

HOUSE BILL NO. 185

INTRODUCED BY C. FISCUS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROCEDURES FOR LEVYING AN ASSESSMENT OR IMPOSING A FEE IN A PARK DISTRICT; REQUIRING A REFERENDUM AND DISCLOSURE OF CERTAIN FINANCIAL DATA; AND AMENDING SECTIONS 7-11-1011 AND 7-11-1025, MCA."

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

**Section 1.** Section 7-11-1011, MCA, is amended to read:

**"7-11-1011. Referendum -- election.** (1) ~~The~~ Except as provided in subsection (9), the governing body may order a referendum on the creation of the proposed special district to be submitted to the registered voters who reside within the proposed special district and the individuals qualified to vote pursuant to subsections (5) and (6).

(2) The referendum must state:

(a) the type and maximum rate of the initial proposed assessments or fees that would be imposed, consistent with the requirements of 7-11-1007(2)(e) and 7-11-1024;

(b) the type of activities proposed to be financed, including a general description of the program or improvements;

(c) a general description of the areas included in the proposed special district; and

(d) whether the proposed special district would be administered by the governing body or an appointed or elected board.

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

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

(5) Except as provided in subsection (6), an individual is entitled to vote on the proposition if the individual:

(a) meets all qualifications required of electors under the general election laws of the state; and

(b) is a resident of or owner of taxable real property in the area subject to the proposed special district.



1 (6) An individual who is the owner of real property described in subsection (5)(b) need not possess the  
2 qualifications required of an elector in subsection (5)(a) if the individual is qualified to vote in any county of the  
3 state and files proof of registration with the election administrator at least 20 days prior to the referendum in which  
4 the individual intends to vote.

5 (7) The referendum must be conducted, the vote canvassed, and the result declared in the same manner  
6 as provided by Title 13 in respect to general elections, so far as it is applicable, except as provided in subsection  
7 (3).

8 (8) If the referendum is approved, the election administrator of each county shall:

9 (a) immediately file with the secretary of state a certificate stating that the proposition was adopted and  
10 record the certificate in the office of the clerk and recorder of the county or counties in which the special district  
11 is situated; and

12 (b) notify any municipalities lying within the boundaries of the special district.

13 (9) If the governing body is considering a proposal to create a park district that would require the levying  
14 of an assessment or the imposition of a fee, the governing body shall order a referendum on the creation of the  
15 proposed district. For the purpose of providing transparency, the governing body shall, for at least 90 days in  
16 advance of the referendum, make available to the public a statement of the amount of money it has available in  
17 its reserves that is not part of its monthly revenue or expense streams."

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19 **Section 2.** Section 7-11-1025, MCA, is amended to read:

20 **"7-11-1025. Notice of resolution for assessment -- assessment.** (1) The governing body shall  
21 estimate, as near as practicable, the cost of each established special district annually by the later of the second  
22 Monday in August or within 45 calendar days after receiving certified taxable values from the department of  
23 revenue.

24 (2) ~~The~~ Except as provided in [section 3], the governing body shall pass and finally adopt a resolution  
25 specifying the special district assessment option and levying and assessing all the property within the special  
26 district with an amount equal to the annual cost of the program and improvements.

27 (3) The resolution levying the assessment to defray the cost of the special district must contain or refer  
28 to a list that describes the lot or parcel of land assessed with the name of the owner of the lot or parcel, if known,  
29 and the amount assessed.

30 (4) The resolution must be kept on file in the office of the clerk of the governing body.

1 (5) A notice, signed by the clerk of the governing body, stating that the resolution levying a special  
2 assessment or changing the method of assessment to defray the cost of the special district is on file in the clerk's  
3 office and subject to inspection must be published as provided in 7-1-2121 or 7-1-4127. The notice must state  
4 the time and place at which objections to the final adoption of the resolution will be heard by the governing body  
5 and must contain a statement setting out the method of assessment being proposed for adoption or the change  
6 in assessment being proposed for adoption. The time for the hearing must be at least 5 days after the final  
7 publication of the notice.

8 (6) The notice and hearing process may be included in the local government's general budgeting process  
9 as provided in Title 7, chapter 6, part 40.

10 (7) At the time set, the governing body shall meet and hear all objections that may be made to the  
11 assessment or any part of the assessment, may adjourn from time to time for that purpose, and may by resolution  
12 modify the assessment.

13 (8) A copy of the resolution, certified by the clerk of the governing body, must be delivered to the  
14 department of revenue by the third Monday in August or within 45 calendar days after receiving certified taxable  
15 values from the department of revenue."  
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17 **NEW SECTION. Section 3. Assessments and fees for park districts.** (1) Before levying an  
18 assessment or imposing a fee for a program or improvements within an existing park district, the governing body  
19 shall order a referendum on the proposed assessment or fee to be submitted to the registered voters who reside  
20 within the park district and the individuals qualified to vote pursuant to subsections (5) and (6).

21 (2) For the purpose of providing transparency, the governing body shall, for at least 90 days in advance  
22 of the referendum, make available to the public a statement of the amount of money it has available in its reserves  
23 that is not part of its monthly revenue or expense streams.

24 (3) The referendum must state:

25 (a) the type and maximum rate of the proposed assessment or fee that would be imposed, consistent  
26 with the requirements of 7-11-1007(2)(e) and 7-11-1024; and

27 (b) the type of activities proposed to be financed, including a general description of the program or  
28 improvements.

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

1 (5) Except as provided in subsection (6), an individual is entitled to vote on the proposition if the  
2 individual:

3 (a) meets all qualifications required of electors under the general election laws of the state; and

4 (b) is a resident of or owner of taxable real property in the park district subject to the proposed  
5 assessment or fee.

6 (6) An individual who is the owner of real property described in subsection (5)(b) need not possess the  
7 qualifications required of an elector in subsection (5)(a) if the individual is qualified to vote in any county of the  
8 state and files proof of registration with the election administrator at least 20 days prior to the referendum in which  
9 the individual intends to vote.

10 (7) The referendum must be conducted, the vote canvassed, and the result declared in the same manner  
11 as provided by Title 13 in respect to general elections, so far as it is applicable, except as provided in subsection  
12 (4).

13 (8) Within 30 days of the approval of a referendum, the governing body may levy the assessment or  
14 impose the fee by passing a resolution in accordance with the terms of the referendum. A copy of the resolution,  
15 certified by the clerk of the governing body, must be delivered to the department of revenue by the third Monday  
16 in August or within 45 calendar days after the governing body receives certified taxable values from the  
17 department of revenue.

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19 **NEW SECTION. Section 4. Codification instruction.** [Section 3] is intended to be codified as an  
20 integral part of Title 7, chapter 11, part 10, and the provisions of Title 7, chapter 11, part 10, apply to [section 3].

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