

**Unofficial Draft Copy**

As of: July 3, 2008 (9:37am)

LC9209

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act ALLOWING RESIDENCY REQUIREMENTS FOR MEMBERSHIP ON COUNTY ADMINISTRATIVE BOARDS; ALLOWING CONTRACTING WITH PRIVATE INSTITUTIONS FOR THE ISSUANCE OF BONDS RELATED TO SPECIAL IMPROVEMENT DISTRICTS; AND REQUIRING THE REPORTING SPECIAL DISTRICT BOUNDARIES TO THE STATE FOR PURPOSES OF DIGITAL MAPPING; amending sections 7-1-201, and 7-12-4204, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 7-1-201, MCA, is amended to read:

**"7-1-201. Boards.** (1) A board of county commissioners may by resolution establish the administrative boards, districts, or commissions allowed by law or required by law to be established pursuant to 7-1-202, 7-1-203, and this section and listed in 7-1-202. The resolution creating an administrative board, district, or commission must specify:

- (a) the number of board, district, or commission members;
- (b) the terms of the members;
- (c) whether members are entitled to mileage, per diem, expenses, and salary; and
- (d) any special qualifications, including residency requirements, for membership in addition to those established by

law.

(2) (a) An administrative board, district, or commission may be assigned responsibility for a department or service district.

(b) An administrative board, district, or commission may:

(i) exercise administrative powers as granted by resolution, except that it may not pledge the credit of the county or impose a tax unless specifically authorized by state law;

(ii) administer programs, establish policy, and adopt administrative and procedural rules.

(c) The resolution creating an administrative board, district, or commission must grant the board, district, or commission all powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the department or district.

(d) If authorized by resolution, an administrative board, district, or commission may employ personnel to assist in its functions.

(3) (a) Administrative boards, districts, and commissions may be made elective.

(b) If an administrative board is made elective and if the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. A position for which there were no nominees must be filled by appointment by the county commissioners for the same term as if the position were

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filled by election. If there is only one nominee for a position, the nominee may be declared elected by acclamation.

(4) Administrative boards, districts, and commissions may not sue or be sued independently of the local government unless authorized by state law.

(5) Members must be appointed by the county commissioners. The county commissioners shall post prospective membership vacancies at least 1 month prior to filling the vacancy.

(6) The county commissioners shall maintain a register of appointments, including:

(a) the name of the board, district, or commission;

(b) the date of appointment and confirmation, if any is required;

(c) the length of term;

(d) the name and term of the presiding officer and other officers of each administrative board, district, or commission; and

(e) the date, time, and place of regularly scheduled meetings.

(7) Terms of all members, except elected members, may not exceed 4 years. Unless otherwise provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure of the county commissioners.

(8) An administrative board, district, or commission must consist of a minimum of 3 members and must have an odd number of members.

(9) The resolution creating an administrative board,

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district, or commission may provide for voting or nonvoting ex officio members.

(10) Two or more local governments may provide for joint boards, districts, or commissions to be established by interlocal agreements.

(11) A majority of members constitutes a quorum for the purposes of conducting business and exercising powers and responsibilities. Action may be taken by a majority vote of members present and voting, unless the resolution creating the board, district, or commission specifies otherwise.

(12) An administrative board, district, or commission shall provide for the keeping of written minutes, including the final vote on all actions and the vote of each member.

(13) An administrative board, district, or commission shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the county commissioners.

(14) Unless otherwise provided by law, a person must be a resident of the county to be eligible for appointment to an administrative board, district, or commission. The county commissioners may prescribe by resolution additional qualifications for membership.

(15) A person may be removed from an administrative board, district, or commission for cause by the county commissioners or as provided by resolution.

(16) A resolution creating an administrative board, district, or commission must contain, if applicable, budgeting

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and accounting requirements for which the board, district, or commission is accountable to the county commissioners."

{ Internal References to 7-1-201:

7-1-202	7-8-2103*	7-13-213*	7-13-2510
7-13-2521*	7-16-2203*	7-16-2217*	7-16-2301*
7-16-4201	7-21-3401*	7-22-2103*	7-22-2215*
7-22-2411*	7-35-2108*}		

**Section 2.** Section 7-12-4204, MCA, is amended to read:

**"7-12-4204. Procedure to issue bonds and warrants.** (1) The city or town council shall sell bonds or warrants issued under the provisions of 7-12-4201, in an amount sufficient to pay that part of the total cost and expense of the improvements that is to be assessed against ~~benefited~~ benefitted property within the district, to the highest and best bidder for cash at a price, including interest to date of delivery, not less than that prescribed by the city council in the resolution calling for the sale of the bonds or warrants. The city council may fix the minimum price for the bonds or warrants in an amount less than face value if it determines that the sale is in the best interests of the district and the city.

(2) The bonds or warrants may be sold at a private negotiated sale to the United States or the state of Montana or to an agency, instrumentality, corporation, or department of the state.

(3) The city or town council may contract with a private institution for the issuance of bonds.

~~(3)~~(4) In all other cases, the provisions of 7-7-4251, 7-7-4252, and 7-7-4254 with regard to the notice of sale,

publication of notice, and manner and method of selling bonds by cities and towns, insofar as the same are applicable and not in conflict with the provisions of this section and 7-12-4205, apply to, govern, and control the form of notice of sale, publication of notice, and manner and method of selling the bonds or warrants."

{*Internal References to 7-12-4204:*  
*7-12-4201*}

**NEW SECTION. Section 3. Additional reporting procedures -- coordination of information collection, transfer, and accessibility.** (1) Within 60 days of the creation of the special district, the governing body shall provide a legal description and map of the boundaries of the special district to the department of revenue.

(2) The department of revenue shall review the legal description and map of the boundaries for the approved special district and record the:

(a) legal description of the special district;  
(b) date of the creation of the special district; and  
(c) book and page or document number as provided for in 7-4-2617.

(3) (a) The department of revenue shall transfer information collected pursuant to this section to the department of administration.

(b) The department of revenue shall coordinate with the department of administration to develop procedures regarding the

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collection and transfer of special district information between the two agencies.

(c) The department of administration shall convert special district information received from the department of revenue to a digital format for land information purposes authorized in Title 90, chapter 1, part 4, that can be accessed through the department's Base Map Service Center's website and discovered through the Montana Geographic Information System portal at the Montana State Library.

NEW SECTION. **Section 4. Transition.** All existing special districts must complete the reporting requirements of [section 3] by July 1, 2011.

NEW SECTION. **Section 5. {standard} Effective date.** [This act] is effective July 1, 2009.

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