

1 House BILL NO. 727
2 INTRODUCED BY Vioent

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT NOTICE
5 BE GIVEN UPON THE CREATION OF A DISTRICT WHICH MAY, OR FOR
6 WHICH A LOCAL GOVERNMENT MAY, LEVY TAXES AND TO PROVIDE FOR
7 A VOTE OF THE ELECTORS OF THE DISTRICT OR THE LOCAL
8 GOVERNMENT BY MEANS OF A PETITION."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. As used in this act, unless
12 the context requires otherwise, the following definitions
13 apply:

14 (1) "District" means a special improvement district, a
15 rural improvement district, or any other district created by
16 a local government and which may levy taxes or for which
17 taxes may be levied by a local government.

18 (2) "Local government" means a municipality, county,
19 or political subdivision thereof.

20 Section 2. Notice of creation of district. (1)
21 Whenever the governing body of a local government creates a
22 district, notice shall be given.

23 (2) Unless the provisions of law which authorize the
24 creation of a particular district provide otherwise, notice
25 shall be given by:

1 (a) publishing notice in a newspaper of general
2 circulation in the area to be included in the district at
3 least once a week for 3 weeks following the creation of the
4 district; and

5 (b) mailing notice within 2 weeks of creation of the
6 district to the owners of record of property within the
7 district boundaries to the address as listed on the current
8 tax roles.

9 (3) The notice shall describe the nature, purpose, and
10 extent of the district and shall state that there is and
11 describe how to utilize the mechanism for voter approval as
12 provided in [section 3].

13 Section 3. Petition for election within district. (1)
14 The governing body of a local government shall submit the
15 question of creation of a district to the electors of a
16 district if within 30 days after the creation of a district
17 a petition is received requesting such an election, and the
18 petition is signed by:

19 (a) 15% or more of the electors of the district; or

20 (b) 15% or more of the owners of property in the
21 district.

22 (2) If an election is required under this section, the
23 governing body may call a special election or submit the
24 question at any regularly scheduled election. The form of
25 the ballot shall be determined by the governing body of the

1 local government.

2 (3) If a majority of those voting disapprove the
3 creation of the district, the governing body shall dissolve
4 the district and may not propose such a district for at
5 least 1 year.

6 (4) This section does not apply to a district if the
7 provisions of the law which authorize the district provide
8 for a similar petition and election procedure.

9 Section 4. Petition for election within entire local
10 government. (1) The governing body of a local government
11 shall submit the question of creation of a district to the
12 electors of the local government if within 30 days after the
13 creation of the district a petition is received requesting
14 such an election and the petition is signed by 20% or more
15 of the electors of the local government.

16 (2) If an election is required under this section, the
17 governing body may call a special election or submit the
18 question at any regularly scheduled election. The form of
19 the ballot shall be determined by the governing body of the
20 local government.

21 (3) If a majority of those voting disapprove the
22 creation of the district, the governing body shall dissolve
23 the district and may not propose such a district for at
24 least 1 year. A vote of approval by a majority of those
25 voting does not override a vote of disapproval in an

1 election held under the provisions of [section 3] by the
2 electors of the district.

-End-

STATE OF MONTANA

REQUEST NO. 491-77

FISCAL NOTE

Form BD-15

compliance with a written request received February 14, 19 77, there is hereby submitted a Fiscal Note for House Bill 727 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 727 requires local governments to give notice to property owners when the governing body intends to create a special improvement district or any other district that has taxation authority, and provides for voter approval of such proposed district upon petition requesting such an election.

ASSUMPTIONS:

1. It is assumed that approximately 100 new taxation districts are formed annually.
2. The average number of electors and/or property owners in such districts are estimated at about 100.
3. Mailing costs per person are estimated at 40 cents and the election costs are estimated at approximately one dollar per voter.
4. It is assumed that approximately 100 district elections would be held each year at an estimated cost of \$100 per election.
5. Approximately five (5) government-wide elections would be held each year at an estimated cost of \$6060 per election.

FISCAL IMPACT - LOCAL:

	<u>FY 78</u>	<u>FY 79</u>
Additional expenditures under proposed law	<u>\$20,060</u>	<u>\$20,060</u>

Richard L. ...
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-77