

1 House BILL NO. 436
 2 INTRODUCED BY Ramonis Johnson Feistman
 3 Palmer Blussant Harper Leuter
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE Kim Suebeck
 5 CREATION OF URBAN TRANSPORTATION DISTRICTS; AND PROVIDING AN
 6 IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Purpose. This act authorizes the
10 establishment of urban transportation districts to supply
11 transportation services and facilities to district residents
12 and other persons.

13 Section 2. Definitions. As used in this act:

14 (1) "Commissioners" means the board of county commissioners
15 or other governing body of a county;

16 (2) "District" means any transportation district
17 created under this act;

18 (3) "Board" means the board of transportation of any
19 district created under this act.

20 Section 3. Petition -- call for public
21 hearing. (1) Proceedings for creation of a transportation
22 district may be initiated by a petition, signed by not less
23 than twenty percent (20%) of the qualified electors who
24 reside within the proposed transportation district. The
25 petition shall consist of one (1) sheet or several sheets

1 identical in form and fastened together after being
 2 circulated and signed so as to form a single, complete
 3 petition before being delivered to the county clerk. The
 4 petition shall give the address of each petitioner. The
 5 complete petition shall be filed with the county clerk, who
 6 shall within thirty (30) days thereafter, carefully examine
 7 the same and attach to it a certificate under his official
 8 signature and the seal of his office. The certificate shall
 9 set forth: The total number of persons who are registered
 10 electors within the proposed transportation district. Which
 11 and how many of the persons whose names are on the petitions
 12 are qualified to sign such petition. Whether such qualified
 13 signers constitute more or less than twenty percent (20%) of
 14 the registered electors of the proposed transportation
 15 district.

16 (2) The county clerk shall present the petition and
17 his certificate to the commissioners at their first meeting
18 held after he has attached his certificate.

19 (3) The commissioners shall thereupon examine the
20 petition and, if they find that the petition is in proper
21 form and bears the requisite number of signatures of
22 qualified petitioners, the commissioners shall by resolution
23 call for a public hearing on the creation of such
24 transportation district. If the petition is found to be
25 lacking in the number of signatures required, the

HB436

1 commissioners shall postpone or continue any hearing upon
 2 the petition until such time as the required number of
 3 petitioners have signed the petition. The commissioners may
 4 call for a public hearing on any proposed transportation
 5 district regardless of whether a petition for the creation
 6 of a transportation district has been presented to the
 7 commissioners.

8 Section 4. Notice and conduct of public
 9 hearing. (1) At the time fixed for the public hearing, the
 10 commissioners shall hear all testimony offered in support
 11 of and in opposition to any petition and the creation of the
 12 district. The hearings may be adjourned from time to time
 13 for the determination of additional information, or hearing
 14 petitioners or objectors, without additional published or
 15 posted notice, but no adjournment may exceed two (2) weeks
 16 after the date originally noticed and published for the
 17 hearing.

18 (2) A notice of the public hearing shall be published
 19 in a newspaper having general circulation within the
 20 proposed transportation district once each week for at least
 21 two (2) weeks, the last publication to be at least two (2)
 22 weeks prior to the hearing. If there is no newspaper having
 23 general circulation within the proposed district, the notice
 24 of public hearing shall be posted in at least three (3)
 25 public places within the proposed district for two (2) weeks

1 prior to the hearing. The notice shall state the time,
 2 date, place, and purpose of the hearing and describe the
 3 boundaries of the proposed transportation district.

4 Section 5. Reject or create -- resolution --
 5 election. (1) The commissioners, upon completion of the
 6 public hearing, shall proceed by resolution either to reject
 7 the creation of such a district, to exercise their power to
 8 create such a district, or to refer the creation of such
 9 district to the persons qualified to vote on such
 10 proposition; however, if a proper petition for the creation
 11 of a district has been presented to the commissioners and a
 12 public hearing held on it, the commissioners shall proceed
 13 either to create such a district or to refer the creation of
 14 a district to the persons qualified to vote on such
 15 proposition. The commissioners may, in their resolution,
 16 designate whether a special election shall be held, or
 17 whether the matter shall be determined at the next general
 18 election.

19 (2) If a special election is ordered, the
 20 commissioners shall, in their order, specify the date for
 21 the election, the voting places, and shall appoint and
 22 designate judges and clerks therefor. The election shall be
 23 held in all respects as nearly as practicable in conformity
 24 with the general election laws.

25 (3) At the election, the ballots shall contain the

1 words:

2 * Transportation District -- Yes

3 Transportation District -- No *

4 The judges of the election shall certify to the
5 commissioners the results of the election.

6 Section 6. Transportation board -- selection --
7 composition. (1) The district shall be governed and
8 managed by a transportation board appointed by a selection
9 board composed of the commissioners and an equal number of
10 transportation representatives from the governing body of
11 any incorporated city included or partially included in the
12 district. The selection board shall also fill all vacancies
13 occurring on the board. The selection board shall give
14 public notice of its solicitation of applications for
15 membership on the board, or for any vacancies occurring on
16 the board. The notice shall be published in a newspaper
17 having general circulation in the territory within the
18 transportation district, once each week for at least two (2)
19 weeks, the last publication to be at least two (2) weeks
20 before the appointment. If there is no newspaper having
21 general circulation within the proposed district, the notice
22 of solicitation shall be posted in at least three (3) public
23 places within the proposed district for two (2) weeks before
the appointment. The notice shall state the time, date and

1 place of the appointment.

2 (2) The transportation board shall consist of three
3 (3) members serving staggered three (3) year terms. The
4 first members appointed to the board shall serve one (1),
5 two (2) and three (3) years respectively, the term of one
6 member expiring on July 1 of each year. The members shall
7 serve without pay, except for necessary mileage expenses.

8 Section 7. Powers of transportation board. (1) The
9 board shall have all powers necessary and proper to the
10 establishment, operation, improvement, maintenance and
11 administration of the transportation district. The district
12 shall primarily serve the residents within the district
13 boundaries, but may authorize service outside the district
14 boundaries where deemed appropriate.

15 (2) The board shall employ a qualified administrative
16 officer for the district. The board shall give public
17 notice of its solicitation of applications for a qualified
18 administrative officer.

19 Section 8. Budget -- mill levy authorized. The board
20 shall, annually, present its budget to the commissioners at
21 the regular budget meetings as prescribed by law, and
22 therewith certify the amount of money necessary and proper
23 for the ensuing year. The commissioners shall, annually, at
24 the time of levying county taxes, fix and levy a tax, in
25 mills, upon all property within said transportation district

HB 436

1 clearly sufficient to raise the amount certified by the
 2 board. The tax so levied for all transportation district
 3 purposes other than payment of bonded indebtedness shall not
 4 in any year exceed twelve (12) mills on each dollar of
 5 taxable valuation of property within said district.

6 Section 9. Duties of county treasurer -- warrants
 7 issued by board. The procedure for the collection of the
 8 tax shall be in accordance with the existing laws of the
 9 state of Montana. The funds collected under the tax levy
 10 shall be held by the county treasurer who shall be, ex
 11 officio, the treasurer for the transportation district and
 12 who shall keep a detailed account of all tax moneys paid
 13 into the fund, of all other moneys from any source received
 14 by the district, and of all payments and disbursements from
 15 the fund. Funds shall be paid out on warrants issued by
 16 direction of the board and signed by a majority of its
 17 membership.

18 Section 10. Bond issues authorized. A transportation
 19 district may borrow money by the issuance of bonds to
 20 provide funds for the district, but the amount of bonds
 21 issued for such purpose and outstanding at any time shall
 22 not exceed five percent (5%) of taxable property therein, as
 23 ascertained by the last assessment for state and county
 24 taxes previous to the issuance of such bonds.

25 Section 11. Enlargement of district --

1 procedures. The boundaries of any transportation district
 2 may be enlarged by any of the methods provided for the
 3 establishment of the district; however, each addition must
 4 be approved by a majority vote of the transportation board.

5 Section 12. Procedure for dissolving district.

6 (1) Any transportation district may be dissolved upon
 7 presentation to the county commissioners of a petition
 8 signed by at least fifty-one percent (51%) of the qualified
 9 voters of such district. Upon the filing of such petition,
 10 the commissioners shall carefully examine the petition and,
 11 if it is found that the petition is in proper form, and
 12 bears the requisite number of signatures of qualified
 13 petitioners, the commissioners shall by resolution call for
 14 a public hearing on the dissolution of such transportation
 15 district. If such petition is found by the commissioners to
 16 be lacking in the number of signatures, the commissioners
 17 shall postpone any hearing on the petition until such time
 18 as the required number of petitioners have signed the
 19 petition.

20 (2) A notice of such hearing shall be published in a
 21 newspaper having general circulation in the transportation
 22 district, once each week for at least two (2) weeks, the
 23 last publication to be at least two (2) weeks before the
 24 hearing. If there is no newspaper having general
 25 circulation in the district, the notice of the hearing shall

1 be posted in at least three (3) public places in the
2 district for two (2) weeks before the hearing. The notice
3 shall state the time, date, place and purpose of the
4 hearing.

5 (3) If upon such hearing the commissioners find that
6 the district is not indebted beyond funds immediately
7 available to extinguish all of its debts and obligations and
8 that there is good reason for the dissolution of such
9 district, the commissioners shall enter upon their minutes
10 an order dissolving such district. Such order shall be
11 filed, of record, and the dissolution shall be effective for
12 all purposes six (6) months after the date of filing the
13 order of dissolution, provided that at or before such time
14 the board of said district certifies to the county
15 commissioners that all debts and obligations of the district
16 have been paid, discharged or irrevocably settled, together
17 with proof thereof. Any assests of the district remaining
18 after all debts and obligations of the district have been
19 paid, discharged or irrevocably settled, shall be evenly
20 divided between the county and any cities within or
21 partially within the dissolved district.

22 Section 13. Effective date. This bill shall become
23 effective upon its passage and approval.

-End-

HB 436

Approved by Comm.
on Local Government

HOUSE BILL NO. 436

INTRODUCED BY KEMMIS, JOHNSON, FEDERICO, PALMER,
DUSSAULT, HARPER, LESTER, HUENNEKENS, LUEBECK, KIMBLE

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circulated and signed so as to form a single, complete
petition before being delivered to the county clerk. The
petition shall give the address of each petitioner AND SHALL
INCLUDE A MAP SHOWING THE LIMITS OF THE PROPOSED DISTRICT.

The complete petition shall be filed with the county clerk,
who shall within thirty (30) days thereafter, carefully
examine the same and attach to it a certificate under his
official signature and the seal of his office. The
certificate shall set forth: ~~The~~ THE total number of
persons who are registered electors within the proposed
transportation district, ~~which,~~ AND WHICH and how many of
the persons whose names are on the petitions are qualified
to sign such petition. ~~Whether--such--qualified--signers~~
~~constitute--more--or--less--than--twenty--percent--(20%)--of--the~~
~~registered--electors--of--the--proposed--transportation--district.~~
IF THE PETITION IS FOUND TO CONTAIN LESS THAN TWENTY PERCENT
(20%) OF THE SIGNATURES OF THE QUALIFIED ELECTORS OF THE
TRANSPORTATION DISTRICT, THE PETITION SHALL BE DECLARED
VOID.

(2) ~~The-PROVIDED THE PETITION CONTAINS THE SIGNATURES~~
~~OF TWENTY PERCENT (20%) OF THE QUALIFIED ELECTORS OF THE~~
PROPOSED TRANSPORTATION DISTRICT, THE county clerk shall
present the petition and his certificate to the

1 commissioners at their first meeting held after he has
2 attached his certificate.

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4 petition and ~~if they find that the petition is in proper~~
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8 transportation district. ~~if the petition is found to be~~
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14 ~~district regardless of whether a petition for the creation~~
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18 hearing. (1) At the time fixed for the public hearing, the
19 commissioners shall hear all testimony offered in support of
20 and in opposition to any petition and the creation of the
21 district. The hearings may be adjourned from time to time
22 for the determination of additional information, or hearing
23 petitioners or objectors, ~~without additional published or~~
24 ~~posted notice,~~ but no adjournment may exceed two (2) weeks
25 after the date originally noticed and published for the

1 hearing.

2 (2) A notice of the public hearing shall be published
3 in a newspaper having general circulation within the
4 proposed transportation district once each week for at least
5 two (2) weeks, the last publication to be at least two (2)
6 weeks prior to the hearing. If there is no newspaper having
7 general circulation within the proposed district, the notice
8 of public hearing shall be posted in at least three (3)
9 public places within the proposed district for two (2) weeks
10 prior to the hearing. The notice shall state the time,
11 date, place, and purpose of the hearing and describe the
12 boundaries of the proposed transportation district.

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15 public hearing, shall proceed by resolution ~~either to reject~~
16 ~~the creation of such a district, to exercise their power to~~
17 ~~create such a district, or~~ to refer the creation of such
18 district to the persons qualified to vote on such
19 proposition, ~~however, if a proper petition for the creation~~
20 ~~of a district has been presented to the commissioners and a~~
21 ~~public hearing held on it, the commissioners shall proceed~~
22 ~~either to create such a district or to refer the creation of~~
23 ~~a district to the persons qualified to vote on such~~
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2 election.

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4 commissioners shall, in their order, specify the date for
5 the election, the voting places, and shall appoint and
6 designate judges and clerks therefor. The election shall be
7 held in all respects as nearly as practicable in conformity
8 with the general election laws.

9 (3) At the election, the ballots shall contain the
10 words:

* Transportation District -- Yes

Transportation District -- No "

11 The judges of the election shall certify to the
12 commissioners the results of the election.

13 Section 6. Transportation board -- selection --
14 composition. (1) The district shall be governed and
15 managed by a transportation board appointed by a selection
16 board composed of the commissioners and an equal number of
17 transportation representatives from the governing body of
18 any incorporated city included or partially included in the
19 district. The selection board shall also fill all vacancies
20 occurring on the board. The selection board shall give
21 public notice of its solicitation of applications for
22 membership on the board, or for any vacancies occurring on
23

1 the board. The notice shall be published in a newspaper
2 having general circulation in the territory within the
3 transportation district, once each week for at least two (2)
4 weeks, the last publication to be at least two (2) weeks
5 before the appointment. If there is no newspaper having
6 general circulation within the proposed district, the notice
7 of solicitation shall be posted in at least three (3) public
8 places within the proposed district for two (2) weeks before
9 the appointment. The notice shall state the time, date and
10 place of the appointment.

11 (2) The transportation board shall consist of three
12 (3) members serving staggered three (3) year terms. The
13 first members appointed to the board shall serve one (1),
14 two (2) and three (3) years respectively, the term of one
15 member expiring on July 1 of each year. The members shall
16 serve without pay, except for necessary mileage expenses.

17 Section 7. Powers of transportation board. (1) The
18 board shall have all powers necessary and proper to the
19 establishment, operation, improvement, maintenance and
20 administration of the transportation district. The district
21 shall primarily serve the residents within the district
22 boundaries, but may authorize service outside the district
23 boundaries where deemed appropriate.

24 (2) The board shall employ a qualified administrative
25 officer for the district. The board shall give public

1 notice of its solicitation of applications for a qualified
2 administrative officer.

3 Section 8. Budget -- mill levy authorized. The board
4 shall, annually, present its budget to the commissioners at
5 the regular budget meetings as prescribed by law, and
6 therewith certify the amount of money necessary and proper
7 for the ensuing year. The commissioners shall, annually, at
8 the time of levying county taxes, fix and levy a tax, in
9 mills, upon all property within said transportation district
10 clearly sufficient to raise the amount certified by the
11 board. The tax so levied for all transportation district
12 purposes other than payment of bonded indebtedness shall ~~not~~
13 ~~in-any-year-exceed-twelve--(12)--mills-on--each--dollar--of~~
14 ~~taxable--valuation--of--property--within--said--district~~ BE
15 SUFFICIENT TO FUND THE PROPOSED BUDGET OF THE DISTRICT FOR
16 THE FISCAL YEAR.

17 Section 9. Duties of county treasurer -- warrants
18 issued by board. The procedure for the collection of the
19 tax shall be in accordance with the existing laws of the
20 state of Montana. The funds collected under the tax levy
21 shall be held by the county treasurer who shall be, ex
22 officio, the treasurer for the transportation district and
23 who shall keep a detailed account of all tax moneys paid
24 into the fund, of all other moneys from any source received
25 by the district, and of all payments and disbursements from

1 the fund. Funds shall be paid out on warrants issued by
2 direction of the board and signed by a majority of its
3 membership.

4 Section 10. Bond issues authorized. A transportation
5 district may borrow money by the issuance of bonds GENERAL
6 OBLIGATION OR REVENUE BONDS, OR A COMBINATION THEREOF, to
7 provide funds for the district, but the amount of bonds
8 issued for such purpose and outstanding at any time shall
9 not exceed five percent (5%) of taxable property therein, as
10 ascertained by the last assessment for state and county
11 taxes previous to the issuance of such bonds.

12 Section 11. Enlargement of district --
13 procedures. The boundaries of any transportation district
14 may be enlarged ~~by--any--of--the--methods--provided--for--the~~
15 ~~establishment-of-the-district~~ IF FIFTY-ONE PERCENT (51%) OF
16 THE QUALIFIED ELECTORS OF THE AREA TO BE ADDED TO THE
17 EXISTING DISTRICT SIGN A PETITION REQUESTING ADDITION TO
18 SUCH DISTRICT; however, each addition must be approved by a
19 majority vote of the transportation board. ALL PROPERTY
20 WITHIN ANY ADDITION TO THE TRANSPORTATION DISTRICT SHALL BE
21 SUBJECT TO ALL EXISTING INDEBTEDNESS OF THE DISTRICT.

22 Section 12. Procedure for dissolving district.
23 (1) Any transportation district may be dissolved upon
24 presentation to the county commissioners of a petition
25 signed by at least fifty-one percent (51%) of the qualified

1 voters of such district. Upon the filing of such petition,
 2 the commissioners shall carefully examine the petition and,
 3 if it is found that the petition is in proper form, and
 4 bears the requisite number of signatures of qualified
 5 petitioners, the commissioners shall by resolution call for
 6 a public hearing on the dissolution of such transportation
 7 district. If such petition is found by the commissioners to
 8 be lacking in the number of signatures, the commissioners
 9 shall ~~postpone any hearing on the petition until such time~~
 10 ~~as the required number of petitioners have signed the~~
 11 ~~petition~~ DECLARE THE PETITION VOID.

12 (2) A notice of such hearing shall be published in a
 13 newspaper having general circulation in the transportation
 14 district, once each week for at least two (2) weeks, the
 15 last publication to be at least two (2) weeks before the
 16 hearing. If there is no newspaper having general
 17 circulation in the district, the notice of the hearing shall
 18 be posted in at least three (3) public places in the
 19 district for two (2) weeks before the hearing. The notice
 20 shall state the time, date, place and purpose of the
 21 hearing.

22 (3) If upon such hearing the commissioners find that
 23 the district is not indebted beyond funds immediately
 24 available to extinguish all of its debts and obligations and
 25 that there is good reason for the dissolution of such

1 district, the commissioners shall enter upon their minutes
 2 an order dissolving such district. Such order shall be
 3 filed, of record, and the dissolution shall be effective for
 4 all purposes six (6) months after the date of filing the
 5 order of dissolution, provided that at or before such time
 6 the board of said district certifies to the county
 7 commissioners that all debts and obligations of the district
 8 have been paid, discharged or irrevocably settled, together
 9 with proof thereof. Any assests of the district remaining
 10 after all debts and obligations of the district have been
 11 paid, discharged or irrevocably settled, shall be evenly
 12 divided between the county and any cities within or
 13 partially within the dissolved district.

14 Section 13. Effective date. This bill shall become
 15 effective upon its passage and approval.

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HOUSE BILL NO. 436

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DUSSAULT, HARPER, LESTER, HUENNEKENS, LUEBECK, KIMBLE

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The complete petition shall be filed with the county clerk,
who shall within thirty (30) days thereafter, carefully
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certificate shall set forth: ~~The~~ THE total number of
persons who are registered electors within the proposed
transportation district, ~~which,~~ AND WHICH and how many of
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to sign such petition. ~~Whether--such--qualified--signers~~
~~constitute--more--or--less--than--twenty--percent--(20%)--of--the~~
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IF THE PETITION IS FOUND TO CONTAIN LESS THAN TWENTY PERCENT
(20%) OF THE SIGNATURES OF THE QUALIFIED ELECTORS OF THE
TRANSPORTATION DISTRICT, THE PETITION SHALL BE DECLARED
VOID.

(2) ~~The~~ PROVIDED THE PETITION CONTAINS THE SIGNATURES
OF TWENTY PERCENT (20%) OF THE QUALIFIED ELECTORS OF THE
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present the petition and his certificate to the

1 commissioners at their first meeting held after he has
2 attached his certificate.

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4 petition and ~~if they find that the petition is in proper~~
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18 hearing. (1) At the time fixed for the public hearing, the
19 commissioners shall hear all testimony offered in support of
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22 for the determination of additional information, or hearing
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3 in a newspaper having general circulation within the
4 proposed transportation district once each week for at least
5 two (2) weeks, the last publication to be at least two (2)
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12 boundaries of the proposed transportation district.

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17 ~~create such a district, or to refer the creation of such~~
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4 commissioners shall, in their order, specify the date for
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8 with the general election laws.

9 (3) At the election, the ballots shall contain the
10 words:

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Transportation District -- No "

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16 board composed of the commissioners and an equal number of
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19 district. The selection board shall also fill all vacancies
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10 place of the appointment.

11 (2) The transportation board shall consist of three
12 (3) members serving staggered three (3) year terms. The
13 first members appointed to the board shall serve one (1),
14 two (2) and three (3) years respectively, the term of one
15 member expiring on July 1 of each year. The members shall
16 serve without pay, except for necessary mileage expenses.

17 Section 7. Powers of transportation board. (1) The
18 board shall have all powers necessary and proper to the
19 establishment, operation, improvement, maintenance and
20 administration of the transportation district. The district
21 shall primarily serve the residents within the district
22 boundaries, but may authorize service outside the district
23 boundaries where deemed appropriate.

24 (2) The board shall employ a qualified administrative
25 officer for the district. The board shall give public

1 notice of its solicitation of applications for a qualified
2 administrative officer.

3 Section 8. Budget -- mill levy authorized. The board
4 shall, annually, present its budget to the commissioners at
5 the regular budget meetings as prescribed by law, and
6 therewith certify the amount of money necessary and proper
7 for the ensuing year. The commissioners shall, annually, at
8 the time of levying county taxes, fix and levy a tax, in
9 mills, upon all property within said transportation district
10 clearly sufficient to raise the amount certified by the
11 board. The tax so levied for all transportation district
12 purposes other than payment of bonded indebtedness shall ~~not~~
13 ~~in any year exceed twelve (12) mills on each dollar of~~
14 ~~taxable valuation of property within said district~~ BE
15 SUFFICIENT TO FUND THE PROPOSED BUDGET OF THE DISTRICT FOR
16 THE FISCAL YEAR.

17 Section 9. Duties of county treasurer -- warrants
18 issued by board. The procedure for the collection of the
19 tax shall be in accordance with the existing laws of the
20 state of Montana. The funds collected under the tax levy
21 shall be held by the county treasurer who shall be, ex
22 officio, the treasurer for the transportation district and
23 who shall keep a detailed account of all tax moneys paid
24 into the fund, of all other moneys from any source received
25 by the district, and of all payments and disbursements from

1 the fund. Funds shall be paid out on warrants issued by
2 direction of the board and signed by a majority of its
3 membership.

4 Section 10. Bond issues authorized. A transportation
5 district may borrow money by the issuance of bonds GENERAL
6 OBLIGATION OR REVENUE BONDS, OR A COMBINATION THEREOF, to
7 provide funds for the district, but the amount of bonds
8 issued for such purpose and outstanding at any time shall
9 not exceed five percent (5%) of taxable property therein, as
10 ascertained by the last assessment for state and county
11 taxes previous to the issuance of such bonds.

12 Section 11. Enlargement of district --
13 procedures. The boundaries of any transportation district
14 may be enlarged ~~by any of the methods provided for the~~
15 ~~establishment of the district~~ IF FIFTY-ONE PERCENT (51%) OF
16 THE QUALIFIED ELECTORS OF THE AREA TO BE ADDED TO THE
17 EXISTING DISTRICT SIGN A PETITION REQUESTING ADDITION TO
18 SUCH DISTRICT; however, each addition must be approved by a
19 majority vote of the transportation board. ALL PROPERTY
20 WITHIN ANY ADDITION TO THE TRANSPORTATION DISTRICT SHALL BE
21 SUBJECT TO ALL EXISTING INDEBTEDNESS OF THE DISTRICT.

22 Section 12. Procedure for dissolving district.
23 (1) Any transportation district may be dissolved upon
24 presentation to the county commissioners of a petition
25 signed by at least fifty-one percent (51%) of the qualified

1 voters of such district. Upon the filing of such petition,
 2 the commissioners shall carefully examine the petition and,
 3 if it is found that the petition is in proper form, and
 4 bears the requisite number of signatures of qualified
 5 petitioners, the commissioners shall by resolution call for
 6 a public hearing on the dissolution of such transportation
 7 district. If such petition is found by the commissioners to
 8 be lacking in the number of signatures, the commissioners
 9 shall ~~postpone any hearing on the petition until such time~~
 10 ~~as the required number of petitioners have signed the~~
 11 ~~petition~~ DECLARE THE PETITION VOID.

12 (2) A notice of such hearing shall be published in a
 13 newspaper having general circulation in the transportation
 14 district, once each week for at least two (2) weeks, the
 15 last publication to be at least two (2) weeks before the
 16 hearing. If there is no newspaper having general
 17 circulation in the district, the notice of the hearing shall
 18 be posted in at least three (3) public places in the
 19 district for two (2) weeks before the hearing. The notice
 20 shall state the time, date, place and purpose of the
 21 hearing.

22 (3) If upon such hearing the commissioners find that
 23 the district is not indebted beyond funds immediately
 24 available to extinguish all of its debts and obligations and
 25 that there is good reason for the dissolution of such

1 district, the commissioners shall enter upon their minutes
 2 an order dissolving such district. Such order shall be
 3 filed, of record, and the dissolution shall be effective for
 4 all purposes six (6) months after the date of filing the
 5 order of dissolution, provided that at or before such time
 6 the board of said district certifies to the county
 7 commissioners that all debts and obligations of the district
 8 have been paid, discharged or irrevocably settled, together
 9 with proof thereof. Any assets of the district remaining
 10 after all debts and obligations of the district have been
 11 paid, discharged or irrevocably settled, shall be evenly
 12 divided between the county and any cities within or
 13 partially within the dissolved district.

14 Section 13. Effective date. This bill shall become
 15 effective upon its passage and approval.

-End-

March 14, 1975

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

AMENDMENTS TO HOUSE BILL NO. 436

That House Bill No. 436, third reading, be amended as follows:

1. Amend page 5, section 6, lines 14 through line 16 on page 6.
 - Following: "Section 6."
 - Strike: section 6 in its entirety
 - Insert: "The district shall be governed by a transportation board. The transportation board shall consist of three (3) members appointed by a selection board composed of the commissioners and an equal number of representatives from the governing bodies of each incorporated city included or partially included in the district. The selection board shall also fill all vacancies occurring on the board. The selection board shall give public notice of its solicitation of applications for membership on the board. The notice shall be published in a newspaper having general circulation in the district, once each week for at least two (2) weeks, the last publication to be at least two (2) weeks before the appointment. If there is no newspaper having general circulation within the boundaries of the proposed district, the notice of solicitation shall be posted in at least three (3) public places within the boundaries of the proposed district for two (2) weeks before the appointment. The appointed members shall serve until the first county general election after their appointment. Thereafter, the board members shall be elected. Any qualified elector in the district may file a petition of candidacy with the county clerk and recorder of the county where the district is located. No filing fee shall be required. All candidates shall file a nonpartisan petition for candidacy. The names of the six (6) candidates receiving the highest number of votes in the primary election shall be placed on the ballots in the county general election. The candidate receiving the highest number of votes in the county general election shall receive a four (4) year term on the board; the two (2) candidates receiving the next highest number of votes in the county general election shall receive two (2) year terms on the board. Thereafter, two (2) seats on the board shall be filled at every county general election. The candidate receiving the highest number of votes shall serve a four (4) year term, the candidate receiving the next highest number of votes shall serve a two (2) year term. The board members shall serve without pay except for necessary transportation expenses."

2. Amend page 7, section 8, lines 14 through 16.

Following: "district"

Strike: "BE SUFFICIENT TO FUND THE PROPOSED BUDGET OF THE DISTRICT FOR THE FISCAL YEAR"

Insert: "not in any year exceed twelve (12) mills on each dollar of taxable valuation of property within said district"

HOUSE BILL NO. 436

INTRODUCED BY KEMMIS, JOHNSON, FEDERICO, PALMER,
DUSSAULT, HARPER, LESTER, HUENNEKENS, LUEBECK, KIMBLE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
CREATION OF URBAN TRANSPORTATION DISTRICTS; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Purpose. This act authorizes the
establishment of urban transportation districts to supply
transportation services and facilities to district residents
and other persons.

Section 2. Definitions. As used in this act:

(1) "Commissioners" means the board of county commissioners
or other governing body of a county;

(2) "District" means any transportation district
created under this act;

(3) "Board" means the board of transportation of any
district created under this act.

Section 3. Petition -- call for public
hearing. (1) Proceedings for creation of a transportation
district may be initiated by a petition, signed by not less
than twenty percent (20%) of the qualified electors who
reside within the proposed transportation district. The

petition shall consist of one (1) sheet or several sheets
identical in form and fastened together after being
circulated and signed so as to form a single, complete
petition before being delivered to the county clerk. The
petition shall give the address of each petitioner AND SHALL
INCLUDE A MAP SHOWING THE LIMITS OF THE PROPOSED DISTRICT.

The complete petition shall be filed with the county clerk,
who shall within thirty (30) days thereafter, carefully
examine the same and attach to it a certificate under his
official signature and the seal of his office. The
certificate shall set forth: ~~The~~ THE total number of
persons who are registered electors within the proposed
transportation district--~~which,~~ AND WHICH and how many of
the persons whose names are on the petitions are qualified
to sign such petition. ~~Whether--such--qualified--signers
constitute more or less than twenty percent--(20%)--of--the
registered electors of the proposed transportation district--~~
IF THE PETITION IS FOUND TO CONTAIN LESS THAN TWENTY PERCENT
(20%) OF THE SIGNATURES OF THE QUALIFIED ELECTORS OF THE
TRANSPORTATION DISTRICT, THE PETITION SHALL BE DECLARED
VOID.

(2) ~~The~~ PROVIDED THE PETITION CONTAINS THE SIGNATURES
OF TWENTY PERCENT (20%) OF THE QUALIFIED ELECTORS OF THE
PROPOSED TRANSPORTATION DISTRICT, THE county clerk shall
present the petition and his certificate to the

1 commissioners at their first meeting held after he has
2 attached his certificate.

3 (3) The commissioners shall thereupon examine the
4 petition and ~~if they find that the petition is in proper~~
5 ~~form and bears the requisite number of signatures of~~
6 ~~qualified petitioners, the commissioners~~ shall by resolution
7 call for a public hearing on the creation of such
8 transportation district. ~~If the petition is found to be~~
9 ~~lacking in the number of signatures required, the~~
10 ~~commissioners shall postpone or continue any hearing upon~~
11 ~~the petition until such time as the required number of~~
12 ~~petitioners have signed the petition. The commissioners may~~
13 ~~call for a public hearing on any proposed transportation~~
14 ~~district regardless of whether a petition for the creation~~
15 ~~of a transportation district has been presented to the~~
16 ~~commissioners.~~

17 Section 4. Notice and conduct of public
18 hearing. (1) At the time fixed for the public hearing, the
19 commissioners shall hear all testimony offered in support of
20 and in opposition to any petition and the creation of the
21 district. The hearings may be adjourned from time to time
22 for the determination of additional information, or hearing
23 petitioners or objectors, ~~without additional published or~~
24 ~~posted notice,~~ but no adjournment may exceed two (2) weeks
25 after the date originally noticed and published for the

1 hearing.

2 (2) A notice of the public hearing shall be published
3 in a newspaper having general circulation within the
4 proposed transportation district once each week for at least
5 two (2) weeks, the last publication to be at least two (2)
6 weeks prior to the hearing. If there is no newspaper having
7 general circulation within the proposed district, the notice
8 of public hearing shall be posted in at least three (3)
9 public places within the proposed district for two (2) weeks
10 prior to the hearing. The notice shall state the time,
11 date, place, and purpose of the hearing and describe the
12 boundaries of the proposed transportation district.

13 Section 5. Reject or create -- resolution --
14 election. (1) The commissioners, upon completion of the
15 public hearing, shall proceed by resolution ~~either to reject~~
16 ~~the creation of such a district, to exercise their power to~~
17 ~~create such a district, or to refer the creation of such~~
18 ~~district to the persons qualified to vote on such~~
19 ~~proposition, however, if a proper petition for the creation~~
20 ~~of a district has been presented to the commissioners and a~~
21 ~~public hearing held on it, the commissioners shall proceed~~
22 ~~either to create such a district or to refer the creation of~~
23 ~~a district to the persons qualified to vote on such~~
24 ~~proposition.~~ The commissioners may, in their resolution,
25 designate whether a special election shall be held, or

1 whether the matter shall be determined at the next general
2 election.

3 (2) If a special election is ordered, the
4 commissioners shall, in their order, specify the date for
5 the election, the voting places, and shall appoint and
6 designate judges and clerks therefor. The election shall be
7 held in all respects as nearly as practicable in conformity
8 with the general election laws.

9 (3) At the election, the ballots shall contain the
10 words:

" Transportation District -- Yes

Transportation District -- No "

11 The judges of the election shall certify to the
12 commissioners the results of the election.

13 Section 6. ~~Transportation---board-----selection---
14 composition---(1)---The--district--shall--be--governed--and
15 managed--by--a-transportation-board-appointed-by-a-selection
16 board-composed-of-the-commissioners-and-an-equal--number--of
17 transportation--representatives--from--the-governing-body-of
18 any-incorporated-city-included-or-partially-included-in--the
19 district--The-selection-board-shall-also-fill-all-vacancies
20 occurring--on--the-board--The--selection-board-shall-give
21 public-notice--of--its-solicitation--of--applications--for
22 membership--on--the-board--or--for-any-vacancies-occurring-on~~

1 the-board--The-notice-shall-be-published--in--a--newspaper
2 having-general-circulation--in--the--territory--within-the
3 transportation-district,--once--each--week--for--at--least--two--(2)
4 weeks,--the--last--publication--to--be--at--least--two--(2)--weeks
5 before--the--appointment,--if--there--is--no--newspaper--having
6 general-circulation--within--the--proposed--district,--the--notice
7 of-solicitation--shall--be--posted--in--at--least--three--(3)--public
8 places--within--the--proposed--district--for--two--(2)--weeks--before
9 the-appointment--The-notice--shall--state--the--time,--date--and
10 place--of--the--appointment,

11 (2)--The--transportation--board--shall--consist--of--three
12 (3)--members--serving--staggered--three--(3)--year--terms,--The
13 first--members--appointed--to--the--board--shall--serve--one--(1),
14 two--(2)--and--three--(3)--years--respectively,--the--term--of--one
15 member--expiring--on--July--1--of--each--year--The-members--shall
16 serve--without--pay,--except--for--necessary--mileage--expenses,
17 THE DISTRICT SHALL BE GOVERNED BY A TRANSPORTATION BOARD.
18 THE TRANSPORTATION BOARD SHALL CONSIST OF THREE (3) MEMBERS
19 APPOINTED BY A SELECTION BOARD COMPOSED OF THE COMMISSIONERS
20 AND AN EQUAL NUMBER OF REPRESENTATIVES FROM THE GOVERNING
21 BODIES OF EACH INCORPORATED CITY INCLUDED OR PARTIALLY
22 INCLUDED IN THE DISTRICT. THE SELECTION BOARD SHALL ALSO
23 FILL ALL VACANCIES OCCURRING ON THE BOARD. THE SELECTION
24 BOARD SHALL GIVE PUBLIC NOTICE OF ITS SOLICITATION OF
25 APPLICATIONS FOR MEMBERSHIP ON THE BOARD. THE NOTICE SHALL

1 BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN
 2 THE DISTRICT, ONCE EACH WEEK FOR AT LEAST TWO (2) WEEKS, THE
 3 LAST PUBLICATION TO BE AT LEAST TWO (2) WEEKS BEFORE THE
 4 APPOINTMENT. IF THERE IS NO NEWSPAPER HAVING GENERAL
 5 CIRCULATION WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT,
 6 THE NOTICE OF SOLICITATION SHALL BE POSTED IN AT LEAST THREE
 7 (3) PUBLIC PLACES WITHIN THE BOUNDARIES OF THE PROPOSED
 8 DISTRICT FOR TWO (2) WEEKS BEFORE THE APPOINTMENT. THE
 9 APPOINTED MEMBERS SHALL SERVE UNTIL THE FIRST COUNTY GENERAL
 10 ELECTION AFTER THEIR APPOINTMENT. THEREAFTER, THE BOARD
 11 MEMBERS SHALL BE ELECTED. ANY QUALIFIED ELECTOR IN THE
 12 DISTRICT MAY FILE A PETITION OF CANDIDACY WITH THE COUNTY
 13 CLERK AND RECORDER OF THE COUNTY WHERE THE DISTRICT IS
 14 LOCATED. NO FILING FEE SHALL BE REQUIRED. ALL CANDIDATES
 15 SHALL FILE A NONPARTISAN PETITION FOR CANDIDACY. THE NAMES
 16 OF THE SIX (6) CANDIDATES RECEIVING THE HIGHEST NUMBER OF
 17 VOTES IN THE PRIMARY ELECTION SHALL BE PLACED ON THE BALLOTS
 18 IN THE COUNTY GENERAL ELECTION. THE CANDIDATE RECEIVING THE
 19 HIGHEST NUMBER OF VOTES IN THE COUNTY GENERAL ELECTION SHALL
 20 RECEIVE A FOUR (4) YEAR TERM ON THE BOARD; THE TWO (2)
 21 CANDIDATES RECEIVING THE NEXT HIGHEST NUMBER OF VOTES IN THE
 22 COUNTY GENERAL ELECTION SHALL RECEIVE TWO (2) YEAR TERMS ON
 23 THE BOARD. THEREAFTER, TWO (2) SEATS ON THE BOARD SHALL BE
 24 FILLED AT EVERY COUNTY GENERAL ELECTION. THE CANDIDATE
 25 RECEIVING THE HIGHEST NUMBER OF VOTES SHALL SERVE A FOUR (4)

1 YEAR TERM, THE CANDIDATE RECEIVING THE NEXT HIGHEST NUMBER
 2 OF VOTES SHALL SERVE A TWO (2) YEAR TERM. THE BOARD MEMBERS
 3 SHALL SERVE WITHOUT PAY EXCEPT FOR NECESSARY TRANSPORTATION
 4 EXPENSES.

5 Section 7. Powers of transportation board. (1) The
 6 board shall have all powers necessary and proper to the
 7 establishment, operation, improvement, maintenance and
 8 administration of the transportation district. The district
 9 shall primarily serve the residents within the district
 10 boundaries, but may authorize service outside the district
 11 boundaries where deemed appropriate.

12 (2) The board shall employ a qualified administrative
 13 officer for the district. The board shall give public
 14 notice of its solicitation of applications for a qualified
 15 administrative officer.

16 Section 8. Budget -- mill levy authorized. The board
 17 shall, annually, present its budget to the commissioners at
 18 the regular budget meetings as prescribed by law, and
 19 therewith certify the amount of money necessary and proper
 20 for the ensuing year. The commissioners shall, annually, at
 21 the time of levying county taxes, fix and levy a tax, in
 22 mills, upon all property within said transportation district
 23 clearly sufficient to raise the amount certified by the
 24 board. The tax so levied for all transportation district
 25 purposes other than payment of bonded indebtedness shall not

1 ~~in any year exceed twelve (12) mills on each dollar of~~
 2 ~~taxable valuation of property within said district BE~~
 3 ~~SUFFICIENT TO FUND THE PROPOSED BUDGET OF THE DISTRICT FOR~~
 4 ~~THE FISCAL YEAR NOT IN ANY YEAR EXCEED TWELVE (12) MILLS ON~~
 5 ~~EACH DOLLAR OF TAXABLE VALUATION OF PROPERTY WITHIN SAID~~
 6 ~~DISTRICT.~~

7 Section 9. Duties of county treasurer -- warrants
 8 issued by board. The procedure for the collection of the
 9 tax shall be in accordance with the existing laws of the
 10 state of Montana. The funds collected under the tax levy
 11 shall be held by the county treasurer who shall be, ex
 12 officio, the treasurer for the transportation district and
 13 who shall keep a detailed account of all tax moneys paid
 14 into the fund, of all other moneys from any source received
 15 by the district, and of all payments and disbursements from
 16 the fund. Funds shall be paid out on warrants issued by
 17 direction of the board and signed by a majority of its
 18 membership.

19 Section 10. Bond issues authorized. A transportation
 20 district may borrow money by the issuance of bonds GENERAL
 21 OBLIGATION OR REVENUE BONDS, OR A COMBINATION THEREOF, to
 22 provide funds for the district, but the amount of bonds
 23 issued for such purpose and outstanding at any time shall
 24 not exceed five percent (5%) of taxable property therein, as
 25 ascertained by the last assessment for state and county

1 taxes previous to the issuance of such bonds.

2 Section 11. Enlargement of district --
 3 procedures. The boundaries of any transportation district
 4 may be enlarged ~~by any of the methods provided for the~~
 5 ~~establishment of the district~~ IF FIFTY-ONE PERCENT (51%) OF
 6 THE QUALIFIED ELECTORS OF THE AREA TO BE ADDED TO THE
 7 EXISTING DISTRICT SIGN A PETITION REQUESTING ADDITION TO
 8 SUCH DISTRICT; however, each addition must be approved by a
 9 majority vote of the transportation board. ALL PROPERTY
 10 WITHIN ANY ADDITION TO THE TRANSPORTATION DISTRICT SHALL BE
 11 SUBJECT TO ALL EXISTING INDEBTEDNESS OF THE DISTRICT.

12 Section 12. Procedure for dissolving district.
 13 (1) Any transportation district may be dissolved upon
 14 presentation to the county commissioners of a petition
 15 signed by at least fifty-one percent (51%) of the qualified
 16 voters of such district. Upon the filing of such petition,
 17 the commissioners shall carefully examine the petition and,
 18 if it is found that the petition is in proper form, and
 19 bears the requisite number of signatures of qualified
 20 petitioners, the commissioners shall by resolution call for
 21 a public hearing on the dissolution of such transportation
 22 district. If such petition is found by the commissioners to
 23 be lacking in the number of signatures, the commissioners
 24 shall ~~postpone any hearing on the petition until such time~~
 25 ~~as the required number of petitioners have signed the~~

1 ~~petition-DECLARE THE PETITION VOID.~~

2 (2) A notice of such hearing shall be published in a
3 newspaper having general circulation in the transportation
4 district, once each week for at least two (2) weeks, the
5 last publication to be at least two (2) weeks before the
6 hearing. If there is no newspaper having general
7 circulation in the district, the notice of the hearing shall
8 be posted in at least three (3) public places in the
9 district for two (2) weeks before the hearing. The notice
10 shall state the time, date, place and purpose of the
11 hearing.

12 (3) If upon such hearing the commissioners find that
13 the district is not indebted beyond funds immediately
14 available to extinguish all of its debts and obligations and
15 that there is good reason for the dissolution of such
16 district, the commissioners shall enter upon their minutes
17 an order dissolving such district. Such order shall be
18 filed, of record, and the dissolution shall be effective for
19 all purposes six (6) months after the date of filing the
20 order of dissolution, provided that at or before such time
21 the board of said district certifies to the county
22 commissioners that all debts and obligations of the district
23 have been paid, discharged or irrevocably settled, together
24 with proof thereof. Any assests of the district remaining
25 after all debts and obligations of the district have been

1 paid, discharged or irrevocably settled, shall be evenly
2 divided between the county and any cities within or
3 partially within the dissolved district.

4 Section 13. Effective date. This bill shall become
5 effective upon its passage and approval.

-End-