

1 ~~boundaries of said district, the~~ The board of directors shall consist of five elected members or three elected
2 members if there are 10 or ~~less~~ fewer qualified electors in the district.

3 (2) ~~In all cases where~~ lf the boundaries of ~~such a~~ district include any municipality or municipalities, the
4 board may include one additional non-voting ex officio member as provided in [section 3] for each municipality
5 located within the district. Each non-voting ex officio member shall be appointed by the mayor of the
6 municipality for which the non-voting ex officio member is allowed.

7 (3) ~~If the boundaries of the district include unincorporated territory, the board may include one~~
8 additional non-voting ex officio member as provided in [section 3] appointed by the board of county
9 commissioners of each county containing the unincorporated territory~~said board, in addition to said five or three~~
10 ~~directors to be elected as aforesaid, shall consist of one additional director for each of said municipalities within~~
11 ~~such district, each such additional director to be appointed by the mayor of the municipality for which said~~
12 ~~additional director is allowed, and, if there be any unincorporated territory within said district, one additional~~
13 ~~director to be appointed by the board of county commissioners of each county containing such territory."~~

14
15 **NEW SECTION. Section 3. Non-voting ex officio members -- requirements -- compensation.** (1)

16 A district whose boundaries include any municipality or unincorporated territory may include on its board of
17 directors a non-voting ex officio member or members as allowed in 7-13-2232.

18 (2) A non-voting ex officio member:

19 (a) must be appointed by the mayor of the municipality or by the board of county commissioners of
20 the county the member represents;

21 (b) serves at the pleasure of the appointing authority for the term of office allowed in 7-13-2234;

22 (c) is not entitled to compensation under 7-13-2273 but may receive compensation from the
23 municipality or county the member represents;

24 (d) may not hold office as a presiding officer of the district; and

25 (e) is required to meet the qualifications of a director provided in 7-13-2233 except that the non-voting
26 ex officio member may reside outside the boundaries of the district and is not required to own property in the
27 district.

28

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

2 **"7-13-2233. Qualifications of directors.** (1) To be eligible for election or appointment to a board of
3 directors, a person must be:

4 (a) registered to vote as required by law;

5 (b) 18 years of age or older;

6 (c) a citizen of the United States; and

7 (d) a resident of the district or an owner of real property in the district who is a resident of the state of
8 Montana.

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

13 (3) A person appointed to a board of directors as a non-voting ex officio member as allowed in
14 [section 3] must meet the requirements of this section except that the person may reside outside the
15 boundaries of the district and is not required to own property in the district."

16
17 **Section 5.** Section 7-13-2234, MCA, is amended to read:

18 **"7-13-2234. Term of office.** (1) The term of office of a director begins on the first Monday of the
19 month following the date of the director's election or appointment. A director, elected or appointed, shall hold
20 office until the ~~election and qualification or the appointment and qualification of the term of office of the~~
21 director's successor begins.

22 (2) Except as provided in subsection (3), the term of office of a director must be 4 years.

23 (3) (a) In districts requiring the election of five directors, three of the initial directors shall serve for a
24 term of 2 years and two of the initial directors shall serve for a term of 4 years.

25 (b) In districts requiring the election of three directors, one initial director shall serve for a term of 2
26 years and two initial directors shall serve for a term of 4 years.

27 (c) At the first meeting following an initial election or appointment of directors, the directors shall
28 determine by lot who shall serve a 2-year term.

1 (4) Directors to be first appointed under the provisions of this part and part 23 must be appointed
2 within 90 days after the formation of the district."
3

4 **Section 6.** Section 7-13-2259, MCA, is amended to read:

5 **"7-13-2259. Manner of making appointments.** The mode of appointment of director or directors,
6 including the appointment of a non-voting ex officio board member, by a mayor or by a board of county
7 commissioners shall be by certificate of appointment signed by said mayor or issued by said board of county
8 commissioners and transmitted to the board of directors of said district."
9

10 **Section 7.** Section 7-13-2262, MCA, is amended to read:

11 **"7-13-2262. Vacancies on board of directors -- appointment.** (1) (a) Except as provided in
12 subsections (2) ~~and (3)through (4),~~ any vacancy in the board of directors, whether the vacant office is elective
13 or appointive, must be filled by majority vote of the remaining directors.

14 (b) A vacancy must be determined in accordance with 7-13-2263.

15 (2) If there are no directors remaining on the board and no nominees for any director position to be
16 elected, the county commissioners may appoint the number of directors specified in 7-13-2232(1). If the district
17 lies in more than one county, the county commissioners of each county with territory included in the district shall
18 jointly appoint the directors. The county commissioners shall stagger the terms of the directors appointed.

19 ~~(3) If the boundaries of the district include any municipality or municipalities and a new board must be~~
20 ~~appointed as provided in subsection (2), the board shall include one additional director to be appointed by the~~
21 ~~mayor of the municipality for which the additional director is allowed.~~

22 ~~(4)(3)~~ Following the appointment of a board in accordance with subsection (2), the directors must be
23 elected as provided in this part.

24 (4) A vacancy of a non-voting ex officio board member shall be filled by appointment by the respective
25 appointing authority."
26

27 **NEW SECTION. Section 8. {standard} Repealer.** The following sections of the Montana Code

28 Annotated are repealed:

1 7-13-2279. Performance bonds for administrative personnel.

2

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

5 - END -

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