MONTANA ASSOCIATION of CONSERVATION DISTRICTS

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Resolution 26-11

Resolution type: Legislative Directive

A Resolution to Modify Montana Code Annotated 76-15-313

Submitted by: High Plains CD

Alternative option included - final version will be selected by HPCD board on 9/14/26

BACKGROUND DESCRIBING ISSUE

WHEREAS: Under 76-15-311, the governing body of a conservation district consists of elected supervisors *(five in districts without incorporated municipalities or seven in districts with incorporated municipalities).*

WHEREAS: The board's authority to act is defined in 76-15-321 MCA, which grants rulemaking authority. *This means the board can adopt rules, regulations and policies that govern its operations.*

WHEREAS: Section 76-15-313(2), MCA, provides that a majority of conservation district supervisors constitutes a quorum and, unless otherwise specifically provided, "the concurrence of a majority in any matter within their duties is required for its determination."

WHEREAS: Montana's administrative and procedural rules for local boards generally follow the principle that a quorum is required and that a majority of the total board members must vote on a matter for it to be valid. *This is consistent with Montana's broader administrative law framework, where boards of supervisors/directors/commissioners and other local governing bodies must act on the basis of a majority of the total membership, not just those physically present.*

WHEREAS: Prior precedence and guidance required conservation districts to operate under the higher threshold and Montana administrative and procedural rule requiring affirmative votes from a majority of the supervisors established under 76-15-301 MCA and governed in accordance with 76-15-311 MCA.

WHEREAS: Under general parliamentary law, an unqualified requirement for a "majority" ordinarily means a majority of the valid votes cast by members present and voting, with abstentions excluded.

WHEREAS: Changing "concurrence of a majority" to "concurrence of a majority of supervisors established under 76-15-301 MCA" would align the statute with longstanding practice, establish a clear voting threshold, and create greater statewide consistency in how conservation district boards conduct business. *(For example, a seven-member board would require four affirmative votes to pass a motion, regardless of the number of supervisors present or abstaining.)*

> Alternative (last sentence deleted): WHEREAS: Changing "concurrence of a majority" to "concurrence of a majority of supervisors established under 76-15-301 MCA" would align the statute with longstanding practice, establish a clear voting threshold, and create greater statewide consistency in how conservation district boards conduct business.

LANGUAGE TO BE INCLUDED IN LEGISLATION DRAFTED BY MACD

NOW THEREFORE BE IT RESOLVED: § 76-15-313(2), MCA, be amended to state:

"(2) A majority of the supervisors constitute a quorum, and except as otherwise specifically provided, the concurrence of a majority **of the supervisors established under 76-15-301 MCA** in any matter within their duties is required for its determination."

> Alternative: NOW THEREFORE BE IT RESOLVED: § 76-15-313(2), MCA, be amended to state:
>
> "(2) A majority of the supervisors constitute a quorum, and except as otherwise specifically provided, the concurrence of a majority of the supervisors in any matter within their duties is required for its determination."

SPONSOR(S) ACTIONS TO DATE

Awareness. Research. Resolution.

HOW WILL YOUR DISTRICT CONTINUE TO SUPPORT, BE INVOLVED WITH, AND TRACK THIS RESOLUTION BEFORE AND DURING THE UPCOMING LEGISLATIVE SESSION?

High Plains CD is committed to finding a sponsoring legislator to bring this legislation forward during the 2027 legislative session. HPCD will help with any necessary rewrites, advocacy and challenges to policy that may be required.

ARE THERE ANY EXISTING MACD POLICIES THAT THIS WOULD IMPACT OR INTERACT WITH?

None found

WOULD THIS POLICY IMPACT MACD?

No

WOULD THIS POLICY STATEMENT IMPACT THE STATE BUDGET? IF SO, HOW?

No. No budgetary adjustments would be required for local CD's, MACD or the state of Montana.

MEETING AND DATE ADOPTED BY SPONSORING ENTITY

September 14, 2026

AUTHORIZED SIGNATURE(S) AND TITLE(S)

Elliot Merja, HPCD Chairman