

SENATE BILL NO. 377INTRODUCED BY Weldon

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S TASK FORCE TO RENEW MONTANA GOVERNMENT BY REQUIRING COUNTIES TO ESTABLISH CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, AND COMMISSIONS BY RESOLUTION; ALLOWING COUNTY COMMISSIONERS TO ACT AS CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, OR COMMISSIONS IF THERE ARE NOT ENOUGH QUALIFIED PERSONS TO SERVE ON THE BOARDS, DISTRICTS, OR COMMISSIONS; REVISING THE METHOD OF ESTABLISHING A MUNICIPAL BOARD OF PARK COMMISSIONERS; REPEALING THE MUNICIPAL WINTER WORK PROGRAM; AMENDING SECTIONS 7-8-2103, 7-13-213, 7-13-215, 7-13-2510, 7-13-2521, 7-16-2105, 7-16-2203, 7-16-2301, 7-16-2327, 7-16-4201, 7-16-4222, 7-21-3401, 7-21-3406, 7-22-2103, 7-22-2109, 7-22-2215, 7-22-2216, 7-22-2411, 7-22-2415, 7-35-2108, AND 7-35-2109, 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 7-22-2414, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Boards.** (1) A board of county commissioners may by resolution establish the administrative boards, districts, or commissions allowed by law or required by law to be established pursuant to [sections 2 and 3] and this section and listed in [section 2]. The resolution creating an administrative board, district, or commission must specify:

- (a) the number of board, district, or commission members;
- (b) the terms of the members;
- (c) whether members are entitled to mileage, per diem, expenses, and salary; and
- (d) any special qualifications for membership in addition to those established by law.

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

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

4 (i) exercise administrative powers as granted by resolution, except that it may not pledge the credit  
5 of the county or impose a tax unless specifically authorized by state law;

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

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

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

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

13 (4) Administrative boards, districts, and commissions may not sue or be sued independently of the  
14 local government unless authorized by state law.

15 (5) Members must be appointed by the county commissioners. The county commissioners shall  
16 post prospective membership vacancies at least 1 month prior to filling the vacancy.

17 (6) The county commissioners shall maintain a register of appointments, including:

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

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

20 (c) the length of term;

21 (d) the name and term of the presiding officer and other officers of each administrative board,  
22 district, or commission; and

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

24 (7) Terms of all members, except elected members, may not exceed 4 years. Unless otherwise  
25 provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure of  
26 the county commissioners.

27 (8) An administrative board, district, or commission must consist of a minimum of 3 members and  
28 must have an odd number of members.

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

1 (10) Two or more local governments may provide for joint boards, districts, or commissions to be  
2 established by interlocal agreements.

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

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

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

10 (14) Unless otherwise provided by law, a person must be a resident of the county to be eligible for  
11 appointment to an administrative board, district, or commission. The county commissioners may prescribe  
12 by resolution additional qualifications for membership.

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

15 (16) A resolution creating an administrative board, district, or commission must contain, if  
16 applicable, budgeting and accounting requirements for which the board, district, or commission is  
17 accountable to the county commissioners.

18  
19 **NEW SECTION. Section 2. Transition of existing boards and creation of new boards.** (1) Unless  
20 otherwise specified by law, the state laws providing for the organization and operation of the following  
21 administrative boards, districts, and commissions must be given the status of local ordinances for 1 year  
22 following [the effective date of this act], and the following boards, districts, and commissions shall continue  
23 to function during this period under the respective laws until the boards, districts, or commissions are  
24 reorganized by the county commissioners pursuant to the provisions of [section 1]:

- 25 (a) county building commission;  
26 (b) cemetery districts;  
27 (c) county fair commission;  
28 (d) mosquito control board;  
29 (e) museum board;  
30 (f) board of park commissioners;

- 1 (g) rodent control board;  
 2 (h) solid waste district;  
 3 (i) television district;  
 4 (j) weed control district.

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

7

8 **NEW SECTION. Section 3. County commissioners to assume duties of administrative boards,**  
 9 **districts, and commissions.** (1) If the minimum number of qualified persons is not available for membership  
 10 on an administrative board, district, or commission, the county commissioners may by resolution, at a  
 11 public meeting, assume the duties of the administrative board, district, or commission and may act as that  
 12 board, district, or commission with the same powers and duties as that board, district, or commission.

13 (2) County commissioners, acting in the capacity of an administrative board, district, or commission  
 14 may not receive any compensation in addition to their compensation as county commissioners.

15

16 **Section 4.** Section 7-8-2103, MCA, is amended to read:

17 **"7-8-2103. Authorization to create county building commission.** ~~(1) The board of county~~  
 18 ~~commissioners shall have the power to~~ may create a building commission subject to the provisions of  
 19 [sections 1 through 3]. for the management of such civic center, youth center, park buildings, museums,  
 20 ~~county parks, recreation centers, hospitals, or any combination of two or more thereof. Such commission~~  
 21 ~~shall be composed of the chairman of the board of county commissioners and five lay members to be~~  
 22 ~~appointed by the board. In cases where a commission has been appointed, the commission, together with~~  
 23 ~~the board, shall have the power to employ a manager.~~

24 ~~(2) The terms of office for the first lay members of the commission shall be, respectively, one for~~  
 25 ~~1 year, two for 2 years, and two for 3 years. On the expiration of such terms of figures 1, 2, and 3 years,~~  
 26 ~~their successors shall hold for 3 years each.~~

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

28

29 **Section 5.** Section 7-13-213, MCA, is amended to read:

30 **"7-13-213. District to be administered by appointed board of directors.** Upon creation of any solid

1 waste management district, the commissioners shall appoint a board of directors for the proposed solid  
 2 waste management district subject to the provisions of [sections 1 through 3]."

3

4 **Section 6.** Section 7-13-215, MCA, is amended to read:

5 **"7-13-215. Powers and duties of board.** Except for powers specifically reserved by the counties  
 6 in the resolution creating the district, the board has the powers and duties provided in 75-10-112 as well  
 7 as any additional powers granted the board in the resolution."

8

9 **Section 7.** Section 7-13-2510, MCA, is amended to read:

10 **"7-13-2510. Powers of district.** A In addition to any powers granted pursuant to [section 1], a  
 11 television district organized under this part, acting through its board of trustees ~~herein provided for,~~ may:

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

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

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

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

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

29 (6) to make contracts of any lawful nature (including labor contracts or those for employees'  
 30 benefits) and employ engineers, laboratory personnel, attorneys, other technical or professional assistants,

1 and any other assistants or employees necessary to carry out the provisions of this part;

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

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

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

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

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

14 (12) provide FM translator services if authorized as provided in 7-13-2512."  
15

16 **Section 8.** Section 7-13-2521, MCA, is amended to read:

17 "**7-13-2521. Appointment of board of trustees.** The board of county commissioners, upon the  
18 creation of ~~said~~ the district and as a part of the order creating the district, shall appoint a board of ~~three~~  
19 trustees to administer the affairs of the district subject to the provisions of [sections 1 through 3]."  
20

21 **Section 9.** Section 7-16-2105, MCA, is amended to read:

22 "**7-16-2105. Acquisition of land by county for public recreational or cultural purposes.** (1) The  
23 ~~several~~ counties of this state are ~~hereby~~ authorized ~~and empowered~~ to acquire, by purchase, grant, deed,  
24 gift, devise, condemnation, or otherwise, lands suitable for public camping, ~~and~~ public recreational  
25 purposes, civic centers, youth centers, museums, recreational centers, and any combination thereof or may  
26 lease ~~such~~ the land tracts, each of which ~~shall~~ must be ~~so~~ situated as to offer ready access to a public  
27 highway.

28 (2) ~~Nothing contained herein shall~~ This section may not be construed as amending or repealing  
29 7-16-2201 through ~~7-16-2205~~ 7-6-2204."  
30

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

2           "**7-16-2203. Board of trustees** ~~—appointment and term.~~ (1) The board of county commissioners  
3 of each county owning or acquiring a museum, facility for the arts, or collection of exhibits may, at the first  
4 regular meeting of the board after acquiring a museum, facility, or collection, appoint a board of trustees,  
5 subject to the provisions of [sections 1 through 3], for the administration of the county museum fund as  
6 provided in this part.

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

11  
12           **Section 11.** Section 7-16-2301, MCA, is amended to read:

13           "**7-16-2301. Authorization for county board of park commissioners.** (1) There may be created in  
14 ~~all counties~~ each county a board of park commissioners subject to the provisions of [sections 1 through  
15 3].

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

18  
19           **Section 12.** Section 7-16-2327, MCA, is amended to read:

20           "**7-16-2327. Indebtedness for park purposes.** (1) Subject to the provisions of subsection (2), a  
21 county park board, in addition to powers and duties now given under law, ~~has the power and duty to~~ may  
22 contract an indebtedness in behalf of a county, upon the credit of the county, ~~for the purposes of~~  
23 ~~7-16-2321(1) and (2)~~ in order to carry out its powers and duties.

24           (2) (a) The total amount of indebtedness authorized to be contracted in any form, including the  
25 then-existing indebtedness, may not at any time exceed 13% of the total of the taxable value of the taxable  
26 property in the county, plus the amount of taxes levied on new production, production from horizontally  
27 completed wells, and incremental production divided by the appropriate tax rates described in  
28 15-23-607(2)(a), (2)(b), or (2)(c) and multiplied by 60%, plus the amount of value represented by new  
29 production and production from horizontally completed wells exempted from tax as provided in 15-23-612,  
30 plus the value of any other production occurring after December 31, 1988, multiplied by 60%, ascertained

1 by the last assessment for state and county taxes previous to the incurring of the indebtedness.

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

6

7 **Section 13.** Section 7-16-4201, MCA, is amended to read:

8 **"7-16-4201. Authorization for municipal board of park commissioners.** ~~{}~~ There may be created  
9 by ordinance in all cities of the first and second class a board of park commissioners, whether ~~such~~ the  
10 cities ~~be~~ are a council form of government or city-manager form. The ordinance must meet the same  
11 requirements as those provided for a county resolution in [section 1].

12 ~~{2} Such board of park commissioners shall constitute a department of the city government with~~  
13 ~~the powers provided in this part."~~

14

15 **Section 14.** Section 7-16-4222, MCA, is amended to read:

16 **"7-16-4222. Rules to implement part.** (1) ~~The~~ In addition to the powers and duties established in  
17 the ordinance creating the board of park commissioners and the provisions of 7-16-4223 through  
18 7-16-4228, the board of park commissioners shall have has the following powers and ~~be charged with the~~  
19 following duties:

20 (a) to make all rules necessary or convenient to protect and promote the growth of trees and plants  
21 in parks, streets, avenues, alleys, boulevards, and public places under the care and control of ~~said~~ the board  
22 and for the protection of all birds inhabiting, frequenting, or nesting in ~~such~~ the parks, streets, avenues,  
23 boulevards, and public places;

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

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

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

28

29 **Section 15.** Section 7-21-3401, MCA, is amended to read:

30 **"7-21-3401. Authorization to create county fair commission —~~appointment and term.~~** ~~{}~~ The board



1 of county commissioners may, at any regular meeting, appoint a county fair commission subject to the  
2 provisions of [sections 1 through 3].

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

7

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

9 **"7-21-3406. Powers of county fair commission.** ~~By~~ In addition to the powers and duties established  
10 in the resolution of the board of county commissioners creating the county fair commission and by the  
11 provisions of 7-21-3407 through 7-21-3414, the county fair commissioners shall have control and operation  
12 of the fair and the supervision and management of the fairgrounds and also the leasing of buildings and  
13 fairgrounds on a continuous basis throughout the fiscal year and shall return to the fair fund of the county  
14 all revenue obtained from the leasing or renting of the same the buildings and fairgrounds."

15

16 **Section 17.** Section 7-22-2103, MCA, is amended to read:

17 **"7-22-2103. District weed board —~~appointment and term.~~** (1) The commissioners shall appoint a  
18 district weed board subject to the provisions of [sections 1 through 3].

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

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

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

26 ~~(5)~~(2) The board may call upon the county attorney for legal advice and services as it may require."

27

28 **Section 18.** Section 7-22-2109, MCA, is amended to read:

29 **"7-22-2109. Powers and duties of board.** (1) ~~The~~ In addition to any powers or duties established  
30 in the resolution creating a district weed board, the board may:

- 1 (a) employ a supervisor and other employees as necessary and provide for their compensation;
- 2 (b) purchase ~~such~~ chemicals, materials, and equipment and pay other operational costs as it  
3 determines necessary for implementing an effective weed management program. ~~Such~~ The costs must be  
4 paid from the noxious weed fund.
- 5 (c) determine what chemicals, materials, or equipment may be made available to persons controlling  
6 weeds on their own land. The cost for ~~such~~ the chemicals, materials, or equipment must be paid by ~~such~~  
7 the person and collected as provided in this part.
- 8 (d) enter into agreements with the department for the control and eradication of any new exotic  
9 plant species not previously established in the state which may render land unfit for agriculture, forestry,  
10 livestock, wildlife, or other beneficial use if ~~such~~ the plant species spreads or threatens to spread into the  
11 state; and
- 12 (e) perform other activities relating to weed management.
- 13 (2) The board shall:
- 14 (a) administer the district's noxious weed program;
- 15 (b) establish management criteria for noxious weeds on all land within the district;
- 16 (c) make all reasonable efforts to develop and implement a noxious weed program covering all land  
17 within the district owned or administered by a federal agency."

18

19 **Section 19.** Section 7-22-2215, MCA, is amended to read:

20 **"7-22-2215. Rodent control board.** ~~{1}~~ A governing body creating a rodent control district shall  
21 appoint a rodent control board subject to the provisions of [sections 1 through 3]. ~~The county extension~~  
22 ~~agent is an ex officio member of the board. Each member of the board must be an elector and reside within~~  
23 ~~the district.~~

24 ~~{2} The governing body shall, at a public meeting, pass a resolution establishing the number of~~  
25 ~~members on the board and the terms of the appointments. The board must consist of at least three~~  
26 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

27 ~~{3} Each member of the board is entitled to:~~

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

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

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

5  
 6           **Section 20.** Section 7-22-2216, MCA, is amended to read:

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

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

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

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

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

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

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

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

21           (2) The board shall cooperate with the department in the management and suppression of rodent  
 22 pests and may enter into written agreements with the department."  
 23

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

25           **"7-22-2411. District to be governed by appointed mosquito control board —~~appointment and term.~~**  
 26 ~~(1)~~ Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control  
 27 board subject to the provisions of [sections 1 through 3].

28           ~~(2) Each member of the mosquito control board shall be an elector within the boundaries of the~~  
 29 ~~district.~~

30           ~~(3) The commissioners shall, at a public meeting, pass a resolution establishing the number of~~

1 ~~members of the board and the terms of the appointments. The board must consist of at least three~~  
 2 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

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

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

7  
 8 **Section 22.** Section 7-22-2415, MCA, is amended to read:

9 **"7-22-2415. Powers of mosquito control board.** ~~The~~ In addition to the powers and duties  
 10 established in the resolution creating a mosquito control board, ~~shall have power to~~ may:

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

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

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

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

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

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

23  
 24 **Section 23.** Section 7-35-2108, MCA, is amended to read:

25 **"7-35-2108. Government of district by trustees.** ~~(1) The cemetery district shall~~ must be governed  
 26 and managed by ~~three~~ trustees appointed by the board of county commissioners pursuant to the provisions  
 27 of [sections 1 through 3]. ~~The trustees at their first meeting shall adopt bylaws for the government and~~  
 28 ~~management of the district.~~

29 ~~(2) The trustees may be appointed from the residents of the district for terms of 1, 2, and 3 years,~~  
 30 ~~respectively, and until their successors are appointed and qualified. Annually thereafter the board of county~~

1 ~~commissioners shall appoint one trustee for a term of 3 years or until his successor is appointed and~~  
 2 ~~qualified.~~

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

5

6 **Section 24.** Section 7-35-2109, MCA, is amended to read:

7 **"7-35-2109. Powers of district.** ~~Said~~ In addition to the powers and duties established in the  
 8 resolution creating a cemetery district, the district may:

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

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

11 (3) perform all acts necessary or proper for the carrying out of the purposes of 7-35-2101 through  
 12 7-35-2125, including the selling or leasing of burial lots."

13

14 **NEW SECTION. Section 25. Repealer.** Sections 7-13-214, 7-13-2522, 7-13-2523, 7-13-2524,  
 15 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305, 7-16-2306, 7-16-2307,  
 16 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321, 7-16-4202, 7-16-4203,  
 17 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209, 7-16-4210, 7-16-4211,  
 18 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304, 7-16-4305, 7-16-4306,  
 19 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  
 20 7-22-2414, MCA, are repealed.

21

22 **NEW SECTION. Section 26. Codification instruction.** [Sections 1 through 3] are intended to be  
 23 codified as an integral part of Title 7, chapter 1, and the provisions of Title 7, chapter 1, apply to [sections  
 24 1 through 3].

25

26 **NEW SECTION. Section 27. Effective date.** [Section 25] is effective October 1, 1996.

27

-END-

SENATE BILL NO. 377

INTRODUCED BY

Weldon

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S TASK FORCE TO RENEW MONTANA GOVERNMENT BY REQUIRING COUNTIES TO ESTABLISH CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, AND COMMISSIONS BY RESOLUTION; ALLOWING COUNTY COMMISSIONERS TO ACT AS CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, OR COMMISSIONS IF THERE ARE NOT ENOUGH QUALIFIED PERSONS TO SERVE ON THE BOARDS, DISTRICTS, OR COMMISSIONS; REVISING THE METHOD OF ESTABLISHING A MUNICIPAL BOARD OF PARK COMMISSIONERS; REPEALING THE MUNICIPAL WINTER WORK PROGRAM; AMENDING SECTIONS 7-8-2103, 7-13-213, 7-13-215, 7-13-2510, 7-13-2521, 7-16-2105, 7-16-2203, 7-16-2301, 7-16-2327, 7-16-4201, 7-16-4222, 7-21-3401, 7-21-3406, 7-22-2103, 7-22-2109, 7-22-2215, 7-22-2216, 7-22-2411, 7-22-2415, 7-35-2108, AND 7-35-2109, 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 7-22-2414, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Boards.** (1) A board of county commissioners may by resolution establish the administrative boards, districts, or commissions allowed by law or required by law to be established pursuant to [sections 2 and 3] and this section and listed in [section 2]. The resolution creating an administrative board, district, or commission must specify:

- (a) the number of board, district, or commission members;
- (b) the terms of the members;
- (c) whether members are entitled to mileage, per diem, expenses, and salary; and
- (d) any special qualifications for membership in addition to those established by law.

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

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

4           (i) exercise administrative powers as granted by resolution, except that it may not pledge the credit  
5 of the county or impose a tax unless specifically authorized by state law;

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

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

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

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

13          (4) Administrative boards, districts, and commissions may not sue or be sued independently of the  
14 local government unless authorized by state law.

15          (5) Members must be appointed by the county commissioners. The county commissioners shall  
16 post prospective membership vacancies at least 1 month prior to filling the vacancy.

17          (6) The county commissioners shall maintain a register of appointments, including:

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

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

20           (c) the length of term;

21           (d) the name and term of the presiding officer and other officers of each administrative board,  
22 district, or commission; and

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

24          (7) Terms of all members, except elected members, may not exceed 4 years. Unless otherwise  
25 provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure of  
26 the county commissioners.

27          (8) An administrative board, district, or commission must consist of a minimum of 3 members and  
28 must have an odd number of members.

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

1 (10) Two or more local governments may provide for joint boards, districts, or commissions to be  
2 established by interlocal agreements.

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

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

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

10 (14) Unless otherwise provided by law, a person must be a resident of the county to be eligible for  
11 appointment to an administrative board, district, or commission. The county commissioners may prescribe  
12 by resolution additional qualifications for membership.

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

15 (16) A resolution creating an administrative board, district, or commission must contain, if  
16 applicable, budgeting and accounting requirements for which the board, district, or commission is  
17 accountable to the county commissioners.

18  
19 **NEW SECTION. Section 2. Transition of existing boards and creation of new boards.** (1) Unless  
20 otherwise specified by law, the state laws providing for the organization and operation of the following  
21 administrative boards, districts, and commissions must be given the status of local ordinances for 1 year  
22 following [the effective date of this act], and the following boards, districts, and commissions shall continue  
23 to function during this period under the respective laws until the boards, districts, or commissions are  
24 reorganized by the county commissioners pursuant to the provisions of [section 1]:

- 25 (a) county building commission;  
26 (b) cemetery districts;  
27 (c) county fair commission;  
28 (d) mosquito control board;  
29 (e) museum board;  
30 (f) board of park commissioners;



- 1 (g) rodent control board;
- 2 (h) solid waste district;
- 3 (i) television district;
- 4 (j) weed control district.

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

7  
 8 **NEW SECTION. Section 3. County commissioners to assume duties of administrative boards,**  
 9 **districts, and commissions.** (1) If the minimum number of qualified persons is not available for membership  
 10 on an administrative board, district, or commission, the county commissioners may by resolution, at a  
 11 public meeting, assume the duties of the administrative board, district, or commission and may act as that  
 12 board, district, or commission with the same powers and duties as that board, district, or commission.

13 (2) County commissioners, acting in the capacity of an administrative board, district, or commission  
 14 may not receive any compensation in addition to their compensation as county commissioners.

15  
 16 **Section 4.** Section 7-8-2103, MCA, is amended to read:

17 **"7-8-2103. Authorization to create county building commission.** ~~{1} The board of county~~  
 18 ~~commissioners shall have the power to~~ may create a building commission subject to the provisions of  
 19 [sections 1 through 3]. for the management of such civic center, youth center, park buildings, museums,  
 20 ~~county parks, recreation centers, hospitals, or any combination of two or more thereof. Such commission~~  
 21 ~~shall be composed of the chairman of the board of county commissioners and five lay members to be~~  
 22 ~~appointed by the board. In cases where a commission has been appointed, the commission, together with~~  
 23 ~~the board, shall have the power to employ a manager.~~

24 ~~(2) The terms of office for the first lay members of the commission shall be, respectively, one for~~  
 25 ~~1 year, two for 2 years, and two for 3 years. On the expiration of such terms of figures 1, 2, and 3 years,~~  
 26 ~~their successors shall hold for 3 years each.~~

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

28  
 29 **Section 5.** Section 7-13-213, MCA, is amended to read:

30 **"7-13-213. District to be administered by appointed board of directors.** Upon creation of any solid

1 waste management district, the commissioners shall appoint a board of directors for the proposed solid  
2 waste management district subject to the provisions of [sections 1 through 3]."

3  
4 **Section 6.** Section 7-13-215, MCA, is amended to read:

5 "7-13-215. **Powers and duties of board.** Except for powers specifically reserved by the counties  
6 in the resolution creating the district, the board has the powers and duties provided in 75-10-112 as well  
7 as any additional powers granted the board in the resolution."

8  
9 **Section 7.** Section 7-13-2510, MCA, is amended to read:

10 "7-13-2510. **Powers of district.** A In addition to any powers granted pursuant to [section 1], a  
11 television district organized under this part, acting through its board of trustees ~~herein provided for~~, may:

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

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

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

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

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

29 (6) to make contracts of any lawful nature (including labor contracts or those for employees'  
30 benefits) and employ engineers, laboratory personnel, attorneys, other technical or professional assistants,

1 and any other assistants or employees necessary to carry out the provisions of this part;

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

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

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

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

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

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

15  
16 **Section 8.** Section 7-13-2521, MCA, is amended to read:

17 "**7-13-2521. Appointment of board of trustees.** The board of county commissioners, upon the  
18 creation of ~~said~~ the district and as a part of the order creating the district, shall appoint a board of ~~three~~  
19 trustees to administer the affairs of the district subject to the provisions of [sections 1 through 3]."

20  
21 **Section 9.** Section 7-16-2105, MCA, is amended to read:

22 "**7-16-2105. Acquisition of land by county for public recreational or cultural purposes.** (1) The  
23 ~~several~~ counties of this state are ~~hereby~~ authorized ~~and empowered~~ to acquire, by purchase, grant, deed,  
24 gift, devise, condemnation, or otherwise, lands suitable for public camping, ~~and~~ public recreational  
25 purposes, civic centers, youth centers, museums, recreational centers, and any combination thereof or may  
26 lease ~~such~~ the land tracts, each of which ~~shall~~ must be ~~so~~ situated as to offer ready access to a public  
27 highway.

28 (2) ~~Nothing contained herein shall~~ This section may not be construed as amending or repealing  
29 7-16-2201 through ~~7-16-2205~~ 7-6-2204."

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

2           **"7-16-2203. Board of trustees —~~appointment and term.~~** ~~(1)~~ The board of county commissioners  
3 of each county owning or acquiring a museum, facility for the arts, or collection of exhibits may, at the first  
4 regular meeting of the board after acquiring a museum, facility, or collection, appoint a board of trustees,  
5 subject to the provisions of [sections 1 through 3], for the administration of the county museum fund as  
6 provided in this part.

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

11

12           **Section 11.** Section 7-16-2301, MCA, is amended to read:

13           **"7-16-2301. Authorization for county board of park commissioners.** ~~(1)~~ There may be created in  
14 ~~all counties~~ each county a board of park commissioners subject to the provisions of [sections 1 through  
15 3].

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

18

19           **Section 12.** Section 7-16-2327, MCA, is amended to read:

20           **"7-16-2327. Indebtedness for park purposes.** (1) Subject to the provisions of subsection (2), a  
21 county park board, in addition to powers and duties now given under law, ~~has the power and duty to~~ may  
22 contract an indebtedness in behalf of a county, upon the credit of the county, ~~for the purposes of~~  
23 ~~7-16-2321(1) and (2)~~ in order to carry out its powers and duties.

24           (2) (a) The total amount of indebtedness authorized to be contracted in any form, including the  
25 then-existing indebtedness, may not at any time exceed 13% of the total of the taxable value of the taxable  
26 property in the county, plus the amount of taxes levied on new production, production from horizontally  
27 completed wells, and incremental production divided by the appropriate tax rates described in  
28 15-23-607(2)(a), (2)(b), or (2)(c) and multiplied by 60%, plus the amount of value represented by new  
29 production and production from horizontally completed wells exempted from tax as provided in 15-23-612,  
30 plus the value of any other production occurring after December 31, 1988, multiplied by 60%, ascertained

1 by the last assessment for state and county taxes previous to the incurring of the indebtedness.

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

6  
7 **Section 13.** Section 7-16-4201, MCA, is amended to read:

8 **"7-16-4201. Authorization for municipal board of park commissioners.** ~~{1}~~ There may be created  
9 by ordinance in all cities of the first and second class a board of park commissioners, whether ~~such~~ the  
10 cities ~~be~~ are a council form of government or city-manager form. The ordinance must meet the same  
11 requirements as those provided for a county resolution in [section 1].

12 ~~{2} Such board of park commissioners shall constitute a department of the city government with~~  
13 ~~the powers provided in this part."~~

14  
15 **Section 14.** Section 7-16-4222, MCA, is amended to read:

16 **"7-16-4222. Rules to implement part.** (1) ~~The~~ In addition to the powers and duties established in  
17 the ordinance creating the board of park commissioners and the provisions of 7-16-4223 through  
18 7-16-4228, the board of park commissioners ~~shall have~~ has the following powers and ~~be charged with the~~  
19 ~~following~~ duties:

20 (a) to make all rules necessary or convenient to protect and promote the growth of trees and plants  
21 in parks, streets, avenues, alleys, boulevards, and public places under the care and control of ~~said~~ the board  
22 and for the protection of all birds inhabiting, frequenting, or nesting in ~~such~~ the parks, streets, avenues,  
23 boulevards, and public places;

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

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

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

28  
29 **Section 15.** Section 7-21-3401, MCA, is amended to read:

30 **"7-21-3401. Authorization to create county fair commission — ~~appointment and term.~~** ~~{1}~~ The board

1 of county commissioners may, at any regular meeting, appoint a county fair commission subject to the  
 2 provisions of [sections 1 through 3].

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

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

9 **"7-21-3406. Powers of county fair commission.** By In addition to the powers and duties established  
 10 in the resolution of the board of county commissioners creating the county fair commission and by the  
 11 provisions of 7-21-3407 through 7-21-3414, the county fair commissioners shall have control and operation  
 12 of the fair and the supervision and management of the fairgrounds and also the leasing of buildings and  
 13 fairgrounds on a continuous basis throughout the fiscal year and shall return to the fair fund of the county  
 14 all revenue obtained from the leasing or renting of the ~~same~~ the buildings and fairgrounds."

15  
 16 **Section 17.** Section 7-22-2103, MCA, is amended to read:

17 **"7-22-2103. District weed board —~~appointment and term.~~** (1) The commissioners shall appoint a  
 18 district weed board subject to the provisions of [sections 1 through 3].

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

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

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

26 ~~(5)~~(2) The board may call upon the county attorney for legal advice and services as it may require."  
 27

28 **Section 18.** Section 7-22-2109, MCA, is amended to read:

29 **"7-22-2109. Powers and duties of board.** (1) ~~The~~ In addition to any powers or duties established  
 30 in the resolution creating a district weed board, the board may:

- 1 (a) employ a supervisor and other employees as necessary and provide for their compensation;
- 2 (b) purchase ~~such~~ chemicals, materials, and equipment and pay other operational costs as it
- 3 determines necessary for implementing an effective weed management program. ~~Such~~ The costs must be
- 4 paid from the noxious weed fund.
- 5 (c) determine what chemicals, materials, or equipment may be made available to persons controlling
- 6 weeds on their own land. The cost for ~~such~~ the chemicals, materials, or equipment must be paid by ~~such~~
- 7 the person and collected as provided in this part.
- 8 (d) enter into agreements with the department for the control and eradication of any new exotic
- 9 plant species not previously established in the state which may render land unfit for agriculture, forestry,
- 10 livestock, wildlife, or other beneficial use if ~~such~~ the plant species spreads or threatens to spread into the
- 11 state; and
- 12 (e) perform other activities relating to weed management.
- 13 (2) The board shall:
- 14 (a) administer the district's noxious weed program;
- 15 (b) establish management criteria for noxious weeds on all land within the district;
- 16 (c) make all reasonable efforts to develop and implement a noxious weed program covering all land
- 17 within the district owned or administered by a federal agency."

18

19 **Section 19.** Section 7-22-2215, MCA, is amended to read:

20 "**7-22-2215. Rodent control board.** ~~{1}~~ A governing body creating a rodent control district shall

21 appoint a rodent control board subject to the provisions of [sections 1 through 3]. ~~The county extension~~

22 ~~agent is an ex officio member of the board. Each member of the board must be an elector and reside within~~

23 ~~the district.~~

24 ~~{2} The governing body shall, at a public meeting, pass a resolution establishing the number of~~

25 ~~members on the board and the terms of the appointments. The board must consist of at least three~~

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

27 ~~{3} Each member of the board is entitled to:~~

28 ~~(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled~~

29 ~~to perform official duties; and~~

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

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

5  
 6           **Section 20.** Section 7-22-2216, MCA, is amended to read:

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

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

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

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

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

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

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

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

21           (2) The board shall cooperate with the department in the management and suppression of rodent  
 22 pests and may enter into written agreements with the department."  
 23

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

25           **"7-22-2411. District to be governed by appointed mosquito control board —~~appointment and term.~~**

26 ~~(1)~~ Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control  
 27 board subject to the provisions of [sections 1 through 3].

28 ~~(2) Each member of the mosquito control board shall be an elector within the boundaries of the~~  
 29 ~~district.~~

30 ~~(3) The commissioners shall, at a public meeting, pass a resolution establishing the number of~~



1 ~~members of the board and the terms of the appointments. The board must consist of at least three~~  
 2 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

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

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

7  
 8 **Section 22.** Section 7-22-2415, MCA, is amended to read:

9 **"7-22-2415. Powers of mosquito control board.** ~~The~~ In addition to the powers and duties  
 10 established in the resolution creating a mosquito control board, ~~shall have power to~~ may:

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

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

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

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

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

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

23  
 24 **Section 23.** Section 7-35-2108, MCA, is amended to read:

25 **"7-35-2108. Government of district by trustees.** ~~(1) The cemetery district shall~~ must be governed  
 26 and managed by ~~three~~ trustees appointed by the board of county commissioners pursuant to the provisions  
 27 of [sections 1 through 3]. ~~The trustees at their first meeting shall adopt bylaws for the government and~~  
 28 ~~management of the district.~~

29 ~~(2) The trustees may be appointed from the residents of the district for terms of 1, 2, and 3 years,~~  
 30 ~~respectively, and until their successors are appointed and qualified. Annually thereafter the board of county~~

1 ~~commissioners shall appoint one trustee for a term of 3 years or until his successor is appointed and~~  
 2 ~~qualified.~~

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

5  
 6 **Section 24.** Section 7-35-2109, MCA, is amended to read:

7 **"7-35-2109. Powers of district.** ~~Said~~ In addition to the powers and duties established in the  
 8 resolution creating a cemetery district, the district may:

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

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

11 (3) perform all acts necessary or proper for the carrying out of the purposes of 7-35-2101 through  
 12 7-35-2125, including the selling or leasing of burial lots."

13  
 14 **NEW SECTION. Section 25. Repealer.** Sections 7-13-214, 7-13-2522, 7-13-2523, 7-13-2524,  
 15 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305, 7-16-2306, 7-16-2307,  
 16 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321, 7-16-4202, 7-16-4203,  
 17 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209, 7-16-4210, 7-16-4211,  
 18 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304, 7-16-4305, 7-16-4306,  
 19 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  
 20 7-22-2414, MCA, are repealed.

21  
 22 **NEW SECTION. Section 26. Codification instruction.** [Sections 1 through 3] are intended to be  
 23 codified as an integral part of Title 7, chapter 1, and the provisions of Title 7, chapter 1, apply to [sections  
 24 1 through 3].

25  
 26 **NEW SECTION. Section 27. Effective date.** [Section 25] is effective October 1, 1996.

27 -END-

SENATE BILL NO. 377

INTRODUCED BY Weldon

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S TASK FORCE TO RENEW MONTANA GOVERNMENT BY REQUIRING COUNTIES TO ESTABLISH CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, AND COMMISSIONS BY RESOLUTION; ALLOWING COUNTY COMMISSIONERS TO ACT AS CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, OR COMMISSIONS IF THERE ARE NOT ENOUGH QUALIFIED PERSONS TO SERVE ON THE BOARDS, DISTRICTS, OR COMMISSIONS; REVISING THE METHOD OF ESTABLISHING A MUNICIPAL BOARD OF PARK COMMISSIONERS; REPEALING THE MUNICIPAL WINTER WORK PROGRAM; AMENDING SECTIONS 7-8-2103, 7-13-213, 7-13-215, 7-13-2510, 7-13-2521, 7-16-2105, 7-16-2203, 7-16-2301, 7-16-2327, 7-16-4201, 7-16-4222, 7-21-3401, 7-21-3406, 7-22-2103, 7-22-2109, 7-22-2215, 7-22-2216, 7-22-2411, 7-22-2415, 7-35-2108, AND 7-35-2109, 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 7-22-2414, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

## 1 SENATE BILL NO. 377

2 INTRODUCED BY WELDON

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S  
 5 TASK FORCE TO RENEW MONTANA GOVERNMENT BY REQUIRING COUNTIES TO ESTABLISH CERTAIN  
 6 ADMINISTRATIVE BOARDS, DISTRICTS, AND COMMISSIONS BY RESOLUTION; ALLOWING COUNTY  
 7 COMMISSIONERS TO ACT AS CERTAIN ADMINISTRATIVE BOARDS, DISTRICTS, OR COMMISSIONS IF  
 8 THERE ARE NOT ENOUGH QUALIFIED PERSONS TO SERVE ON THE BOARDS, DISTRICTS, OR  
 9 COMMISSIONS; REVISING THE METHOD OF ESTABLISHING A MUNICIPAL BOARD OF PARK  
 10 COMMISSIONERS; REPEALING THE MUNICIPAL WINTER WORK PROGRAM; AMENDING SECTIONS  
 11 7-8-2103, 7-13-213, 7-13-215, 7-13-2510, 7-13-2521, 7-16-2105, 7-16-2203, 7-16-2301, 7-16-2327,  
 12 7-16-4201, 7-16-4222, 7-21-3401, 7-21-3406, 7-22-2103, 7-22-2109, 7-22-2215, 7-22-2216,  
 13 7-22-2411, 7-22-2415, 7-35-2108, AND 7-35-2109, MCA; REPEALING SECTIONS 7-13-214, 7-13-2522,  
 14 7-13-2523, 7-13-2524, 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305,  
 15 7-16-2306, 7-16-2307, 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321,  
 16 7-16-4202, 7-16-4203, 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209,  
 17 7-16-4210, 7-16-4211, 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304,  
 18 7-16-4305, 7-16-4306, 7-16-4307, 7-16-4308, 7-16-4309, 7-21-3403, 7-21-3404, 7-21-3405,  
 19 7-22-2105, 7-22-2413, AND 7-22-2414, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

20

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

22

23 NEW SECTION. **Section 1. Boards.** (1) A board of county commissioners may by resolution  
 24 establish the administrative boards, districts, or commissions allowed by law or required by law to be  
 25 established pursuant to [sections 2 and 3] and this section and listed in [section 2]. The resolution creating  
 26 an administrative board, district, or commission must specify:

- 27 (a) the number of board, district, or commission members;
- 28 (b) the terms of the members;
- 29 (c) whether members are entitled to mileage, per diem, expenses, and salary; and
- 30 (d) any special qualifications for membership in addition to those established by law.

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

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

4 (i) exercise administrative powers as granted by resolution, except that it may not pledge the credit  
5 of the county or impose a tax unless specifically authorized by state law;

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

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

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

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

13 (4) Administrative boards, districts, and commissions may not sue or be sued independently of the  
14 local government unless authorized by state law.

15 (5) Members must be appointed by the county commissioners. The county commissioners shall  
16 post prospective membership vacancies at least 1 month prior to filling the vacancy.

17 (6) The county commissioners shall maintain a register of appointments, including:

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

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

20 (c) the length of term;

21 (d) the name and term of the presiding officer and other officers of each administrative board,  
22 district, or commission; and

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

24 (7) Terms of all members, except elected members, may not exceed 4 years. Unless otherwise  
25 provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure of  
26 the county commissioners.

27 (8) An administrative board, district, or commission must consist of a minimum of 3 members and  
28 must have an odd number of members.

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

1 (10) Two or more local governments may provide for joint boards, districts, or commissions to be  
2 established by interlocal agreements.

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

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

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

10 (14) Unless otherwise provided by law, a person must be a resident of the county to be eligible for  
11 appointment to an administrative board, district, or commission. The county commissioners may prescribe  
12 by resolution additional qualifications for membership.

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

15 (16) A resolution creating an administrative board, district, or commission must contain, if  
16 applicable, budgeting and accounting requirements for which the board, district, or commission is  
17 accountable to the county commissioners.

18

19 **NEW SECTION. Section 2. Transition of existing boards and creation of new boards.** (1) Unless  
20 otherwise specified by law, the state laws providing for the organization and operation of the following  
21 administrative boards, districts, and commissions must be given the status of local ordinances for 1 year  
22 following [the effective date of this act], and the following boards, districts, and commissions shall continue  
23 to function during this period under the respective laws until the boards, districts, or commissions are  
24 reorganized by the county commissioners pursuant to the provisions of [section 1]:

25 (a) county building commission;

26 (b) cemetery districts;

27 (c) county fair commission;

28 (d) mosquito control board;

29 (e) museum board;

30 (f) board of park commissioners;

- 1 (g) rodent control board;  
 2 (h) solid waste district;  
 3 (i) television district;  
 4 (j) weed control district.

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

7  
 8 **NEW SECTION. Section 3. County commissioners to assume duties of administrative boards,**  
 9 **districts, and commissions.** (1) If the minimum number of qualified persons is not available for membership  
 10 on an administrative board, district, or commission, the county commissioners may by resolution, at a  
 11 public meeting, assume the duties of the administrative board, district, or commission and may act as that  
 12 board, district, or commission with the same powers and duties as that board, district, or commission.

13 (2) County commissioners, acting in the capacity of an administrative board, district, or commission  
 14 may not receive any compensation in addition to their compensation as county commissioners.

15  
 16 **Section 4.** Section 7-8-2103, MCA, is amended to read:

17 **"7-8-2103. Authorization to create county building commission.** ~~(4)~~ The board of county  
 18 commissioners shall ~~have the power to~~ may create a building commission subject to the provisions of  
 19 [sections 1 through 3]. for the management of such civic center, youth center, park buildings, museums,  
 20 county parks, recreation centers, hospitals, or any combination of two or more thereof. Such commission  
 21 shall be composed of the chairman of the board of county commissioners and five lay members to be  
 22 appointed by the board. In cases where a commission has been appointed, the commission, together with  
 23 the board, shall have the power to employ a manager.

24 ~~(2) The terms of office for the first lay members of the commission shall be, respectively, one for~~  
 25 ~~1 year, two for 2 years, and two for 3 years. On the expiration of such terms of figures 1, 2, and 3 years,~~  
 26 ~~their successors shall hold for 3 years each.~~

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

28  
 29 **Section 5.** Section 7-13-213, MCA, is amended to read:

30 **"7-13-213. District to be administered by appointed board of directors.** Upon creation of any solid

1 waste management district, the commissioners shall appoint a board of directors for the proposed solid  
 2 waste management district subject to the provisions of [sections 1 through 3]."

3  
 4 **Section 6.** Section 7-13-215, MCA, is amended to read:

5 **"7-13-215. Powers and duties of board.** Except for powers specifically reserved by the counties  
 6 in the resolution creating the district, the board has the powers and duties provided in 75-10-112 as well  
 7 as any additional powers granted the board in the resolution."

8  
 9 **Section 7.** Section 7-13-2510, MCA, is amended to read:

10 **"7-13-2510. Powers of district.** A In addition to any powers granted pursuant to [section 1], a  
 11 television district organized under this part, acting through its board of trustees ~~herein provided for~~, may:

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

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

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

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

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

29 (6) to make contracts of any lawful nature (including labor contracts or those for employees'  
 30 benefits) and employ engineers, laboratory personnel, attorneys, other technical or professional assistants,



1 and any other assistants or employees necessary to carry out the provisions of this part;

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

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

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

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

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

14 (12) provide FM translator services if authorized as provided in 7-13-2512."  
15

16 **Section 8.** Section 7-13-2521, MCA, is amended to read:

17 "**7-13-2521. Appointment of board of trustees.** The board of county commissioners, upon the  
18 creation of ~~said~~ the district and as a part of the order creating the district, shall appoint a board of ~~three~~  
19 trustees to administer the affairs of the district subject to the provisions of [sections 1 through 3]."  
20

21 **Section 9.** Section 7-16-2105, MCA, is amended to read:

22 "**7-16-2105. Acquisition of land by county for public recreational or cultural purposes.** (1) The  
23 ~~several~~ counties of this state are ~~hereby~~ authorized ~~and empowered~~ to acquire, by purchase, grant, deed,  
24 gift, devise, condemnation, or otherwise, lands suitable for public camping, ~~and~~ public recreational  
25 purposes, civic centers, youth centers, museums, recreational centers, and any combination thereof or may  
26 lease ~~such~~ the land tracts, each of which shall must be ~~so~~ situated as to offer ready access to a public  
27 highway.

28 (2) ~~Nothing contained herein shall~~ This section may not be construed as amending or repealing  
29 7-16-2201 through ~~7-16-2205~~ 7-16-2204."  
30

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

2           **"7-16-2203. Board of trustees —~~appointment and term.~~** ~~(1)~~ The board of county commissioners  
3 of each county owning or acquiring a museum, facility for the arts, or collection of exhibits may, at the first  
4 regular meeting of the board after acquiring a museum, facility, or collection, appoint a board of trustees,  
5 subject to the provisions of [sections 1 through 3], for the administration of the county museum fund as  
6 provided in this part.

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

11  
12           **Section 11.** Section 7-16-2301, MCA, is amended to read:

13           **"7-16-2301. Authorization for county board of park commissioners.** ~~(1)~~ There may be created in  
14 ~~all counties~~ each county a board of park commissioners subject to the provisions of [sections 1 through  
15 3].

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

18  
19           **Section 12.** Section 7-16-2327, MCA, is amended to read:

20           **"7-16-2327. Indebtedness for park purposes.** (1) Subject to the provisions of subsection (2), a  
21 county park board, in addition to powers and duties now given under law, ~~has the power and duty to~~ may  
22 contract an indebtedness in behalf of a county, upon the credit of the county, for the purposes of  
23 7-16-2321(1) and (2) in order to carry out its powers and duties.

24           (2) (a) The total amount of indebtedness authorized to be contracted in any form, including the  
25 then-existing indebtedness, may not at any time exceed 13% of the total of the taxable value of the taxable  
26 property in the county, plus the amount of taxes levied on new production, production from horizontally  
27 completed wells, and incremental production divided by the appropriate tax rates described in  
28 15-23-607(2)(a), (2)(b), or (2)(c) and multiplied by 60%, plus the amount of value represented by new  
29 production and production from horizontally completed wells exempted from tax as provided in 15-23-612,  
30 plus the value of any other production occurring after December 31, 1988, multiplied by 60%, ascertained

1 by the last assessment for state and county taxes previous to the incurring of the indebtedness.

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

6  
7 **Section 13.** Section 7-16-4201, MCA, is amended to read:

8 **"7-16-4201. Authorization for municipal board of park commissioners.** ~~(4)~~ There may be created  
9 by ordinance in all cities of the first and second class a board of park commissioners, whether ~~such~~ the  
10 cities ~~be~~ are a council form of government or city-manager form. The ordinance must meet the same  
11 requirements as those provided for a county resolution in [section 1].

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

14  
15 **Section 14.** Section 7-16-4222, MCA, is amended to read:

16 **"7-16-4222. Rules to implement part.** (1) ~~The~~ In addition to the powers and duties established in  
17 the ordinance creating the board of park commissioners and the provisions of 7-16-4223 through  
18 7-16-4228, the board of park commissioners shall have has the following powers and ~~be charged with the~~  
19 ~~following~~ duties:

20 (a) to make all rules necessary or convenient to protect and promote the growth of trees and plants  
21 in parks, streets, avenues, alleys, boulevards, and public places under the care and control of ~~said~~ the board  
22 and for the protection of all birds inhabiting, frequenting, or nesting in ~~such~~ the parks, streets, avenues,  
23 boulevards, and public places;

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

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

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

28  
29 **Section 15.** Section 7-21-3401, MCA, is amended to read:

30 **"7-21-3401. Authorization to create county fair commission** ~~—appointment and term.~~ ~~(4)~~ The board

1 of county commissioners may, at any regular meeting, appoint a county fair commission subject to the  
 2 provisions of [sections 1 through 3].

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

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

9 **"7-21-3406. Powers of county fair commission.** By In addition to the powers and duties established  
 10 in the resolution of the board of county commissioners creating the county fair commission and by the  
 11 provisions of 7-21-3407 through 7-21-3414, the county fair commissioners ~~shall~~ have control and operation  
 12 of the fair and the supervision and management of the fairgrounds and also the leasing of buildings and  
 13 fairgrounds on a continuous basis throughout the fiscal year and shall return to the fair fund of the county  
 14 all revenue obtained from the leasing or renting of the ~~same~~ the buildings and fairgrounds."

15  
 16 **Section 17.** Section 7-22-2103, MCA, is amended to read:

17 **"7-22-2103. District weed board ~~—appointment and term.~~** (1) The commissioners shall appoint a  
 18 district weed board subject to the provisions of [sections 1 through 3].

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

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

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

26 ~~(5)~~(2) The board may call upon the county attorney for legal advice and services as it may require."  
 27

28 **Section 18.** Section 7-22-2109, MCA, is amended to read:

29 **"7-22-2109. Powers and duties of board.** (1) ~~The~~ In addition to any powers or duties established  
 30 in the resolution creating a district weed board, the board may:

- 1 (a) employ a supervisor and other employees as necessary and provide for their compensation;
- 2 (b) purchase ~~such~~ chemicals, materials, and equipment and pay other operational costs as it
- 3 determines necessary for implementing an effective weed management program. ~~Such~~ The costs must be
- 4 paid from the noxious weed fund.
- 5 (c) determine what chemicals, materials, or equipment may be made available to persons controlling
- 6 weeds on their own land. The cost for ~~such~~ the chemicals, materials, or equipment must be paid by ~~such~~
- 7 the person and collected as provided in this part.
- 8 (d) enter into agreements with the department for the control and eradication of any new exotic
- 9 plant species not previously established in the state which may render land unfit for agriculture, forestry,
- 10 livestock, wildlife, or other beneficial use if ~~such~~ the plant species spreads or threatens to spread into the
- 11 state; and
- 12 (e) perform other activities relating to weed management.

13 (2) The board shall:

- 14 (a) administer the district's noxious weed program;
- 15 (b) establish management criteria for noxious weeds on all land within the district;
- 16 (c) make all reasonable efforts to develop and implement a noxious weed program covering all land
- 17 within the district owned or administered by a federal agency."

18

19 **Section 19.** Section 7-22-2215, MCA, is amended to read:

20 **"7-22-2215. Rodent control board.** ~~{1}~~ A governing body creating a rodent control district shall

21 appoint a rodent control board subject to the provisions of [sections 1 through 3]. ~~The county extension~~

22 ~~agent is an ex officio member of the board. Each member of the board must be an elector and reside within~~

23 ~~the district.~~

24 ~~(2) The governing body shall, at a public meeting, pass a resolution establishing the number of~~

25 ~~members on the board and the terms of the appointments. The board must consist of at least three~~

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

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

- 28 ~~(a) a mileage allowance as provided in 2-18-503 for the distance actually and necessarily traveled~~
- 29 ~~to perform official duties; and~~
- 30 ~~(b) per diem expenses established by the governing body.~~

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

5  
 6           **Section 20.** Section 7-22-2216, MCA, is amended to read:

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

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

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

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

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

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

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

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

21           (2) The board shall cooperate with the department in the management and suppression of rodent  
 22 pests and may enter into written agreements with the department."  
 23

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

25           **"7-22-2411. District to be governed by appointed mosquito control board** ~~—appointment and term.~~  
 26 ~~(1) Upon the creation of any mosquito control district, the commissioners shall appoint a mosquito control~~  
 27 ~~board subject to the provisions of [sections 1 through 3].~~

28           ~~(2) Each member of the mosquito control board shall be an elector within the boundaries of the~~  
 29 ~~district.~~

30           ~~(3) The commissioners shall, at a public meeting, pass a resolution establishing the number of~~

1 ~~members of the board and the terms of the appointments. The board must consist of at least three~~  
 2 ~~members and no more than nine members, and the members of the board must be residents of the district.~~

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

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

7  
 8 **Section 22.** Section 7-22-2415, MCA, is amended to read:

9 **"7-22-2415. Powers of mosquito control board.** ~~The~~ In addition to the powers and duties  
 10 established in the resolution creating a mosquito control board, ~~shall have power to~~ may:

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

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

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

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

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

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

23  
 24 **Section 23.** Section 7-35-2108, MCA, is amended to read:

25 **"7-35-2108. Government of district by trustees.** ~~(1) The cemetery district shall~~ must be governed  
 26 and managed by ~~three~~ trustees appointed by the board of county commissioners pursuant to the provisions  
 27 of [sections 1 through 3]. ~~The trustees at their first meeting shall adopt bylaws for the government and~~  
 28 ~~management of the district.~~

29 ~~(2) The trustees may be appointed from the residents of the district for terms of 1, 2, and 3 years,~~  
 30 ~~respectively, and until their successors are appointed and qualified. Annually thereafter the board of county~~

1 ~~commissioners shall appoint one trustee for a term of 3 years or until his successor is appointed and~~  
 2 ~~qualified.~~

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

5

6 **Section 24.** Section 7-35-2109, MCA, is amended to read:

7 **"7-35-2109. Powers of district.** ~~Said~~ In addition to the powers and duties established in the  
 8 resolution creating a cemetery district, the district may:

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

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

11 (3) perform all acts necessary or proper for the carrying out of the purposes of 7-35-2101 through  
 12 7-35-2125, including the selling or leasing of burial lots."

13

14 NEW SECTION. **Section 25. Repealer.** Sections 7-13-214, 7-13-2522, 7-13-2523, 7-13-2524,  
 15 7-13-2525, 7-13-2526, 7-16-2204, 7-16-2302, 7-16-2303, 7-16-2305, 7-16-2306, 7-16-2307,  
 16 7-16-2308, 7-16-2309, 7-16-2310, 7-16-2311, 7-16-2313, 7-16-2321, 7-16-4202, 7-16-4203,  
 17 7-16-4204, 7-16-4205, 7-16-4206, 7-16-4207, 7-16-4208, 7-16-4209, 7-16-4210, 7-16-4211,  
 18 7-16-4221, 7-16-4224, 7-16-4301, 7-16-4302, 7-16-4303, 7-16-4304, 7-16-4305, 7-16-4306,  
 19 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  
 20 7-22-2414, MCA, are repealed.

21

22 NEW SECTION. **Section 26. Codification instruction.** [Sections 1 through 3] are intended to be  
 23 codified as an integral part of Title 7, chapter 1, and the provisions of Title 7, chapter 1, apply to [sections  
 24 1 through 3].

25

26 NEW SECTION. **Section 27. Effective date.** [Section 25] is effective October 1, 1996.

27

-END-