

SENATE BILL NO. 341

INTRODUCED BY J. POMNICHOWSKI

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
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ELECTION AND APPOINTMENT OF CONSERVATION DISTRICT SUPERVISORS; REVISING APPOINTMENT OF SUPERVISORS REPRESENTING MUNICIPALITIES; REMOVING AUTHORITY TO ELECT CONSERVATION DISTRICT SUPERVISORS BY ACCLAMATION IN UNCONTESTED RACES; REQUIRING VACANT SUPERVISOR POSITIONS TO BE FILLED WITHIN 30 DAYS; AMENDING SECTIONS 76-15-301, 76-15-303, 76-15-311, AND 76-15-312, MCA; AND PROVIDING A DELAYED 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 district governing bodies.

(1) (a) 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 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~~ any part of an incorporated municipality within the boundaries of the district, the department shall, upon passage of a resolution by the district to transition to seven supervisors, reorganize the district 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 76-15-303, MCA, is amended to read:

"76-15-303. General election -- election by acclamation -- appointment. (1) All qualified electors



1 within the district are eligible to vote in the election.

2 (2) ~~Except as provided in subsection (5), the~~ The candidate or, if more than one supervisor position is
3 to be filled by the general election, the candidates who receive the largest number, respectively, of the votes cast
4 in the election are the elected supervisors for the district.

5 (3) In the general election, the names of the individuals nominated must be arranged on ballots as
6 prescribed in 13-12-205.

7 (4) The election administrator in each county shall prepare suitable nonpartisan ballots or place the
8 names of candidates on the regular general election ballot in the same manner as other nonpartisan candidates
9 for the election of supervisors. The ballots must be delivered to the election judges in those precincts that contain
10 registered electors prior to each general election and each primary election, if necessary. The election judges
11 and other election officials in the precincts shall submit the ballots to qualified electors, conduct the election, and
12 tabulate the results of the election in the manner provided in Title 13.

13 ~~(5) (a) Except as provided in subsection (5)(b), if the number of candidates nominated is equal to or less~~
14 ~~than the number of positions to be elected, the election administrator shall give notice that an election will not be~~
15 ~~held.~~

16 ~~_____ (b) The governing body may require that an election be held if, not more than 10 days after the close of~~
17 ~~filing by candidates, the governing body passes a resolution to hold an election and notifies the election~~
18 ~~administrator.~~

19 ~~_____ (c) If an election is not held, the governing body shall declare elected by acclamation the candidate who~~
20 ~~filed a nominating petition for the position. If no candidate has filed a nominating petition for the position, the~~
21 ~~governing body shall make an appointment to fill the position. Supervisors taking office pursuant to this~~
22 ~~subsection serve a term as if elected to the position."~~

23

24 **Section 3.** Section 76-15-311, MCA, is amended to read:

25 **"76-15-311. Governing body of district.** (1) If there are no incorporated municipalities that are
26 completely or partially within the boundaries of the district, the governing body of the district must consist of five
27 elected supervisors unless the district has been reorganized pursuant to 76-15-301(2) and 76-15-305.

28 (2) (a) If there are ~~incorporated municipalities that are completely~~ any parts of an incorporated
29 municipality within the boundaries of the district, the governing body of the district must consist of seven
30 supervisors ~~as follows:~~

1 ~~(a)~~(b) The board of supervisors, in addition to five elected supervisors, must consist of two appointed
 2 supervisors, making a total of seven supervisors in those districts. The legislative bodies of the two incorporated
 3 municipalities within the district whose residents pay the most in assessments pursuant to 76-15-516 shall each
 4 ~~appoint the two~~ one additional ~~supervisors~~ supervisor after consultation with the elected supervisors. If there is
 5 only one incorporated municipality within the district, the legislative body of that municipality shall appoint two
 6 supervisors. Supervisors appointed under this subsection (2)(b) shall represent all the municipalities and urban
 7 interests in the district. ~~The term of office of the appointed supervisors is 3 years.~~

8 ~~(b) Where there are two or more incorporated municipalities that are completely within the boundaries~~
 9 ~~of a district, the two appointed supervisors shall represent all the municipalities and urban interests in the district.~~
 10 ~~A municipality may not have more than one appointed supervisor residing in the municipality. The legislative~~
 11 ~~bodies of the incorporated municipalities within the district shall agree on the persons appointed to serve as the~~
 12 ~~appointed supervisors.~~

13 ~~(3) If there are no incorporated municipalities that are completely within the boundaries of the district but~~
 14 ~~a portion of one or more incorporated municipalities is within the boundaries of a district, the elected supervisors~~
 15 ~~may pass a resolution to transition to a board of seven members consisting of five elected supervisors and two~~
 16 ~~supervisors appointed by the legislative bodies of the partially included municipalities as provided in subsection~~
 17 ~~(2).~~

18 ~~(4)~~(3) A supervisor appointed under subsection (2) ~~or (3)~~ may live outside the municipality the supervisor
 19 represents, but the supervisor must reside within the boundaries of the conservation district.

20 ~~(5)~~(4) An elected supervisor must reside within the boundaries of the district.

21 ~~(6)~~(5) The board of supervisors may appoint associate supervisors it considers necessary to advise the
 22 board of supervisors on the operation of the conservation district as provided in part 4 of this chapter."
 23

24 **Section 4.** Section 76-15-312, MCA, is amended to read:

25 **"76-15-312. Term of office and vacancies.** (1) The term of office of each supervisor is 4 years, except
 26 that the supervisors who are first appointed by the department must be designated to serve for terms of 2 years
 27 from the date of their appointment. ~~An elected supervisor holds office until a successor has been elected and has~~
 28 ~~qualified.~~

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

- 1 (a) death;
- 2 (b) a determination pursuant to Title 53, chapter 21, part 1, that the incumbent is mentally ill;
- 3 (c) resignation;
- 4 (d) removal from office;
- 5 (e) unexcused absence from three consecutive regular meetings of the board of supervisors;
- 6 (f) ceasing to reside in the district;
- 7 (g) conviction of a felony or a violation of official duties; or
- 8 (h) the decision of a court declaring void the incumbent's election or appointment.
- 9 (3) For the purpose of subsection (2)(e), a majority vote of the board of supervisors may excuse a
- 10 supervisor from attending a meeting.
- 11 (4) A vacancy occurring in the office of an elected supervisor must be filled by appointment within 30 days
- 12 of the vacancy by the remaining supervisors until the next ~~regular~~ election, when a successor must be elected
- 13 to serve the unexpired term."

14

15 **NEW SECTION. Section 5. Effective date.** [This act] is effective November 4, 2015.

16

- END -