

Chart of Districts NOT Included in the Uniform Bill passed in 2007 (Title. 7, ch. 11, pt. 10)

Prepared by Sheri Scurr, Legislative Services Division, based on 2007 chart

| District | Creation Can governing body initiate? | Election on creation | Protest | Are there provisions for multi- county or multi-jurisdictional district? | Governance | Powers | Finance | Levy taxes ? (Subject to 15-10-420) | Annexation | Withdrawal of land | Dissolution |
|---|---|--|----------------|--|---|--|--|-------------------------------------|---|--|--|
| Business Improvement District Title 7 ch. 12, part 11 | No. Governing body must create a district upon receipt of petition signed by the owners of more than 60% of the property proposed for inclusion in the proposed district. | None. Governing body approves creation following petition. | | | Board of trustees. No less than 5 and no more than 7 owners of property within the district or their assignees are appointed, with approval of the governing body. | General granting of powers: "The board in administering a district has all powers necessary to carry out the functions of the district contained in the ordinance creating it." Specific powers enumerated . (7-12-1131) | Any obligation or debt is not an obligation or debt of the local govern- ment that established the district. Debt is solely payable from funds and properties of the district. | | Upon petition signed by the owners of more than 60% of the property proposed to be included in the expansion. | No provisions. | Duration specified in resolution to create district. May not be for a period of more than 10 years unless expanded in compliance with provisions for creation of a district. |
| Cattle Protective Districts Title 81 ch. 6, part 2 | | Upon receipt of petition, county commissions must designate the district within 30 days. | No provisions. | Yes. | Cattle Protective Committee. Each county wholly or partially in the district is entitled to three members of the district committee chosen in the same manner as a committee formed under part 1. | Powers the same as those enumerated in part 1. | Fee. May recommend the county impose a fee in an amount not to exceed 50 cents per head on all cattle 9 months of age or older. | No provisions. | No provisions. | In district that includes more than one county, cattle owners may petition to remove the area in its county from a district. | By petition signed by the same number and in the same manner as the petition to form the commission. |

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| <p>Conservancy Districts</p> <p>Title 85 ch 9, parts 1 - 6</p> | | Court orders election after petition and other requirements are met. | No provisions. | Not explicit. However, districts may merge. | Court order establishes number of persons who make up board of directors. | Powers are enumerated in 85-9-403 to 406. Powers to adopt rules, powers over property, and powers over finance. | Rates, fees, and other charges. May issue bonds, however 40% of the qualified electors must vote and 60% of those voting must approve the issue. | Yes. May assess not more than 2 mills for the purpose of meeting obligations. May make an assessment of up to 3 additional mills to pay interest and principal on bonded indebtedness. | Directors petition the court. Court holds hearing and orders or denies the annexation. | Petition initiated by directors or landowners. Court holds hearing and orders or denies the exclusion. | Dissolved by resolution, petition signed by 20% of electors representing 10% of the taxable value of property in the district or by inactivity. After receipt of petition or resolution, court orders an election |
| <p>Conservation Districts</p> <p>Title 76 ch 15, part 1-8</p> | Petition. Any 10% of the qualified electors within the proposed district may file a petition with the Department of Natural Resources and Conservation. | Department holds hearing and determines the need for the district. Referendum held to assist department in determining administrative practicality and feasibility. Department determines practicality and feasibility. | Those against formation may voice protest at hearing. | "The boundaries of the district must include the territory determined by the department, but may not include any area included within the boundaries of another conservation district." | | Duties enumerated in 76 15-320. Land use regulations require voter approval as established in 76-15-703. | Bonds. State money. Tax levy. | May levy taxes to pay any obligation of the district and to accomplish the purposes of the chapter. Regular or special assessments. Project areas can be determined by petition for which special assessments can be levied. (Protest provisions.) | By petition. If signed by majority, no election required. In referenda, all qualified electors within the proposed additional area are eligible to vote. | | |

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| County Planning Title 76 ch.1, part 1-6 | Created by resolution that is noticed. Public hearing required. | No election. | | "Any city, county, or town or any combination . . . wishing to be represented may, by agreement of the governing body or the bodies then represented on the board, obtain representation on the board." Joint or consolidated planning boards. | County planning board — not less than five members City-county planning board — not less than nine members. City planning board — note less than seven members. | Role of planning board enumerated in 76-1-106. | If adopt growth policy with specific require- ments, planning fees may be assessed. Fee may not exceed \$50 for each residential lot or \$250 for each commercial, industrial, or other lot. | Subject to 15-10-420, the board of county commissioners may levy a tax on the taxable value of all taxable property located within the planning district for planning board purposes. (For county, county on behalf of city-county) City also may levy a tax. | Jurisdictional area of city- county planning board may be extended 4 1/2 miles from the limits of cities upon petition signed by 5% or more of the resident freeholders living in excess of 4 1/2 miles and not more than 12 miles. | No provisions. | No provisions. |
| County Planning and Zoning Title 76 ch.2, part 1 | Created by petition. If 60% of the affected freeholders petition, the board of county commissioners may create a planning and zoning district. | No election. | Yes. If freeholders representing 50% of the titled property ownership protest the district within 30 days of its creation, the board may not create the district or pursue creation for 1 year. There is also an appeal procedure. | No provisions. | Planning and zoning commission appointed by county commissioners. Commission consists of three commissioners, county surveyor, two citizens, and a county official appointed by county commissioners. | "In general, the planning and zoning commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties to promote county planning and to carry out the purposes of this part." | No provisions. | No provisions. | "Territory that is directly adjacent to an existing planning and zoning district but that is not part of the district may be added to the district subject to the procedures provided in" Title 76, chapter 2, part 1 (76-2-117). | No provisions, but existing nonconforming uses can continue. | No provisions. |

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| County Zoning Title 76 ch. 2, part 2 | The board of county commissioners may by resolution establish zoning districts and zoning regulations for all or part of the jurisdictional area. Created by resolution that is noticed. Public hearing required. | No election. | | No provisions. | For amending zoning regulations or classification, county commission may appoint a zoning commission composed of at least 5 citizen members appointed at large from the zoning district. Board of adjustments appointed by county commission. | Powers of board of adjustment enumerated in 76-2-223. | No provisions. | No provisions. | No provisions. | No provisions, but nonconforming uses may continue and exceptions may be determined by board of adjustment. | No provisions. |
| Drainage District Title 85 ch. 8, parts 1- 6 | Created by petition. | | Landowners may contest proposed district during hearing on petition for creation. | Territory in a district does not need to be contiguous. | Court or judge makes preliminary appointments to a board of commissioners. Election required for successors. | Commissioners are declared to be public officers. Must examine lands in district and make a report to the court Emergency powers granted 85-8-368. | Notes or bonds. | Part 6 outlines taxes and assessments. | | Land may be excluded as outlined in 85-8-406. Complaint must be filed in district court. | Owners of more than one- half of the lands in a district may present petition to the district court having jurisdiction of the district. The court enters judgement dissolving the district. |

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| Grazing Districts Title 76 ch.16, parts 1-4 | No. Three or more persons who own or control property and are livestock operators submit a written statement to the Montana Grass Conservation Commission. | No election. Created by commission following hearing. | Creation must be feasible, beneficial and desirable to the owners of controlling more than 50% of the lands to be included in the district. | No provisions. | Board of directors of a state district. | "manage and exercise the powers of the state district subject to its bylaws and to the regulation of the commission." | | No provisions. | A merger may not be made unless consented to by a majority of the members of each merging state district and approved by the commission after a hearing. | A subdivision may not be made unless consented to by a majority of the members in the affected area and approved by the commission after a hearing. | A district, with the written consent of three-fourths of its permitted members, may at any time request the commission to dissolve the state district. |
| Hospital Districts Title7 ch.34, part 21 | Not less than 30% of the qualified electors who are property taxpayers must sign a petition. Clerk & recorder certifies petition, submits to county commissioners. County commissioners hold hearing, refer question to electorate by resolution. | County commissioners can determine whether the election is to be a special election or held during the next general election. Electors are those who live within proposed district. | No provisions. | No. "A public hospital district may contain the entire territory embraced within a county or any portion or subdivision thereof." | Managed by a board of 3 to 5 trustees, elected by the electors of the district. If there is no nomination petition filed for election of a trustee, the county commissioners appoint the position. Terms of office, compensation, vacancies are specified. | | Bonds and notes authorized. | "Subject to 15-10-420, the board of county commissioners shall, annually at the time of levying county taxes, fix and levy a tax on the taxable value of all taxable property within the hospital district." (7-34-2152) | Upon receipt of a petition signed by 10% or more of the freeholders in a proposed area to be annexed or a majority of the freeholders if there are fewer than 25. | Any portion may be withdrawn upon receipt of a petition signed by 51% or more of the taxpayers residing in and owning property in the area desired to be withdrawn from the district. Hearing held and board makes decision. | Any time after 5 years from the date any of creation, the district may be dissolved with a petition signed by 51% of the owners of the property owners in the district. |

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| Irrigation Districts Title 85 ch. 7, part 1-22 | Created by petition or in order to cooperate with the United States under federal reclamation laws. | | No provisions. | Yes. Part 16 outlines joint operations. Election required following petition for joint operation of district. Electors are the same as those who elect commissioners of irrigation districts. | | | Revenue bonds. Additional requirements on indebted- ness, bonds and bankrupt-cy enumerated in part 20. Additional bonding requires petition. | Part 21 enumerates requirements for taxes and assessments. | | Petition required as outlined in 85-7-1803. Court hearing required. | |
| Library Districts Title 22, ch. 1, part 7 | Created by a resolution OR by a petition that is signed by not less than 15% of the qualified electors who reside in the proposed district. | Election required. Only qualified electors residing in the proposed district may vote. | No provisions. | Yes. Provisions also included for consolidation of existing libraries and districts. | Governing body of each county with territory in the district jointly appoint the initial members of a board of trustees. After appointment of the initial members, all must be elected by the electors of district. | General powers, with specific duties and powers enumerated in 22-1-707. | Tax levy. | May establish a property tax mill levy for operation and administration Vote on question of raising or lowering the maximum property tax mill levy in the district may be initiated by petition or resolution. | To enlarge a district, same procedures as for creation | Dissolved after an election. Process initiated by petition of 15% of electorate in district or by resolution | |

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| Livestock Protective Committee Title 81, chapter 6, part 1 | Created by petition. Petition must be signed by at least 51% of the owners of cattle in the county, and at least 55% of the cattle in the county must be owned by the petitioners. | No. Created by board of county commissioners. | No provisions. | "The board of county commissioners of any county adjoining a county availing itself of the provision of this part may cooperate in the administration of this part." Joint protective districts outlined in part 2. | County livestock protective committee. Committee also may recommend board of county commissioners appoint a special livestock deputy. | General powers enumerated in 81-6-103. | Fee. May recommend the county impose a fee in an amount not to exceed 50 cents per head on all cattle 9 months of age or older. | No provisions. | No provisions. | No provisions. | Petition signed by at least 51% of the owners of cattle in the county, and at least 55% of the cattle in the county must be owned by the petitioners must be submitted to the county commissioners. |
| Municipal Zoning Title 76 ch. 2, part 3 | City or town council other legislative body may divide the municipality into districts. Governing body provides for manner in which regulations and restrictions and the boundaries of districts are determined. | No election. | | Regulations may be extended beyond municipal boundaries (extraterritorial jurisdiction) under certain circumstances. Requirements outlined in 76-2-310-311. | City or town council appoints a zoning commission. Board of adjustments may be appointed | Ordinance may restrict the authority of the board. Powers enumerated in 76-2-323. | No provisions. | No provisions. | | | |

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| Parking Districts Title 7 ch. 14, part 47 | No. Petition signed by all of the real property owners in the purposed district, exclusive of mortgages and other lien holders, governing body adopts resolution of intent. (Governing body of a municipality may establish pedestrian malls.) | Additional requirements if special improvement district bonds are proposed to be issued and secured by revolving fund. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. | Bonds. Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. Additional bond requirements enumerated in 7-14-4716-4723. No improvement bonds. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. Additional requirements regarding off street parking districts enumerated in 7-14-4737. | Procedures to be followed as are provided for special improvement districts outlined in Title 7, chapter 12, parts 41 through 44. Additional requirements regarding off street parking districts enumerated in 7-14-4737. |
| Resort Area Districts Title 7 ch. 6, part 15 | No. Electors residing in a resort area may create a district by petition. Petition must be signed by at least 10% of the registered voters in the resort area. | Election must be held in conjunction with a regular or primary election. | No provisions. Those opposed to creation may comment at hearing. | Yes. 7-6-1533 outlines requirements. | Resort area district board elected. County commissioners canvass returns of first election. Board meets as a canvassing board for the resort area district elections. | Powers enumerated in 7-6-1541. | Limited bonding (based on resort tax). | "If the electors of a resort area have established a resort area district, the district board of directors shall appropriate and spend revenue derived from a resort area tax for the purpose stated in the resolution." | No provisions. | No provisions. | After receiving a petition signed by more than 50% of the electors of the resort area district, the board must hold a hearing. After the hearing, the board must submit the question of dissolution to the electors. |

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| Rural Fire Districts Title 7 ch.33, part 21 | Board of county commissioners may establish in any unincorporated territory, or third-class cities or towns, with some requirements, after receiving a written petition. | Petition must be signed by the owners of 40% or more of the real property in the proposed district and the owners property representing 40% or more of the taxable value of property in the district. Notice of hearing required. | No. However, based on the written request of any real property owner, the boundaries may be altered to add or subtract land adjacent to the proposed boundary line. | District may enter into mutual aid agreements. Two or more rural fire districts may consolidate. (Protest provisions.) | County commissioners may contract with a city, town, or private fire company, other public entity to provide service OR appoint five qualified trustees to govern and manage the fire district. Trustees must be elected following initial terms. | Powers and duties of trustees are enumerated in 7-33-2105. | May borrow money by the issuance of bonds. | Yes. | | Withdrawal by owner of individual tract adjacent to municipality. | A petition in writing by the owners of 40% or more of the real property in the district and the owners of property representing 40% or more of the taxable value of property in the area must be presented to the board of trustees. |
| Rural Improvement District (Counties) Title 7 ch. 12, part 21 | | Created by resolution that is noticed. | | Yes. Board of county commissioner s of each county in which any portion of the district is situated involved. (7-12-2121) | County commissioners. In multi-county district, board of three trustees appointed by country commissioners of each county. | Decisions for awarding contracts outlined. | Bonds and warrants. Commis-sioners may create district reserve account. County may create rural special improve-ment district revolving fund. | County commissioners assess entire costs of assessments against benefitted lots, tracts, or parcels of land in the district, based on benefits received. Five options for method of assessment. | Yes. ". . . the board may take the expense of such work chargeable upon the lots and lands fronting on the improvement or not fronting on the improvement that" are determined to benefit from the proposed project. (7-12-2108) | Property owner may pay the tax or part of the tax under protest. | Unclear. Reference to 7-12-4102 brings in limitations on assessments. |

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| Special Improvement District (Cities) Title 7 ch. 12, part 41 | Yes. City or town council create district as outlined in 7 12-4102. | Created by resolution that is noticed. | | "A joint resolution of the city and county must be passed agreeing to the terms of the special improvement district prior to passing the resolution. . ." (7-12-4102(4)) | City or town council. | Duties in accepting bids, and contracts enumerated. | Bonds and warrants. (Title 7, chapter 12, part 42) | Various options in assessing costs. 1. Assessed valuation option 2. Frontage option 3. Utility service connection option. 4. Offstreet parking option | Lands that benefit from improvements may be annexed. (7-12-4109) If property owners representing 40% or more of total projected assessments against properties outside the city protest, properties may not be included. | Property owner may pay the tax or part of the tax under protest. | Assessments for no more than 20 years or 30 years if refunding bonds are issued. |
| Special provisions for Districts for Lighting Title 7 ch. 12, part 22 (Counties) Title 7 ch. 12, part 43 (Cities) | County commissioners may enter into a contract with other persons or corporations to provide light to a district under certain circumstances. City or town council may by resolution form district for lighting streets. | Created by resolution that is noticed. | In a city or town, within 15 days of first publication, any property owner liable for an assessment may protest. | No provisions. | County commission or city or town council. | City or town responsibilities enumerated in 7-12-4308. | City may use bonds and warrants. | In county, cost of maintenance and operating service apportioned among various tracts of land in district. City or town council may assess the costs against property in the district | County may change boundaries once a year. City or town may change boundaries a year. In a city or town, provisions for assessment on lands adjacent to the city or town enumerated in 7-12-4327. | No provisions. | |

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| Special provisions for Street Maintenance Districts Title 7 ch.12, part 44 | Yes. City or town council. | Created by resolution that is noticed. | | No provisions. | City or town council. | Manner of providing maintenance enumerated in 7-12-4404. | May accept federal loans or financial assistance. | Assessments for the costs and expenses of maintaining streets, alleys, and public place made against all of the property embraced in the district | No provisions. | No provisions. | No provisions. (Part 45?) |
| Special provisions for Street Parking Districts (Abandonment) Title 7 ch. 12, part 45 | City or town council. | Created by resolution that is noticed. | If prior to the resolution hearing date, 40% of the property owners abutting the district protest, the district isn't abandoned. | N/A | City or town council. | N/A | N/A | Following abandonment, property owners are responsible for maintenance. | N/A | N/A | N/A |

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| Tax Increment Finance District Title 7, ch. 15 7-15-4282 through 7-15-4292. | Urban renewal plan requirements outlined in 7-15-4216 by resolution. Voter approval required if general obligation bonds used. Industrial district ordinance or technology district ordinance require ordinance and hearing. | Clerk of municipality must file certified copy of each ordinance with department of revenue. | No provisions. | No provisions. | Municipality, with exceptions for urban renewal. | Enumerated in instances of urban renewal. How tax increments may be used by municipality enumerated. | Revenue, general obligation bonds. | Yes. | No, exceptions for urban renewal. | No, exceptions for urban renewal. | Tax increment provision terminates upon 15th year following adoption, with additional requirements enumerated |
| Urban Transportation Districts Title 7 ch. 14, part 2 | No. Petition signed by not less than 20% of the registered electors in the proposed district required. | Special election or election in conjunction with regular or primary election or by mail ballot. | No provisions. | Not explicit. | Board of directors. Commissioners and governing bodies of each city or town in the district determine if the board is elected or appointed. | General powers: "all powers necessary and proper to the establishment , operation, improvement, maintenance, and administration of the transportation district." | General obligation or revenue bonds. | May fix and levy a tax in mills upon all property within the district. | Property owner may petition for inclusion. Inclusion must be approved by majority of board. | If area does not receive transportation services from the district and 51% of the qualified voters in the areas sign a petition requesting removal. | If a petition signed by at least 51% of the qualified voters of the district petition county dissolves district. |

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| Water Conservation and Flood Control Projects Title 76 ch. 5, part 11 | Yes. "Cities, towns, or counties, through their councils, boards of county commissioners, or other governing body, are hereby empowered, either in the establishment of water conservation and flood control projects." | No election. | No provisions | No provisions. | Governing body. | Establish water conservation and flood control projects for the protection or reclamation of property or for conservation, development, storage, distribution, drainage, and utilization of water for beneficial uses. | Rates, fees, tolls or rent. Bonds (election requirements outlined in Title 7) | May levy an annual special assessment against all real property in the areas benefitting from such a system. | Boundaries may not be extended without the vote of a majority of the electors residing in the area proposed to be annexed. | No provisions. | No provisions. |
| Weed Management Districts Title 7 ch. 22, part 21 | Yes. Mandated by state that every county shall form a weed management district. | Created by resolution, mandate outlined in 7-22-2102. | No provisions. | Yes. "A weed management district may include more than one county through agreement of the commissioners of the affected counties." | Commissioners appoint a district weed board. | Resolution creating a district may outline additional powers and duties beyond those enumerated in 7-22-2109. | Noxious Weed Fund: 1. State and federal funding. 2. Levy and assessment of taxes 3. General fund. 4. Proceeds from work or chemical sales. | Yes. | N/A | N/A | N/ |