

## SPECIAL DISTRICTS

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** [Title 7, Chapter 11, Part 10 MCA](#) authorizes county governing bodies to create special districts through resolution or referendum. As defined in [7-11-1002 MCA](#), a special district is a unit of local government authorized by law to perform a single function or a limited number of functions, such as 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, or any other district not specifically prohibited by law.

The local governing body or a separate elected or appointed board governs special districts and may procure funding through grants, donations, capital improvement funds, fees, and/or bonds. The governing body may alter boundaries, with restrictions noted in [7-11-1023 MCA](#), delete sections of a special district, or dissolve a special district through resolution. Voters can protest the creation, alteration, or dissolution of a special district.

While most of the common special districts utilized by local governments are found in Title 7, Chapter 11, Part 10 MCA, other types of special districts exist and maintain individual statutory guidance.

### Legislative Services Division Materials:

[Special District Statutory Authority](#), March 2020

[Special Districts: Statutory References](#), September 2017

[Recommendations of the SJR 14 Election Law Subcommittee](#) (Changes to Special District Elections), April 2014

[Voting Rights for Special Purpose Districts](#), May 2014

[HB 49 Subcommittee: Special Districts](#), Interim Study of Local Government Special Purpose Districts, 2009

[Chart of Districts](#), 2006

## Other Materials:

[Montana Local Government Board Handbook](#), MSU Local Government Center, 2011

## Introduced Legislation

### 2019

[HB 123](#) - Chapter Number Assigned - AN ACT REVISING METHODS OF COST ASSESSMENT FOR METROPOLITAN SANITARY AND STORM SEWER DISTRICTS; AMENDING SECTION 7-13-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 259](#) - Chapter Number Assigned - 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.

[HB 299](#) - Chapter Number Assigned - AN ACT REVISING LAWS RELATED TO RURAL IMPROVEMENT DISTRICTS AND SPECIAL DISTRICTS; REVISING LOCAL GOVERNMENT REQUIREMENTS NEEDED TO SELL VARIABLE RATE BONDS AT A PRIVATELY NEGOTIATED SALE; AMENDING SECTIONS 7-12-2171 AND 7-12-4203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 324](#) - Chapter Number Assigned - AN ACT GENERALLY REVISING LAWS RELATED TO COUNTY WATER AND/OR SEWER DISTRICTS; PROVIDING ADDITIONAL ASSESSMENT METHODS FOR PROPERTY ANNEXED INTO A COUNTY WATER AND/OR SEWER DISTRICT; CLARIFYING THAT NEWLY ANNEXED PROPERTY MAY BE INCLUDED IN EXISTING ASSESSMENTS; AMENDING SECTION 7-13-2341, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 326](#) - Chapter Number Assigned - AN ACT ALLOWING A PERSON IN A SMALL COMMUNITY TO SERVE ON MORE THAN ONE SPECIAL PURPOSE DISTRICT BOARD; AMENDING SECTIONS 13-10-201, 13-10-211, 13-14-112, AND 13-14-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 116](#) - Chapter Number Assigned - AN ACT REVISING ELECTOR REQUIREMENTS IN AN IRRIGATION DISTRICT ELECTION; REVISING ELECTOR OPTIONS FOR CO-OWNERS; REVISING NOTIFICATION REQUIREMENTS FOR DESIGNATED ELECTORS; REVISING REQUIREMENTS TO NOTIFY A COUNTY ELECTION OFFICE OF DESIGNEES; AMENDING SECTION 85-7-1710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[SB 163](#) - Chapter Number Assigned - AN ACT GENERALLY REVISING LIGHTING IMPROVEMENT DISTRICT LAWS; REMOVING CONTRACT REQUIREMENTS FOR STREET LIGHTING IMPROVEMENT DISTRICTS; AMENDING SECTIONS 7-12-4307, 7-12-4308, 7-12-4311, AND 7-12-4353, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 243](#) - Chapter Number Assigned - AN ACT GENERALLY REVISING LAWS RELATED TO MAINTENANCE DISTRICTS; PROVIDING ADDITIONAL ASSESSMENT METHODS FOR COSTS OF A MAINTENANCE

DISTRICT; ALLOWING ADDITIONAL LENDING INSTITUTIONS TO OFFER FINANCIAL ASSISTANCE TO A MAINTENANCE DISTRICT; AMENDING SECTIONS 7-12-4422 AND 7-12-4429, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 367](#) - Died in Process - AN ACT REQUIRING AN URBAN RENEWAL DISTRICT THAT APPROVES A TAX INCREMENT FINANCING PROVISION TO CREATE A COMMITTEE TO MAKE RECOMMENDATIONS TO THE MUNICIPALITY ABOUT THE ADMINISTRATION OF THE DISTRICT AND THE TAX INCREMENT FINANCING PROVISION; AMENDING SECTION 7-15-4282, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 462](#) - Died in Process - AN ACT REVISING ADMINISTRATION OF URBAN RENEWAL AND TARGETED ECONOMIC DEVELOPMENT DISTRICTS WITH TAX INCREMENT FINANCING; PROVIDING FOR REPORTING ON AN ANNUAL BASIS BY LOCAL GOVERNMENTS UTILIZING TAX INCREMENT PROVISIONS; REQUIRING THE DEPARTMENT OF REVENUE TO ADMINISTER REPORTING REQUIREMENTS AND PROVIDE INFORMATION TO THE PUBLIC THROUGH THE INTERNET AND THE BIENNIAL REPORT; ~~LIMITING CERTIFICATION OF BASE TAXABLE VALUE OF NEW OR AMENDED TAX INCREMENT FINANCING PROVISIONS BASED ON A PERCENTAGE OF LOCAL GOVERNMENT TAXABLE VALUE~~ REQUIRING AN IMPACT ANALYSIS IF THE ADOPTION OR EXPANSION OF A TAX INCREMENT FINANCING PROVISION WILL RESULT IN A BASE TAXABLE VALUE WITHIN THE TAXING JURISDICTION OF GREATER THAN 35% OF THE JURISDICTION'S CERTIFIED TAXABLE VALUE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 7-15-4282, 7-15-4283, 7-15-4285, 7-15-4292, AND 15-1-205, MCA; AND PROVIDING AN APPLICABILITY DATE.

[SB 323](#) - Died in Standing Committee - AN ACT ALLOWING A GOVERNING BODY TO CREATE A PUBLIC SAFETY SPECIAL DISTRICT; ALLOWING ADDITIONAL ASSESSMENT METHODS FOR FUNDING A PUBLIC SAFETY DISTRICT; AND PROVIDING EXEMPTIONS AND PARTIAL EXEMPTIONS FOR CERTAIN BUILDINGS WITHIN A PUBLIC SAFETY DISTRICT.

## 2017

[HB 405](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS; PROVIDING FOR FILLING A VACANCY ON A COUNTY ADMINISTRATIVE BOARD AND A SPECIAL DISTRICT BOARD; REVISING THE DATE FOR FILLING A VACANCY IN A COUNTY OFFICE; INCREASING THE AMOUNT OF A CONTRACT FOR WHICH THE STATE RESIDENT BIDDING PREFERENCE WOULD APPLY; PROVIDING FOR PROTEST OF A PROPOSED DISSOLUTION OF A SPECIAL DISTRICT; CLARIFYING THAT THE BOARD OF COUNTY COMMISSIONERS IS THE ENTITY TO APPOINT A RURAL FIRE DISTRICT TRUSTEE IF THERE IS NOT A CANDIDATE FOR A TRUSTEE OFFICE; CLARIFYING THAT THE BOARD OF COUNTY COMMISSIONERS IS THE ENTITY TO RECEIVE NOTICE OF A CANCELLATION OF AN ELECTION AND TO FILL A POSITION UPON CANCELLATION OF AN ELECTION; CLARIFYING REQUIREMENTS FOR COUNTY LEGAL ADVERTISING AND COUNTY PRINTING CONTRACTS; AMENDING SECTIONS 7-1-201, 7-4-2206, 7-5-2309, 7-11-1021, 7-11-1029, 7-13-2233, 7-33-2106, 13-1-402, 13-1-403, 13-1-501, 13-1-502, 15-17-122, 18-7-411, 18-7-412, AND 18-7-413, MCA; AND PROVIDING AN EFFECTIVE DATE.

[SB 189](#) – Chapter Number Assigned -- AN ACT REVISING PROTEST PROCEDURES FOR CREATION OF A SPECIAL PURPOSE DISTRICT; REMOVING THE REQUIREMENT THAT A SPECIAL PURPOSE

DISTRICT FORM SPECIFY THAT A PROPERTY OWNER'S LACK OF ACTION BE CONSTRUED AS SUPPORT FOR CREATION OF THE DISTRICT; CLARIFYING THAT FORMS RETURNED WITH SUPPORT FOR OR OPPOSITION AGAINST CREATION OF THE DISTRICT MAY BE USED IN DETERMINING SUFFICIENCY OF PROTEST; AND AMENDING SECTION 7-11-1008, MCA.

[SB 274](#) – Chapter Number Assigned -- AN ACT REVISING SPECIAL DISTRICT ELECTION LAWS; ALLOWING THE REFERENDUM ON THE CREATION OF A SPECIAL DISTRICT AND THE ELECTION OF THE BOARD OF A PROPOSED SPECIAL DISTRICT TO BE COMBINED; PROVIDING DEFAULT TERMS OF OFFICE FOR BOARD MEMBERS; AND AMENDING SECTIONS 7-1-201 AND 7-11-1021, MCA.

[SB 188](#) – Died in Standing Committee -- AN ACT REMOVING THE AUTHORITY OF A LOCAL GOVERNING BODY TO CREATE A SPECIAL IMPROVEMENT DISTRICT WITHOUT ORDERING A REFERENDUM OR RECEIVING A PETITION; AND AMENDING SECTIONS 7-11-1003 AND 7-11-1013, MCA.

## 2015

[HB 334](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS APPLICABLE TO COUNTY 5 GOVERNMENT; AMENDING THE THRESHOLD FOR CERTAIN LOCAL GOVERNMENT AUDITS; AMENDING 6 THE DEFINITION OF "POLITICAL SUBDIVISION"; REQUIRING CERTAIN BOARDS, DISTRICTS, AND 7 COMMISSIONS TO RECORD THEIR MINUTES WITH THE COUNTY CLERK AND RECORDER AT NO COST; 8 REQUIRING A PUBLIC LOCATION FOR POSTING COUNTY INFORMATION; ADJUSTING RESIDENCY 9 REQUIREMENTS FOR COUNTY COMMISSIONERS; PROVIDING FOR APPOINTMENT TO FILL A VACANCY 10 CREATED BY A NONPARTISAN COMMISSIONER; AMENDING THE REQUIREMENTS FOR SETTING 11 CONSOLIDATED OFFICE SALARIES; REQUIRING THAT A PLAN BE ADOPTED FOR A CAPITAL 12 IMPROVEMENT FUND; REMOVING THE REQUIREMENT THAT A COUNTY TREASURER MAKE AN ANNUAL 13 FINANCIAL REPORT TO THE COUNTY SUPERINTENDENT; AMENDING REQUIREMENTS CONCERNING 14 WHEN A COUNTY MUST SUBMIT INDEBTEDNESS OR LIABILITY TO A VOTE OF THE ELECTORS OF THE 15 COUNTY; REVISING THE ALLOWABLE METHODS OF ASSESSMENT FOR SPECIAL DISTRICTS; REVISING 16 DEADLINES FOR A RESOLUTION LEVYING COSTS IN A LIGHTING DISTRICT; REVISING COUNTY LAND 17 AND ROAD SURVEYOR REQUIREMENTS AND COUNTY ENGINEER REQUIREMENTS; REVISING THE 18 BODY EMPLOYING A WEED COORDINATOR; REVISING THE GROUNDS FOR TERMINATION AND 19 WRITTEN NOTICE REQUIREMENTS FOR TERMINATION OF A DEPUTY SHERIFF; REPEALING 20 REQUIREMENTS CONCERNING COUNTY TREASURER RECEIPTS; REPEALING CERTAIN 21 REQUIREMENTS WITH RESPECT TO INCREASING PROPERTY TAXES; AMENDING SECTIONS 2-7-503, 22 2-9-101, 7-4-2104, 7-4-2106, 7-4-2312, 7-4-2631, 7-4-2801, 7-6-616, 7-6-2801, 7-7-2101, 7-11-1024, 7-12-2202, 23 7-14-2606, 7-22-2101, 7-32-2107, 7-32-2108, AND 20-9-212, MCA; REPEALING SECTIONS 7-6-2116 AND 24 15-10-203, MCA; AND PROVIDING AN EFFECTIVE DATE.

## 2013

[HB 47](#) – Chapter Number Assigned -- AN ACT REVISING DATES BY WHICH A COUNTY MUST FIX CERTAIN SALARIES, ADOPT A BUDGET, FIX TAX LEVIES, AND ESTIMATE SPECIAL DISTRICT COSTS; AMENDING

SECTIONS 7-4-2504, 7-6-4024, 7-6-4036, 7-11-1025, 20-9-152, AND 20-15-313, MCA; AND PROVIDING AN EFFECTIVE DATE.

[HB 124](#) – Chapter Number Assigned -- AN ACT CLARIFYING EXEMPTIONS FOR A SCHOOL DISTRICT AND SPECIAL DISTRICT IN ELECTIONS; EXEMPTING CERTAIN POLITICAL COMMITTEES FROM CAMPAIGN PRACTICES REQUIREMENTS; LIMITING THE CONTRIBUTIONS CERTAIN CANDIDATES AND POLITICAL COMMITTEES MAY ACCEPT IN SCHOOL DISTRICT AND SPECIAL DISTRICT ELECTIONS; AND AMENDING SECTION 13-37-206, MCA.

[HB 541](#) – Died in Standing Committee -- AN ACT REVISING LAWS GOVERNING SPECIAL DISTRICTS; ALLOWING A GOVERNING BODY TO ORDER A REFERENDUM ON THE CREATION OF A SPECIAL DISTRICT; REVISING THE REQUIREMENTS FOR INITIATING THE CREATION OF A SPECIAL DISTRICT BY PETITION; INCREASING THE AMOUNT OF TIME A CLERK OF A GOVERNING BODY HAS TO CERTIFY OR REJECT A PETITION; REQUIRING THAT MAPS OF PROPOSED BOUNDARIES BE MADE AVAILABLE TO THE PUBLIC AT A CERTAIN TIME; CLARIFYING WHO MUST RECEIVE NOTICE OF PASSAGE OF A RESOLUTION OF INTENT TO CREATE A SPECIAL DISTRICT; REVISING THE DEADLINE FOR PROTESTING A PROPOSED DISTRICT AND SUFFICIENCY OF PROTEST; REQUIRING A REFERENDUM UNDER CERTAIN CIRCUMSTANCES; REQUIRING CREATION OF A SPECIAL DISTRICT UNDER CERTAIN CIRCUMSTANCES; REVISING THE DEADLINE BY WHICH THE GOVERNING BODY MUST ESTIMATE COSTS OF A SPECIAL DISTRICT; LIMITING THE AMOUNT A GOVERNING BODY MAY CHARGE TO ADMINISTER A SPECIAL DISTRICT; AMENDING SECTIONS 7-11-1003, 7-11-1006, 7-11-1007, 7-11-1008, 7-11-1011, 7-11-1013, 7-11-1021, 7-11-1023, AND 7-11-1025, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

## 2011

[HB 304](#) – Died in Process -- AN ACT GENERALLY REVISING LAWS GOVERNING SPECIAL DISTRICTS; PROVIDING THAT A SPECIAL DISTRICT MAY ONLY BE CREATED BY REFERENDUM OR PETITION; INCREASING THE PERCENTAGE OF VOTERS OR PROPERTY OWNERS REQUIRED FOR A PETITION; PROHIBITING THE BOUNDARIES OF A SPECIAL DISTRICT FROM BEING IDENTICAL TO BOUNDARIES OF A LOCAL GOVERNMENT UNLESS CERTAIN REQUIREMENTS ARE MET; CLARIFYING TO WHOM NOTICES OF A RESOLUTION OF INTENT TO CREATE A DISTRICT MUST BE SENT; REVISING TIMING OF A PROTEST AND WHO MAY PROTEST CREATION OF A DISTRICT; PROHIBITING CERTAIN USES OF DISTRICT FUNDS; AND AMENDING SECTIONS 7-11-1003, 7-11-1006, 7-11-1007, 7-11-1008, 7-11-1013, 7-11-1021, 7-11-1023, AND 7-11-1024, MCA."

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