

2005 Montana Legislature

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SENATE JOINT RESOLUTION NO. 11

REQUESTED BY THE SENATE LOCAL GOVERNMENT COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO LOOK AT LAWS CONCERNING THE CREATION, ALTERATION, DISSOLUTION, RIGHTS OF PROTEST, OPERATION, FUNDING AND STRUCTURE OF SPECIAL PURPOSE DISTRICTS AND AUTHORITIES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 60TH LEGISLATURE.

WHEREAS, current laws related to special purpose districts are not uniform as to the creation, alteration, dissolution, rights of protest, operation, funding and structure of special purpose districts and authorities; and,

WHEREAS, this lack of uniformity creates confusion and lack of consistency resulting in numerous bills being introduced each legislative session to modify some aspect of special purpose district laws to address disparities, differences and specific situations; and,

WHEREAS, having a single set of statutes governing the general creation, alteration, dissolution, rights of protest, operation, funding and structure of special purpose districts and authorities would simplify and streamline all processes related to special purpose districts and authorities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the legislature create a special interim committee to:

- (1) conduct a comprehensive review of all statutes related to special purpose districts; and,
- (2) review all statutes related to authorities such as airport and trade port authorities; and
- (3) make recommendations to the 60th legislature to provide uniform processes related to the creation, alteration, dissolution, rights of protest, operation, funding and structure of special purpose districts and authorities; and,

BE IT FURTHER RESOLVED, that in order to assure that the broadest review of possible effects be considered, the interim committee shall be comprised of the following 15 members:

- (1) Two members of the Senate, one Republican, one Democrat
- (2) Two members of the House, one Democrat, one Republican
- (3) The director of the department of revenue or their designee
- (4) Two members of special purpose district trustees
- (5) One commissioner from a Trade Port, or Airport Authority
- (6) Two county commissioners
- (7) One county clerk and recorder
- (8) One county treasurer
- (9) One city manager
- (10) One city commissioner or town council member
- (11) One town clerk

;and,

BE IT FURTHER RESOLVED, the committee members shall be reimbursed costs for travel in accordance with current statute and administrative rules; and,

BE IT FURTHER RESOLVED, that the legislature shall appropriate the sum of \$50,000 to fund the necessary costs of the committee members and staff; and,

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2006.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 60th Legislature.

- END -

Partial list of types of special purpose districts currently authorized in law:

Solid Waste
Parks
Recreation
Zoning
Multi jurisdictional for public purposes
Business Improvement
Lighting
Sanitary sewer
Storm sewer
Park maintenance
Irrigation
Lighting
Parking
Fire hydrant maintenance
Weed control
Alternative energy
County water and sewer
Television
Water quality
Transportation
Transportation
Railway authority
Port authority
Road improvement
Bridge improvement
Housing authority
Urban renewal
Rodent control
Mosquito control
Dog control
Ambulance
Fire
Hospital
Nursing home
Soil conservation
Museum

* These lists are not intended to be all-inclusive but rather examples of the types and processes of special purpose districts and authorities.

Partial list of Processes and issues:

Creation
 Ordered by governing body
 Petition
 How many signatures
 Who is authorized to sign petition
Hearing notice
Right of protest
Establishing boundaries
Opt out provisions
Process to alter boundaries
Process for dissolution
Administration and operation
 Governing board
 Administrative board
 City or county governing body
Election or appointment
Qualifications of board or commission
Terms of office
General powers
 Broad
 Limited
Eminent domain
Bonding , obligation and debt authority
Funding mechanism
 City or county
 Special assessment
 Property value based
 Fee based
 Combination
Collection method

