

## 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.

#### Legislative Services Division Materials:

[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:

## Introduced Legislation

### 2017

[House Bill 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.

[Senate Bill 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.

[Senate Bill 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.

[Senate Bill 188](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "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

[House Bill 334](#) – Chapter Number Assigned -- A BILL FOR AN ACT ENTITLED: "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

[House Bill 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.

[House Bill 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.

[House Bill 541](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "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**

[House Bill 304](#) – Died in Process -- A BILL FOR AN ACT ENTITLED: "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."

**2009**

[Senate Bill 57](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING THE LAWS RELATING TO SPECIAL DISTRICTS; ALLOWING FOR THE CREATION OF SPECIAL DISTRICTS BY LOCAL GOVERNMENTS WORKING INDIVIDUALLY AND JOINTLY; ESTABLISHING UNIFORM STANDARDS FOR THE CREATION, ADMINISTRATION, AND OPERATION OF SPECIAL DISTRICTS BY GOVERNING BODIES AND ELECTED OR APPOINTED BOARDS; ELIMINATING SPECIFIC PROVISIONS RELATING TO CEMETERY DISTRICTS, COUNTY MUSEUMS, FACILITIES FOR THE ARTS, MUSEUM DISTRICTS, COUNTY PARK DISTRICTS, COUNTY FAIR COMMISSIONS, COUNTY FAIR DISTRICTS, MULTICOUNTY FAIR DISTRICTS, JOINT SOLID WASTE MANAGEMENT DISTRICTS, LOCAL IMPROVEMENT DISTRICTS, MOSQUITO CONTROL DISTRICTS, MULTIJURISDICTIONAL SERVICE DISTRICTS, PARK MAINTENANCE DISTRICTS, ROAD IMPROVEMENT DISTRICTS, RODENT CONTROL DISTRICTS, SOLID WASTE MANAGEMENT DISTRICTS, AND TELEVISION DISTRICTS; GRANTING RULEMAKING AUTHORITY