

HOUSE BILL NO. 259

INTRODUCED BY D. BEDEY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SPECIAL DISTRICT LAWS; PROVIDING FOR THE CONTINUING EXISTENCE OF SPECIAL DISTRICTS THAT WERE IN EXISTENCE ON JULY 1, 2009; REPEALING SECTION 43, CHAPTER 286, LAWS OF 2009; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

WHEREAS, THE 61ST LEGISLATURE, IN ENACTING SENATE BILL NO. 57, INTENDED THAT A SPECIAL DISTRICT IN EXISTENCE ON JULY 1, 2009, REMAIN GOVERNED BY THE STATUTES UNDER WHICH IT WAS CREATED OR ESTABLISHED, AS THOSE STATUTES EXISTED ON JUNE 30, 2009, UNTIL SUCH TIME AS IT ALTERS ITS BOUNDARIES, CHANGES ITS AMOUNT OR METHOD OF ASSESSMENT, OR IS PROPOSED FOR DISSOLUTION; AND

WHEREAS, IF SUCH A TRIGGERING EVENT WERE TO OCCUR, THE DISTRICT WOULD THEN BE GOVERNED BY TITLE 7, CHAPTER 11, PART 10; AND

WHEREAS, IT HAS BEEN DISCOVERED THAT IN TRANSITIONING TO GOVERNANCE UNDER TITLE 7, CHAPTER 11, PART 10, THE SPECIAL DISTRICT'S LEGAL STATUS BECOMES UNCLEAR, THUS JEOPARDIZING THE DISTRICT'S ABILITY TO SECURE BONDS OR OTHERWISE CONDUCT ITS BUSINESS.

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

NEW SECTION. Section 1. Continuing existence. A special district in existence on July 1, 2009, continues in existence and remains subject to the provisions of the statutes under which it was created or established, as those statutes existed on June 30, 2009.

NEW SECTION. Section 2. Repealer. Section 43, Chapter 286, Laws of 2009, is repealed.

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 11, part 10.

NEW SECTION. SECTION 4. SAVING CLAUSE. [THIS ACT] DOES NOT AFFECT FINANCIAL DUTIES THAT MATURED



1 OR FINANCIAL PENALTIES THAT WERE INCURRED BEFORE [THE EFFECTIVE DATE OF THIS ACT].

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3 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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5 NEW SECTION. Section 6. Retroactive applicability. [This act] applies retroactively, within the  
6 meaning of 1-2-109, to actions or occurrences on or after July 1, 2009.

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