

HOUSE BILL NO. 49

INTRODUCED BY R. HAMILTON

BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE TO APPOINT A SUBCOMMITTEE TO CONDUCT A STUDY OF LOCAL GOVERNMENT SPECIAL PURPOSE DISTRICTS; SPECIFYING THE MEMBERSHIP OF THE SUBCOMMITTEE; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

WHEREAS, this absence of uniformity creates confusion and results in numerous bills being introduced each legislative session to address disparities, differences, and specific situations; and

WHEREAS, a single set of statutes governing the creation, alteration, dissolution, right of protest, operation, funding, and structure of special purpose districts and authorities would simplify and streamline special purpose district processes.

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

NEW SECTION. Section 1. Interim study on local government special purpose districts. (1) The education and local government interim committee provided for in 5-5-224 shall conduct an interim study of local government special purpose districts. The study must include:

(a) a comprehensive review of current law governing local government special purpose districts, including an inventory of all of the districts and the various processes provided in law specific to those districts;

(b) a review of current law governing authorities, such as airport authorities and port authorities, including an inventory of the authorities and the various processes provided in law specific to those authorities;

(c) a determination of which special purpose districts should be included in the study and which should be excluded;

(d) consideration of the needs of cities and counties with regard to special purpose districts;

(e) consideration of the appropriateness of consolidating the processes for numerous special purpose districts into one statute or set of statutes; and

(f) any other aspect of special purpose districts that the committee determines should be addressed to achieve more consistency, clarity, and uniformity in special purpose district statutes.

(2) (a) The education and local government interim committee shall establish a subcommittee to conduct the study and report to the full committee. The subcommittee members must be appointed by the presiding officer of the committee, ~~with the concurrence of the vice-presiding officer~~. In making appointments of nonlegislative members, the presiding officer shall consider recommendations from the Montana association of counties and the Montana league of cities and towns. The subcommittee must include:

(i) four members, two from each political party and two from each house, who are legislators appointed to the education and local government interim committee;

(ii) one county commissioner;

(iii) one county clerk and recorder;

(iv) one county treasurer;

(v) one city manager;

(vi) one city commissioner or town council member; ~~and~~

(vii) one town clerk; ~~AND~~

(VIII) ONE REGIONAL AIRPORT OR PORT AUTHORITY MEMBER.

(b) All of the members of the subcommittee have voting privileges on issues taken up by the subcommittee, but the nonlegislative members do not have voting privileges on the education and local government interim committee. Any final recommendations and other work products that will be represented as being produced or endorsed by the education and local government interim committee must be finally approved by the education and local government interim committee.

(c) Nonlegislative members of the subcommittee must be compensated as provided in 5-5-211(7).

(3) In conducting the study, the subcommittee shall involve and regularly consult with trustees of special purpose districts and board members of airport authorities and port authorities.

(4) The subcommittee may travel to the extent it considers appropriate to achieve an enhanced level of public participation in the study.

(5) The education and local government interim committee shall complete the study by September 15, 2008, and report to the 61st legislature on its findings and recommendations, including any recommendations for legislation.

NEW SECTION. **Section 2. Appropriation.** There is appropriated from the general fund to the

legislative services division ~~\$30,000~~ \$20,000 for use by the education and local government interim committee for the purposes provided in [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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