

HOUSE BILL NO. 437

INTRODUCED BY MCNIVEN, T. BROWN, KARY, D. MOORE

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY TO CREATE A COUNTY WALKING AND BIKING IMPROVEMENT DISTRICT FOR CERTAIN PURPOSES; ~~REQUIRING A PUBLIC HEARING AT LEAST TWO PUBLIC HEARINGS~~; PROVIDING FOR A REFERENDUM ON CREATION OF THE DISTRICT; PROVIDING FOR ASSESSMENTS; PROVIDING FOR DISSOLUTION OF THE DISTRICT; ~~AND~~ AMENDING SECTIONS 7-6-2527 AND 7-11-1002, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. County walking and biking improvement district authorized.** (1)

Whenever the public convenience and necessity may require, a county governing body may create a county walking and biking improvement district outside of the boundaries of an incorporated city or town for the construction and maintenance of sidewalks, bicycle and pedestrian trails and associated drainage improvements, pedestrian bridges, and lighting and for the administration of the district as provided in this section.

(2) The boundaries of the proposed district must be entirely within the county but may not encompass the entire county.

(3) Upon a determination that a proposed district is necessary for the purposes provided in subsection (1), the governing body shall hold at least ~~one~~ TWO public hearing ~~HEARINGS~~. Notice of ~~the~~ EACH public hearing must be provided in accordance with 7-1-2121 and, in addition to the requirements of 7-1-2121, ~~the~~ EACH notice must state the:

- (a) boundaries of the proposed district;
- (b) proposed improvements to be undertaken;
- (c) duration of the proposed district; and
- (d) estimated costs of the improvements, maintenance, and administration of the proposed district.

(4) After the public hearing ~~HEARINGS~~, the governing body may pass a resolution of intention to create the district.

(5) After passage of a resolution of intention, the governing body may order a referendum on the creation of the proposed district to be submitted to the registered voters who reside within the proposed district and

1 individuals qualified to vote pursuant to 7-11-1011(5) and (6).

2 (6) (a) The referendum must be held in conjunction with a regular or primary election or must be
3 conducted by mail ballot election as provided in Title 13, chapter 19.

4 (b) The proposition to be submitted to the electorate must read: "Shall the proposition to organize (name
5 of proposed special district) be adopted?"

6 (7) If the referendum is approved, the election administrator of the county shall immediately file with the
7 secretary of state a certificate stating that the proposition was adopted and record the certificate in the office of
8 the clerk and recorder of the county.

9 (8) If the governing body finds that the eligible registered voters have approved a referendum submitted
10 under this section, the governing body shall issue an order or pass an ordinance or resolution in accordance with
11 the resolution of intention to create the district.

12 (9) The provisions of 7-11-1014 requiring reporting to the department of revenue apply to a district
13 created under this section.

14 (10) The provisions for assessment provided in 7-11-1025 through 7-11-1028 apply to assessments
15 made under this section.

16 (11) If the governing body determines that dissolution of the district is in the best interest of the county
17 or the county's residents before the district's termination date or if the purpose for creating the district has been
18 fulfilled before the district's termination date, the governing body may dissolve the district using the same
19 procedure that was used to create the district.

20 (12) A district may not be created under the provisions of this section unless a referendum ordered as
21 provided in subsection (5) has been approved by the registered voters and qualified electors of the proposed
22 district pursuant to this section.

23

24 **Section 2.** Section 7-6-2527, MCA, is amended to read:

25 **"7-6-2527. Taxation -- public and governmental purposes.** A county may impose a property tax levy
26 for any public or governmental purpose not specifically prohibited by law. Public and governmental purposes
27 include but are not limited to:

28 (1) district court purposes as provided in 7-6-2511;

29 (2) county-owned or county-operated health care facility purposes as provided in 7-6-2512;

30 (3) county law enforcement services and maintenance of county detention center purposes as provided

- 1 in 7-6-2513 and search and rescue units as provided in 7-32-235;
- 2 (4) multijurisdictional service purposes as provided in 7-11-1022;
- 3 (5) transportation services for senior citizens and persons with disabilities as provided in 7-14-111;
- 4 (6) support for a port authority as provided in 7-14-1132;
- 5 (7) county road, bridge, and ferry purposes as provided in 7-14-2101, 7-14-2501, 7-14-2502, 7-14-2503,
- 6 7-14-2801, and 7-14-2807;
- 7 (8) recreational, educational, and other activities of the elderly as provided in 7-16-101;
- 8 (9) purposes of county fair activities, parks, cultural facilities, and any county-owned civic center, youth
- 9 center, recreation center, or recreational complex as provided in 7-16-2102 and 7-16-2109;
- 10 (10) programs for the operation of licensed day-care centers and homes as provided in 7-16-2108 and
- 11 7-16-4114;
- 12 (11) support for a museum, facility for the arts and the humanities, collection of exhibits, or a museum
- 13 district created under provisions of Title 7, chapter 11, part 10, or former Title 7, chapter 16, part 22;
- 14 (12) extension work in agriculture and home economics as provided in 7-21-3203;
- 15 (13) weed control and management purposes as provided in 7-22-2142;
- 16 (14) insect control programs as provided in 7-22-2306;
- 17 (15) fire control as provided in 7-33-2209;
- 18 (16) ambulance service as provided in 7-34-102;
- 19 (17) public health purposes as provided in 50-2-111 and 50-2-114;
- 20 (18) public assistance purposes as provided in 53-3-115;
- 21 (19) indigent assistance purposes as provided in 53-3-116;
- 22 (20) developmental disabilities facilities as provided in 53-20-208;
- 23 (21) mental health services as provided in 53-21-1010;
- 24 (22) airport purposes as provided in 67-10-402 and 67-11-302;
- 25 (23) purebred livestock shows and sales as provided in 81-8-504;
- 26 (24) economic development purposes as provided in 90-5-112;
- 27 (25) prevention programs, including programs that reduce substance abuse; ~~and~~
- 28 (26) forest or grassland hazardous fuels reduction projects in areas near homes and communities where
- 29 wildland fire is a threat; and
- 30 (27) county walking and biking improvement projects as provided in [section 1]."

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Section 3. Section 7-11-1002, MCA, is amended to read:

"7-11-1002. Definitions. As used in this part, the following definitions apply:

(1) "Governing body" means the legislative authority of a local government.

(2) "Local government" means a city, town, county, or consolidated city-county government or any combination of these acting jointly.

(3) (a) "Special district" means a unit of local government that is authorized by law to perform a single function or a limited number of functions.

(b) The term includes but is not limited to cemetery districts, museum districts, park districts, fair districts, solid waste districts, local improvement districts, mosquito control districts, multijurisdictional districts, road districts, rodent control districts, television districts, and districts created for any public or governmental purpose not specifically prohibited by law. The term also includes any district or other entity formed to perform a single or limited number of functions by interlocal agreement.

(c) The term does not include business improvement districts, cattle protective districts, conservancy districts, conservation districts, water and sewer districts, planning and zoning districts, drainage districts, grazing districts, hospital districts, irrigation districts, library districts, livestock protective committees, parking districts, resort area districts, rural improvement districts, special improvement districts, lighting districts, rural fire districts, street maintenance districts, tax increment financing districts, urban transportation districts, water conservation and flood control projects, county walking and biking improvement districts, and weed management districts."

NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 11, and the provisions of Title 7, chapter 11, apply to [section 1].

NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

- END -