

## 1 SENATE BILL NO. 245

2 INTRODUCED BY ELLIOTT

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RESORT AREA DISTRICT BOARD ELECTION LAWS;  
 5 PROVIDING A PROCESS FOR EXTENDING AN EXISTING RESORT AREA DISTRICT; PROVIDING FOR  
 6 DIRECT APPOINTMENT OF A BOARD MEMBER IF NO CANDIDATE HAS FILED A NOMINATION PETITION  
 7 AND REQUIRING SUBSEQUENT ELECTION OF THAT BOARD MEMBER; REQUIRING A SUBSEQUENT  
 8 ELECTION OF A BOARD MEMBER APPOINTED TO FILL A VACANCY; AND AMENDING SECTIONS 7-6-1541  
 9 AND 7-6-1544, AND 7-6-1546, MCA."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 13 **Section 1.** Section 7-6-1541, MCA, is amended to read:  
 14 **"7-6-1541. General powers of resort area district.** (1) A resort area district created under 7-6-1531  
 15 through 7-6-1550 may:

- 16 (a) have perpetual succession;  
 17 (b) sue and be sued in any court of competent jurisdiction;  
 18 (c) acquire by any legal means real and personal property necessary to the full exercise of its powers;  
 19 and  
 20 (d) make contracts, employ labor, and do all acts necessary for the full exercise of its powers.

21 (2) (a) The board for a resort area district that does not have perpetual succession may submit the  
 22 question of extension of the term of the resort area district directly to the voters. If the electorate extends the term  
 23 of the resort area district, the provisions of this part continue to apply.

24 (b) The board may not submit a question to the voters to extend the term of a resort area district until  
 25 the expiration of at least half the existing term of the resort tax, as provided for in 7-6-1504. If a vote to extend  
 26 the term fails, successive votes to extend the term may be taken no more than once each year.

27 ~~(2)~~(3) The board shall exercise the powers described in 7-6-1531 through 7-6-1550."  
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29 **Section 2.** Section 7-6-1544, MCA, is amended to read:

30 **"7-6-1544. Resort area district board -- election -- term.** (1) The first election of the board must be

1 held at the next regular, primary, or school election immediately succeeding the creation of the resort area  
 2 district. Each succeeding election must be held every 2 years to coincide with the election for local government  
 3 officials as provided in 13-1-104(2).

4 (2) A petition of nomination, signed by at least five electors from within the resort area district, may be  
 5 filed with the election administrator in any county containing a portion of the resort area district. A nominating  
 6 petition must be filed at least 135 days and not fewer than 75 days before the election.

7 ~~(3) An election must be held for the candidates who have filed a petition for nomination even if the~~  
 8 ~~number of candidates filing a petition for nomination is equal to or less than the number of positions to be~~  
 9 ~~elected.~~

10 ~~(4)(3) (a) If the number of candidates filing a petition is insufficient to complete board membership, the~~  
 11 ~~existing board shall appoint as many members as are needed to complete the five-member board.~~

12 ~~(b) An appointee to the board must be elected by a majority PLURALITY MAJORITY of those voting at the~~  
 13 ~~first regular, primary, or school election CONDUCTED UNDER 13-1-104 immediately following the appointment. If~~  
 14 ~~an appointee does not receive a majority of votes cast in the election, the appointee's term expires, and the~~  
 15 ~~board shall initiate the process described in this subsection (4) (3).~~

16 ~~(c) The term of a resort area district board member appointed and subsequently elected under the~~  
 17 ~~provisions of this subsection (4) (3) is 4 years."~~

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19 **SECTION 3.** SECTION 7-6-1546, MCA, IS AMENDED TO READ:

20 "**7-6-1546. Resort area district board -- vacancy.** (1) If a vacancy on the board occurs by death,  
 21 resignation, or removal from the resort area district, the remaining directors shall appoint a director to fill the  
 22 vacancy. The term of the appointment coincides with the term that became vacant.

23 (2) An appointee to the board must be elected by a majority of those voting at the election conducted  
 24 under 13-1-104 immediately following the appointment. If an appointee does not receive a plurality MAJORITY of  
 25 the votes cast in the election, the appointee's term expires and the board shall initiate the process to fill the  
 26 vacancy as provided in subsection (1)."

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