

SENATE BILL NO. 349
INTRODUCED BY D. RYAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONSERVATION DISTRICT MEMBERSHIP ON A CITY-COUNTY CITY PLANNING BOARD; REQUIRING THE NINTH A MEMBER OF THE PLANNING BOARD TO BE SELECTED BY THE CONSERVATION DISTRICT BOARD OF SUPERVISORS IF CITY BOUNDARIES INCLUDE A PORTION OF A CONSERVATION DISTRICT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION ~~76-1-201~~ 76-1-221, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, it is the declared policy of Montana under section 76-15-102, MCA, to provide for conservation of the state's soil and soil resources, for the control and prevention of soil erosion, for the prevention of flood water and sediment damage, and for furthering the conservation development, utilization, and disposal of water and through those provisions to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of the state; and

WHEREAS, conservation districts take leading roles in ensuring that conservation practices are used across the county and that The Natural Streambed and Land Preservation Act of 1975 is implemented and administered within the jurisdictional boundaries of a conservation district; and

~~WHEREAS, section 76-1-201, MCA, provides that the ninth member of a city-county planning board be selected from a conservation district board of supervisors by the eight other planning board members if there is a member of the board of supervisors willing and able to serve; and~~

WHEREAS, planning board statutes do not allow a conservation district to appoint a member of the board of supervisors to a ~~city-county~~ CITY planning board; and

WHEREAS, Montana conservation district supervisors, as elected officials, are knowledgeable, experienced, and committed to the conservation of natural resources and will provide a valuable link between the city planners and the citizens of the community.

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

~~Section 1. Section 76-1-201, MCA, is amended to read:~~

~~"76-1-201. Membership of city-county planning board. (1) Except as provided in subsection (2), a city-county planning board shall consist consists of not less no fewer than nine members to be appointed as follows:~~

~~(a) two official members who reside outside the city limits but within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners, who may in the discretion of the board of county commissioners be employed by or hold public office in the county;~~

~~(b) two official members who reside within the city limits to be appointed by the city council, who may in the discretion of the city council be employed by or hold public office in the city;~~

~~(c) two citizen members who reside within the city limits to be appointed by the mayor of the city;~~

~~(d) two citizen members who reside within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners;~~

~~(e) the ninth member to be selected by the eight officers and citizen members hereinabove provided for from the members of the board of supervisors of a conservation district provided for in 76-15-311 if the boundaries of the city for which the city-county planning board is established include any portion of the conservation district.~~

~~(2) Subsection (1)(e) does not apply if there is no member of the board of supervisors of a conservation district who is able or willing to serve on the city-county planning board. In such case, the boundaries of the city for which the city-county planning board is established do not include any portion of a conservation district. If subsection (1)(e) does not apply, the ninth member of the city-county planning board shall must be selected by the eight officers and citizen members hereinabove provided for in this section with the consent and approval of the board of county commissioners and the city council.~~

SECTION 1. SECTION 76-1-221, MCA, IS AMENDED TO READ:

"76-1-221. Membership of city planning board. (1) A city planning board shall consist consists of not less no fewer than seven members to be appointed as follows:

(a) one member to be appointed by the city council from its membership;

(b) one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;

(c) one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;

(d) four citizen members to be appointed by the mayor, two of whom shall must be resident freeholders

real property owners within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom ~~shall~~ must be resident ~~freeholders~~ real property owners within the city limits; and

(e) if the boundaries for which the city planning board is established include any portion of a conservation district, one member to be appointed by the conservation district board of supervisors who must be:

(i) a conservation district supervisor or associate supervisor; and

(ii) a resident of the city or urban area, if any, outside the city limits over which the planning board has jurisdiction.

(2) The clerk of the city council shall certify members appointed by its body. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. Applicability. (1) [This act] applies to ~~city-county~~ CITY planning boards formed after [the effective date of this act].

(2) ~~City-county~~ CITY planning boards that exist before [the effective date of this act] shall comply with the provisions governing conservation districts by October 1, 2007.

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