to read:

25 **"7-12-4329. Notice of resolution for assessment of installation costs -- hearing on resolution.** (1)  
26 A notice, signed by the city clerk, stating that the resolution levying the assessment to defray the portion  
27 of the cost of installing and maintaining ~~said~~ the lights and supplying electrical current ~~therefor~~ for the lights  
28 for the first year, as determined by the city or town council, is on file in ~~his~~ the clerk's office, subject to  
29 inspection for a period of 5 days, ~~shall~~ must be published ~~at least once~~ in a newspaper ~~published in the city~~  
30 as provided in 7-1-4127 and 7-1-4128.

1           (2) ~~Such~~ The notice ~~shall~~ must state the time and place at which objections to the final adoption  
2 of ~~such~~ the resolution ~~shall~~ will be heard by the council. The time for ~~such~~ the hearing ~~shall~~ may not be  
3 less than 5 days after the publication of ~~such~~ the notice."

4  
5           **Section 39.** Section 7-12-4406, MCA, is amended to read:

6           **"7-12-4406. Notice of ordinance for improvements.** The city or town clerk ~~must~~ shall give notice,  
7 as provided in 7-1-4127 and 7-1-4128, of the introduction of ~~such~~ the proposed ordinance and of the time  
8 that it will be up for final adoption:

9           ~~(1) by publication three times in a daily newspaper or in a weekly newspaper for two successive~~  
10 ~~issues in such city or town; or~~

11           ~~(2) if there be no such newspaper, then by posting for at least 10 days in three public places in~~  
12 ~~each of the wards of said city or town."~~

13  
14           **Section 40.** Section 7-12-4426, MCA, is amended to read:

15           **"7-12-4426. Notice of resolution for assessment.** (1) A notice, signed by the city clerk, stating  
16 that the resolution levying a special assessment to defray the cost of maintenance in the district or districts  
17 is on file in ~~his~~ the city clerk's office and subject to inspection for a period of 5 days, ~~shall~~ must be  
18 published ~~at least once in a newspaper published in the city or town~~ as provided in 7-1-4127 and 7-1-4128.

19           (2) The notice ~~shall~~ must state the time and place at which objections to the final adoption of the  
20 resolution will be heard by the council. The time for the hearing ~~shall~~ may be not less than 5 days after  
21 the publication of the notice."

22  
23           **Section 41.** Section 7-12-4502, MCA, is amended to read:

24           **"7-12-4502. Notice of intention to abandon district.** (1) After the passage of the resolution  
25 provided for in 7-12-4501, the city or town clerk shall give notice of ~~such~~ the intention to abandon by ~~one~~  
26 publication in a newspaper ~~published in such city or town at least 10 days prior to the passage of a~~  
27 ~~resolution abandoning the same. In case there is no publication of a newspaper in such city or town,~~ as  
28 provided in 7-1-4127 and 7-1-4128, and if publication in a newspaper is not possible, then notice ~~shall~~  
29 must be given by ~~the~~ posting of a notice of ~~such~~ the intention to abandon in three places within ~~such~~ the  
30 district to be abandoned.

1           (2) ~~Said~~ The notice shall must specify the boundaries of ~~such~~ the district to be abandoned, the date  
 2 of the passage of the resolution of intention to abandon, and the date set for the passage of the resolution  
 3 of abandonment, and the notice must specify that unless 40% of the owners in the district file written  
 4 protest with the city or town clerk ~~of such city or town~~ before the passage of the resolution, the ~~same~~  
 5 resolution will be passed. ~~Said~~ The notice shall must also set forth, when applicable, that it ~~shall~~ will be  
 6 the duty of the owners of the property abutting on the street parking district involved to maintain the same  
 7 after ~~such~~ abandonment."

8  
 9           **Section 42.** Section 7-12-4603, MCA, is amended to read:

10           **"7-12-4603. Notice of resolution of intent to create a fire hydrant maintenance district.** (1) ~~Upon~~  
 11 ~~passing~~ After passage of the resolution required by 7-12-4602, the council shall give notice of ~~such~~ the  
 12 passage. The notice must be published ~~for 5 days in a daily newspaper or, if there is no daily newspaper,~~  
 13 ~~in one issue of a weekly newspaper in the city or town. If no newspaper is published in the city or town,~~  
 14 ~~notice must be given by posting the notice for 5 days in three public places in the city or town as provided~~  
 15 in 7-1-4127 and 7-1-4128. A copy of the notice must be mailed to the last-known address of every  
 16 person, firm, or corporation having property within the proposed district on the same day the notice is first  
 17 published or posted.

18           (2) The notice must describe the general character of the proposed improvement, state the  
 19 estimated cost of the improvement and the cost of maintaining the hydrants within the district for the first  
 20 year, and designate the time ~~when~~ and place where the council will hear and pass upon all protests against  
 21 the establishment of the improvement or the creation of the district. The notice must refer to the resolution  
 22 on file in the office of the city clerk for a description of the boundaries."

23  
 24           **Section 43.** Section 7-13-107, MCA, is amended to read:

25           **"7-13-107. Notice of resolution of intention upon concurrence -- hearing.** (1) If the city or town  
 26 council concurs in the resolution of the board of county commissioners, the board ~~must~~ shall give notice  
 27 of the passage of its resolution of intention and of the concurrence ~~therein~~ by the city or town council.

28           (2) The notice must be published ~~for 10 consecutive days in a daily newspaper or in two issues~~  
 29 ~~of a weekly~~ as provided in 7-1-2121 in a newspaper published nearest to the place where ~~such~~ the  
 30 improvement district is to be created. The board shall also cause a copy of ~~such~~ the notice to be posted



1 in three public places within the boundaries of ~~such~~ the special improvement district. A copy of ~~such~~ the  
 2 notice ~~shall~~ must be mailed to ~~every~~ each person, firm, or corporation or the agent of ~~such~~ the person, firm,  
 3 or corporation owning property within the proposed district, at ~~his last known~~ the last-known place of  
 4 residence, ~~upon~~ on the same day ~~such~~ the notice is first published or posted.

5 (3) ~~Such~~ The notice must describe the general character of the improvement or improvements ~~se~~  
 6 proposed to be made, state the estimated cost ~~thereof~~, and designate the time ~~when~~ and ~~the~~ place where  
 7 the board will hear and pass upon all protests that may be made against the making or maintenance of ~~such~~  
 8 the improvements or the creation of ~~such~~ the district. The notice ~~shall~~ must refer to the resolution on file  
 9 in the office of the county clerk for the description of the boundaries."

10  
 11 **Section 44.** Section 7-13-126, MCA, is amended to read:

12 **"7-13-126. Notice of resolution to assess and levy tax for making improvements -- protest.** (1)  
 13 A notice, signed by the county clerk and stating that the resolution levying a special assessment to defray  
 14 the cost of making ~~such~~ the improvements is on file in the office of the county clerk and is subject to  
 15 inspection, ~~shall~~ must be published ~~in at least one publication~~ as provided in 7-1-2121 in a newspaper  
 16 published nearest to where the special improvement is to be made.

17 (2) ~~Such~~ The notice ~~shall~~ must state the time and place in which objections to the final adoption  
 18 of ~~such~~ the resolution will be heard by the board of county commissioners."

19  
 20 **Section 45.** Section 7-13-213, MCA, is amended to read:

21 **"7-13-213. District to be administered by appointed board of directors.** Upon creation of any solid  
 22 waste management district, the commissioners shall appoint a board of directors for the proposed solid  
 23 waste management district, subject to the provisions of [sections 1 through 3]."

24  
 25 **Section 46.** Section 7-13-215, MCA, is amended to read:

26 **"7-13-215. Powers and duties of board.** Except for powers specifically reserved by the counties  
 27 in the resolution creating the district, the board has the powers and duties provided in 75-10-112 as well  
 28 as any additional powers granted the board in the resolution."

29  
 30 **Section 47.** Section 7-13-2510, MCA, is amended to read:

1           **"7-13-2510. Powers of district.** ~~A~~ In addition to any powers granted pursuant to [section 1], a  
2 television district organized under this part, acting through its board of trustees ~~herein provided for,~~ may:

3           (1) perform all the acts and take all the necessary or proper steps to ~~assure~~ ensure that there will  
4 be a fair, efficient, and equitable distribution of television services within the area in order that all persons  
5 within ~~such~~ the service area ~~shall be~~ are supplied by means of an appropriate electrical or electronic system  
6 for television program distribution, ~~such.~~ The authorized system ~~to~~ must provide ~~such~~ flexibility ~~as~~ to  
7 permit radical improvements in technical quality without rendering ~~inoperative~~ receivers ~~therein~~ in the area  
8 inoperative, but discontinuance of service by the district for improvements or repairs for a temporary period  
9 ~~shall~~ may not be construed as rendering the system inoperative;

10           (2) if necessary or proper in the furtherance of the objects of this part, acquire, build, construct,  
11 repair, own, maintain, and operate any necessary stations transmitting simultaneous visual and aural signals  
12 intended to be received by the general public, relay stations, pickup stations, or any other necessary  
13 electrical or electronic system;

14           (3) make contracts to compensate any owner of land or other property for the use of ~~such~~ the land  
15 or property for the purposes of this part;

16           (4) make contracts with the United States, any state or municipality, or any department or agency  
17 of those entities for carrying out the general purposes for which the district is formed;

18           (5) acquire, by gift, devise, bequest, lease, or purchase, real and personal property, tangible or  
19 intangible, including lands, rights-of-way, and easements, necessary or convenient for its purposes;

20           (6) to make contracts of any lawful nature (including labor contracts or those for employees'  
21 benefits) and employ engineers, laboratory personnel, attorneys, other technical or professional assistants,  
22 and any other assistants or employees necessary to carry out the provisions of this part;

23           (7) issue warrants, payable at the time stated ~~therein~~ in the warrants, to evidence the obligation  
24 to repay money borrowed or any other obligation incurred by the district, ~~warrants so issued to.~~ Warrants  
25 draw interest at a rate fixed by the board, payable annually or semiannually as the board may prescribe;

26           (8) contract indebtedness or borrow money for corporate purposes and issue revenue bonds  
27 ~~therefor~~ to be repaid from rates and charges, bearing interest as provided in 17-5-102 payable  
28 semiannually, ~~the.~~ The bonds may not ~~to~~ be sold for less than par and accrued interest;

29           (9) prescribe tax rates for the providing of services throughout the area in accordance with the  
30 provisions of this part;

1 (10) prescribe ~~such~~ installation or ready-to-serve charges to be used for any costs connected with  
2 preparation, acquisition, or construction of the system;

3 (11) apply for, accept, and be the holder of any permit or license issued by or required under federal  
4 or state law; and

5 (12) provide FM translator services if authorized as provided in 7-13-2512."  
6

7 **Section 48.** Section 7-13-2521, MCA, is amended to read:

8 "7-13-2521. **Appointment of board of trustees.** The board of county commissioners, upon the  
9 creation of ~~said~~ the district and as a part of the order creating the district, shall appoint a board of ~~three~~  
10 trustees to administer the affairs of the district, subject to the provisions of [sections 1 through 3]."  
11

12 **Section 49.** Section 7-13-3005, MCA, is amended to read:

13 "7-13-3005. **Notice of resolution of intention upon concurrence -- hearing.** (1) The governing body  
14 shall give notice of the passage of its resolution of intention to create the district.

15 (2) The notice must be published ~~for 10 consecutive days~~ as provided in 7-1-2121 in a ~~daily~~  
16 newspaper published nearest to the place where the district is to be created. The governing body shall also  
17 cause a copy of the notice to be posted in three public places within the boundaries of the district. A copy  
18 of the notice must be mailed to every person, firm, or corporation or the agent of the person, firm, or  
19 corporation owning property within the proposed district, at ~~his~~ the last-known place of residence, upon  
20 the same day the notice is first published or posted.

21 (3) The notice must describe the general character of the improvement or improvements proposed  
22 to be made, state the estimated cost, and designate the time ~~when~~ and ~~the~~ place where the governing body  
23 will hear and pass upon all protests that may be made against the making or maintenance of the  
24 improvements or the creation of the district. The notice must refer to the resolution on file in the office of  
25 the local government clerk for the description of the boundaries."  
26

27 **Section 50.** Section 7-13-3021, MCA, is amended to read:

28 "7-13-3021. **Notice of resolution to assess and levy tax for making improvements -- protest.** (1)  
29 A notice, signed by the local government clerk and stating that the resolution levying a special assessment  
30 to defray the cost of making the improvements is on file in the office of the clerk and is subject to

1 inspection, must be published ~~at least once~~ as provided in 7-1-2121 in a newspaper published nearest to  
2 where the special improvement is to be made.

3 (2) The notice must state the time and place in which objections to the final adoption of the  
4 resolution will be heard by the governing body."

5  
6 **Section 51.** Section 7-13-3023, MCA, is amended to read:

7 **"7-13-3023. Hearing on protest.** (1) The time for the hearing on protest must be not less than  
8 5 days after the publication of the notice required by ~~7-13-126~~ 7-13-3021.

9 (2) At the time fixed, the governing body shall meet and hear all objections and for that purpose  
10 may adjourn from day to day. The governing body may by resolution modify the assessment in whole or  
11 in part. A copy of the resolution, certified by the clerk of the local government, must be delivered to the  
12 local government treasurer within 2 days after its passage."

13  
14 **Section 52.** Section 7-14-208, MCA, is amended to read:

15 **"7-14-208. Notice of hearing.** (1) A notice of the public hearing ~~shall~~ must be published as  
16 provided in 7-1-2121 in a newspaper having general circulation within the proposed transportation district  
17 ~~once each week for at least 2 weeks, the last publication to be at least 2 weeks prior to the hearing.~~ If  
18 there is ~~no~~ not a newspaper having general circulation within the proposed district, the notice of public  
19 hearing ~~shall~~ must be posted in at least three public places within the proposed district for 2 weeks prior  
20 to the hearing.

21 (2) The notice ~~shall~~ must state the time, date, place, and purpose of the hearing and describe the  
22 boundaries of the proposed district."

23  
24 **Section 53.** Section 7-14-220, MCA, is amended to read:

25 **"7-14-220. Employment of administrative officer.** The board shall employ a qualified administrative  
26 officer for the district. The board shall give public notice, as provided in 7-1-2121, of its solicitation of  
27 applications for a qualified administrative officer."

28  
29 **Section 54.** Section 7-14-244, MCA, is amended to read:

30 **"7-14-244. Notice of hearing on question of dissolution of district.** (1) A notice of the hearing

1 required by 7-14-243(2)(a) ~~shall~~ must be published, as provided in 7-1-2121, in a newspaper having general  
 2 circulation in the transportation district ~~once each week for at least 2 weeks, the last publication to be at~~  
 3 ~~least 2 weeks before the hearing~~. If there is ~~no~~ not a newspaper having general circulation in the district,  
 4 the notice of the hearing ~~shall~~ must be posted in at least three public places in the district for 2 weeks  
 5 before the hearing.

6 (2) The notice ~~shall~~ must state the time, date, place, and purpose of the hearing."  
 7

8 **Section 55.** Section 7-14-1102, MCA, is amended to read:

9 **"7-14-1102. Regional port authority.** (1) Two or more local governments may by joint resolution  
 10 create a public body, corporate and politic, to be known as a regional port authority. The resolution  
 11 creating a regional port authority must create a board of not less than five commissioners. The number to  
 12 be appointed, their term, and their compensation, if any, must be provided for in the resolution. Each ~~such~~  
 13 regional port authority shall organize, select officers for terms to be fixed by agreement, and adopt and  
 14 amend from time to time rules for its own procedure.

15 (2) A regional port authority may be increased from time to time to serve one or more additional  
 16 counties or municipalities if each additional local government, each of the local governments then included  
 17 in the regional authority, and the commissioners of the regional authority, respectively, adopt a joint  
 18 resolution consenting ~~thereto~~ to the inclusion. However, if a local port authority for any local government  
 19 seeking to be included in the regional authority is then in existence, the commissioners of the local authority  
 20 ~~must~~ are required to consent to the inclusion of the county or municipality in the regional authority; ~~upon~~  
 21 Upon the inclusion of ~~such a~~ local government in the regional authority, all rights, contracts, obligations,  
 22 and real and personal property of the local authority must be in the name of and vest in the regional  
 23 authority.

24 (3) A regional port authority may be decreased if each of the local governments then included in  
 25 the regional authority and the commissioners of the regional authority consent to the decrease and make  
 26 provisions for the retention or disposition of its assets and liabilities.

27 (4) A county or municipality may not adopt any resolution authorized by this section without a  
 28 public hearing ~~thereon~~. Notice must be given ~~at least 10 days prior to the hearing in a newspaper published~~  
 29 ~~in the county or municipality or, if there is no newspaper published therein, in a newspaper having general~~  
 30 ~~circulation in the county or municipality~~ as provided in 7-1-2121 or 7-1-4127 and 7-1-4128.

1 (5) For the purpose of this part, a regional port authority has the same powers as all other political  
2 subdivisions in the adoption and enforcement of comprehensive port zoning regulations, as provided by the  
3 laws of this state."  
4

5 **Section 56.** Section 7-14-2615, MCA, is amended to read:

6 "**7-14-2615. Abandonment or vacation of county roads.** (1) All county roads, once established,  
7 ~~must~~ continue to be county roads until abandoned or vacated by:

- 8 (a) operation of law;  
9 (b) judgment of a court of competent jurisdiction; or  
10 (c) the order of the board.

11 (2) ~~No~~ An order to abandon any county road ~~shall be~~ is not valid unless preceded by notice, as  
12 provided in 7-1-2121, and public hearing."  
13

14 **Section 57.** Section 7-14-2616, MCA, is amended to read:

15 "**7-14-2616. Procedure to discontinue street.** (1) The county commissioners may discontinue a  
16 street or alley or any part ~~thereof~~ of a street or alley in an unincorporated town or townsite upon the  
17 petition in writing of all owners of lots on the street or alley if it can be done without detriment to the public  
18 interest.

19 (2) ~~Where~~ When the street or alley is to be closed for school purposes, a petition signed by 75%  
20 of the lot owners on the whole street or alley to be closed ~~will be~~ is required.

21 (3) Before acting upon ~~such a~~ petition, a notice must be published ~~or posted in three public places,~~  
22 ~~stating when such petition will be acted on and what street or alley or part thereof is asked to be vacated.~~  
23 ~~Such notice must be published in a newspaper or posted at least 1 week before the petition is acted on~~ as  
24 provided in 7-1-2121."  
25

26 **Section 58.** Section 7-14-4114, MCA, is amended to read:

27 "**7-14-4114. Procedure to discontinue streets.** (1) The council may discontinue a street or alley  
28 or any part ~~thereof~~ of a street or alley in a city or town, if it can be done without detriment to the public  
29 interest, upon:

- 30 (a) a petition in writing of all owners of lots on the street or alley; or

- 1 (b) (i) a petition in writing of more than 50% of the owners of lots on the street or alley; and  
 2 (ii) approval by a majority vote of the council.

3 (2) ~~Where~~ When the street or alley is to be closed for school purposes, the council may discontinue  
 4 the street or alley upon a petition signed by 75% of the lot owners on the whole street or alley to be  
 5 closed.

6 (3) Before acting upon ~~such a~~ a petition, a notice must be published ~~or posted in three public places,~~  
 7 ~~stating when such petition will be acted on and what street or alley or part thereof is asked to be vacated.~~  
 8 ~~Such notice must be published in a newspaper or posted at least 1 week before the petition is acted on as~~  
 9 ~~provided in 7-1-4127 and 7-1-4128."~~  
 10

11 **Section 59.** Section 7-14-4626, MCA, is amended to read:

12 **"7-14-4626. Limitation on power of eminent domain.** (1) Notwithstanding the provisions of  
 13 7-14-4622(2), ~~no~~ property of a state public body may not be acquired without its consent.

14 (2) ~~No~~ An existing parking facility ~~shall~~ may not be acquired by the exercise of the power of  
 15 eminent domain by a commission or the city except after public hearing following notice of the date, time,  
 16 place, and purpose of ~~such the~~ the hearing published ~~once not less than 10 or more than 20 days prior to the~~  
 17 ~~date of such hearing as provided in 7-1-4127 and 7-1-4128."~~  
 18

19 **Section 60.** Section 7-15-4215, MCA, is amended to read:

20 **"7-15-4215. Notice of hearing on urban renewal plan.** (1) The notice required by 7-15-4214(1)  
 21 ~~shall~~ must be given by publication ~~once each week for 2 consecutive weeks, not less than 10 or more than~~  
 22 ~~30 days prior to the date of the hearing, as provided in 7-1-4127 and 7-1-4128,~~ in a newspaper having a  
 23 general circulation in the urban renewal area of the municipality and by mailing a notice of ~~such the~~ the hearing,  
 24 not less than 10 days prior to the date of the hearing, to the persons whose names appear on the county  
 25 treasurer's tax roll as the owners, reputed owners, or purchasers under contracts for deed of the property,  
 26 at the address shown on the tax roll.

27 (2) The notice ~~shall~~ must describe the time, date, place, and purpose of the hearing, ~~shall~~ must  
 28 generally identify the urban renewal area affected, and ~~shall~~ must outline the general scope of the urban  
 29 renewal plan under consideration."  
 30

1           **Section 61.** Section 7-15-4263, MCA, is amended to read:

2           **"7-15-4263. Procedure to dispose of property to private persons.** (1) A municipality may dispose  
3 of real property in an urban renewal area to private persons only under ~~such~~ reasonable procedures as it  
4 shall prescribe or as provided in this section.

5           (2) (a) A municipality shall by public notice invite proposals from and make available all pertinent  
6 information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an  
7 urban renewal area or any part ~~thereof~~ of the urban renewal area.

8           (b) ~~Such~~ The notice shall must be ~~by publication once each week for 3 consecutive weeks in a~~  
9 ~~newspaper having a general circulation in the community published, as provided in 7-1-4127 and 7-1-4128,~~  
10 prior to the execution of any contract or deed to sell, lease, or otherwise transfer real property and prior  
11 to the delivery of any instrument of conveyance with respect thereto under the provisions of 7-15-4262  
12 through 7-15-4266.

13           (c) ~~Such~~ The notice shall must identify the area or portion ~~thereof~~ of the area and shall must state  
14 that ~~such~~ any further information ~~as is~~ available may be obtained at ~~such~~ the office ~~as shall be~~ designated  
15 in ~~said~~ the notice.

16           (3) The municipality shall consider all redevelopment or rehabilitation proposals and the financial  
17 and legal ability of the persons making ~~such~~ the proposals to carry them out. The municipality may accept  
18 ~~such~~ proposals ~~as that it deems~~ considers to be in the public interest and in furtherance of the purposes  
19 of ~~this part and part 43~~ and this part. Thereafter, the municipality may execute, in accordance with the  
20 provisions of 7-15-4262 and 7-15-4264, and deliver contracts, deeds, leases, and other instruments of  
21 transfer."

22

23           **Section 62.** Section 7-15-4404, MCA, is amended to read:

24           **"7-15-4404. Notice of hearing on petition.** The notice required by 7-15-4403 shall must be given  
25 at the city's expense by publishing a the notice ~~at least 10 days preceding the day on which the hearing~~  
26 ~~is to be held, in a newspaper having a general circulation in the city and said surrounding area or, if there~~  
27 ~~be no such newspaper, by posting such a notice in at least three public places within the city at least 10~~  
28 ~~days preceding the day on which the hearing is to be held~~ as provided in 7-1-4127 and 7-1-4128."

29

30           **Section 63.** Section 7-16-2105, MCA, is amended to read:



1           **"7-16-2105. Acquisition of land by county for public recreational or cultural purposes.** (1) The  
 2 several counties of this state are ~~hereby authorized and empowered~~ to acquire, by purchase, grant, deed,  
 3 gift, devise, condemnation, or otherwise, lands suitable for public camping, ~~and~~ public recreational  
 4 purposes, civic centers, youth centers, museums, recreational centers, and any combination ~~thereof~~ of the  
 5 above or may lease ~~such the~~ land tracts, each of which ~~shall~~ must be ~~se~~ situated as to offer ready access  
 6 to a public highway.

7           (2) ~~Nothing contained herein shall~~ This section may not be construed as amending or repealing  
 8 7-16-2201 through ~~7-16-2206~~ 7-16-2203."

9  
 10           **Section 64.** Section 7-16-2203, MCA, is amended to read:

11           **"7-16-2203. Board of trustees —~~appointment and term.~~** (1) The board of county commissioners  
 12 of each county owning or acquiring a museum, facility for the arts, or collection of exhibits may, at the first  
 13 regular meeting of the board after acquiring a museum, facility, or collection, appoint a board of trustees,  
 14 subject to the provisions of [sections 1 through 3], for the administration of the county museum fund as  
 15 provided in this part.

16           (2) ~~The board of county commissioners shall, at a public meeting, pass a resolution establishing~~  
 17 ~~the number of members on the board of trustees and the terms of the appointments. The board of trustees~~  
 18 ~~must consist of at least three members and no more than nine members, and the members of the board~~  
 19 ~~must be residents of the county."~~

20  
 21           **Section 65.** Section 7-16-2301, MCA, is amended to read:

22           **"7-16-2301. Authorization for county board of park commissioners.** (1) There may be created in  
 23 ~~all counties~~ each county a board of park commissioners, subject to the provisions of [sections 1 through  
 24 3].

25           (2) ~~Such board shall constitute a department of the county government with the powers provided~~  
 26 ~~in this part."~~

27  
 28           **Section 66.** Section 7-16-2327, MCA, is amended to read:

29           **"7-16-2327. Indebtedness for park purposes.** (1) Subject to the provisions of subsection (2), a  
 30 county park board, in addition to powers and duties now given under law, ~~has the power and duty to~~ may

1 contract an indebtedness in behalf of a county, upon the credit of the county, ~~for the purposes of~~  
 2 ~~7-16-2321(1) and (2)~~ in order to carry out its powers and duties.

3 (2) (a) The total amount of indebtedness authorized to be contracted in any form, including the  
 4 then-existing indebtedness, may not at any time exceed 13% of the total of the taxable value of the taxable  
 5 property in the county, plus the amount of taxes levied on new production, production from horizontally  
 6 completed wells, and incremental production divided by the appropriate tax rates described in  
 7 15-23-607(2)(a), (2)(b), or (2)(c) and multiplied by 60%, plus the amount of value represented by new  
 8 production and production from horizontally completed wells exempted from tax as provided in 15-23-612,  
 9 plus the value of any other production occurring after December 31, 1988, multiplied by 60%, ascertained  
 10 by the last assessment for state and county taxes previous to the incurring of the indebtedness.

11 (b) Money may not be borrowed on bonds issued for the purchase of lands and improving the land  
 12 for any purpose until the proposition has been submitted to the vote of those qualified under the provisions  
 13 of the state constitution to vote at the election in the affected county and a majority vote is cast in favor  
 14 of the bonds."  
 15

16 **Section 67.** Section 7-16-2442, MCA, is amended to read:

17 "**7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after  
 18 an election on the question of dissolving the district. The process of dissolving the district may be initiated  
 19 by a petition of 25% of the electorate of the district or by a resolution of intent to dissolve the district  
 20 adopted by either the county park district commission or the county governing body.

21 (2) Upon receipt of ~~such~~ a petition which has been certified by the county clerk as sufficient under  
 22 this section or upon the adoption of ~~such~~ a resolution of intent, the county governing body shall call a  
 23 public hearing on the question of dissolving the district and ~~cause to be published~~ shall publish a notice of  
 24 the hearing ~~in the official county newspaper as provided in 7-1-2121.~~

25 (3) At the public hearing the county governing body shall hear testimony of interested persons  
 26 regarding the dissolution of the district. After the public hearing the county governing body may either  
 27 submit the question of dissolving the district to the electorate of the district or it may call for a public  
 28 hearing on the question of altering the boundaries of the district. If the county governing body calls for a  
 29 public hearing on the question of altering the boundaries of the district by withdrawal of territory, it shall  
 30 ~~cause to be published~~ publish notice of ~~such a~~ the hearing ~~in the official county newspaper as provided in~~

1 7-1-2121. The notice must state the boundaries of the area proposed to be withdrawn from the district.  
 2 After hearing testimony at ~~such~~ the hearing, the county governing body may submit the question of either  
 3 dissolving the district or altering the district by withdrawal of specified territory from the district to the  
 4 electorate of the district.

5 (4) ~~Such a~~ The question must be submitted by a resolution calling for an election on either  
 6 dissolving the district or altering the boundaries of the district by withdrawal of land from the district. The  
 7 county governing body may call a special election for ~~such purposes~~ for dissolving or altering a district, or  
 8 it may schedule the election in conjunction with any other regularly scheduled election. The election on  
 9 the question must be conducted as provided in Title 13.

10 (5) The question of withdrawal of territory under this section must be voted on separately by the  
 11 electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district.  
 12 The question fails unless a simple majority of those voting on the question in each of the two territories  
 13 authorize altering the district boundary. If the question passes, the boundary alteration is effective the  
 14 following January 1. If the question fails, the county governing body shall by resolution call for an election  
 15 on the question of dissolving the district."  
 16

17 **Section 68.** Section 7-16-4201, MCA, is amended to read:

18 "**7-16-4201. Authorization for municipal board of park commissioners.** ~~(1)~~ There may be created,  
 19 subject to the provisions of [sections 1 through 3], in all cities of the first and second class a board of park  
 20 commissioners, whether ~~such~~ the cities ~~be~~ are a council form of government or city-manager form.

21 ~~(2) Such board of park commissioners shall constitute a department of the city government with~~  
 22 ~~the powers provided in this part."~~  
 23

24 **Section 69.** Section 7-16-4222, MCA, is amended to read:

25 "**7-16-4222. Rules to implement part.** (1) The In addition to the powers and duties established  
 26 in the resolution creating the board of park commissioners and the provisions of 7-16-4223 through  
 27 7-16-4228, the board of park commissioners shall have has the following powers and ~~be charged with the~~  
 28 following duties:

29 (a) to make all rules necessary or convenient to protect and promote the growth of trees and plants  
 30 in parks, streets, avenues, alleys, boulevards, and public places under the care and control of ~~said~~ the board

1 and for the protection of all birds inhabiting, frequenting, or nesting in ~~such~~ the parks, streets, avenues,  
2 boulevards, and public places;

3 (b) to make all rules for the use of parks by the public; and

4 (c) to provide penalties for the violation of ~~such~~ the rules.

5 (2) The rules authorized by this section ~~shall~~ have the force of city ordinances and may be enforced  
6 ~~in like manner~~ as ordinances of the city are enforced."

7  
8 **Section 70.** Section 7-21-3401, MCA, is amended to read:

9 "**7-21-3401. Authorization to create county fair commission** ~~—appointment and term.~~ (1) The  
10 board of county commissioners may, at any regular meeting, appoint a county fair commission, subject to  
11 the provisions of [sections 1 through 3].

12 ~~(2) The board of county commissioners shall, at a public meeting, pass a resolution establishing~~  
13 ~~the number of members of the fair commission and the terms of the appointments. The fair commission~~  
14 ~~must consist of at least three members and no more than nine members, and the members of the board~~  
15 ~~must be residents of the county."~~

16  
17 **Section 71.** Section 7-21-3406, MCA, is amended to read:

18 "**7-21-3406. Powers of county fair commission.** By In addition to the powers and duties  
19 established in the resolution of the board of county commissioners creating the county fair commission and  
20 by the provisions of 7-21-3407 through 7-21-3414, the county fair commissioners ~~shall~~ have control and  
21 operation of the fair and the supervision and management of the fairgrounds and also the leasing of  
22 buildings and fairgrounds on a continuous basis throughout the fiscal year and shall return to the fair fund  
23 of the county all revenue obtained from the leasing or renting of the ~~same~~ the buildings and fairgrounds."

24  
25 **Section 72.** Section 7-22-2101, MCA, is amended to read:

26 "**7-22-2101. Definitions.** As used in this part, unless the context indicates otherwise, the following  
27 definitions apply:

28 (1) "Board" means a district weed board created under 7-22-2103.

29 (2) "Commissioners" means the board of county commissioners.

30 (3) "Department" means the department of agriculture provided for in 2-15-3001.

1 (4) "District" means a weed management district organized under 7-22-2102.

2 (5) "Native plant" means a plant endemic to the state of Montana.

3 (6) "Native plant community" means an assemblage of native plants occurring in a natural habitat.

4 (7) (a) "Noxious weeds" or "weeds" means any exotic plant species established or that may be  
5 introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other  
6 beneficial uses or that may harm native plant communities and that is designated:

7 (i) as a statewide noxious weed by rule of the department; or

8 (ii) as a district noxious weed by a board, following public notice of intent, published as provided  
9 in 7-1-2121, and a public hearing.

10 (b) A weed designated by rule of the department as a statewide noxious weed must be considered  
11 noxious in every district of the state.

12 (8) "Person" means an individual, partnership, corporation, association, or state or local  
13 government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way,  
14 including any county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil  
15 bank, barrow pit, or right-of-way for a canal or lateral.

16 (9) "Supervisor" means the person employed by the board to conduct the district noxious weed  
17 management program and supervise other district employees.

18 (10) "Weed management" or "control" means the planning and implementation of a coordinated  
19 program for the containment, suppression, and, where possible, eradication of noxious weeds."  
20

21 **Section 73.** Section 7-22-2103, MCA, is amended to read:

22 **"7-22-2103. District weed board —~~appointment and term.~~** (1) The commissioners shall appoint  
23 a district weed board, subject to the provisions of [sections 1 through 3].

24 ~~(2) The commissioners shall, at a public meeting, pass a resolution establishing the number of~~  
25 ~~members of the district weed board and the terms of the appointments. The board must consist of at least~~  
26 ~~three members and no more than nine members, and the members of the board must be residents of the~~  
27 ~~district. A majority of the board members must be rural agricultural land owners.~~

28 ~~(3) The county extension agent in each county and other interested individuals may be appointed~~  
29 ~~to serve as nonvoting members of that district's weed board.~~

30 ~~(4) The board members are public officers.~~

1 ~~(5)(2)~~ The board may call upon the county attorney for legal advice and services as it may require."

2  
3 **Section 74.** Section 7-22-2109, MCA, is amended to read:

4 **"7-22-2109. Powers and duties of board.** (1) ~~The~~ In addition to any powers or duties established  
5 in the resolution creating a district weed board, the board may:

6 (a) employ a supervisor and other employees as necessary and provide for their compensation;

7 (b) purchase ~~such~~ chemicals, materials, and equipment and pay other operational costs as it  
8 determines necessary for implementing an effective weed management program. ~~Such~~ The costs must be  
9 paid from the noxious weed fund.

10 (c) determine what chemicals, materials, or equipment may be made available to persons controlling  
11 weeds on their own land. The cost for ~~such~~ the chemicals, materials, or equipment must be paid by ~~such~~  
12 the person and collected as provided in this part.

13 (d) enter into agreements with the department for the control and eradication of any new exotic  
14 plant species not previously established in the state which may render land unfit for agriculture, forestry,  
15 livestock, wildlife, or other beneficial use if ~~such~~ the plant species spreads or threatens to spread into the  
16 state; and

17 (e) perform other activities relating to weed management.

18 (2) The board shall:

19 (a) administer the district's noxious weed program;

20 (b) establish management criteria for noxious weeds on all land within the district;

21 (c) make all reasonable efforts to develop and implement a noxious weed program covering all land  
22 within the district owned or administered by a federal agency."

23  
24 **Section 75.** Section 7-22-2215, MCA, is amended to read:

25 **"7-22-2215. Rodent control board.** ~~(1)~~ A governing body creating a rodent control district shall  
26 appoint a rodent control board, subject to the provisions of [sections 1 through 3]. ~~The county extension~~  
27 ~~agent is an ex officio member of the board. Each member of the board must be an elector and reside within~~  
28 ~~the district.~~

29 ~~(2) The governing body shall, at a public meeting, pass a resolution establishing the number of~~  
30 ~~members on the board and the terms of the appointments. The board must consist of at least three~~

1 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

2 ~~(3) Each member of the board is entitled to:~~

3 ~~(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled~~  
4 ~~to perform official duties; and~~

5 ~~(b) per diem expenses established by the governing body.~~

6 ~~(4) The district weed board appointed under 7-22-2103 may be appointed by the governing body~~  
7 ~~to also serve as the rodent control board, in which case the qualifications, terms, compensation, mileage,~~  
8 ~~and expenses of the rodent control board are the same as those of the district weed board and subsections~~  
9 ~~(1) through (3) do not apply."~~

10

11 **Section 76.** Section 7-22-2216, MCA, is amended to read:

12 "**7-22-2216. Board powers.** (1) The ~~in addition to the powers and duties established in the~~  
13 resolution creating a rodent control board, the board may:

14 (a) develop and administer a program for the abatement and alleviation of rodent pest conditions  
15 within the district;

16 (b) employ ~~such~~ assistants and employees as are necessary;

17 (c) purchase or lease ~~such~~ equipment, material, or services as are considered necessary for an  
18 effective control program;

19 (d) sell or lease ~~such~~ equipment, material, or services to district landowners or residents as are  
20 considered necessary to implement the rodent abatement program;

21 (e) cooperate with any corporation, association, group, individual, or state or federal agency in  
22 rodent abatement programs;

23 (f) receive gifts or grants for the implementation of a rodent abatement program; and

24 (g) enter district lands in order to survey and study conditions and to implement a rodent  
25 abatement program.

26 (2) The board shall cooperate with the department in the management and suppression of rodent  
27 pests and may enter into written agreements with the department."

28

29 **Section 77.** Section 7-22-2232, MCA, is amended to read:

30 "**7-22-2232. Dissolution of district.** (1) Upon receipt of a petition signed by the owners of at least

1 51% of the land in the district and after a hearing on the petition, a district may be dissolved by order of  
 2 the governing body. Notice of the hearing is to be given by posting notice in at least three public places  
 3 in the district and by publishing notice ~~at least once~~ in a newspaper of general circulation in the district,  
 4 as provided in 7-1-2121. If the governing body finds it to be in the best interest of the district lands and  
 5 residents to terminate the district, the governing body shall so order.

6 (2) The dissolution order ~~shall~~ must provide for a termination date and for liquidating the district  
 7 assets and liabilities. Any money remaining in the district fund after all assets and liabilities have been  
 8 liquidated ~~shall~~ must be transferred to the county general fund."

9  
 10 **Section 78.** Section 7-22-2411, MCA, is amended to read:

11 **"7-22-2411. District to be governed by appointed mosquito control board —~~appointment and term.~~**

12 ~~{4}~~ Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control  
 13 board, subject to the provisions of [sections 1 through 3].

14 ~~{2} Each member of the mosquito control board shall be an elector within the boundaries of the~~  
 15 ~~district.~~

16 ~~{3} The commissioners shall, at a public meeting, pass a resolution establishing the number of~~  
 17 ~~members of the board and the terms of the appointments. The board must consist of at least three~~  
 18 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

19 ~~{4} The board is a body corporate and shall act as such, and the members are public officers.~~

20 ~~{5} The health officer having jurisdiction in the proposed district, the sanitarian or a member of his~~  
 21 ~~staff, and the county extension agent, if the county has any or all such officers, are ex officio members of~~  
 22 ~~the board without vote."~~

23  
 24 **Section 79.** Section 7-22-2415, MCA, is amended to read:

25 **"7-22-2415. Powers of mosquito control board.** The In addition to the powers and duties  
 26 established in the resolution creating a mosquito control board, ~~shall have power to~~ the board may:

27 (1) develop and administer a program for the abatement and alleviation of mosquito pest conditions  
 28 within the district;

29 (2) employ ~~such~~ suitable and competent assistants and employees as may be necessary and  
 30 provide for their compensation;



1 (3) purchase, rent, or execute leasing agreements for ~~such~~ equipment and material as ~~they~~ the  
2 board may determine to be necessary for carrying on an effective control program;

3 (4) cooperate with any corporation, association, individual, or group of individuals, including any  
4 agency of the federal or state governments, in a mosquito abatement program;

5 (5) receive gifts, grants, or donations for the purpose of advancing its program;

6 (6) take ~~such~~ action as may be necessary or advisable to survey, control, modify, or abate any  
7 condition which may or does contribute to the existence of the mosquito pest and for this purpose enter  
8 upon any premises located within the ~~said~~ district, through its members, employees, or agents."  
9

10 **Section 80.** Section 7-33-2125, MCA, is amended to read:

11 **"7-33-2125. Annexation of adjacent territory not contained in a fire district.** (1) Adjacent territory  
12 that is not already a part of a fire district may be annexed in the following manner:

13 (a) A petition in writing by the owners of 50% or more of the area of privately owned lands of the  
14 adjacent area proposed to be annexed who constitute a majority of the taxpaying freeholders within ~~such~~  
15 the proposed area to be annexed and whose names appear upon the ~~last-completed~~ last-completed  
16 assessment roll ~~shall~~ must be presented to the board of trustees of the district for approval, and if the  
17 proposed annexation is approved by the board of trustees, the petition ~~shall~~ must be presented to the board  
18 of county commissioners.

19 (b) At the first regular meeting of the board of county commissioners after the presentation of the  
20 petition, the commissioners shall set a date to hold a hearing on ~~such~~ the petition. The date of the hearing  
21 may not be less than 4 weeks after the date of the presentation of the petition to the board of county  
22 commissioners. The board of county commissioners shall publish notice of the hearing ~~at least once a week~~  
23 ~~for 2 successive weeks in a newspaper published within the county~~ as provided in 7-1-2121.

24 (2) On the date set for the hearing, the board of county commissioners shall consider the petition  
25 and any objections to the annexation. The board shall approve the annexation unless a protest petition  
26 signed by a majority of the landowners of the area proposed for annexation is presented at the hearing, in  
27 which case the annexation ~~shall~~ must be disapproved.

28 (3) ~~Such~~ The annexed territory ~~shall become~~ is liable for any outstanding warrant and bonded  
29 indebtedness of the original district."  
30

1           **Section 81.** Section 7-35-2108, MCA, is amended to read:

2           "**7-35-2108. Government of district by trustees.** ~~(4)~~ The cemetery district ~~shall~~ must be governed  
3 and managed by ~~three~~ trustees appointed by the board of county commissioners pursuant to the provisions  
4 of [sections 1 through 3]. ~~The trustees at their first meeting shall adopt bylaws for the government and~~  
5 ~~management of the district.~~

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

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

12

13           **Section 82.** Section 7-35-2109, MCA, is amended to read:

14           "**7-35-2109. Powers of district.** ~~Said~~ In addition to the powers granted pursuant to [section 1],  
15 a district may:

16           ~~(1) maintain a cemetery or cemeteries within said district;~~

17           ~~(2)~~(1) hold title to property by grant, gift, devise, lease, or any other method; and

18           ~~(3)~~(2) perform all acts necessary or proper for the carrying out of the purposes of 7-35-2101  
19 through 7-35-2125, including the selling or leasing of burial lots."

20

21           **Section 83.** Section 7-35-2112, MCA, is amended to read:

22           "**7-35-2112. Notice of hearing on withdrawal.** The board shall, ~~at least 30 days~~ prior to the time  
23 ~~so~~ fixed for the hearing provided for in 7-35-2111, publish a notice of ~~such~~ the hearing for two issues as  
24 provided by law as provided in 7-1-2121."

25

26           **Section 84.** Section 22-1-308, MCA, is amended to read:

27           "**22-1-308. Public library -- board of trustees.** (1) Upon the establishment of a public library under  
28 the provisions of this part, the mayor, with the advice and consent of the city council or city  
29 commissioners, shall appoint a board of trustees for the city library and the ~~chairman~~ presiding officer of  
30 the board of county commissioners, with the advice and consent of ~~said~~ the board, shall appoint a board

1 of trustees for the county library.

2 (2) The library board ~~shall consist~~ consists of five trustees. Not more than one member of the  
3 governing body ~~shall~~ may be, at any one time, a member of ~~such~~ the board.

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

6 (4) Trustees ~~shall~~ hold ~~their~~ office for 5 years from the date of appointment and until their  
7 successors are appointed. Initially, appointments ~~shall~~ must be made for 1-, 2-, 3-, 4-, and 5-year terms.  
8 Annually thereafter, there ~~shall~~ must be appointed before July 1 of each year in the same manner as the  
9 original appointments for a 5-year term, a trustee to take the place of the retiring trustee. Trustees ~~shall~~  
10 may not serve ~~no~~ more than two full terms in succession.

11 (5) Following ~~such~~ the appointments, in July of each year, the trustees shall meet and elect a  
12 ~~chairman~~ presiding officer and ~~such~~ other officers ~~as that they deem~~ consider necessary, for 1-year terms.  
13 Vacancies in the board of trustees ~~shall~~ must be filled for the unexpired term in the same manner as original  
14 appointments.

15 (6) As an alternative to the provisions of subsections (1) through (5), the governing body may  
16 establish the board pursuant to the provisions of [section 1]."

17

18 **Section 85.** Section 22-1-309, MCA, is amended to read:

19 "**22-1-309. Trustees -- powers and duties.** (1) The library board of trustees ~~shall have~~ has  
20 exclusive control of the expenditure of the public library fund, of construction or lease of library buildings,  
21 and of the operation and care of the library. The library board of trustees of every public library shall:

22 (1)(a) adopt bylaws and rules for its own transaction of business and for the government of the  
23 library, not inconsistent with law;

24 (2)(b) establish and locate a central public library and may establish branches ~~thereof~~ at ~~such~~ places  
25 ~~as are deemed~~ considered necessary;

26 (3)(c) have the power to contract, including the right to contract with regions, counties, cities,  
27 school districts, educational institutions, the state library, and other libraries, to give and receive library  
28 service, through the boards of ~~such~~ the regions, counties, and cities and the district school boards, and to  
29 pay out or receive funds to pay costs of ~~such~~ the contracts;

30 (4)(d) have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold

1 real and personal property in the name of the city or county or both, as the case may be, for the use and  
 2 purposes of the library and to sell, exchange or otherwise dispose of property real or personal, when no  
 3 longer required by the library and to insure the real and personal property of the library;

4 ~~(5)~~(e) pay necessary expenses of members of the library staff when on business of the library;

5 ~~(6)~~(f) prepare an annual budget, indicating what support and maintenance of the public library will  
 6 be required from public funds, for submission to the appropriate agency of the governing body. A separate  
 7 budget request ~~shall~~ must be submitted for new construction or for capital improvement of existing library  
 8 property.

9 ~~(7)~~(g) make an annual report to the governing body of the city or county on the condition and  
 10 operation of the library, including a financial statement;

11 (h) The trustees shall also provide for the keeping of such records as shall be that are required by  
 12 the Montana state library in its request for an annual report from the public libraries and shall submit ~~such~~  
 13 an annual report to the state library;

14 ~~(8)~~(i) have the power to accept gifts, grants, donations, devises, or bequests of property, real or  
 15 personal, from whatever source and to expend or hold, work, and improve the same for the specific  
 16 purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and  
 17 bequests ~~shall~~ must be kept separate from regular library funds and are not subject to reversion at the end  
 18 of the fiscal year.

19 ~~(9)~~(j) exercise ~~such~~ other powers, not inconsistent with law, necessary for the effective use and  
 20 management of the library.

21 (2) A library board of trustees established pursuant to the provisions of [section 1] has the powers  
 22 and duties as determined by the resolution creating the board under the provisions of [section 1], except  
 23 that a board established pursuant to [section 1] is subject to the requirements of subsection (1)(h) of this  
 24 section."

25  
 26 **Section 86.** Section 22-1-317, MCA, is amended to read:

27 "**22-1-317. City-county library -- board of trustees.** (1) A joint city-county library ~~shall~~ must be  
 28 governed by a board of trustees composed of five members chosen as specified in the contract, with terms  
 29 not to exceed 5 years.

30 (2) Trustees ~~shall~~ may not serve ~~no~~ more than two full terms in succession.

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

3 (4) Trustees shall meet and elect a ~~chairman~~ presiding officer and ~~such~~ other officers as that they  
4 consider necessary for 1-year terms.

5 (5) The board of trustees ~~shall have~~ has the same powers and duties as the board of trustees of  
6 a city library or a county library.

7 (6) As an alternative to the provisions of subsections (1) through (4), a county and any city or  
8 cities establishing a joint city-county library may specify in the contract that the library board is established  
9 pursuant to the provisions of [section 1]."

10  
11 **Section 87.** Section 41-5-704, MCA, is amended to read:

12 **"41-5-704. Salary and expenses.** (1) A chief probation officer ~~shall~~ must receive ~~for his services~~  
13 a salary specified by the court, depending on the formal training and experience of each respective officer,  
14 but ~~such~~ the salary may not be ~~no~~ lower than \$17,000 a year ~~and no~~ or higher than \$22,000 a year. In  
15 addition to ~~such~~ the salary, the court shall, on or before July 1 of each year, adjust and fix the salary of  
16 the chief probation officer for a cost-of-living increase by adding to ~~his~~ the chief probation officer's annual  
17 salary on July 1 of that year an increment of ~~70%~~ a percentage of up to 100% of the last previous calendar  
18 year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics,  
19 or other index that the bureau of business and economic research of the university of Montana may in the  
20 future recognize as the successor to that index. The cost-of-living increment for the fiscal year beginning  
21 July 1 of each subsequent fiscal year ~~shall~~ must be added to all cost-of-living increments granted for  
22 previous years. The salary of ~~such~~ the officer ~~shall~~ must be apportioned among and paid by each of the  
23 counties in which ~~such~~ the officer is appointed to act, in proportion to the cost allocation established under  
24 41-5-104, except ~~where such~~ when the officer is appointed for one county, ~~such~~ that county shall pay the  
25 entire salary.

26 (2) In addition to the compensation provided in subsection (1), each chief probation officer with  
27 more than 5 years of service is entitled to receive an annual 1% longevity allowance. Each longevity  
28 allowance must be based on the officer's current salary and begins on the officer's annual employment  
29 anniversary date. The allowance must be paid in equal monthly installments.

30 (3) For all authorized travel incident to ~~his~~ official duties in connection with the investigation,

1 supervision, and transportation of youth, the chief probation officer shall, in addition to his office salary,  
2 be reimbursed as provided in 2-18-501 through 2-18-503."  
3

4 **Section 88.** Section 50-2-104, MCA, is amended to read:

5 **"50-2-104. County boards of health.** (1) ~~There~~ Except as provided in subsection (4), there is a  
6 county board of health in each county consisting of:

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

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

10 (2) Terms of appointed members ~~shall~~ must be staggered and must be for 3 years each.

11 (3) The county commissioners shall establish the staggered order of terms and all rules necessary  
12 to establish and maintain the board.

13 (4) As an alternative to the provisions of subsections (1) through (3), the county commissioners  
14 may establish the board pursuant to the provisions of [section 1]."  
15

16 **Section 89.** Section 50-2-105, MCA, is amended to read:

17 **"50-2-105. City boards of health.** (1) ~~There~~ Except as provided in subsection (4), there is a city  
18 board of health in each first- and second-class city consisting of five persons who are appointed by the  
19 governing body of the city and serve at its pleasure.

20 (2) Terms of appointed members ~~shall~~ must be staggered and ~~shall~~ must be for 3 years each.

21 (3) The governing body of the city shall establish the staggered order of terms and all regulations  
22 necessary to establish and maintain the board.

23 (4) As an alternative to the provisions of subsections (1) through (3), the governing body may  
24 establish the board pursuant to the provisions of [section 1]."  
25

26 **Section 90.** Section 50-2-106, MCA, is amended to read:

27 **"50-2-106. City-county boards of health.** (1) By mutual agreement between the county  
28 commissioners and the governing body of the city, the county and a first- or second-class city or cities may  
29 form a city-county board of health.

30 (2) ~~A~~ Except as provided in subsection (5), a city-county board of health consists of:

1 (a) one person appointed by the county commissioners who serves at their pleasure;

2 (b) one person appointed by the governing body of each city that participates in the city-county  
3 board who serves at the pleasure of the appointing governing body;

4 (c) additional members appointed by the county commissioners and governing body or bodies of  
5 the city or cities participating in the city-county board as mutually agreed upon who serve at the pleasure  
6 of the appointing commissioners or governing body.

7 (3) The board ~~shall~~ must be composed of at least five persons. Terms of appointed members ~~shall~~  
8 must be staggered and ~~shall~~ must be for 3 years each.

9 (4) By mutual agreement between the county commissioners and the governing body of the city,  
10 they shall establish the staggered order of terms and all regulations necessary to establish and maintain the  
11 board.

12 (5) As an alternative to the provisions of subsections (2) through (4), the county commissioners  
13 and the governing body of the city may establish the board pursuant to the provisions of [section 1]."  
14

15 **Section 91.** Section 50-2-107, MCA, is amended to read:

16 "50-2-107. **District boards of health.** (1) By mutual agreement, two or more adjacent counties  
17 may unite to create a district board of health. First- and second-class cities located in those counties may  
18 elect to be included in the district.

19 (2) A Except as provided in subsection (3), a district board of health consists of:

20 (a) one person appointed by the county commissioners of each county in the district who serves  
21 at the pleasure of the appointing commissioners;

22 (b) one person appointed by the governing body of each city that elects to be included in the  
23 district who serves at the pleasure of the appointing governing body;

24 (c) additional members appointed by the county commissioners of each county that participates  
25 in the district board as mutually agreed upon who serve at the pleasure of the appointing commissioners.

26 (3) As an alternative to the provisions of subsection (2), the county commissioners and the  
27 governing body of a city electing to be in the district may establish the board pursuant to the provisions  
28 of [section 1]."  
29

30 **Section 92.** Section 50-2-116, MCA, is amended to read:

1           **"50-2-116. Powers and duties of local boards.** (1) Local boards, in addition to any powers that  
2 may be granted by a governing body pursuant to [section 1], shall:

3           (a) appoint a local health officer who is a physician or a person with a master's degree in public  
4 health or the equivalent and with appropriate experience, as determined by the department, and shall fix  
5 ~~his~~ the officer's salary;

6           (b) elect a ~~chairman~~ presiding officer and other necessary officers;

7           (c) employ necessary qualified staff;

8           (d) adopt bylaws to govern meetings;

9           (e) hold regular meetings quarterly and hold special meetings as necessary;

10          (f) supervise destruction and removal of all sources of filth that cause disease;

11          (g) guard against the introduction of communicable disease;

12          (h) supervise inspections of public establishments for sanitary conditions;

13          (i) adopt necessary regulations that are no less stringent than state standards for the control and  
14 disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or Title  
15 76, chapter 4. The regulations must describe standards for granting variances from the minimum  
16 requirements that are identical to standards promulgated by the board of health and environmental sciences  
17 and must provide for appeal of variance decisions to the department as required by 75-5-305.

18          (2) Local boards may:

19          (a) quarantine persons who have communicable diseases;

20          (b) require isolation of persons or things that are infected with communicable diseases;

21          (c) furnish treatment for persons who have communicable diseases;

22          (d) prohibit the use of places that are infected with communicable diseases;

23          (e) require and provide means for disinfecting places that are infected with communicable diseases;

24          (f) accept and spend funds received from a federal agency, the state, a school district, or other  
25 persons;

26          (g) contract with another local board for all or a part of local health services;

27          (h) reimburse local health officers for necessary expenses incurred in official duties;

28          (i) abate nuisances affecting public health and safety or bring action necessary to restrain the  
29 violation of public health laws or rules;

30          (j) adopt necessary fees to administer regulations for the control and disposal of sewage from



1 private and public buildings (fees must be deposited with the county treasurer);

2 (k) adopt rules that do not conflict with rules adopted by the department:

3 (i) for the control of communicable diseases;

4 (ii) for the removal of filth that might cause disease or adversely affect public health;

5 (iii) on sanitation in public buildings that affects public health;

6 (iv) for heating, ventilation, water supply, and waste disposal in public accommodations that might  
7 endanger human lives; and

8 (v) for the maintenance of sewage treatment systems that do not discharge an effluent directly into  
9 state waters and that are not required to have an operating permit as required by rules adopted under  
10 75-5-401."

11  
12 **Section 93.** Section 76-1-101, MCA, is amended to read:

13 **"76-1-101. Planning boards authorized.** (1) The governing body of any city or town, the  
14 governing bodies of more than one city or town, or the governing body of any county or any combination  
15 thereof may create a planning board in order to promote the orderly development of its governmental units  
16 and its environs.

17 (2) A planning board established pursuant to this part is subject to the provisions of [section 1(17)  
18 and (18)]."

19  
20 **NEW SECTION. Section 94. Repealer.** Sections 7-13-214, 7-13-2522, 7-13-2523, 7-13-2524,  
21 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305, 7-16-2306, 7-16-2307,  
22 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321, 7-16-4202, 7-16-4203,  
23 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209, 7-16-4210, 7-16-4211,  
24 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304, 7-16-4305, 7-16-4306,  
25 7-16-4307, 7-16-4308, 7-16-4309, 7-21-3403, 7-21-3404, 7-21-3405, 7-22-2105, 7-22-2413, and  
26 7-22-2414, MCA.

27  
28 **NEW SECTION. Section 95. Codification instruction.** [Sections 1 through 3] are intended to be  
29 codified as an integral part of Title 7, chapter 1, and the provisions of Title 7, chapter 1, apply to [sections  
30 1 through 3].



STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0604, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising local government law; requiring governing bodies to establish certain administrative boards, districts, and commissions by resolution; allowing governing bodies to alternatively establish library boards, boards of health, and planning boards by resolution; allowing governing bodies to dissolve certain boards, districts, and commissions; allowing governing bodies to repeal or amend findings of certain boards, districts, and commissions; allowing governing bodies to act as certain boards, districts, or commissions; revising publication of notice procedures; clarifying fees and assessments that a governing body may levy; repealing the municipal winter work program; allowing the cost-of-living increment for salaries of chief probation officers to be set as a percentage of the consumer price index; and amending numerous sections.

ASSUMPTIONS:

1. The proposed legislation will require a significant sized survey of local governments to quantify fiscal impacts since such information does not currently exist.
2. It could take several weeks to prepare the survey, have local governmental entities complete the survey, and compile the fiscal information.

FISCAL IMPACT:

The fiscal impact is unknown.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local government representatives will need to provide input.

*Dave Lewis* 3-23-95

DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

*Wm E Boharski*

WILLIAM BOHARSKI, PRIMARY SPONSOR DATE

Fiscal Note for HB0604, as introduced

HB604

APPROVED BY COM ON  
LOCAL GOVERNMENT

1 HOUSE BILL NO. 604

2 INTRODUCED BY BOHARSKI, BRAINARD, KEENAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAW; REQUIRING  
5 GOVERNING BODIES TO ESTABLISH CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, AND  
6 COMMISSIONS BY RESOLUTION; ALLOWING GOVERNING BODIES TO ALTERNATIVELY ESTABLISH  
7 ~~LIBRARY BOARDS,~~ BOARDS OF HEALTH, AND PLANNING BOARDS BY RESOLUTION; ALLOWING  
8 GOVERNING BODIES TO DISSOLVE CERTAIN BOARDS, DISTRICTS, AND COMMISSIONS; ALLOWING  
9 GOVERNING BODIES TO REPEAL OR AMEND FINDINGS OF CERTAIN BOARDS, DISTRICTS, AND  
10 COMMISSIONS; ALLOWING GOVERNING BODIES TO ACT AS CERTAIN BOARDS, DISTRICTS, OR  
11 COMMISSIONS; REVISING PUBLICATION OF NOTICE PROCEDURES; ~~CLARIFYING FEES AND~~  
12 ~~ASSESSMENTS THAT A GOVERNING BODY MAY LEVY~~ REVISING RESTRICTIONS ON ANNEXING  
13 WHOLLY SURROUNDED LAND; REVISING THE DEFINITION OF CONTIGUOUS FOR THE PURPOSES OF  
14 ANNEXATION WITH THE PROVISION OF SERVICES; REPEALING THE MUNICIPAL WINTER WORK  
15 PROGRAM; ALLOWING THE COST-OF-LIVING INCREMENT FOR SALARIES OF CHIEF PROBATION  
16 OFFICERS TO BE SET AS A PERCENTAGE OF THE CONSUMER PRICE INDEX; AMENDING SECTIONS  
17 ~~7-1-2103, 7-1-4123,~~ 7-2-2209, 7-2-2256, 7-2-2602, 7-2-2606, 7-2-4106, 7-2-4312, 7-2-4322, 7-2-4405,  
18 7-2-4503, 7-2-4704, 7-2-4708, 7-2-4805, 7-3-4209, 7-3-4306, 7-3-4372, 7-3-4448, 7-5-4202, 7-6-2316,  
19 7-6-2320, 7-6-4227, 7-6-4231, 7-6-4252, 7-6-4502, 7-8-2103, 7-8-2604, 7-12-1112, 7-12-1132,  
20 7-12-2106, 7-12-2132, 7-12-4106, 7-12-4107, 7-12-4141, 7-12-4177, 7-12-4303, 7-12-4329,  
21 7-12-4406, 7-12-4426, 7-12-4502, 7-12-4603, 7-13-107, 7-13-126, 7-13-213, 7-13-215, 7-13-2510,  
22 7-13-2521, 7-13-3005, 7-13-3021, 7-13-3023, 7-14-208, 7-14-220, 7-14-244, 7-14-1102, 7-14-2615,  
23 7-14-2616, 7-14-4114, 7-14-4626, 7-15-4215, 7-15-4263, 7-15-4404, 7-16-2105, 7-16-2203,  
24 7-16-2301, 7-16-2327, 7-16-2442, 7-16-4201, 7-16-4222, 7-21-3401, 7-21-3406, 7-22-2101,  
25 7-22-2103, 7-22-2109, 7-22-2215, 7-22-2216, 7-22-2232, 7-22-2411, 7-22-2415, 7-33-2125,  
26 7-35-2108, 7-35-2109, 7-35-2112, ~~22-1-308, 22-1-309, 22-1-317,~~ 41-5-704, 50-2-104, 50-2-105,  
27 50-2-106, 50-2-107, 50-2-116, AND 76-1-101, MCA; REPEALING SECTIONS 7-13-214, 7-13-2522,  
28 7-13-2523, 7-13-2524, 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305,  
29 7-16-2306, 7-16-2307, 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321,  
30 7-16-4202, 7-16-4203, 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209,

1 7-16-4210, 7-16-4211, 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304,  
2 7-16-4305, 7-16-4306, 7-16-4307, 7-16-4308, 7-16-4309, 7-21-3403, 7-21-3404, 7-21-3405,  
3 7-22-2105, 7-22-2413, AND 7-22-2414, MCA; AND PROVIDING EFFECTIVE DATES."

4

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

6

7 NEW SECTION. **Section 1. Boards.** (1) A governing body of a county or incorporated city or town  
8 may by resolution establish the administrative boards, districts, or commissions allowed by law or required  
9 by law to be established pursuant to this section. The resolution creating a board, district, or commission  
10 must specify:

11 (a) the number of board, district, or commission members;

12 (b) terms of the members;

13 (c) whether members are entitled to mileage, per diem, expenses, and a salary; and

14 (d) any special qualifications for membership in addition to those established by law.

15 (2) (a) An administrative board, district, or commission may be assigned responsibility for a  
16 department or service district.

17 (b) An administrative board, district, or commission may:

18 (i) exercise administrative powers as granted by resolution, except that it may not be authorized  
19 to pledge the credit of the county or incorporated city or town or to impose a tax unless specifically  
20 authorized by state law;

21 (ii) administer programs, establish policy, and adopt administrative and procedural rules.

22 (c) The resolution creating an administrative board, district, or commission must grant the board,  
23 district, or commission all powers necessary and proper to the establishment, operation, improvement,  
24 maintenance, and administration of the department or district.

25 (d) If authorized by resolution, an administrative board, district, or commission may employ  
26 personnel to assist in its functions.

27 (3) Administrative boards, districts, and commissions may be made elective.

28 (4) Administrative boards, districts, and commissions may not sue or be sued independently of the  
29 governing body unless authorized by state law.

30 (5) Members must be appointed by the governing body. The governing body shall post prospective

1 membership vacancies at least 1 month prior to filling the vacancy.

2 (6) The governing body shall maintain a register of appointments including:

3 (a) the name of the administrative board, district, or commission;

4 (b) the date of appointment and confirmation, if any is required;

5 (c) the length of term;

6 (d) the name and term of the presiding officer and other officers of each board, district, or  
7 commission; and

8 (e) the date, time, and place of regularly scheduled meetings.

9 (7) Terms of all members, except elected members, may not exceed 4 years. Unless otherwise  
10 provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure of  
11 the governing body.

12 (8) An administrative board, district, or commission must consist of a minimum of three members  
13 and must have an odd number of members.

14 (9) The resolution creating an administrative board, district, or commission may provide for voting  
15 or nonvoting ex officio members.

16 (10) Two or more governing bodies may provide for joint administrative boards, districts, or  
17 commissions to be established by interlocal agreements.

18 (11) A majority of members constitutes a quorum for the purposes of conducting business and  
19 exercising powers and responsibilities. Action may be taken by a majority vote of members present and  
20 voting unless the resolution creating the administrative board, district, or commission specifies otherwise.

21 (12) An administrative board, district, or commission shall provide for the keeping of written  
22 minutes, including the final vote on all actions and the vote of each member.

23 (13) An administrative board, district, or commission shall provide by rule for the date, time, and  
24 place of regularly scheduled meetings and file the information with the county commissioners.

25 (14) Unless otherwise provided by law, a person must be a resident ~~freeholder~~ OF THE COUNTY  
26 OR DISTRICT within the jurisdiction of the governing body to be eligible for appointment to an  
27 administrative board, district, or commission. The governing body may prescribe by resolution additional  
28 qualifications for membership.

29 (15) A person may be removed from an administrative board, district, or commission for cause by  
30 the county commissioners or as provided by resolution.

1 (16) A resolution creating an administrative board, district, or commission must contain, if  
2 applicable, budgeting and accounting requirements for which the board, district, or commission is  
3 accountable to the governing body.

4 (17) Any finding, order, or action of an administrative board, district, or commission created  
5 pursuant to this section or made subject to this section or subsection may be repealed or modified by the  
6 governing body.

7 (18) The governing body may at any time:

8 (a) by resolution dissolve an administrative board, district, or commission created by this section  
9 or made subject to this section or subsection;

10 (b) by resolution dissolve a board, district, or commission and assume the duties of the board,  
11 district, or commission; or

12 (c) by resolution change the selection of the members of a board, district, or commission from  
13 appointment to election or from election to appointment.

14

15 **NEW SECTION. Section 2. Transition of existing boards, districts, and commissions and creation**  
16 **of new boards, districts, and commissions.** (1) Unless otherwise specified by law, the state laws providing  
17 for the organization and operation of the following boards, districts, and commissions must be given the  
18 status of local ordinances for 1 year following October 1, 1995, and the boards, districts, and commissions  
19 shall continue to function during this period under the respective laws until the boards, districts, or  
20 commissions are reorganized by the governing body pursuant to the provisions of [section 1]:

21 (a) county building commission;

22 (b) cemetery districts;

23 (c) county fair commission;

24 (d) mosquito control board;

25 (e) museum board;

26 (f) board of park commissioners;

27 (g) rodent control board;

28 (h) solid waste district;

29 (i) television district;

30 (j) weed control district.

1 (2) A governing body may apply the provisions of [section 1] and subsection (1) of this section to  
2 boards of health, ~~library boards,~~ and planning boards.

3 (3) Subject to [sections 1 and 3] a governing body may create administrative boards, districts, and  
4 commissions in addition to those listed in subsection (1) that are not otherwise provided for by law.

5  
6 **NEW SECTION. Section 3. Governing body assuming duties of administrative boards, districts,**  
7 **and commissions.** (1) In addition to the provisions of [section 1], if the minimum number of qualified  
8 persons is not available for membership on an administrative board, district, or commission listed in [section  
9 2], the governing body may by resolution, at a public meeting, assume the duties of the administrative  
10 board, district, or commission and may act as that board, district, or commission with the same powers  
11 and duties as that board, district, or commission.

12 (2) Members of a governing body, acting in the capacity of an administrative board, may not  
13 receive any compensation in addition to their compensation as members of a governing body.

14  
15 ~~**Section 4. Section 7-1-2103, MCA, is amended to read:**~~

16 ~~**"7-1-2103. County powers. (1) A county has power to:**~~

17 ~~{1}(a) sue and be sued;~~

18 ~~{2}(b) purchase and hold lands within its limits;~~

19 ~~{3}(c) make such contracts and purchase and hold such personal property as may be necessary~~  
20 ~~to the exercise of its powers;~~

21 ~~{4}(d) make such orders for the disposition or use of its property as the interests of its inhabitants~~  
22 ~~require; and~~

23 ~~{5}(e) levy and collect such taxes for the purposes under its exclusive jurisdiction as are authorized~~  
24 ~~by this code or by special statutes.~~

25 ~~{2} A county may not levy and collect assessments and fees for purposes not under its exclusive~~  
26 ~~jurisdiction unless specifically authorized by law."~~

27  
28 ~~**Section 5. Section 7-1-4123, MCA, is amended to read:**~~

29 ~~**"7-1-4123. Legislative powers. A municipality with general powers has the legislative power,**~~  
30 ~~subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:~~





1 day and hour of the meeting ~~to be so held~~), when and where all persons interested may appear and oppose  
 2 the granting of ~~said~~ the petition ~~and make any objections thereto.~~

3 Dated .... at ...., Montana. ...., County Clerk"  
 4

5 **Section 5.** Section 7-2-2256, MCA, is amended to read:

6 **"7-2-2256. Publication by posting of notice.** Whenever in this part publication of any notice is  
 7 provided for and ~~no~~ a newspaper of general circulation is not published within the territory in which ~~said~~  
 8 the notice is required to be published, notice ~~shall~~ must be given ~~by posting copies of such notice in at least~~  
 9 ~~10 public places in such territory for the same length of time said notice was required to be published as~~ as  
 10 provided in 7-1-2121."  
 11

12 **Section 6.** Section 7-2-2602, MCA, is amended to read:

13 **"7-2-2602. Filing of petition -- notice and hearing.** (1) A petition for removal of a county seat  
 14 must be filed with the county clerk.

15 (2) The county clerk, immediately upon the filing of ~~said~~ the petition, ~~must cause to be printed in~~  
 16 ~~every newspaper published within said county a notice to the effect that a petition praying for the removal~~  
 17 ~~of said county seat has been filed with the county clerk, that said petition is open to the inspection of any~~  
 18 ~~and all persons interested therein, and that said petition will be presented to the board of county~~  
 19 ~~commissioners at its next regular session for action thereon.~~

20 ~~(3) No other or additional petition than the one originally filed shall be considered by the board shall~~  
 21 provide for publication of the notice of the petition to remove the county seat pursuant to the provisions  
 22 of 7-1-2121." \*

23

24 **Section 7.** Section 7-2-2606, MCA, is amended to read:

25 **"7-2-2606. Determination and publication of election results.** (1) When the returns have been  
 26 received and compared and the results ascertained by the board, if a majority of the qualified electors  
 27 voting on the question have voted in favor of any particular place, the board ~~must~~ shall give notice of the  
 28 results by posting notices ~~thereof~~ in all the election precincts of the county and by publishing a ~~like~~ similar  
 29 notice in a newspaper ~~printed in the county at least once a week for 4 weeks~~ pursuant to the provisions  
 30 of 7-1-2121.

1 (2) In the notice provided for in this section, the place selected to be the county seat of the county  
 2 must be so declared from a day specified in the notice, not more than 90 days after the election. After the  
 3 day named in the notice, the place chosen is the county seat of the county."

4  
 5 **Section 8.** Section 7-2-4106, MCA, is amended to read:

6 **"7-2-4106. First election for officers.** (1) When the incorporation of a city or town is completed,  
 7 the board of county commissioners ~~must~~ shall give notice ~~for 30 days in a newspaper published within the~~  
 8 ~~limits of the city or town or, if none is published therein, by posting notices in six public places within the~~  
 9 ~~limits of the corporation pursuant to the provisions of 7-1-2121~~ of the time and place or places of holding  
 10 the first election for offices of the corporation.

11 (2) At ~~such~~ the election all the electors qualified by the general election laws of the state who have  
 12 resided within the limits of the city or town for 6 months and within the limits of the ward for 30 days  
 13 preceding the election are qualified electors and may choose officers for the city or town, to hold office as  
 14 prescribed in 7-2-4107.

15 (3) The board ~~must~~ shall appoint election judges and canvass and declare the result ~~thereof~~ of the  
 16 election. The election must be conducted in the manner required by law for the election of county  
 17 officers."

18  
 19 **Section 9.** Section 7-2-4312, MCA, is amended to read:

20 **"7-2-4312. Resolution of intent by first-class city -- notice.** When, in the judgment of any city  
 21 council of a city of the first class expressed by a resolution ~~duly and regularly~~ passed and adopted, it ~~will~~  
 22 ~~be to~~ is in the best interest of ~~such~~ the city and the inhabitants of any contiguous platted tracts or parcels  
 23 of land or unplatted land for which a certificate of survey has been filed ~~that~~ to extend the boundaries of  
 24 ~~such~~ the city ~~shall be extended so as~~ to include the ~~same~~ contiguous platted tracts or parcels of land or  
 25 unplatted land within the corporate limits ~~thereof~~ of the city, the city clerk ~~of such city~~ shall:

26 (1) immediately notify in writing, addressed to the address to which tax notices are sent, all owners  
 27 and purchasers under contracts for deed of property in the territory to be embraced; and

28 (2) cause a notice to be published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the  
 29 newspaper published nearest ~~such~~ the platted tracts or parcels of land or unplatted land for which a  
 30 certificate of survey has been filed, ~~at least once a week for 2 successive weeks.~~"

1           **Section 10.** Section 7-2-4322, MCA, is amended to read:

2           **"7-2-4322. Resolution of intent by second- or third-class municipality -- notice.** When, in the  
3 judgment of any ~~such~~ city or town council expressed by resolution ~~duly and regularly~~ passed and adopted,  
4 it ~~will be to~~ is in the best interest of ~~such~~ the city or town and ~~the inhabitants thereof and of the inhabitants~~  
5 of ~~any~~ the contiguous tracts or parcels of land, ~~as aforesaid, that to extend~~ the boundaries of ~~such~~ the city  
6 or town ~~shall be extended so as to include the same~~ contiguous tracts or parcels of land within the  
7 corporate limits ~~thereof~~, the city or town clerk ~~of such city or town~~ shall:

8           (1) ~~forthwith~~ immediately notify in writing all property holders within the boundaries of the territory  
9 proposed to be embraced; and

10           (2) cause a notice to be published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the  
11 newspaper published nearest ~~such~~ the tracts or parcels of land, ~~at least once a week for 2 successive~~  
12 ~~weeks."~~

13

14           **Section 11.** Section 7-2-4405, MCA, is amended to read:

15           **"7-2-4405. Notice of resolution -- protest period.** The clerk of the municipality shall ~~forthwith~~  
16 cause to be published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the newspaper nearest  
17 ~~such~~ the land, ~~at least once a week for 2 successive weeks~~, a notice that ~~such~~ the resolution has ~~been duly~~  
18 ~~and regularly~~ passed and that for a period of 20 days after the first publication of ~~such~~ the notice, ~~such~~ the  
19 clerk will receive expressions of approval or disapproval, in writing, of the proposed alterations of the  
20 boundaries of the municipality. ~~Said~~ The notice ~~shall~~ must also state the time and place set for the public  
21 hearing on the proposed annexation."

22

23           **SECTION 12. SECTION 7-2-4503, MCA, IS AMENDED TO READ:**

24           **"7-2-4503. Restrictions on annexation power. (1)** Land ~~shall~~ may not be annexed under this part  
25 whenever the land is used:

26           ~~(1)(a)~~ for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing  
27 purpose; or

28           ~~(2)(b)~~ for the purpose of maintaining or operating a golf or country club, an athletic field or aircraft  
29 landing field, a cemetery, or a place for public or private outdoor entertainment or any purpose incident  
30 thereto.

1           (2) Land may not be annexed under this part whenever a city street or roadway forms a boundary  
 2 of a wholly surrounded area unless the street or roadway is completely contiguous to the city on one side  
 3 of the street's or roadway's right-of-way for the entire length of the street or roadway that forms the  
 4 boundary of the wholly surrounded area."

5  
 6           **SECTION 13. SECTION 7-2-4704, MCA, IS AMENDED TO READ:**

7           **"7-2-4704. Definitions.** The following terms, ~~where~~ when used in this part, have the following  
 8 meanings, ~~except where~~ when the context clearly indicates a different meaning:

9           (1) "Contiguous" means any area which, at the time annexation procedures are initiated, either  
 10 abuts directly on the municipal boundary or is separated from the municipal boundary by a street or street  
 11 right-of-way, a creek or river, the right-of-way of a railroad or other public service corporation, lands owned  
 12 by the city or some other political subdivision, or lands owned by the state as long as the street, street  
 13 right-of-way, creek or river, railroad right-of-way, or city, political subdivision, or state-owned land  
 14 separating the area from the municipal boundary is contiguous to the city for its entire length between the  
 15 area and the municipal boundary.

16           (2) "Municipality" means any city or town under Montana law.

17           (3) "Resident freeholder" means a person who maintains ~~his~~ the person's residence on real property  
 18 in which ~~he~~ the person holds an estate of life or inheritance or of which ~~he~~ the person is the purchaser of  
 19 such an estate under a contract for deed, some memorandum of which has been filed in the office of the  
 20 county clerk and recorder."

21

22           **Section 14.** Section 7-2-4708, MCA, is amended to read:

23           **"7-2-4708. Notice of hearing.** (1) The notice of public hearing ~~shall~~ must:

24           (a) fix the date, hour, and place of the public hearing;

25           (b) describe clearly the boundaries of the area under consideration;

26           (c) state that the report required in 7-2-4731 will be available in the office of the municipal official  
 27 designated by the governing body at least 14 days prior to the date of the public hearing.

28           (2) ~~Such~~ The notice ~~will~~ must be given by publication ~~in a newspaper having general circulation~~  
 29 ~~in the municipality once a week for at least 4 successive weeks prior to the date of the hearing. The date~~  
 30 ~~of the last publication shall not be more than 7 days preceding the date of the public hearing. If there is~~

1 ~~no such newspaper, the municipality shall post the notice in at least five public places within the~~  
 2 ~~municipality and at least five public places in the area to be annexed for 30 days prior to the date of public~~  
 3 ~~hearing pursuant to the provisions of 7-1-4127 and 7-1-4128."~~

4  
 5 **Section 15.** Section 7-2-4805, MCA, is amended to read:

6 **"7-2-4805. Resolution of intent to exclude land -- notice.** If ~~said~~ the council by resolution, ~~duly~~  
 7 ~~and regularly passed and adopted,~~ shall ~~find~~ finds that ~~said~~ the petition is signed by the requisite number  
 8 of qualified electors of ~~said~~ the city or town or by the owners of not less than three-fourths in value of the  
 9 territory to be excluded, that the territory petitioned to be excluded is within the corporate limits and on  
 10 the border ~~thereof~~ of the corporate limits, and that the granting of ~~said~~ the petition ~~will be to~~ is in the best  
 11 interest of ~~such~~ the city or town and ~~the inhabitants thereof and~~ will not materially mar the symmetry of  
 12 ~~such~~ the city or town, the city or town clerk ~~of such city or town~~ shall ~~forthwith~~ cause a notice to be  
 13 published, pursuant to the provisions of 7-1-4127 and 7-1-4128, in the newspaper nearest ~~such~~ the  
 14 territory petitioned to be excluded, ~~at least once a week for 2 successive weeks."~~

15  
 16 **Section 16.** Section 7-3-4209, MCA, is amended to read:

17 **"7-3-4209. Proclamation and notice of election.** Upon the city council ordering ~~such~~ the special  
 18 election ~~to be held~~, the mayor ~~of such city~~ shall issue a proclamation setting forth the purpose for which  
 19 ~~such~~ the special election is called and the date of ~~holding such~~ the special election. The proclamation shall  
 20 must be published ~~for 10 consecutive days in each daily newspaper published in said city if there be such;~~  
 21 ~~otherwise, once a week for 2 consecutive weeks in each weekly newspaper published therein; and such~~  
 22 ~~proclamation shall also be posted in at least five public places within such city pursuant to the provisions~~  
 23 ~~of 7-1-4127 and 7-1-4128."~~

24  
 25 **Section 17.** Section 7-3-4306, MCA, is amended to read:

26 **"7-3-4306. Proclamation and notice of election.** (1) Upon the city or town council ordering ~~such~~  
 27 ~~the~~ special election ~~to be held~~, the mayor ~~of such municipality~~ shall issue a proclamation setting forth the  
 28 purpose ~~for which such~~ of the special election is held and the date of ~~holding such~~ the special election.

29 (2) The proclamation shall must be published ~~for 10 consecutive days in each daily newspaper~~  
 30 ~~published in said municipality if there be such; otherwise, once a week for 2 consecutive weeks in each~~

1 ~~weekly newspaper published therein. Such proclamation shall also be posted in at least five public places~~  
 2 ~~within such municipality pursuant to the provisions of 7-1-4127 and 7-1-4128."~~

3

4 **Section 18.** Section 7-3-4372, MCA, is amended to read:

5 **"7-3-4372. Procedure to enact appropriation ordinance.** (1) Upon receipt of ~~such~~ the estimate,  
 6 the commission shall prepare an appropriation ordinance in ~~such~~ the form ~~as may be~~ prescribed by  
 7 ordinance or resolution. Before finally acting upon ~~such~~ the tentative appropriation, the commission shall  
 8 fix a time and place for holding a public hearing upon the tentative appropriation and shall give public notice  
 9 of ~~such~~ the hearing pursuant to the provisions of 7-1-4127 and 7-1-4128. Following the public hearings  
 10 and before its final passage, the appropriation ordinance ~~shall~~ must be published with a parallel comparison  
 11 with the recommendation of the city manager. The commission ~~shall~~ may not pass the appropriation  
 12 ordinance until 10 days after its publication or before the second Monday in August.

13 (2) If, at the beginning of the term of office of the first commission elected under the provisions  
 14 of this part and part 44, the appropriations for the expenditures of the municipal government for the current  
 15 fiscal year have been made, ~~said~~ the commission ~~shall have the power~~ may by ordinance ~~to~~ revise, repeal,  
 16 or change ~~said~~ the appropriations and ~~to~~ may make additional appropriations."

17

18 **Section 19.** Section 7-3-4448, MCA, is amended to read:

19 **"7-3-4448. Vacating or changing name of street.** (1) The commission, in vacating any street or  
 20 part of a street or changing the name of any street, may include in one ordinance the change of name or  
 21 the vacation or narrowing of more than one street, alley, or avenue. Before vacating any street or part  
 22 ~~thereof~~ of the street or narrowing any street, the commission shall first pass a resolution declaring its  
 23 intention to do so.

24 (2) The city manager shall serve notice of the resolution, in the manner that service of summons  
 25 is required to be made in civil actions, upon all persons who are owners or purchasers under contracts for  
 26 deed of property that abuts upon the portion of the street affected by the proposed vacation or narrowing  
 27 and shall publish the notice ~~once in one daily newspaper of general circulation in the municipality if there~~  
 28 ~~is one or if not, once in one weekly newspaper of like circulation~~ pursuant to the provisions of 7-1-4127  
 29 and 7-1-4128. The notice ~~shall~~ must state the time and place at which objections will be heard.

30 (3) Unless at least 51% of the affected property owners object to the proposed vacation or

1 narrowing, the commission may by ordinance declare ~~such~~ the vacation or narrowing. The order of the  
 2 commission vacating or narrowing a street or alley ~~which~~ that has been dedicated to public use by the  
 3 proprietor, to the extent that it is vacated or narrowed, operates as a revocation of the acceptance ~~thereof~~  
 4 by the commission, but the right-of-way and easement ~~therein~~ of any lot owner is not impaired ~~thereby~~."

5  
 6 **Section 20.** Section 7-5-4202, MCA, is amended to read:

7 **"7-5-4202. Incorporation of technical codes by reference.** (1) The governing body of an  
 8 incorporated city or town may adopt technical building, zoning, health, electrical, fire, and plumbing codes  
 9 in whole or in part by reference.

10 (2) ~~At least 15 days prior to final action by a governing body of the city or town,~~ The notice of  
 11 intent to adopt a technical code in whole or in part by reference ~~shall~~ must be published pursuant to the  
 12 provisions of 7-1-4127 and 7-1-4128 in a newspaper of general circulation in the city or town. A copy of  
 13 the code or part to be adopted ~~shall~~ must be filed with the clerk of the city or town for inspection by the  
 14 public.

15 (3) If a technical code or part of a code is adopted by reference, a record in "The Ordinance Book"  
 16 may be made by recording the ordinance without setting forth the provisions of the code or part of a code  
 17 adopted."

18  
 19 **Section 21.** Section 7-6-2316, MCA, is amended to read:

20 **"7-6-2316. Notice of hearing on county proposed budget.** (1) The board of county commissioners  
 21 shall ~~then~~ have a notice published stating that:

22 (a) the board has completed its county proposed budget for the current fiscal year;

23 (b) the budget is open to inspection in the office of the county clerk and recorder;

24 (c) the board will meet to fix the final budget and make appropriations, stating the date, time, and  
 25 place of the meeting; and

26 (d) any taxpayer or resident of the county may appear and be heard for or against any part of the  
 27 budget.

28 (2) The notice ~~shall~~ must be published ~~two times, once each week, in a newspaper of general~~  
 29 circulation in the county pursuant to the provisions of 7-1-2121."



1           **Section 22.** Section 7-6-2320, MCA, is amended to read:

2           **"7-6-2320. Final budget -- approval, adoption, and amendment.** (1) The budget as finally  
3 determined, in addition to setting out separately each item for which an appropriation or expenditure is  
4 authorized and the fund out of which it is to be paid, ~~shall~~ must set out:

- 5           (a) the total amount appropriated and authorized to be spent from each fund;  
6           (b) the cash balance in the fund at the close of the preceding fiscal year;  
7           (c) the amount estimated to accrue to the fund from sources other than taxation;  
8           (d) the reserve for the next fiscal year; and  
9           (e) the amount necessary to be raised for each fund by tax levy during the current fiscal year.

10           (2) The board shall then by resolution approve and adopt the budget as finally determined and enter  
11 the budget at length in the official minutes of the board.

12           (3) (a) Subject to compliance with the procedures set forth in subsection (4), the board may  
13 approve and adopt a resolution amending a final budget when:

14           (i) shortfalls in anticipated and budgeted ~~revenues~~ revenue occur that, unless reductions in  
15 appropriations are made, will result in expenditures for the year exceeding actual ~~revenues~~ revenue and  
16 available cash balances ~~available therefor~~; or

17           (ii) savings result from unanticipated adjustments in projected expenditures.

18           (b) Amended appropriations must be classified as:

- 19           (i) salaries and wages;  
20           (ii) maintenance and operation;  
21           (iii) capital outlay;  
22           (iv) interest and debt redemption; or  
23           (v) miscellaneous.

24           (4) Prior to amending a final budget, the board shall:

25           (a) hold a public hearing on the proposed amendments at least 7 days prior to a vote on the  
26 resolution amending the budget; and

27           (b) publish notice, ~~at least once, in a newspaper of general circulation in the county at least 6 but~~  
28 ~~not more than 16 days before the hearing~~ pursuant to the provisions of 7-1-2121, on the budget  
29 amendments. The published notice must specify the date, time, place, and subject of the hearing."  
30

1           **Section 23.** Section 7-6-4227, MCA, is amended to read:

2           **"7-6-4227. Notice of hearing on preliminary budget.** (1) The council shall ~~then~~ cause a notice to  
3 be published stating that:

4           (a) the council has completed its preliminary municipal budget for the current fiscal year;

5           (b) the budget has been placed on file and is open to inspection in the office of the clerk of the  
6 municipality;

7           (c) the council will meet for the purpose of fixing the final budget and making appropriations,  
8 designating the date, time, and place when and where ~~such~~ the meeting will be held; and

9           (d) any taxpayer or resident may appear at the meeting and be heard for or against any part of the  
10 budget.

11           (2) The notice shall must be published ~~at least one time in the official newspaper of the municipality~~  
12 ~~or, if there is none, then in a newspaper of general circulation in the county in which the municipality is~~  
13 ~~situated~~ pursuant to the provisions of 7-1-4127 and 7-1-4128."

14

15           **Section 24.** Section 7-6-4231, MCA, is amended to read:

16           **"7-6-4231. Final budget -- approval, adoption, and amendment.** (1) The budget as finally  
17 determined, in addition to setting out separately each item for which an appropriation is made or  
18 expenditure authorized and the fund out of which it is to be paid, shall must set out:

19           (a) the total amount appropriated and authorized to be spent from each fund;

20           (b) the cash balance in excess of outstanding unpaid warrants at the close of the preceding fiscal  
21 year;

22           (c) the amount estimated to accrue to the fund from sources other than taxation;

23           (d) the reserve for the next fiscal year; and

24           (e) the amount necessary to be raised for each fund by tax levy during the current fiscal year.

25           (2) The council shall then by resolution approve and adopt the budget as finally determined, and  
26 the clerk shall enter the resolution at length in the official minutes of the council. The clerk shall keep a  
27 copy of the budget with the resolution in the official records of the municipality.

28           (3) (a) Subject to compliance with the procedures set forth in subsection (4), the council may  
29 approve and adopt a resolution amending a final budget when:

30           (i) shortfalls in anticipated and budgeted ~~revenues~~ revenue occur that, unless reductions in

1 appropriations are made, will result in expenditures for the year exceeding actual ~~revenues~~ revenue and  
2 available cash balances ~~available therefor~~; or

3 (ii) savings result from unanticipated adjustments in projected expenditures.

4 (b) Amended appropriations must be classified as:

5 (i) salaries and wages;

6 (ii) maintenance and operation;

7 (iii) capital outlay;

8 (iv) interest and debt redemption; or

9 (v) miscellaneous.

10 (4) Prior to amending a final budget, the council shall:

11 (a) hold a public hearing on the proposed amendments at least 7 days prior to a vote on the  
12 resolution amending the budget; and

13 (b) publish notice ~~at least once in a newspaper of general circulation in the city or town at least~~  
14 ~~6 but not more than 16 days before the hearing on the budget amendments~~ pursuant to the provisions of  
15 7-1-4127 and 7-1-4128. The published notice must specify the date, time, place, and subject of the  
16 hearing."

17  
18 **Section 25.** Section 7-6-4252, MCA, is amended to read:

19 **"7-6-4252. Procedure to make expenditures and incur liabilities in case of other emergencies.** (1)

20 In a public emergency other than those described in 7-6-4251 ~~and which~~ that could not reasonably have  
21 been foreseen at the time of making the budget, the council, by unanimous vote of the members present  
22 at any meeting (the time and place of which all of the members ~~shall~~ must have had reasonable notice),  
23 shall adopt and enter ~~upon their~~ in the minutes a resolution stating the facts constituting the emergency,  
24 the estimated amount of money required to meet the emergency, and the fund against which emergency  
25 warrants ~~shall~~ will be drawn.

26 (2) The council shall publish the resolution, together with a notice pursuant to the provisions of  
27 7-1-4127 and 7-1-4128, that a public hearing will be held on the resolution at the time and place  
28 designated in the notice, ~~once in the official newspaper of the municipality and, if there is none, then in a~~  
29 ~~newspaper of general circulation in the county in which the municipality is situated~~. The hearing may not  
30 be less than 1 week after the date of publication.

1 (3) Any taxpayer or resident of the municipality may appear at the hearing and be heard for or  
2 against the expenditure of money for the alleged emergency.

3 (4) (a) Upon the conclusion of the hearing, if the council approves the emergency expenditure, it  
4 shall make and enter upon its official minutes, by unanimous vote of all of the members of the council  
5 present at the meeting, an order setting forth the facts constituting the emergency, together with the  
6 amount of expenditure authorized ~~therefor by them~~ and the fund against which emergency warrants ~~shall~~  
7 will be drawn. Subject to the limitations of subsection (4)(b), the order is lawful authorization for ~~them~~ the  
8 council to expend ~~such~~ the amount, but no more, for ~~such~~ the stated purpose.

9 (b) ~~No~~ An expenditure may not be made ~~or~~ and liability may not be incurred pursuant to the order  
10 until 5 days elapse, exclusive of the day of entry of the order, ~~elapse~~."

11  
12 **Section 26.** Section 7-6-4502, MCA, is amended to read:

13 **"7-6-4502. Call for payment of warrants drawing interest.** (1) Except as provided in subsection  
14 (2), when there is money in the city or town treasury applicable to the payment of any warrants drawing  
15 interest and sufficient to pay the ~~same~~ warrants, the city treasurer or town clerk ~~must~~ shall:

16 (a) ~~give notice in some newspaper published in such city or town or, if none is published therein,~~  
17 ~~then by written notice posted in a conspicuous place on the outer door of the office of the city treasurer~~  
18 ~~or town clerk, stating, pursuant to the provisions of 7-1-4127 and 7-1-4128, that he~~ the city treasurer or  
19 town clerk is ready to pay the warrants and giving the number of the warrants to be paid; and

20 (b) if the warrants are subject to purchase by the county for investment as provided in 7-6-2701,  
21 notify the county treasurer that any ~~such~~ warrants in the possession of the county will be paid upon  
22 presentation to the city treasurer or town clerk.

23 (2) If all of ~~such~~ the warrants are held by a county, only the notice provided for in subsection (1)(b)  
24 is required.

25 (3) The warrants ~~so~~ called cease to draw interest from the time of the first publication or posting  
26 of ~~such~~ notice unless all of ~~such~~ the warrants are held by a county, in which case the warrants cease to  
27 draw interest from the time of notification of the county treasurer."

28  
29 **Section 27.** Section 7-8-2103, MCA, is amended to read:

30 **"7-8-2103. Authorization to create county building commission.** ~~(1)~~ The board of county

1 commissioners ~~shall have the power to~~ may create a building commission subject to the provisions of  
 2 [sections 1 through 3]. In addition to any powers and duties established pursuant to [section 1], the  
 3 building commission may be given the authority for the management of ~~such a~~ civic center, youth center,  
 4 park buildings, museums, county parks, recreation centers, hospitals, or any combination of two or more  
 5 thereof. ~~Such commission shall be composed of the chairman of the board of county commissioners and~~  
 6 ~~five lay members to be appointed by the board. In cases where a commission has been appointed, the~~  
 7 ~~commission, together with the board, shall have the power to employ a manager.~~

8 ~~(2) The terms of office for the first lay members of the commission shall be, respectively, one for~~  
 9 ~~1 year, two for 2 years, and two for 3 years. On the expiration of such terms of figures 1, 2, and 3 years,~~  
 10 ~~their successors shall hold for 3 years each.~~

11 ~~(3) All of the above persons shall serve without compensation."~~

12  
 13 **Section 28.** Section 7-8-2604, MCA, is amended to read:

14 **"7-8-2604. Procedure for sale of timber or other crops.** (1) Subject to the requirements of  
 15 subsection (2), the board of county commissioners may sell the timber crop and other crops of county  
 16 forests under ~~such~~ rules as it may establish. The board may reject any or all bids, or it may award the sale  
 17 to the highest responsible bidder.

18 (2) A notice of any proposed sale of timber in excess of 100,000 feet board measure ~~shall be~~  
 19 ~~advertised at least once in a newspaper~~ must be published in the county pursuant to the provisions of  
 20 7-1-2121 at least 30 days prior to the closing of bids as specified in ~~said~~ the notice. The board ~~shall~~ must  
 21 receive sealed bids up to the hour of the closing of bids."

22  
 23 **Section 29.** Section 7-12-1112, MCA, is amended to read:

24 **"7-12-1112. Resolution of intention to create or expand district -- notice.** (1) Before creating or  
 25 expanding a district, the governing body shall pass a resolution of intention to do so, designating the  
 26 boundaries ~~thereof~~ of the district.

27 (2) Notice of passage of the resolution ~~must be published for 5 days in a daily newspaper or in one~~  
 28 ~~issue of a weekly paper published in the municipality or county or, in case no newspaper is published in~~  
 29 ~~the municipality or county, then by posting for 5 days in three public places in the municipality or county~~  
 30 pursuant to the provisions of 7-1-2121 or 7-1-4127 and 7-1-4128. A copy of the notice ~~shall~~ must be

1 mailed to every owner of real property within the proposed district or within the proposed area of expansion  
 2 listed on the last completed assessment roll for state, county, and school district taxes, at the owner's  
 3 last-known address, on the same day the notice is first published or posted.

4 (3) The notice must describe the general purpose of the district or the general reason for the  
 5 expansion and designate the time when and the place where the governing body will hear and pass upon  
 6 all protests that may be made against the creation of the district or the expansion of the existing district.  
 7 The notice ~~shall~~ must refer to the resolution on file with the governing body or clerk, if any, for the  
 8 description of the boundaries.

9 (4) The resolution to expand a district deals only with the question of the expanded area, and the  
 10 existing district does not have to be reestablished."

11  
 12 **Section 30.** Section 7-12-1132, MCA, is amended to read:

13 **"7-12-1132. Annual budget and work plan -- approval -- procedure -- tax.** (1) At a time  
 14 determined by the governing body, the board shall submit to the governing body for approval a work plan  
 15 and budget for the ensuing fiscal year.

16 (2) Following ~~public~~ notice published pursuant to the provisions of 7-1-2121 or 7-1-4127 and  
 17 7-1-4128 that a work plan and budget have been submitted and that the governing body will levy an  
 18 assessment to defray the cost of the work plan and budget, the governing body shall hold a public hearing  
 19 on objections to the work plan and budget. After the hearing, the governing body may modify the work  
 20 plan and budget as it considers necessary and appropriate.

21 (3) After approval of the work plan and budget ~~and to defray the cost thereof~~ for the next fiscal  
 22 year, the governing body shall by resolution levy an assessment upon all of the property in the district using  
 23 as a basis one of the methods prescribed in 7-12-1133.

24 (4) A copy of the resolution ~~shall~~ must be delivered to the treasurer of the local government to be  
 25 placed on the tax roll and collected in the same manner as other taxes."

26  
 27 **Section 31.** Section 7-12-2106, MCA, is amended to read:

28 **"7-12-2106. General provisions related to notice.** (1) ~~The~~ Unless otherwise specified, the notices,  
 29 resolutions, orders, or other matters required to be published by the provisions of this part ~~shall~~ must be  
 30 published ~~in a daily, semiweekly, or weekly newspaper, to be designated by the board of county~~

1 ~~commissioners, as often as the same is issued during the period specified for publication, and no other~~  
 2 ~~statute is applicable to publications herein provided for pursuant to the provisions of 7-1-2121.~~ In case  
 3 ~~there is no daily, semiweekly, or weekly publication in a newspaper pursuant to the provisions of 7-1-2121~~  
 4 ~~is not possible, printed or circulated in a county,~~ then those notices, resolutions, orders, or other matters  
 5 ~~as are herein~~ required to be published in a newspaper shall must be posted, for the same length of time as  
 6 required herein for publication in a ~~daily, semiweekly, or weekly~~ newspaper, in three of the most public  
 7 places in each voting precinct except as otherwise specifically provided ~~herein~~ in this part.

8 (2) Proof of the publication or posting of any notice is made by affidavit of the owner, publisher,  
 9 printer, or clerk of the newspaper or of the poster of the notice.

10 (3) ~~No publication~~ Publication of notice other than that provided for in this part is not necessary  
 11 to give validity to any of the proceedings provided ~~therein~~ for in this part.

12 (4) ~~The word "twice", as used in this part, referring to the number of times notices, resolutions,~~  
 13 ~~orders, or other matters shall be published, means publication of the same in two entire issues of the~~  
 14 ~~newspaper, one being on one day and the other issue being on a subsequent day of the same or~~  
 15 ~~subsequent week."~~

16  
 17 **Section 32.** Section 7-12-2132, MCA, is amended to read:

18 **"7-12-2132. Advertising for bids.** A notice inviting proposals and referring to specifications on file  
 19 with the engineer ~~selected as hereinbefore provided shall~~ must be published at least twice in a ~~daily,~~  
 20 ~~semiweekly, or weekly newspaper published and circulated nearest to the boundaries of the proposed~~  
 21 ~~improvement district pursuant to the provisions of 7-1-2121.~~ The paper shall be designated by the board  
 22 of county commissioners for that purpose. A copy of said the notice shall must be posted in at least three  
 23 public places within the boundaries of the proposed district."  
 24

25 **Section 33.** Section 7-12-4106, MCA, is amended to read:

26 **"7-12-4106. Notice of passage of resolution of intention.** (1) ~~Upon~~ After having passed ~~such the~~  
 27 resolution, the council ~~must~~ shall give notice of the passage of ~~such the~~ resolution of intention.

28 (2) The notice must be published ~~for 5 days in a daily newspaper or in some one issue of a weekly~~  
 29 ~~paper published in the city or town or, in case no newspaper be published in such city, then by posting for~~  
 30 ~~5 days in three public places in the city or town~~ pursuant to the provisions of 7-1-4127 and 7-1-4128. A

1 copy of ~~such~~ the notice ~~shall~~ must be mailed to ~~every~~ each person, firm, or corporation or the agent of ~~such~~  
 2 the person, firm, or corporation having real property within the proposed district listed in ~~his name upon~~  
 3 ~~the last-completed~~ last-completed assessment roll for state, county, and school district taxes, at ~~his~~ the  
 4 last-known address, ~~upon~~ on the same day ~~such~~ the notice is first published or posted.

5 (3) ~~Such~~ The notice must describe the general character of the improvement or the improvements  
 6 ~~so~~ proposed to be made, state the estimated cost ~~thereof~~ of the improvements, describe generally the  
 7 method or methods by which the costs of the improvements will be assessed, and designate the time ~~when~~  
 8 and the place where the council will hear and pass upon all written protests that may be made against the  
 9 making or acquisition of ~~such~~ the improvements or the creation of ~~such~~ the district. The notice ~~shall~~ must  
 10 refer to the resolution on file in the office of the city clerk for the description of the boundaries. If the  
 11 proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of  
 12 the existing improvement."

13

14 **Section 34.** Section 7-12-4107, MCA, is amended to read:

15 "**7-12-4107. General provisions related to notice.** (1) (a) The notices, resolutions, orders, or other  
 16 ~~matter~~ matters required to be published by the provisions of ~~this part or part 42~~ shall or this part must be  
 17 published in ~~a daily newspaper or in a semiweekly or weekly newspaper to be designated by the council~~  
 18 ~~of such city, as often as the same is issued during the period specified for said publication; and no other~~  
 19 ~~statute shall govern or be applicable to the publications herein provided for pursuant to the provisions of~~  
 20 7-1-4127 and 7-1-4128.

21 (b) ~~In case~~ If there is ~~no daily, semiweekly, or weekly~~ not a qualified newspaper for publication  
 22 ~~printed or circulated in any such city, then such~~ the notices, resolutions, orders, or other matters ~~as are~~  
 23 ~~herein~~ required to be published in a newspaper ~~shall~~ must be posted and kept posted, for the same length  
 24 of time as required ~~herein~~ for the publication of the same in ~~a daily, semiweekly, or weekly~~ a newspaper,  
 25 in three of the most public places in ~~such~~ the city, except as ~~herein~~ otherwise specifically provided in part  
 26 42 or this part.

27 (2) Proof of the publication or posting of ~~any~~ a notice ~~provided for herein~~ shall must be made by  
 28 affidavit of the owner, publisher, printer, or clerk of the newspaper or of the poster of the notice.

29 (3) ~~No publication~~ Publication or notice other than that provided for in ~~this part or part 42~~ shall be  
 30 or this part is ~~not~~ necessary to give validity to any of the proceedings provided for ~~therein~~ in part 42 or this



1 part.

2 ~~(4) The word "twice", as used in this part and part 42 referring to the number of times notices,~~  
 3 ~~resolutions, or other matters shall be published, shall be held to mean the publication of the same in two~~  
 4 ~~entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the~~  
 5 ~~same or a subsequent week."~~

6

7 **Section 35.** Section 7-12-4141, MCA, is amended to read:

8 **"7-12-4141. Bid for work -- exception.** (1) Except as provided in subsection (4), the city council  
 9 may call for bids or proposals for several kinds and types of materials for the improvements proposed to  
 10 be made under ~~this part and part 42~~ and this part, reserving the right to select the kind or type of material  
 11 to be used in making the improvements after the bids or proposals have been opened, examined, and  
 12 declared.

13 (2) Notice inviting proposals and referring to the specifications on file must be published ~~at least~~  
 14 ~~twice in a daily, semiweekly, or weekly newspaper published and circulated in the city and designated by~~  
 15 ~~the council for that purpose, and in case there is no newspaper published in the city, then it must be posted~~  
 16 ~~in at least three public places~~ as provided in 7-1-4127 and 7-1-4128.

17 (3) The time fixed for the opening of bids may not be less than 5 days or more than 12 days from  
 18 the time of the final publication of the notice. If the advertisement is made by posting, 15 days must  
 19 elapse, including the day of posting, between the time of the posting of the advertisement and the day set  
 20 for opening bids. The proposals or bids offered must be accompanied by bid security as provided for in  
 21 Title 18, chapter 1, part 2. The proposals or bids must be delivered to the clerk of the city council.

22 (4) If the proposed improvement is the conversion of overhead utilities to an underground location,  
 23 the work must be performed by the public utility responsible for the cost and feasibility report required  
 24 under 69-4-313."

25

26 **Section 36.** Section 7-12-4177, MCA, is amended to read:

27 **"7-12-4177. Notice of resolution for tax levy -- protest and hearing.** (1) A notice signed by the  
 28 city clerk, stating that the resolution levying the special assessment to defray the cost of ~~such~~ the  
 29 ~~improvements is on file in his~~ the clerk's office and subject to inspection for a period of 10 days, ~~shall~~ must  
 30 be:

1 (a) published ~~at least once in a newspaper published in the city or town~~ pursuant to the provisions  
 2 of 7-1-4127 and 7-1-4128;

3 (b) mailed to the owner of each lot, tract, or parcel of land to be assessed (~~such the~~ lands must  
 4 be identified and the mailing address must be determined from the last completed assessment roll for state,  
 5 county, and school district taxes); and

6 (c) mailed to ~~such~~ other persons known to the clerk to have an ownership interest in the property.

7 (2) ~~Such The~~ notice shall must state the time and place at which objections to the final adoption  
 8 of ~~such the~~ resolution will be heard by the council. The time for such the hearing shall may not be less  
 9 than 10 days after the publication and mailing of ~~such the~~ notice."

10  
 11 **Section 37.** Section 7-12-4303, MCA, is amended to read:

12 **"7-12-4303. Notice of resolution of intent to create lighting district.** (1) Upon ~~having passed~~  
 13 passage of the resolution required by 7-12-4302, the council ~~must shall~~ give notice of the passage of ~~such~~  
 14 the resolution of intention. The notice of the passage of ~~such the~~ resolution must be published for 5 days  
 15 ~~in a daily newspaper or in some one issue of a weekly newspaper in the city or town or, in case no~~  
 16 ~~newspaper be published in such city or town~~ as provided in 7-1-4127 and 7-1-4128, and then by posting  
 17 ~~for 5 days~~ in three public places in the city or town. A copy of ~~such the~~ notice shall must be mailed to  
 18 ~~every~~ each person, firm, or corporation having property within the proposed district, at ~~his the~~ the last-known  
 19 address, upon the same day ~~such that the~~ notice is first published or posted.

20 (2) ~~Such The~~ notice must describe the general character of the improvement se proposed to be  
 21 made, state the estimated cost ~~thereof of the improvement~~ and the estimated cost of maintaining the lights  
 22 and supplying the electrical current ~~therefor for the improvement~~ within such the district for the first year,  
 23 and designate the time ~~when~~ and ~~the~~ place where the council will hear and pass upon all protests that may  
 24 be made against the ~~making of such the~~ improvement or the creation of such the district. ~~Such The~~ notice  
 25 shall must refer to the resolution on file in the office of the city clerk for a description of the boundaries."  
 26

27 **Section 38.** Section 7-12-4329, MCA, is amended to read:

28 **"7-12-4329. Notice of resolution for assessment of installation costs -- hearing on resolution.** (1)  
 29 A notice, signed by the city clerk, stating that the resolution levying the assessment to defray the portion  
 30 of the cost of installing and maintaining ~~said the~~ lights and supplying electrical current therefor for the lights

1 for the first year, as determined by the city or town council, is on file in ~~his~~ the clerk's office, subject to  
 2 inspection for a period of 5 days, ~~shall~~ must be published ~~at least once~~ in a newspaper ~~published in the city~~  
 3 as provided in 7-1-4127 and 7-1-4128.

4 (2) ~~Such~~ The notice ~~shall~~ must state the time and place at which objections to the final adoption  
 5 of ~~such~~ the resolution ~~shall~~ will be heard by the council. The time for ~~such~~ the hearing ~~shall~~ may not be  
 6 less than 5 days after the publication of ~~such~~ the notice."

7

8 **Section 39.** Section 7-12-4406, MCA, is amended to read:

9 **"7-12-4406. Notice of ordinance for improvements.** The city or town clerk ~~must~~ shall give notice,  
 10 as provided in 7-1-4127 and 7-1-4128, of the introduction of ~~such~~ the proposed ordinance and of the time  
 11 that it will be up for final adoption:

12 (1) ~~by publication three times in a daily newspaper or in a weekly newspaper for two successive~~  
 13 ~~issues in such city or town; or~~

14 (2) ~~if there be no such newspaper, then by posting for at least 10 days in three public places in~~  
 15 ~~each of the wards of said city or town."~~

16

17 **Section 40.** Section 7-12-4426, MCA, is amended to read:

18 **"7-12-4426. Notice of resolution for assessment.** (1) A notice, signed by the city clerk, stating  
 19 that the resolution levying a special assessment to defray the cost of maintenance in the district or districts  
 20 is on file in ~~his~~ the city clerk's office and subject to inspection for a period of 5 days, ~~shall~~ must be  
 21 ~~published at least once in a newspaper published in the city or town~~ as provided in 7-1-4127 and 7-1-4128.

22 (2) The notice ~~shall~~ must state the time and place at which objections to the final adoption of the  
 23 resolution will be heard by the council. The time for the hearing ~~shall~~ may be not less than 5 days after  
 24 the publication of the notice."

25

26 **Section 41.** Section 7-12-4502, MCA, is amended to read:

27 **"7-12-4502. Notice of intention to abandon district.** (1) After the passage of the resolution  
 28 provided for in 7-12-4501, the city or town clerk shall give notice of ~~such~~ the intention to abandon by ~~one~~  
 29 ~~publication in a newspaper published in such city or town at least 10 days prior to the passage of a~~  
 30 ~~resolution abandoning the same. In case there is no publication of a newspaper in such city or town, as~~

1 provided in 7-1-4127 and 7-1-4128, and if publication in a newspaper is not possible, then notice ~~shall~~  
 2 must be given by ~~the~~ posting ~~of~~ a notice of ~~such~~ the intention to abandon in three places within ~~such~~ the  
 3 district to be abandoned.

4 (2) ~~Said~~ The notice ~~shall~~ must specify the boundaries of ~~such~~ the district to be abandoned, the date  
 5 of the passage of the resolution of intention to abandon, and the date set for the passage of the resolution  
 6 of abandonment, and the notice must specify that unless 40% of the owners in the district file written  
 7 protest with the city or town clerk ~~of such city or town~~ before the passage of the resolution, the ~~same~~  
 8 resolution will be passed. ~~Said~~ The notice ~~shall~~ must also set forth, when applicable, that it ~~shall~~ will be  
 9 the duty of the owners of the property abutting on the street parking district involved to maintain the same  
 10 after ~~such~~ abandonment."  
 11

12 **Section 42.** Section 7-12-4603, MCA, is amended to read:

13 **"7-12-4603. Notice of resolution of intent to create a fire hydrant maintenance district.** (1) ~~Upon~~  
 14 passing After passage of the resolution required by 7-12-4602, the council shall give notice of ~~such~~ the  
 15 passage. The notice must be published ~~for 5 days in a daily newspaper or, if there is no daily newspaper,~~  
 16 ~~in one issue of a weekly newspaper in the city or town. If no newspaper is published in the city or town,~~  
 17 ~~notice must be given by posting the notice for 5 days in three public places in the city or town~~ as provided  
 18 in 7-1-4127 and 7-1-4128. A copy of the notice must be mailed to the last-known address of every  
 19 person, firm, or corporation having property within the proposed district on the same day the notice is first  
 20 published or posted.

21 (2) The notice must describe the general character of the proposed improvement, state the  
 22 estimated cost of the improvement and the cost of maintaining the hydrants within the district for the first  
 23 year, and designate the time ~~when~~ and place where the council will hear and pass upon all protests against  
 24 the establishment of the improvement or the creation of the district. The notice must refer to the resolution  
 25 on file in the office of the city clerk for a description of the boundaries."  
 26

27 **Section 43.** Section 7-13-107, MCA, is amended to read:

28 **"7-13-107. Notice of resolution of intention upon concurrence -- hearing.** (1) If the city or town  
 29 council concurs in the resolution of the board of county commissioners, the board ~~must~~ shall give notice  
 30 of the passage of its resolution of intention and of the concurrence ~~therein~~ by the city or town council.

1           (2) The notice must be published ~~for 10 consecutive days in a daily newspaper or in two issues~~  
 2 ~~of a weekly~~ as provided in 7-1-2121 in a newspaper published nearest to the place where ~~such the~~  
 3 improvement district is to be created. The board shall also cause a copy of ~~such the~~ notice to be posted  
 4 in three public places within the boundaries of ~~such the~~ special improvement district. A copy of ~~such the~~  
 5 notice ~~shall must~~ be mailed to ~~every~~ each person, firm, or corporation or the agent of ~~such the~~ person, firm,  
 6 or corporation owning property within the proposed district, at ~~his last known~~ the last-known place of  
 7 residence, ~~upon on~~ the same day ~~such the~~ notice is first published or posted.

8           (3) ~~Such The~~ notice must describe the general character of the improvement or improvements ~~se~~  
 9 proposed to be made, state the estimated cost ~~thereof~~, and designate the time ~~when~~ and ~~the~~ place where  
 10 the board will hear and pass upon all protests that may be made against the making or maintenance of ~~such~~  
 11 the improvements or the creation of ~~such the~~ district. The notice ~~shall must~~ refer to the resolution on file  
 12 in the office of the county clerk for the description of the boundaries."  
 13

14           **Section 44.** Section 7-13-126, MCA, is amended to read:

15           **"7-13-126. Notice of resolution to assess and levy tax for making improvements -- protest.** (1)  
 16 A notice, signed by the county clerk and stating that the resolution levying a special assessment to defray  
 17 the cost of making ~~such the~~ improvements is on file in the office of the county clerk and is subject to  
 18 inspection, ~~shall must~~ be published ~~in at least one publication~~ as provided in 7-1-2121 in a newspaper  
 19 published nearest to where the special improvement is to be made.

20           (2) ~~Such The~~ notice ~~shall must~~ state the time and place in which objections to the final adoption  
 21 of ~~such the~~ resolution will be heard by the board of county commissioners."  
 22

23           **Section 45.** Section 7-13-213, MCA, is amended to read:

24           **"7-13-213. District to be administered by appointed board of directors.** Upon creation of any solid  
 25 waste management district, the commissioners shall appoint a board of directors for the proposed solid  
 26 waste management district, subject to the provisions of [sections 1 through 3]."  
 27

28           **Section 46.** Section 7-13-215, MCA, is amended to read:

29           **"7-13-215. Powers and duties of board.** Except for powers specifically reserved by the counties  
 30 in the resolution creating the district, the board has the powers and duties provided in 75-10-112 as well

1 as any additional powers granted the board in the resolution."

2  
3 **Section 47.** Section 7-13-2510, MCA, is amended to read:

4 **"7-13-2510. Powers of district.** A In addition to any powers granted pursuant to [section 1], a  
5 television district organized under this part, acting through its board of trustees ~~herein provided for~~, may:

6 (1) perform all the acts and take all the necessary or proper steps to ~~assure~~ ensure that there will  
7 be a fair, efficient, and equitable distribution of television services within the area in order that all persons  
8 within ~~such~~ the service area ~~shall be~~ are supplied by means of an appropriate electrical or electronic system  
9 for television program distribution, ~~such~~. The authorized system ~~to~~ must provide ~~such~~ flexibility ~~as~~ to  
10 permit radical improvements in technical quality without rendering ~~inoperative~~ receivers ~~therein~~ in the area  
11 inoperative, but discontinuance of service by the district for improvements or repairs for a temporary period  
12 ~~shall~~ may not be construed as rendering the system inoperative;

13 (2) if necessary or proper in the furtherance of the objects of this part, acquire, build, construct,  
14 repair, own, maintain, and operate any necessary stations transmitting simultaneous visual and aural signals  
15 intended to be received by the general public, relay stations, pickup stations, or any other necessary  
16 electrical or electronic system;

17 (3) make contracts to compensate any owner of land or other property for the use of ~~such~~ the land  
18 or property for the purposes of this part;

19 (4) make contracts with the United States, any state or municipality, or any department or agency  
20 of those entities for carrying out the general purposes for which the district is formed;

21 (5) acquire, by gift, devise, bequest, lease, or purchase, real and personal property, tangible or  
22 intangible, including lands, rights-of-way, and easements, necessary or convenient for its purposes;

23 (6) to make contracts of any lawful nature (including labor contracts or those for employees'  
24 benefits) and employ engineers, laboratory personnel, attorneys, other technical or professional assistants,  
25 and any other assistants or employees necessary to carry out the provisions of this part;

26 (7) issue warrants, payable at the time stated ~~therein~~ in the warrants, to evidence the obligation  
27 to repay money borrowed or any other obligation incurred by the district, ~~warrants so issued to~~. Warrants  
28 draw interest at a rate fixed by the board, payable annually or semiannually as the board may prescribe;

29 (8) contract indebtedness or borrow money for corporate purposes and issue revenue bonds  
30 ~~therefor~~ to be repaid from rates and charges, bearing interest as provided in 17-5-102 payable

1 semiannually, ~~the~~. The bonds may not ~~to~~ be sold for less than par and accrued interest;

2 (9) prescribe tax rates for the providing of services throughout the area in accordance with the  
3 provisions of this part;

4 (10) prescribe ~~such~~ installation or ready-to-serve charges to be used for any costs connected with  
5 preparation, acquisition, or construction of the system;

6 (11) apply for, accept, and be the holder of any permit or license issued by or required under federal  
7 or state law; and

8 (12) provide FM translator services if authorized as provided in 7-13-2512."  
9

10 **Section 48.** Section 7-13-2521, MCA, is amended to read:

11 **"7-13-2521. Appointment of board of trustees.** The board of county commissioners, upon the  
12 creation of ~~said~~ the district and as a part of the order creating the district, shall appoint a board of ~~three~~  
13 trustees to administer the affairs of the district, subject to the provisions of [sections 1 through 3]."  
14

15 **Section 49.** Section 7-13-3005, MCA, is amended to read:

16 **"7-13-3005. Notice of resolution of intention upon concurrence -- hearing.** (1) The governing body  
17 shall give notice of the passage of its resolution of intention to create the district.

18 (2) The notice must be published ~~for 10 consecutive days~~ as provided in 7-1-2121 in a ~~daily~~  
19 newspaper published nearest to the place where the district is to be created. The governing body shall also  
20 cause a copy of the notice to be posted in three public places within the boundaries of the district. A copy  
21 of the notice must be mailed to every person, firm, or corporation or the agent of the person, firm, or  
22 corporation owning property within the proposed district, at ~~his~~ the last-known place of residence, upon  
23 the same day the notice is first published or posted.

24 (3) The notice must describe the general character of the improvement or improvements proposed  
25 to be made, state the estimated cost, and designate the time ~~when~~ and ~~the~~ place where the governing body  
26 will hear and pass upon all protests that may be made against the making or maintenance of the  
27 improvements or the creation of the district. The notice must refer to the resolution on file in the office of  
28 the local government clerk for the description of the boundaries."  
29

30 **Section 50.** Section 7-13-3021, MCA, is amended to read:

1           **"7-13-3021. Notice of resolution to assess and levy tax for making improvements -- protest.** (1)

2           A notice, signed by the local government clerk and stating that the resolution levying a special assessment  
3           to defray the cost of making the improvements is on file in the office of the clerk and is subject to  
4           inspection, must be published ~~at least once~~ as provided in 7-1-2121 in a newspaper published nearest to  
5           where the special improvement is to be made.

6           (2) The notice must state the time and place in which objections to the final adoption of the  
7           resolution will be heard by the governing body."

8

9           **Section 51.** Section 7-13-3023, MCA, is amended to read:

10           **"7-13-3023. Hearing on protest.** (1) The time for the hearing on protest must be not less than  
11           5 days after the publication of the notice required by ~~7-13-126~~ 7-13-3021.

12           (2) At the time fixed, the governing body shall meet and hear all objections and for that purpose  
13           may adjourn from day to day. The governing body may by resolution modify the assessment in whole or  
14           in part. A copy of the resolution, certified by the clerk of the local government, must be delivered to the  
15           local government treasurer within 2 days after its passage."

16

17           **Section 52.** Section 7-14-208, MCA, is amended to read:

18           **"7-14-208. Notice of hearing.** (1) A notice of the public hearing ~~shall~~ must be published as  
19           provided in 7-1-2121 in a newspaper having general circulation within the proposed transportation district  
20           ~~once each week for at least 2 weeks, the last publication to be at least 2 weeks prior to the hearing.~~ If  
21           there is ~~no~~ not a newspaper having general circulation within the proposed district, the notice of public  
22           hearing ~~shall~~ must be posted in at least three public places within the proposed district for 2 weeks prior  
23           to the hearing.

24           (2) The notice ~~shall~~ must state the time, date, place, and purpose of the hearing and describe the  
25           boundaries of the proposed district."

26

27           **Section 53.** Section 7-14-220, MCA, is amended to read:

28           **"7-14-220. Employment of administrative officer.** The board shall employ a qualified administrative  
29           officer for the district. The board shall give public notice, as provided in 7-1-2121, of its solicitation of  
30           applications for a qualified administrative officer."



1           **Section 54.** Section 7-14-244, MCA, is amended to read:

2           **"7-14-244. Notice of hearing on question of dissolution of district.** (1) A notice of the hearing  
3 required by 7-14-243(2)(a) ~~shall~~ must be published, as provided in 7-1-2121, in a newspaper having general  
4 circulation in the transportation district ~~once each week for at least 2 weeks, the last publication to be at~~  
5 ~~least 2 weeks before the hearing.~~ If there is ~~no~~ not a newspaper having general circulation in the district,  
6 the notice of the hearing ~~shall~~ must be posted in at least three public places in the district for 2 weeks  
7 before the hearing.

8           (2) The notice ~~shall~~ must state the time, date, place, and purpose of the hearing."  
9

10          **Section 55.** Section 7-14-1102, MCA, is amended to read:

11          **"7-14-1102. Regional port authority.** (1) Two or more local governments may by joint resolution  
12 create a public body, corporate and politic, to be known as a regional port authority. The resolution  
13 creating a regional port authority must create a board of not less than five commissioners. The number to  
14 be appointed, their term, and their compensation, if any, must be provided for in the resolution. Each ~~such~~  
15 regional port authority shall organize, select officers for terms to be fixed by agreement, and adopt and  
16 amend from time to time rules for its own procedure.

17          (2) A regional port authority may be increased from time to time to serve one or more additional  
18 counties or municipalities if each additional local government, each of the local governments then included  
19 in the regional authority, and the commissioners of the regional authority, respectively, adopt a joint  
20 resolution consenting ~~thereto to the inclusion.~~ thereto to the inclusion. However, if a local port authority for any local government  
21 seeking to be included in the regional authority is then in existence, the commissioners of the local authority  
22 ~~must are required to~~ are required to consent to the inclusion of the county or municipality in the regional authority; ~~upon.~~  
23 Upon the inclusion of ~~such a~~ a local government in the regional authority, all rights, contracts, obligations,  
24 and real and personal property of the local authority must be in the name of and vest in the regional  
25 authority.

26          (3) A regional port authority may be decreased if each of the local governments then included in  
27 the regional authority and the commissioners of the regional authority consent to the decrease and make  
28 provisions for the retention or disposition of its assets and liabilities.

29          (4) A county or municipality may not adopt any resolution authorized by this section without a  
30 public hearing ~~thereon.~~ Notice must be given ~~at least 10 days prior to the hearing in a newspaper published~~

1 ~~in the county or municipality or, if there is no newspaper published therein, in a newspaper having general~~  
 2 ~~circulation in the county or municipality as provided in 7-1-2121 or 7-1-4127 and 7-1-4128.~~

3 (5) For the purpose of this part, a regional port authority has the same powers as all other political  
 4 subdivisions in the adoption and enforcement of comprehensive port zoning regulations, as provided by the  
 5 laws of this state."

6

7 **Section 56.** Section 7-14-2615, MCA, is amended to read:

8 **"7-14-2615. Abandonment or vacation of county roads.** (1) All county roads, once established,  
 9 ~~must~~ continue to be county roads until abandoned or vacated by:

- 10 (a) operation of law;  
 11 (b) judgment of a court of competent jurisdiction; or  
 12 (c) the order of the board.

13 (2) ~~No~~ An order to abandon any county road ~~shall be~~ is not valid unless preceded by notice, as  
 14 provided in 7-1-2121, and public hearing."

15

16 **Section 57.** Section 7-14-2616, MCA, is amended to read:

17 **"7-14-2616. Procedure to discontinue street.** (1) The county commissioners may discontinue a  
 18 street or alley or any part ~~thereof~~ of a street or alley in an unincorporated town or townsite upon the  
 19 petition in writing of all owners of lots on the street or alley if it can be done without detriment to the public  
 20 interest.

21 (2) ~~Where~~ When the street or alley is to be closed for school purposes, a petition signed by 75%  
 22 of the lot owners on the whole street or alley to be closed ~~will be~~ is required.

23 (3) Before acting upon ~~such a~~ a petition, a notice must be published ~~or posted in three public places,~~  
 24 ~~stating when such petition will be acted on and what street or alley or part thereof is asked to be vacated.~~  
 25 ~~Such notice must be published in a newspaper or posted at least 1 week before the petition is acted on as~~  
 26 provided in 7-1-2121."

27

28 **Section 58.** Section 7-14-4114, MCA, is amended to read:

29 **"7-14-4114. Procedure to discontinue streets.** (1) The council may discontinue a street or alley  
 30 or any part ~~thereof~~ of a street or alley in a city or town, if it can be done without detriment to the public

1 interest, upon:

2 (a) a petition in writing of all owners of lots on the street or alley; or

3 (b) (i) a petition in writing of more than 50% of the owners of lots on the street or alley; and

4 (ii) approval by a majority vote of the council.

5 (2) ~~Where~~ When the street or alley is to be closed for school purposes, the council may discontinue  
6 the street or alley upon a petition signed by 75% of the lot owners on the whole street or alley to be  
7 closed.

8 (3) Before acting upon ~~such a~~ petition, a notice must be published ~~or posted in three public places,~~  
9 ~~stating when such petition will be acted on and what street or alley or part thereof is asked to be vacated.~~  
10 ~~Such notice must be published in a newspaper or posted at least 1 week before the petition is acted on as~~  
11 ~~provided in 7-1-4127 and 7-1-4128."~~

12

13 **Section 59.** Section 7-14-4626, MCA, is amended to read:

14 "**7-14-4626. Limitation on power of eminent domain.** (1) Notwithstanding the provisions of  
15 7-14-4622(2), ~~no~~ property of a state public body may not be acquired without its consent.

16 (2) ~~No~~ An existing parking facility ~~shall~~ may not be acquired by the exercise of the power of  
17 eminent domain by a commission or the city except after public hearing following notice of the date, time,  
18 place, and purpose of ~~such the~~ hearing published ~~once not less than 10 or more than 20 days prior to the~~  
19 ~~date of such hearing~~ as provided in 7-1-4127 and 7-1-4128."

20

21 **Section 60.** Section 7-15-4215, MCA, is amended to read:

22 "**7-15-4215. Notice of hearing on urban renewal plan.** (1) The notice required by 7-15-4214(1)  
23 ~~shall~~ must be given by publication ~~once each week for 2 consecutive weeks, not less than 10 or more than~~  
24 ~~30 days prior to the date of the hearing, as provided in 7-1-4127 and 7-1-4128,~~ in a newspaper having a  
25 general circulation in the urban renewal area of the municipality and by mailing a notice of ~~such the~~ hearing,  
26 not less than 10 days prior to the date of the hearing, to the persons whose names appear on the county  
27 treasurer's tax roll as the owners, reputed owners, or purchasers under contracts for deed of the property,  
28 at the address shown on the tax roll.

29 (2) The notice ~~shall~~ must describe the time, date, place, and purpose of the hearing, ~~shall~~ must  
30 generally identify the urban renewal area affected, and ~~shall~~ must outline the general scope of the urban

1 renewal plan under consideration."  
 2

3 **Section 61.** Section 7-15-4263, MCA, is amended to read:

4 **"7-15-4263. Procedure to dispose of property to private persons.** (1) A municipality may dispose  
 5 of real property in an urban renewal area to private persons only under ~~such~~ reasonable procedures as it  
 6 shall prescribe or as provided in this section.

7 (2) (a) A municipality shall by public notice invite proposals from and make available all pertinent  
 8 information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an  
 9 urban renewal area or any part ~~thereof~~ of the urban renewal area.

10 (b) ~~Such~~ The notice shall must be ~~by publication once each week for 3 consecutive weeks in a~~  
 11 ~~newspaper having a general circulation in the community published, as provided in 7-1-4127 and 7-1-4128,~~  
 12 prior to the execution of any contract or deed to sell, lease, or otherwise transfer real property and prior  
 13 to the delivery of any instrument of conveyance with respect thereto under the provisions of 7-15-4262  
 14 through 7-15-4266.

15 (c) ~~Such~~ The notice shall must identify the area or portion ~~thereof~~ of the area and ~~shall~~ must state  
 16 that ~~such~~ any further information ~~as is~~ available may be obtained at ~~such~~ the office ~~as shall~~ be designated  
 17 in ~~said~~ the notice.

18 (3) The municipality shall consider all redevelopment or rehabilitation proposals and the financial  
 19 and legal ability of the persons making ~~such~~ the proposals to carry them out. The municipality may accept  
 20 ~~such~~ proposals ~~as that it deems~~ considers to be in the public interest and in furtherance of the purposes  
 21 ~~of this part and part 43 and this part.~~ Thereafter, the municipality may execute, in accordance with the  
 22 provisions of 7-15-4262 and 7-15-4264, and deliver contracts, deeds, leases, and other instruments of  
 23 transfer."  
 24

25 **Section 62.** Section 7-15-4404, MCA, is amended to read:

26 **"7-15-4404. Notice of hearing on petition.** The notice required by 7-15-4403 shall must be given  
 27 at the city's expense by publishing a the notice ~~at least 10 days preceding the day on which the hearing~~  
 28 ~~is to be held, in a newspaper having a general circulation in the city and said surrounding area or, if there~~  
 29 ~~be no such newspaper, by posting such a notice in at least three public places within the city at least 10~~  
 30 ~~days preceding the day on which the hearing is to be held~~ as provided in 7-1-4127 and 7-1-4128."

1           **Section 63.** Section 7-16-2105, MCA, is amended to read:

2           **"7-16-2105. Acquisition of land by county for public recreational or cultural purposes.** (1) The  
3 ~~several~~ counties of this state are hereby authorized and empowered to acquire, by purchase, grant, deed,  
4 gift, devise, condemnation, or otherwise, lands suitable for public camping, and public recreational  
5 purposes, civic centers, youth centers, museums, recreational centers, and any combination thereof of the  
6 above or may lease ~~such~~ the land tracts, each of which ~~shall~~ must be ~~so~~ situated as to offer ready access  
7 to a public highway.

8           (2) ~~Nothing contained herein shall~~ This section may not be construed as amending or repealing  
9 7-16-2201 through ~~7-16-2205~~ 7-16-2203."

10

11           **Section 64.** Section 7-16-2203, MCA, is amended to read:

12           **"7-16-2203. Board of trustees —appointment and term.** ~~{1}~~ The board of county commissioners  
13 of each county owning or acquiring a museum, facility for the arts, or collection of exhibits may, at the first  
14 regular meeting of the board after acquiring a museum, facility, or collection, appoint a board of trustees,  
15 subject to the provisions of [sections 1 through 3], for the administration of the county museum fund as  
16 provided in this part.

17           ~~{2} The board of county commissioners shall, at a public meeting, pass a resolution establishing~~  
18 ~~the number of members on the board of trustees and the terms of the appointments. The board of trustees~~  
19 ~~must consist of at least three members and no more than nine members, and the members of the board~~  
20 ~~must be residents of the county."~~

21

22           **Section 65.** Section 7-16-2301, MCA, is amended to read:

23           **"7-16-2301. Authorization for county board of park commissioners.** ~~{1}~~ There may be created in  
24 ~~all counties~~ each county a board of park commissioners, subject to the provisions of [sections 1 through  
25 3].

26           ~~{2} Such board shall constitute a department of the county government with the powers provided~~  
27 ~~in this part."~~

28

29           **Section 66.** Section 7-16-2327, MCA, is amended to read:

30           **"7-16-2327. Indebtedness for park purposes.** (1) Subject to the provisions of subsection (2), a

1 county park board, in addition to powers and duties now given under law, ~~has the power and duty to~~ may  
 2 contract an indebtedness in behalf of a county, upon the credit of the county, ~~for the purposes of~~  
 3 ~~7-16-2321(1) and (2)~~ in order to carry out its powers and duties.

4 (2) (a) The total amount of indebtedness authorized to be contracted in any form, including the  
 5 then-existing indebtedness, may not at any time exceed 13% of the total of the taxable value of the taxable  
 6 property in the county, plus the amount of taxes levied on new production, production from horizontally  
 7 completed wells, and incremental production divided by the appropriate tax rates described in  
 8 15-23-607(2)(a), (2)(b), or (2)(c) and multiplied by 60%, plus the amount of value represented by new  
 9 production and production from horizontally completed wells exempted from tax as provided in 15-23-612,  
 10 plus the value of any other production occurring after December 31, 1988, multiplied by 60%, ascertained  
 11 by the last assessment for state and county taxes previous to the incurring of the indebtedness.

12 (b) Money may not be borrowed on bonds issued for the purchase of lands and improving the land  
 13 for any purpose until the proposition has been submitted to the vote of those qualified under the provisions  
 14 of the state constitution to vote at the election in the affected county and a majority vote is cast in favor  
 15 of the bonds."  
 16

17 **Section 67.** Section 7-16-2442, MCA, is amended to read:

18 **"7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after  
 19 an election on the question of dissolving the district. The process of dissolving the district may be initiated  
 20 by a petition of 25% of the electorate of the district or by a resolution of intent to dissolve the district  
 21 adopted by either the county park district commission or the county governing body.

22 (2) Upon receipt of ~~such~~ a petition which has been certified by the county clerk as sufficient under  
 23 this section or upon the adoption of ~~such~~ a resolution of intent, the county governing body shall call a  
 24 public hearing on the question of dissolving the district and ~~cause to be published~~ shall publish a notice of  
 25 the hearing ~~in the official county newspaper~~ as provided in 7-1-2121.

26 (3) At the public hearing the county governing body shall hear testimony of interested persons  
 27 regarding the dissolution of the district. After the public hearing the county governing body may either  
 28 submit the question of dissolving the district to the electorate of the district or it may call for a public  
 29 hearing on the question of altering the boundaries of the district. If the county governing body calls for a  
 30 public hearing on the question of altering the boundaries of the district by withdrawal of territory, it shall

1 ~~cause to be published~~ publish notice of ~~such a the~~ hearing in the ~~official county newspaper~~ as provided in  
 2 7-1-2121. The notice must state the boundaries of the area proposed to be withdrawn from the district.  
 3 After hearing testimony at ~~such the~~ hearing, the county governing body may submit the question of either  
 4 dissolving the district or altering the district by withdrawal of specified territory from the district to the  
 5 electorate of the district.

6 (4) ~~Such a The~~ question must be submitted by a resolution calling for an election on either  
 7 dissolving the district or altering the boundaries of the district by withdrawal of land from the district. The  
 8 county governing body may call a special election for ~~such purposes~~ for dissolving or altering a district, or  
 9 it may schedule the election in conjunction with any other regularly scheduled election. The election on  
 10 the question must be conducted as provided in Title 13.

11 (5) The question of withdrawal of territory under this section must be voted on separately by the  
 12 electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district.  
 13 The question fails unless a simple majority of those voting on the question in each of the two territories  
 14 authorize altering the district boundary. If the question passes, the boundary alteration is effective the  
 15 following January 1. If the question fails, the county governing body shall by resolution call for an election  
 16 on the question of dissolving the district."  
 17

18 **Section 68.** Section 7-16-4201, MCA, is amended to read:

19 "**7-16-4201. Authorization for municipal board of park commissioners.** ~~(1)~~ There may be created,  
 20 subject to the provisions of [sections 1 through 3], in all cities of the first and second class a board of park  
 21 commissioners, whether ~~such the~~ cities ~~be~~ are a council form of government or city-manager form.

22 ~~(2) Such board of park commissioners shall constitute a department of the city government with~~  
 23 ~~the powers provided in this part."~~  
 24

25 **Section 69.** Section 7-16-4222, MCA, is amended to read:

26 "**7-16-4222. Rules to implement part.** (1) ~~The~~ In addition to the powers and duties established  
 27 in the resolution creating the board of park commissioners and the provisions of 7-16-4223 through  
 28 7-16-4228, the board of park commissioners shall have has the following powers and ~~be charged with the~~  
 29 ~~following~~ duties:

30 (a) to make all rules necessary or convenient to protect and promote the growth of trees and plants

1 in parks, streets, avenues, alleys, boulevards, and public places under the care and control of ~~said~~ the board  
 2 and for the protection of all birds inhabiting, frequenting, or nesting in ~~such~~ the parks, streets, avenues,  
 3 boulevards, and public places;

4 (b) to make all rules for the use of parks by the public; and

5 (c) to provide penalties for the violation of ~~such~~ the rules.

6 (2) The rules authorized by this section ~~shall~~ have the force of city ordinances and may be enforced  
 7 ~~in like manner~~ as ordinances of the city are enforced."  
 8

9 **Section 70.** Section 7-21-3401, MCA, is amended to read:

10 **"7-21-3401. Authorization to create county fair commission —~~appointment and term.~~** (1) The  
 11 board of county commissioners may, at any regular meeting, appoint a county fair commission, subject to  
 12 the provisions of [sections 1 through 3].

13 ~~(2) The board of county commissioners shall, at a public meeting, pass a resolution establishing~~  
 14 ~~the number of members of the fair commission and the terms of the appointments. The fair commission~~  
 15 ~~must consist of at least three members and no more than nine members, and the members of the board~~  
 16 ~~must be residents of the county."~~

17  
 18 **Section 71.** Section 7-21-3406, MCA, is amended to read:

19 **"7-21-3406. Powers of county fair commission.** By In addition to the powers and duties  
 20 established in the resolution of the board of county commissioners creating the county fair commission and  
 21 by the provisions of 7-21-3407 through 7-21-3414, the county fair commissioners ~~shall~~ have control and  
 22 operation of the fair and the supervision and management of the fairgrounds and also the leasing of  
 23 buildings and fairgrounds on a continuous basis throughout the fiscal year and shall return to the fair fund  
 24 of the county all revenue obtained from the leasing or renting of the ~~same~~ the buildings and fairgrounds."

25  
 26 **Section 72.** Section 7-22-2101, MCA, is amended to read:

27 **"7-22-2101. Definitions.** As used in this part, unless the context indicates otherwise, the following  
 28 definitions apply:

29 (1) "Board" means a district weed board created under 7-22-2103.

30 (2) "Commissioners" means the board of county commissioners.



- 1 (3) "Department" means the department of agriculture provided for in 2-15-3001.
- 2 (4) "District" means a weed management district organized under 7-22-2102.
- 3 (5) "Native plant" means a plant endemic to the state of Montana.
- 4 (6) "Native plant community" means an assemblage of native plants occurring in a natural habitat.
- 5 (7) (a) "Noxious weeds" or "weeds" means any exotic plant species established or that may be  
6 introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife, or other  
7 beneficial uses or that may harm native plant communities and that is designated:
- 8 (i) as a statewide noxious weed by rule of the department; or
- 9 (ii) as a district noxious weed by a board, following public notice of intent, published as provided  
10 in 7-1-2121, and a public hearing.
- 11 (b) A weed designated by rule of the department as a statewide noxious weed must be considered  
12 noxious in every district of the state.
- 13 (8) "Person" means an individual, partnership, corporation, association, or state or local  
14 government agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way,  
15 including any county, state, or federally owned and controlled highway, drainage or irrigation ditch, spoil  
16 bank, barrow pit, or right-of-way for a canal or lateral.
- 17 (9) "Supervisor" means the person employed by the board to conduct the district noxious weed  
18 management program and supervise other district employees.
- 19 (10) "Weed management" or "control" means the planning and implementation of a coordinated  
20 program for the containment, suppression, and, where possible, eradication of noxious weeds."  
21

22 **Section 73.** Section 7-22-2103, MCA, is amended to read:

23 **"7-22-2103. District weed board —~~appointment and term.~~** (1) The commissioners shall appoint  
24 a district weed board, subject to the provisions of [sections 1 through 3].

25 ~~(2) The commissioners shall, at a public meeting, pass a resolution establishing the number of~~  
26 ~~members of the district weed board and the terms of the appointments. The board must consist of at least~~  
27 ~~three members and no more than nine members, and the members of the board must be residents of the~~  
28 ~~district. A majority of the board members must be rural agricultural land owners.~~

29 ~~(3) The county extension agent in each county and other interested individuals may be appointed~~  
30 ~~to serve as nonvoting members of that district's weed board.~~

1 ~~(4) The board members are public officers.~~

2 (2) A MAJORITY OF THE BOARD MEMBERS MUST BE RURAL AGRICULTURAL LAND OWNERS.

3 ~~(5)(2)(3)~~ The board may call upon the county attorney for legal advice and services as it may  
4 require."

5  
6 **Section 74.** Section 7-22-2109, MCA, is amended to read:

7 **"7-22-2109. Powers and duties of board.** (1) ~~The~~ In addition to any powers or duties established  
8 in the resolution creating a district weed board, the board may:

9 (a) employ a supervisor and other employees as necessary and provide for their compensation;

10 (b) purchase ~~such~~ chemicals, materials, and equipment and pay other operational costs as it  
11 determines necessary for implementing an effective weed management program. ~~Such~~ The costs must be  
12 paid from the noxious weed fund.

13 (c) determine what chemicals, materials, or equipment may be made available to persons controlling  
14 weeds on their own land. The cost for ~~such~~ the chemicals, materials, or equipment must be paid by ~~such~~  
15 the person and collected as provided in this part.

16 (d) enter into agreements with the department for the control and eradication of any new exotic  
17 plant species not previously established in the state which may render land unfit for agriculture, forestry,  
18 livestock, wildlife, or other beneficial use if ~~such~~ the plant species spreads or threatens to spread into the  
19 state; and

20 (e) perform other activities relating to weed management.

21 (2) The board shall:

22 (a) administer the district's noxious weed program;

23 (b) establish management criteria for noxious weeds on all land within the district;

24 (c) make all reasonable efforts to develop and implement a noxious weed program covering all land  
25 within the district owned or administered by a federal agency."

26  
27 **Section 75.** Section 7-22-2215, MCA, is amended to read:

28 **"7-22-2215. Rodent control board.** ~~(1)~~ A governing body creating a rodent control district shall  
29 appoint a rodent control board, subject to the provisions of [sections 1 through 3]. ~~The county extension~~  
30 ~~agent is an ex officio member of the board. Each member of the board must be an elector and reside within~~

1 ~~the district.~~

2 ~~(2) The governing body shall, at a public meeting, pass a resolution establishing the number of~~  
 3 ~~members on the board and the terms of the appointments. The board must consist of at least three~~  
 4 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

5 ~~(3) Each member of the board is entitled to:~~

6 ~~(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled~~  
 7 ~~to perform official duties; and~~

8 ~~(b) per diem expenses established by the governing body.~~

9 ~~(4) The district weed board appointed under 7-22-2103 may be appointed by the governing body~~  
 10 ~~to also serve as the rodent control board, in which case the qualifications, terms, compensation, mileage,~~  
 11 ~~and expenses of the rodent control board are the same as those of the district weed board and subsections~~  
 12 ~~(1) through (3) do not apply."~~

13  
 14 **Section 76.** Section 7-22-2216, MCA, is amended to read:

15 **"7-22-2216. Board powers.** (1) The In addition to the powers and duties established in the  
 16 resolution creating a rodent control board, the board may:

17 (a) develop and administer a program for the abatement and alleviation of rodent pest conditions  
 18 within the district;

19 (b) employ ~~such~~ assistants and employees as are necessary;

20 (c) purchase or lease ~~such~~ equipment, material, or services as are considered necessary for an  
 21 effective control program;

22 (d) sell or lease ~~such~~ equipment, material, or services to district landowners or residents as are  
 23 considered necessary to implement the rodent abatement program;

24 (e) cooperate with any corporation, association, group, individual, or state or federal agency in  
 25 rodent abatement programs;

26 (f) receive gifts or grants for the implementation of a rodent abatement program; and

27 (g) enter district lands in order to survey and study conditions and to implement a rodent  
 28 abatement program.

29 (2) The board shall cooperate with the department in the management and suppression of rodent  
 30 pests and may enter into written agreements with the department."

1           **Section 77.** Section 7-22-2232, MCA, is amended to read:

2           **"7-22-2232. Dissolution of district.** (1) Upon receipt of a petition signed by the owners of at least  
3 51% of the land in the district and after a hearing on the petition, a district may be dissolved by order of  
4 the governing body. Notice of the hearing is to be given by posting notice in at least three public places  
5 in the district and by publishing notice ~~at least once~~ in a newspaper of general circulation in the district,  
6 as provided in 7-1-2121. If the governing body finds it to be in the best interest of the district lands and  
7 residents to terminate the district, the governing body shall so order.

8           (2) The dissolution order ~~shall~~ must provide for a termination date and for liquidating the district  
9 assets and liabilities. Any money remaining in the district fund after all assets and liabilities have been  
10 liquidated ~~shall~~ must be transferred to the county general fund."

11

12           **Section 78.** Section 7-22-2411, MCA, is amended to read:

13           **"7-22-2411. District to be governed by appointed mosquito control board —~~appointment and term.~~**

14 ~~(1)~~ (1) Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito  
15 control board, subject to the provisions of [sections 1 through 3].

16           (2) MEMBERS OF THE BOARD MUST BE RESIDENTS OF THE DISTRICT.

17 ~~(2) Each member of the mosquito control board shall be an elector within the boundaries of the~~  
18 ~~district.~~

19 ~~(3) The commissioners shall, at a public meeting, pass a resolution establishing the number of~~  
20 ~~members of the board and the terms of the appointments. The board must consist of at least three~~  
21 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

22 ~~(4) The board is a body corporate and shall act as such, and the members are public officers.~~

23 ~~(5) The health officer having jurisdiction in the proposed district, the sanitarian or a member of his~~  
24 ~~staff, and the county extension agent, if the county has any or all such officers, are ex officio members of~~  
25 ~~the board without vote."~~

26

27           **Section 79.** Section 7-22-2415, MCA, is amended to read:

28           **"7-22-2415. Powers of mosquito control board.** The In addition to the powers and duties  
29 established in the resolution creating a mosquito control board, ~~shall have power to~~ the board may:

30           (1) develop and administer a program for the abatement and alleviation of mosquito pest conditions

1 within the district;

2 (2) employ ~~such~~ suitable and competent assistants and employees as may be necessary and  
3 provide for their compensation;

4 (3) purchase, rent, or execute leasing agreements for ~~such~~ equipment and material as ~~they~~ the  
5 board may determine to be necessary for carrying on an effective control program;

6 (4) cooperate with any corporation, association, individual, or group of individuals, including any  
7 agency of the federal or state governments, in a mosquito abatement program;

8 (5) receive gifts, grants, or donations for the purpose of advancing its program;

9 (6) take ~~such~~ action as may be necessary or advisable to survey, control, modify, or abate any  
10 condition which may or does contribute to the existence of the mosquito pest and for this purpose enter  
11 upon any premises located within the ~~said~~ district, through its members, employees, or agents."

12

13 **Section 80.** Section 7-33-2125, MCA, is amended to read:

14 **"7-33-2125. Annexation of adjacent territory not contained in a fire district.** (1) Adjacent territory  
15 that is not already a part of a fire district may be annexed in the following manner:

16 (a) A petition in writing by the owners of 50% or more of the area of privately owned lands of the  
17 adjacent area proposed to be annexed who constitute a majority of the taxpaying freeholders within ~~such~~  
18 the proposed area to be annexed and whose names appear upon the ~~last-completed~~ last-completed  
19 assessment roll ~~shall~~ must be presented to the board of trustees of the district for approval, and if the  
20 proposed annexation is approved by the board of trustees, the petition ~~shall~~ must be presented to the board  
21 of county commissioners.

22 (b) At the first regular meeting of the board of county commissioners after the presentation of the  
23 petition, the commissioners shall set a date to hold a hearing on ~~such~~ the petition. The date of the hearing  
24 may not be less than 4 weeks after the date of the presentation of the petition to the board of county  
25 commissioners. The board of county commissioners shall publish notice of the hearing ~~at least once a week~~  
26 ~~for 2 successive weeks in a newspaper published within the county~~ as provided in 7-1-2121.

27 (2) On the date set for the hearing, the board of county commissioners shall consider the petition  
28 and any objections to the annexation. The board shall approve the annexation unless a protest petition  
29 signed by a majority of the landowners of the area proposed for annexation is presented at the hearing, in  
30 which case the annexation ~~shall~~ must be disapproved.

1           (3) ~~Such~~ The annexed territory ~~shall become~~ is liable for any outstanding warrant and bonded  
2 indebtedness of the original district."

3  
4           **Section 81.** Section 7-35-2108, MCA, is amended to read:

5           "**7-35-2108. Government of district by trustees.** ~~(1)~~ The cemetery district ~~shall~~ must be governed  
6 and managed by ~~three~~ trustees appointed by the board of county commissioners pursuant to the provisions  
7 of [sections 1 through 3]. ~~The trustees at their first meeting shall adopt bylaws for the government and~~  
8 ~~management of the district.~~

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

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

15  
16           **Section 82.** Section 7-35-2109, MCA, is amended to read:

17           "**7-35-2109. Powers of district.** ~~Said~~ In addition to the powers granted pursuant to [section 1],  
18 a district may:

19           ~~(1) maintain a cemetery or cemeteries within said district;~~

20           ~~(2)~~(1) hold title to property by grant, gift, devise, lease, or any other method; and

21           ~~(3)~~(2) perform all acts necessary or proper for the carrying out of the purposes of 7-35-2101  
22 through 7-35-2125, including the selling or leasing of burial lots."

23  
24           **Section 83.** Section 7-35-2112, MCA, is amended to read:

25           "**7-35-2112. Notice of hearing on withdrawal.** The board shall, ~~at least 30 days~~ prior to the time  
26 ~~so~~ fixed for the hearing provided for in 7-35-2111, publish a notice of ~~such~~ the hearing ~~for two issues as~~  
27 ~~provided by law~~ as provided in 7-1-2121."

28  
29           ~~Section 84.~~ Section ~~22-1-308~~, MCA, is amended to read:

30           "~~22-1-308. Public library board of trustees.~~ (1) Upon the establishment of a public library under

1 ~~the provisions of this part, the mayor, with the advice and consent of the city council or city~~  
 2 ~~commissioners, shall appoint a board of trustees for the city library and the chairman presiding officer of~~  
 3 ~~the board of county commissioners, with the advice and consent of said the board, shall appoint a board~~  
 4 ~~of trustees for the county library.~~

5 ~~(2) The library board shall consist consists of five trustees. Not more than one member of the~~  
 6 ~~governing body shall may be, at any one time, a member of such the board.~~

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

9 ~~(4) Trustees shall hold their office for 5 years from the date of appointment and until their~~  
 10 ~~successors are appointed. Initially, appointments shall must be made for 1, 2, 3, 4, and 5 year terms.~~  
 11 ~~Annually thereafter, there shall must be appointed before July 1 of each year in the same manner as the~~  
 12 ~~original appointments for a 5 year term, a trustee to take the place of the retiring trustee. Trustees shall~~  
 13 ~~may not serve no more than two full terms in succession.~~

14 ~~(5) Following such the appointments, in July of each year, the trustees shall meet and elect a~~  
 15 ~~chairman presiding officer and such other officers as that they deem consider necessary, for 1 year terms.~~  
 16 ~~Vacancies in the board of trustees shall must be filled for the unexpired term in the same manner as original~~  
 17 ~~appointments.~~

18 ~~(6) As an alternative to the provisions of subsections (1) through (5), the governing body may~~  
 19 ~~establish the board pursuant to the provisions of [section 1]."~~

20  
 21 ~~**Section 85.** Section 22-1-309, MCA, is amended to read:~~

22 ~~"22-1-309. Trustees — powers and duties. (1) The library board of trustees shall have has~~  
 23 ~~exclusive control of the expenditure of the public library fund, of construction or lease of library buildings,~~  
 24 ~~and of the operation and care of the library. The library board of trustees of every public library shall:~~

25 ~~(1)(a) adopt bylaws and rules for its own transaction of business and for the government of the~~  
 26 ~~library, not inconsistent with law;~~

27 ~~(2)(b) establish and locate a central public library and may establish branches thereof at such places~~  
 28 ~~as are deemed considered necessary;~~

29 ~~(3)(c) have the power to contract, including the right to contract with regions, counties, cities,~~  
 30 ~~school districts, educational institutions, the state library, and other libraries, to give and receive library~~

1 service, through the boards of such the regions, counties, and cities and the district school boards, and to  
 2 pay out or receive funds to pay costs of such the contracts;

3 ~~(4)(d) have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold~~  
 4 ~~real and personal property in the name of the city or county or both, as the case may be, for the use and~~  
 5 ~~purposes of the library and to sell, exchange or otherwise dispose of property real or personal, when no~~  
 6 ~~longer required by the library and to insure the real and personal property of the library;~~

7 ~~(5)(e) pay necessary expenses of members of the library staff when on business of the library;~~

8 ~~(6)(f) prepare an annual budget, indicating what support and maintenance of the public library will~~  
 9 ~~be required from public funds, for submission to the appropriate agency of the governing body. A separate~~  
 10 ~~budget request shall must be submitted for new construction or for capital improvement of existing library~~  
 11 ~~property.~~

12 ~~(7)(g) make an annual report to the governing body of the city or county on the condition and~~  
 13 ~~operation of the library, including a financial statement.;~~

14 ~~(h) The trustees shall also provide for the keeping of such records as shall be that are required by~~  
 15 ~~the Montana state library in its request for an annual report from the public libraries and shall submit such~~  
 16 ~~an annual report to the state library.;~~

17 ~~(8)(i) have the power to accept gifts, grants, donations, devises, or bequests of property, real or~~  
 18 ~~personal, from whatever source and to expend or hold, work, and improve the same for the specific~~  
 19 ~~purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and~~  
 20 ~~bequests shall must be kept separate from regular library funds and are not subject to reversion at the end~~  
 21 ~~of the fiscal year.~~

22 ~~(9)(j) exercise such other powers, not inconsistent with law, necessary for the effective use and~~  
 23 ~~management of the library.~~

24 ~~(2) A library board of trustees established pursuant to the provisions of [section 1] has the powers~~  
 25 ~~and duties as determined by the resolution creating the board under the provisions of [section 1], except~~  
 26 ~~that a board established pursuant to [section 1] is subject to the requirements of subsection (1)(h) of this~~  
 27 ~~section."~~

28  
 29 **Section 86.** ~~Section 22-1-317, MCA, is amended to read:~~

30 ~~"22-1-317. City-county library board of trustees. (1) A joint city-county library shall must be~~



1 governed by a board of trustees composed of five members chosen as specified in the contract, with terms  
2 not to exceed 5 years.

3 ~~(2) Trustees shall may not serve no more than two full terms in succession.~~

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

6 ~~(4) Trustees shall meet and elect a chairman presiding officer and such other officers as that they  
7 consider necessary for 1-year terms.~~

8 ~~(5) The board of trustees shall have has the same powers and duties as the board of trustees of  
9 a city library or a county library.~~

10 ~~(6) As an alternative to the provisions of subsections (1) through (4), a county and any city or  
11 cities establishing a joint city county library may specify in the contract that the library board is established  
12 pursuant to the provisions of [section 1]."~~

13

14 **Section 84.** Section 41-5-704, MCA, is amended to read:

15 **"41-5-704. Salary and expenses.** (1) A chief probation officer shall must receive for his services  
16 a salary specified by the court, depending on the formal training and experience of each respective officer,  
17 but ~~such~~ the salary may not be ~~no~~ lower than \$17,000 a year ~~and no~~ or higher than \$22,000 a year. In  
18 addition to ~~such~~ the salary, the court shall, on or before July 1 of each year, adjust and fix the salary of  
19 the chief probation officer for a cost-of-living increase by adding to ~~his~~ the chief probation officer's annual  
20 salary on July 1 of that year an increment of ~~70%~~ a percentage of up to 100% of the last previous calendar  
21 year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics,  
22 or other index that the bureau of business and economic research of the university of Montana may in the  
23 future recognize as the successor to that index. The cost-of-living increment for the fiscal year beginning  
24 July 1 of each subsequent fiscal year shall must be added to all cost-of-living increments granted for  
25 previous years. The salary of ~~such~~ the officer shall must be apportioned among and paid by each of the  
26 counties in which ~~such~~ the officer is appointed to act, in proportion to the cost allocation established under  
27 41-5-104, except ~~where such~~ when the officer is appointed for one county, ~~such~~ that county shall pay the  
28 entire salary.

29 (2) In addition to the compensation provided in subsection (1), each chief probation officer with  
30 more than 5 years of service is entitled to receive an annual 1% longevity allowance. Each longevity

1 allowance must be based on the officer's current salary and begins on the officer's annual employment  
2 anniversary date. The allowance must be paid in equal monthly installments.

3 (3) For all authorized travel incident to his official duties in connection with the investigation,  
4 supervision, and transportation of youth, the chief probation officer shall, in addition to his office salary,  
5 be reimbursed as provided in 2-18-501 through 2-18-503."

6

7 **Section 85.** Section 50-2-104, MCA, is amended to read:

8 "**50-2-104. County boards of health.** (1) ~~There~~ Except as provided in subsection (4), there is a  
9 county board of health in each county consisting of:

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

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

13 (2) Terms of appointed members ~~shall~~ must be staggered and must be for 3 years each.

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

16 (4) As an alternative to the provisions of subsections (1) through (3), the county commissioners  
17 may establish the board pursuant to the provisions of [section 1]."

18

19 **Section 86.** Section 50-2-105, MCA, is amended to read:

20 "**50-2-105. City boards of health.** (1) ~~There~~ Except as provided in subsection (4), there is a city  
21 board of health in each first- and second-class city consisting of five persons who are appointed by the  
22 governing body of the city and serve at its pleasure.

23 (2) Terms of appointed members ~~shall~~ must be staggered and ~~shall~~ must be for 3 years each.

24 (3) The governing body of the city shall establish the staggered order of terms and all regulations  
25 necessary to establish and maintain the board.

26 (4) As an alternative to the provisions of subsections (1) through (3), the governing body may  
27 establish the board pursuant to the provisions of [section 1]."

28

29 **Section 87.** Section 50-2-106, MCA, is amended to read:

30 "**50-2-106. City-county boards of health.** (1) By mutual agreement between the county

1 commissioners and the governing body of the city, the county and a first- or second-class city or cities may  
2 form a city-county board of health.

3 (2) A Except as provided in subsection (5), a city-county board of health consists of:

4 (a) one person appointed by the county commissioners who serves at their pleasure;

5 (b) one person appointed by the governing body of each city that participates in the city-county  
6 board who serves at the pleasure of the appointing governing body;

7 (c) additional members appointed by the county commissioners and governing body or bodies of  
8 the city or cities participating in the city-county board as mutually agreed upon who serve at the pleasure  
9 of the appointing commissioners or governing body.

10 (3) The board ~~shall~~ must be composed of at least five persons. Terms of appointed members ~~shall~~  
11 must be staggered and ~~shall~~ must be for 3 years each.

12 (4) By mutual agreement between the county commissioners and the governing body of the city,  
13 they shall establish the staggered order of terms and all regulations necessary to establish and maintain the  
14 board.

15 (5) As an alternative to the provisions of subsections (2) through (4), the county commissioners  
16 and the governing body of the city may establish the board pursuant to the provisions of [section 1]."

17  
18 **Section 88.** Section 50-2-107, MCA, is amended to read:

19 **"50-2-107. District boards of health.** (1) By mutual agreement, two or more adjacent counties  
20 may unite to create a district board of health. First- and second-class cities located in those counties may  
21 elect to be included in the district.

22 (2) A Except as provided in subsection (3), a district board of health consists of:

23 (a) one person appointed by the county commissioners of each county in the district who serves  
24 at the pleasure of the appointing commissioners;

25 (b) one person appointed by the governing body of each city that elects to be included in the  
26 district who serves at the pleasure of the appointing governing body;

27 (c) additional members appointed by the county commissioners of each county that participates  
28 in the district board as mutually agreed upon who serve at the pleasure of the appointing commissioners.

29 (3) As an alternative to the provisions of subsection (2), the county commissioners and the  
30 governing body of a city electing to be in the district may establish the board pursuant to the provisions

1 of [section 1]."

2

3 **Section 89.** Section 50-2-116, MCA, is amended to read:

4 **"50-2-116. Powers and duties of local boards.** (1) Local boards, in addition to any powers that  
5 may be granted by a governing body pursuant to [section 1], shall:

6 (a) appoint a local health officer who is a physician or a person with a master's degree in public  
7 health or the equivalent and with appropriate experience, as determined by the department, and shall fix  
8 ~~his~~ the officer's salary;

9 (b) elect a ~~chairman~~ presiding officer and other necessary officers;

10 (c) employ necessary qualified staff;

11 (d) adopt bylaws to govern meetings;

12 (e) hold regular meetings quarterly and hold special meetings as necessary;

13 (f) supervise destruction and removal of all sources of filth that cause disease;

14 (g) guard against the introduction of communicable disease;

15 (h) supervise inspections of public establishments for sanitary conditions;

16 (i) adopt necessary regulations that are no less stringent than state standards for the control and  
17 disposal of sewage from private and public buildings that is not regulated by Title 75, chapter 6, or Title  
18 76, chapter 4. The regulations must describe standards for granting variances from the minimum  
19 requirements that are identical to standards promulgated by the board of health and environmental sciences  
20 and must provide for appeal of variance decisions to the department as required by 75-5-305.

21 (2) Local boards may:

22 (a) quarantine persons who have communicable diseases;

23 (b) require isolation of persons or things that are infected with communicable diseases;

24 (c) furnish treatment for persons who have communicable diseases;

25 (d) prohibit the use of places that are infected with communicable diseases;

26 (e) require and provide means for disinfecting places that are infected with communicable diseases;

27 (f) accept and spend funds received from a federal agency, the state, a school district, or other  
28 persons;

29 (g) contract with another local board for all or a part of local health services;

30 (h) reimburse local health officers for necessary expenses incurred in official duties;

1 (i) abate nuisances affecting public health and safety or bring action necessary to restrain the  
2 violation of public health laws or rules;

3 (j) adopt necessary fees to administer regulations for the control and disposal of sewage from  
4 private and public buildings (fees must be deposited with the county treasurer);

5 (k) adopt rules that do not conflict with rules adopted by the department:

6 (i) for the control of communicable diseases;

7 (ii) for the removal of filth that might cause disease or adversely affect public health;

8 (iii) on sanitation in public buildings that affects public health;

9 (iv) for heating, ventilation, water supply, and waste disposal in public accommodations that might  
10 endanger human lives; and

11 (v) for the maintenance of sewage treatment systems that do not discharge an effluent directly into  
12 state waters and that are not required to have an operating permit as required by rules adopted under  
13 75-5-401."

14  
15 **Section 90.** Section 76-1-101, MCA, is amended to read:

16 **"76-1-101. Planning boards authorized.** (1) The governing body of any city or town, the  
17 governing bodies of more than one city or town, or the governing body of any county or any combination  
18 thereof may create a planning board in order to promote the orderly development of its governmental units  
19 and its environs.

20 (2) A planning board established pursuant to this part is subject to the provisions of [section 1(17)  
21 and (18)]."

22  
23 **NEW SECTION. Section 91. Repealer.** Sections 7-13-214, 7-13-2522, 7-13-2523, 7-13-2524,  
24 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305, 7-16-2306, 7-16-2307,  
25 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321, 7-16-4202, 7-16-4203,  
26 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209, 7-16-4210, 7-16-4211,  
27 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304, 7-16-4305, 7-16-4306,  
28 7-16-4307, 7-16-4308, 7-16-4309, 7-21-3403, 7-21-3404, 7-21-3405, 7-22-2105, 7-22-2413, and  
29 7-22-2414, MCA.

1           **NEW SECTION.** **Section 92. Codification instruction.** [Sections 1 through 3] are intended to be  
2 codified as an integral part of Title 7, chapter 1, and the provisions of Title 7, chapter 1, apply to [sections  
3 1 through 3].

4

5           **NEW SECTION.** **Section 93. Effective dates.** (1) [Section ~~94~~ 91] is effective October 1, 1996.  
6 (2) Except as provided in subsection (1), [this act] is effective October 1, 1995.

7

-END-

## 1 HOUSE BILL NO. 604

2 INTRODUCED BY BOHARSKI, BRAINARD, KEENAN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAW; REQUIRING  
5 GOVERNING BODIES TO ESTABLISH CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, AND  
6 COMMISSIONS BY RESOLUTION; ALLOWING GOVERNING BODIES TO ALTERNATIVELY ESTABLISH  
7 ~~LIBRARY BOARDS,~~ BOARDS OF HEALTH, AND PLANNING BOARDS BY RESOLUTION; ALLOWING  
8 GOVERNING BODIES TO DISSOLVE CERTAIN BOARDS, DISTRICTS, AND COMMISSIONS; ALLOWING  
9 GOVERNING BODIES TO REPEAL OR AMEND FINDINGS OF CERTAIN BOARDS, DISTRICTS, AND  
10 COMMISSIONS; ALLOWING GOVERNING BODIES TO ACT AS CERTAIN BOARDS, DISTRICTS, OR  
11 COMMISSIONS; REVISING PUBLICATION OF NOTICE PROCEDURES; ~~CLARIFYING FEES AND~~  
12 ~~ASSESSMENTS THAT A GOVERNING BODY MAY LEVY~~ REVISING RESTRICTIONS ON ANNEXING  
13 WHOLLY SURROUNDED LAND; REVISING THE DEFINITION OF CONTIGUOUS FOR THE PURPOSES OF  
14 ANNEXATION WITH THE PROVISION OF SERVICES; REPEALING THE MUNICIPAL WINTER WORK  
15 PROGRAM; ALLOWING THE COST-OF-LIVING INCREMENT FOR SALARIES OF CHIEF PROBATION  
16 OFFICERS TO BE SET AS A PERCENTAGE OF THE CONSUMER PRICE INDEX; AMENDING SECTIONS

THERE ARE NO CHANGES IN THIS BILL AND IT WILL  
NOT BE REPRINTED. PLEASE REFER TO SECOND  
READING COPY (YELLOW) FOR COMPLETE TEXT.