EXHIBIT 3
DATE 1-25-05
HB 247

RESOLUTION 2004-20

AMENDMENT OF THE PARK DISTRICT STATUTE TO REMOVE THE OPT-OUT PROVISION FOR PARKS DISTRICTS.

> It is the intent of the Montana Association of Counties to support legislation that amends the language in State statute regarding the ability of individual homeowners to opt out of a Park District.

WHEREAS, the current law allows land to be withdrawn from a parks district at anytime following the creation of a district by a simple majority of the voters of the territory wishing to be withdrawn; and

WHEREAS, the withdrawal of territories from a parks district makes it difficult to operate the parks district due to ever changing district boundaries; and

WHEREAS, property withdrawn from the parks district does not need to be contiguous leaving potential islands or holes in the district boundary making it difficult to administer for the county clerk and recorder, elections officer, treasurer and the Department of Revenue; and

WHEREAS, the petition of removal from a park district is an additional cost to the County and the Elections Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Montana Association of Counties support a change in language to state statute that would remove the provision allowing any individual to withdraw from a parks district by a simple majority vote of the territory petitioning out of the district.

7-16-2441. Alteration of district boundaries. (1) The boundaries of a county park district may be enlarged by the annexation of contiguous territory in the county or it may be reduced in size by the withdrawal of territory from the district after an election on the question approved by simple majorities of the electorate involved.
(2) The alteration of the district boundary may be initiated in the same manner as the creation of the district, except the applicable resolutions, hearings, and procedures must be adopted and conducted by the county park district commission and not by the county governing body. If the alteration is proposed by petition, the petition must be signed by 15% of the electorate in the territory to be annexed or withdrawn from the district and certified as sufficient by the county clerk.
(3) ~~(a)~~ In the case of annexation, the vote on the question requires the separate majorities of the electorate of the territory to be annexed and the electorate of the then constituted district.
leave in ~~(b) In the case of withdrawal of territory, only the electorate of the territory to be withdrawn may vote on the question,~~ provided however that the territory to be withdrawn must consist of more than one contiguous parcel.
(4) A change in the boundaries of a district is effective on January 1 of the year following the election authorizing the change in boundaries.

SPONSOR:	Gallatin County
RECOMMENDATION:	Do Pass
PRIORITY:	Low
REFERRED TO:	Land Use Planning and Development Committee
ADOPTED:	Annual Conference, Missoula, MT, September 29, 2004