

1 HOUSE BILL NO. 35  
 2 INTRODUCED BY L. BREWSTER  
 3 BY REQUEST OF THE LOCAL GOVERNMENT INTERIM COMMITTEE  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY WATER AND/OR SEWER DISTRICT  
 6 ADMINISTRATION LAWS; REMOVING CERTAIN APPOINTED COUNTY WATER AND/OR SEWER  
 7 DISTRICT BOARD POSITIONS; ALLOWING FOR NONVOTING EX OFFICIO MEMBERS ON A COUNTY  
 8 WATER AND/OR SEWER DISTRICT BOARD IN CERTAIN CIRCUMSTANCES; CLARIFYING THE DATE A  
 9 DIRECTOR'S TERM OF OFFICE BEGINS; REMOVING BOND REQUIREMENTS OF CERTAIN COUNTY  
 10 WATER AND/OR SEWER DISTRICT ADMINISTRATIVE PERSONNEL; AMENDING SECTIONS 7-13-2231, 7-  
 11 13-2232, 7-13-2233, 7-13-2234, 7-13-2259, AND 7-13-2262, MCA; ~~AND~~ REPEALING SECTION 7-13-2279,  
 12 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15  
16 **Section 1.** Section 7-13-2231, MCA, is amended to read:

17 **"7-13-2231. Election or appointment of board of directors.** (1) The district shall elect a board of  
18 directors, except as provided in subsection (2).

19 (2) If no qualified electors reside in the district at a time when directors of the district are to be  
20 elected, the directors must be appointed in a certificate of appointment. The certificate of appointment must be  
21 signed by the owners of all of the real property in the district and must contain the signed acceptance of the  
22 appointment by all of the directors.

23 (3) The board of directors is the governing body of the district.

24 ~~(4) When an appointed director's term expires, the position must be filled by election, except as  
25 provided in subsection (2)."~~

26  
27 **Section 2.** Section 7-13-2232, MCA, is amended to read:

28 **"7-13-2232. Composition of board of directors.** (1) ~~If there are no municipalities within the~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Section 4.** Section 7-13-2233, MCA, is amended to read:

**"7-13-2233. Qualifications of directors.** (1) To be eligible for election or appointment to a board of directors, a person must be:

- (a) registered to vote as required by law;
- (b) 18 years of age or older;
- (c) a citizen of the United States; and
- (d) a resident of the district or an owner of real property in the district who is a resident of the state of Montana.

~~(2) — A person who is serving on a board of directors on July 1, 2017, who does not meet the qualifications under subsection (1) may serve the remainder of the person's term but may not be reelected or reappointed to the board. A person elected or appointed after July 1, 2017, must meet the qualifications under subsection (1).~~

~~(3)(2) A person appointed to a board of directors as a nonvoting ex officio member as provided in [section 3] must meet the requirements of this section except that the person may reside outside the boundaries of the district and is not required to own property in the district."~~

**Section 5.** Section 7-13-2234, MCA, is amended to read:

**"7-13-2234. Term of office.** (1) The term of office of a director begins on the first Monday of the month following the date of the director's election or appointment. A director, elected or appointed, shall hold office until the election and qualification or the appointment and qualification of the term of office of the director's successor begins.

- (2) Except as provided in subsection (3), the term of office of a director must be 4 years.
- (3) (a) In districts requiring the election of five directors, three of the initial directors shall serve for a term of 2 years and two of the initial directors shall serve for a term of 4 years.
- (b) In districts requiring the election of three directors, one initial director shall serve for a term of 2 years and two initial directors shall serve for a term of 4 years.
- (c) At the first meeting following an initial election or appointment of directors, the directors shall

**Amendment - 1st Reading-white - (H) Local Government**

68th Legislature

Drafter: Laura Sankey Keip, 406-444-4410

HB0035.001.003

1 repealed:

2 7-13-2279. Performance bonds for administrative personnel.

3

4 NEW SECTION. Section 9. Codification instruction. [Section 3] is intended to be codified as an  
5 integral part of Title 7, chapter 13, part 22, and the provisions of Title 7, chapter 13, part 22, apply to [section 3].

6

7 NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.

8

- END -