



AN ACT REVISING LAWS REGARDING THE ADMINISTRATION OF CONSERVATION DISTRICTS; REVISING PROVISIONS RELATED TO THE REORGANIZATION OF DISTRICT GOVERNING BODIES; CLARIFYING THE COMPOSITION OF DISTRICT GOVERNING BODIES WHEN A PORTION OF AN INCORPORATED MUNICIPALITY IS LOCATED WITHIN THE BOUNDARY OF A CONSERVATION DISTRICT; AMENDING SECTIONS 76-15-301, 76-15-311, AND 76-15-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 76-15-301, MCA, is amended to read:

"76-15-301. Establishment of supervisor areas and reorganization of ~~supervisor areas~~ district governing bodies. (1) (a) ~~The~~ A conservation district is authorized to divide the unincorporated area of the district into no more than five supervisor areas.

(b) Each supervisor area must be represented by one supervisor. ~~If provided by ordinance of the conservation district, a supervisor shall reside in the supervisor area represented. A certified copy of the ordinance must be submitted to the election administrator in each affected county.~~ If less than five supervisor areas are established, a sufficient number of supervisors must be elected at large to complete the governing body of the district as provided in 76-15-311(1).

(2) (a) In a district containing no incorporated municipalities that are completely within the boundaries of the district, the department may shall, upon passage of a resolution by the district to transition to seven supervisors, reorganize the district into seven supervisor areas as provided in 76-15-305 and this subsection (2).

(b) A district that is reorganized pursuant to this section may be divided into no more than seven supervisor areas.

(3) If provided by ordinance of the district, a supervisor must reside in the area the supervisor represents."

Section 2. Section 76-15-311, MCA, is amended to read:

"76-15-311. Governing body of district. (1) If there are no incorporated municipalities that are completely within the boundaries of the district, the governing body of the district shall consist of five elected supervisors unless the district has been reorganized pursuant to 76-15-301(2) and 76-15-305.

(2) If there are incorporated municipalities that are completely within the boundaries of the district, the governing body of the district shall consist of seven supervisors as follows:

(a) The board of supervisors, in addition to five elected supervisors, shall consist of two appointed supervisors, making a total of seven supervisors in such those districts. ~~The two appointed supervisors must be residents of municipalities within the district.~~ The legislative bodies of the incorporated municipalities within the district shall appoint the two additional supervisors after consultation with the elected supervisors. The term of office of the appointed supervisors ~~shall be~~ is 3 years.

(b) Where there are ~~more than two~~ or more incorporated municipalities that are completely within the boundaries of a district, the two appointed supervisors shall represent all the municipalities and urban interests in the district, ~~and no~~ A municipality ~~shall~~ may not have more than one appointed supervisor residing ~~therein~~ in the municipality. The legislative bodies of the incorporated municipalities within the district shall agree on the persons appointed to serve as the appointed supervisors.

(3) If there are no incorporated municipalities that are completely within the boundaries of the district but a portion of one or more incorporated municipalities is within the boundaries of a district, the elected supervisors may pass a resolution to transition to a board of seven members consisting of five elected supervisors and two supervisors appointed by the legislative bodies of the partially included municipalities as provided in subsection (2).

(4) A supervisor appointed under subsection (2) or (3) may live outside the municipality the supervisor represents, but the supervisor must reside within the boundaries of the district.

(5) An elected supervisor must reside within the boundaries of the district.

~~(3)~~(6) The board of supervisors may appoint associate supervisors it considers necessary to advise the board of supervisors on the operation of the conservation district as provided in part 4 of this chapter."

Section 3. Section 76-15-312, MCA, is amended to read:

"76-15-312. Term of office and vacancies. (1) The term of office of each supervisor is 4 years, except that the supervisors who are first appointed by the department must be designated to serve for terms of 2 years

from the date of their appointment. An elected supervisor holds office until a successor has been elected and has qualified.

(2) A vacancy is created when any of the following events occurs before the expiration of the term of the incumbent:

- (a) death;
- (b) a determination pursuant to Title 53, chapter 21, part 1, that the incumbent is mentally ill;
- (c) resignation;
- (d) removal from office;
- (e) unexcused absence from three consecutive regular meetings of the board of supervisors;
- (f) ceasing to ~~be a resident of~~ reside in the district;
- (g) conviction of a felony or a violation of official duties; or
- (h) the decision of a court declaring void the incumbent's election or appointment.

(3) For the purpose of subsection (2)(e), a majority vote of the board of supervisors may excuse a supervisor from attending a meeting.

(4) A vacancy occurring in the office of an elected supervisor must be filled by appointment by the remaining supervisors until the next regular election, when a successor must be elected to serve the unexpired term."

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

- END -

I hereby certify that the within bill,
HB 0430, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 430

INTRODUCED BY C. LONEY, A. KNUDSEN, O'HARA, WILMER, PRICE, KARY, HARRIS, SKATTUM

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