

House Bill 737

In The House

February 12, 1981

Introduced and referred
to Committee on Local
Government.

February 21, 1981

Committee recommend bill
do pass as amended.

February 23, 1981

Bill printed and placed
on members' desks.

Second reading do not pass.

1 *House* BILL NO. *737*
 2 INTRODUCED BY *Nussent Loy, Hinson, Eddy, Kemis*
 3 *Waldron*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
 5 ESTABLISHMENT OF MUNICIPAL FACILITIES DISTRICTS BY PETITION,
 6 HEARING, AND ELECTION; TO PROVIDE FOR THE ELECTION OF
 7 COMMISSIONERS TO ADMINISTER THE FACILITIES IN THE DISTRICTS;
 8 TO AUTHORIZE THE LEVY OF 3 MILLS FOR THE ESTABLISHMENT AND
 9 OPERATION OF MUNICIPAL FACILITIES; AND TO ALLOW THE ISSUANCE
 10 OF BONDS TO FINANCE THE OPERATION OF THE DISTRICT."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Purpose. The purpose of [this act] is to
 14 provide for the creation of municipal facilities districts
 15 to provide for and administer public facilities for the
 16 residents of the district and other persons, especially when
 17 new public facilities are necessary due to the diverse
 18 ownership of existing public facilities, which results in
 19 limited or restricted use or access by the public.

20 Section 2. Definitions. As used in [this act], the
 21 following definitions apply:

22 (1) "District" means a municipal facilities district
 23 created or proposed for creation in accordance with the
 24 provisions of [this act] and other applicable laws.

25 (2) "Public facility" means a structure, building, or

1 any portion thereof maintained primarily for activities and
 2 events held for the benefit or enjoyment of the general
 3 public or that may be rented, on a nondiscriminatory basis,
 4 to private organizations or individuals for purposes not
 5 contrary to the public interest.

6 (3) "Qualified signature" means the signed name or
 7 other mark, when properly witnessed, of a registered elector
 8 residing within a district.

9 Section 3. Petition to create municipal facilities
 10 district. (1) Proceedings for creation of a district may be
 11 initiated by a petition signed by not less than 20% of the
 12 registered electors who reside within the proposed district.

13 (2) The petition shall include a map showing the
 14 limits of the proposed district and shall be in the form
 15 provided for in Title 13, chapter 27.

16 Section 4. Filing of petition with election
 17 administrator -- certificate. (1) The complete petition
 18 shall be filed with the election administrator of the county
 19 where the district is located.

20 (2) The election administrator shall, within 30 days
 21 of receipt of the petition, examine the petition and attach
 22 a certificate to it stating:

23 (a) the total number of registered electors who reside
 24 within the proposed district;

25 (b) which and how many of the names on the petition

1 represent registered electors residing within the proposed
2 district; and

3 (c) whether or not the total number of qualified
4 signatures on the petition equals or exceeds 20% of the
5 total number of registered electors residing within the
6 proposed district.

7 Section 5. Effect of insufficient number of qualified
8 signatures. If the petition is found to contain fewer than
9 20% of the qualified signatures of the registered electors
10 residing within the proposed district, the election
11 administrator shall declare the petition void and shall
12 include the declaration on the certificate attached to the
13 petition.

14 Section 6. Presentation of the petition to the board
15 of county commissioners -- hearing required. (1) If the
16 petition contains the qualified signatures of at least 20%
17 of the registered electors residing within the proposed
18 district, the county clerk shall present the petition and
19 the certificate to the board of county commissioners at its
20 first scheduled meeting after the certificate has been
21 signed and certified by the election administrator.

22 (2) The county commissioners shall examine the
23 petition and shall by resolution set a public hearing on the
24 creation of the district.

25 Section 7. Notice of hearing. (1) Notice of the public

1 hearing shall be published in a newspaper having general
2 circulation within the proposed district at least once each
3 week for at least 2 consecutive weeks prior to the hearing.
4 If no newspaper of general circulation exists in the
5 proposed district, the notice of public hearing shall be
6 posted in at least three public places within the proposed
7 district for at least 2 weeks prior to the hearing.

8 (2) The notice shall state the time, date, place, and
9 purpose of the hearing and shall describe the boundaries of
10 the proposed district.

11 Section 8. Hearing on petition. (1) At the time fixed
12 for the public hearing, the county commissioners shall hear
13 all testimony offered in support of and in opposition to the
14 petition and the creation of the district.

15 (2) The hearing may be adjourned from time to time to
16 facilitate additional testimony, but no adjournment may
17 delay the hearing beyond 2 weeks after the hearing date
18 originally set forth in the public notice of hearing.

19 Section 9. Election on the question of creating a
20 municipal facilities district. (1) The county commissioners,
21 upon completion of the public hearing, shall proceed by
22 resolution to refer the creation of a municipal facilities
23 district to the registered electors of the proposed
24 district.

25 (2) The county commissioners may designate in their

1 resolution whether a special election will be held or
2 whether the matter will be voted on at the next primary or
3 general election. If a special election is ordered, the
4 county commissioners shall specify in their order the date
5 for the election and the voting places and shall appoint and
6 designate judges and clerks for the election.

7 Section 10. Conduct of election on question of
8 creating district. (1) The election shall be conducted in
9 accordance with general election laws.

10 (2) At the election, the ballots shall contain the
11 words:

- 12 YES - Municipal facilities district
- 13 NO - Municipal facilities district

14 Section 11. District to be governed by elected
15 facilities board of commissioners. The district shall be
16 governed by a facilities board of commissioners which shall
17 consist of three members. The initial members shall be
18 appointed by a selection board. Subsequent to the initial
19 appointments, facilities commissioners shall be elected.

20 Section 12. Selection of initial facilities board of
21 commissioners. (1) The initial facilities board of
22 commissioners shall consist of three members appointed by a
23 selection board composed of the county commissioners of the
24 county in which the district is located and one
25 representative from each governing body of each incorporated

1 municipality included or partially included in the district.

2 (2) The appointed commissioners shall serve until the
3 first county general election after their appointment.

4 Section 13. Election of facilities board
5 commissioners. (1) Any registered elector in the district
6 may file before the deadline for candidacy in the next
7 primary election a petition of candidacy for election to the
8 facilities board with the election administrator of the
9 county where the district is located. No filing fee is
10 required.

11 (2) All candidates shall file a nonpartisan petition
12 for candidacy as provided in 13-14-113.

13 (3) The names of the six candidates receiving the
14 highest number of votes in the primary election shall be
15 placed on the ballots in the county general election.

16 Section 14. Term of office. (1) At the first election
17 of commissioners for the facilities board, the candidate
18 receiving the highest number of votes in the county general
19 election shall receive a 4-year term on the board. The two
20 candidates receiving the next highest number of votes in the
21 county general election shall receive 2-year terms on the
22 board.

23 (2) After the initial election, two seats on the board
24 shall be filled at every county general election. The
25 candidate receiving the highest number of votes shall serve

1 a 4-year term and the candidate receiving the next highest
2 number of votes shall serve a 2-year term.

3 Section 15. Vacancies on the facilities board. The
4 selection board provided for in [section 12] shall fill all
5 vacancies occurring on the facilities board.

6 Section 16. Notice of vacancy on facilities board. (1)
7 The selection board shall give public notice of its
8 solicitation of applications for membership on the
9 facilities board of commissioners. Any registered elector of
10 the district may submit an application to be considered by
11 the selection board in filling the vacancy.

12 (2) The notice shall be published in a newspaper
13 having general circulation in the district, at least once
14 each week for at least 2 consecutive weeks prior to the date
15 set for the appointment.

16 (3) If there is no newspaper having general
17 circulation within the boundaries of the proposed district,
18 the notice of solicitation shall be posted in at least three
19 public places within the boundaries of the proposed district
20 for at least 2 weeks prior to the appointment.

21 Section 17. Compensation of facilities board
22 commissioners. The commissioners of the facilities board
23 shall serve without pay except for reimbursement for
24 necessary and approved expenses incurred when representing
25 the facilities board on official business.

1 Section 18. Powers of facilities board. The facilities
2 board shall have all powers necessary and proper to the
3 acquisition, purchase, construction, renovation,
4 establishment, operation, improvement, maintenance, and
5 administration of adequate public facilities within the
6 district.

7 Section 19. Employment of administrative officer. The
8 facilities board shall employ a qualified administrative
9 officer for the facilities district. The facilities board
10 shall give public notice of its solicitation of applications
11 for the position of administrative officer in a manner
12 consistent with other public notices required in [sections 7
13 and 16], except that the facilities board may also give
14 notice in appropriate publications and in other ways in
15 order to attract the best available candidates for the
16 position.

17 Section 20. Facilities district budget. The facilities
18 board shall annually present its budget to the county
19 commissioners at the regular budget meetings as prescribed
20 by law and shall certify the amount of money necessary for
21 its operations during the ensuing year.

22 Section 21. Mill levy authorized -- limitations. (1)
23 The county commissioners shall annually, at the time of
24 levying county taxes, fix and levy a tax in mills upon all
25 property within the district sufficient to raise the amount

1 of money certified by the facilities board.

2 (2) The facilities board may include in the annual
3 district budget an amount to be placed into a capital
4 improvements fund, which shall include the amount of money
5 necessary to meet anticipated needs for maintenance,
6 renovation, or improvement of public facilities commensurate
7 with the public need as determined by the facilities board.
8 Any money remaining in the capital improvements fund at the
9 end of the county's fiscal year may be carried over into the
10 following year but may be used only as originally intended.

11 (3) The tax levied by the county commissioners for the
12 purposes of the district, not including that for bonded
13 indebtedness, may not in any year exceed 3 mills on each
14 dollar of taxable valuation of property within the district.

15 Section 22. Collection of tax -- role of county
16 treasurer. (1) The money collected under the facilities
17 district tax levy shall be deposited in a municipal
18 facilities district fund administered by the county
19 treasurer.

20 (2) The county treasurer is ex officio the treasurer
21 for the district and shall keep a detailed account of:

22 (a) all tax money paid into the fund;

23 (b) all other money, from whatever source, received by
24 the district; and

25 (c) all payments and disbursements from the district

1 fund for whatever purpose.

2 Section 23. Warrants to be used for payments. Funds
3 shall be paid out on warrants issued under the direction of
4 the facilities board and signed by a majority of the
5 members.

6 Section 24. Facilities district bonds authorized. A
7 facilities district may borrow money by the issuance of
8 general obligation or revenue bonds or a combination thereof
9 to provide funds for the district.

10 Section 25. Limitation on bonded indebtedness. The
11 amount of general obligation bonds issued to provide funds
12 for the district and outstanding at any time may not exceed
13 5% of the value of the taxable property in the district, as
14 determined by the last assessment for state and county taxes
15 before the issuance of such bonds.

16 Section 26. Procedure for enlarging a facilities
17 district. (1) The boundaries of any facilities district may
18 be enlarged if 51% of the qualified electors of the area to
19 be added to the existing district either sign a petition
20 requesting addition to the district or, in a special or
21 general election, vote in favor of addition to the district.

22 (2) Each addition must be approved by a majority vote
23 of the board of facilities commissioners.

24 (3) All property within any addition to the district
25 is subject to all existing indebtedness of the district.

1 (4) If the addition includes all or part of another
 2 county, budgeting procedures shall remain unchanged, but
 3 budget presentations shall be made, as described, to all
 4 affected boards of county commissioners, and the liability
 5 of each county shall be determined so that each county shall
 6 levy an equal number of mills. The treasurer of the original
 7 county shall remain as ex officio treasurer of the district.

8 Section 27. Petition for dissolution of district. A
 9 facilities district may be dissolved upon presentation to
 10 the county commissioners of a petition favoring dissolution
 11 and signed by at least 51% of the qualified electors of the
 12 district.

13 Section 28. Notice of hearing on question of
 14 dissolution. (1) A notice of a hearing on the question of
 15 whether to dissolve shall be given in the manner prescribed
 16 in [section 7].

17 (2) The notice shall state the time, date, place, and
 18 purpose of the hearing.

19 Section 29. Hearing on the question of dissolution --
 20 decision. (1) If upon such hearing the county commissioners
 21 find that the district is not indebted beyond funds
 22 immediately available to extinguish all of its debts and
 23 obligations and that there is good reason for the
 24 dissolution of such district, the county commissioners shall
 25 order dissolution of the district.

1 (2) The order shall be filed of record, and the
 2 dissolution shall be effective 6 months after the date of
 3 filing the order, if the facilities board of commissioners
 4 of the district certifies to the county commissioners that
 5 all debts and obligations of the district have been paid,
 6 discharged, or irrevocably settled and provides proof of all
 7 such payments, discharges, or settlements.

8 Section 30. Distribution of district assets after
 9 dissolution. Assets of the district remaining after all
 10 debts and obligations of the district have been paid,
 11 discharged, or irrevocably settled shall be divided among
 12 the counties and municipalities within or partially within
 13 the dissolved district based proportionally upon the taxable
 14 valuation of each county or municipality.

15 Section 31. Severability. If a part of this act is
 16 invalid, all valid parts that are severable from the invalid
 17 part remain in effect. If a part of this act is invalid in
 18 one or more of its applications, the part remains in effect
 19 in all valid applications that are severable from the
 20 invalid applications.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 737

INTRODUCED BY DUSSAULT, LORY, HANSON,

EUDAILY, KEMMIS, WALORON

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE ESTABLISHMENT OF MUNICIPAL FACILITIES DISTRICTS BY PETITION, HEARING, AND ELECTION; TO PROVIDE FOR THE ELECTION OF COMMISSIONERS TO ADMINISTER THE FACILITIES IN THE DISTRICTS; TO AUTHORIZE THE LEVY OF 3 MILLS FOR THE ESTABLISHMENT AND OPERATION OF MUNICIPAL FACILITIES; AND TO ALLOW THE ISSUANCE OF BONDS TO FINANCE THE OPERATION OF THE DISTRICT."

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

Section 1. Purpose. The purpose of [this act] is to provide for the creation of municipal facilities districts to provide for and administer public facilities for the residents of the district and other persons, especially when new public facilities are necessary due to the diverse ownership of existing public facilities, which results in limited or restricted use or access by the public.

Section 2. Definitions. As used in [this act], the following definitions apply:

(1) "District" means a municipal facilities district created or proposed for creation in accordance with the provisions of [this act] and other applicable laws.

(2) "Public facility" means a structure, building, or any portion thereof AND REAL PROPERTY maintained primarily for activities and events held for the benefit or enjoyment of the general public or that may be rented, on a nondiscriminatory basis, to private organizations or individuals for purposes not contrary to the public interest.

(3) "Qualified signature" means the signed name or other mark, when properly witnessed, of a registered elector residing within a district.

Section 3. Petition to create municipal facilities district. (1) Proceedings for creation of a district may be initiated by a petition signed by not less than 20% of the registered electors who reside within the proposed district.

(2) The petition shall include a map showing the limits of the proposed district and shall be in the form provided for in Title 13, chapter 27.

Section 4. Filing of petition with election administrator -- certificate. (1) The complete petition shall be filed with the election administrator of the county where the district is located.

(2) The election administrator shall, within 30 days of receipt of the petition, examine the petition and attach a certificate to it stating:

(a) the total number of registered electors who reside

1 within the proposed district;

2 (b) which and how many of the names on the petition
3 represent registered electors residing within the proposed
4 district; and

5 (c) whether or not the total number of qualified
6 signatures on the petition equals or exceeds 20% of the
7 total number of registered electors residing within the
8 proposed district.

9 Section 5. Effect of insufficient number of qualified
10 signatures. If the petition is found to contain fewer than
11 20% of the qualified signatures of the registered electors
12 residing within the proposed district, the election
13 administrator shall declare the petition void and shall
14 include the declaration on the certificate attached to the
15 petition.

16 Section 6. Presentation of the petition to the board
17 of county commissioners -- hearing required. (1) If the
18 petition contains the qualified signatures of at least 20%
19 of the registered electors residing within the proposed
20 district, the county clerk shall present the petition and
21 the certificate to the board of county commissioners at its
22 first scheduled meeting after the certificate has been
23 signed and certified by the election administrator.

24 (2) The county commissioners shall examine the
25 petition and shall by resolution set a public hearing on the

1 creation of the district.

2 Section 7. Notice of hearing. (1) Notice of the public
3 hearing shall be published in a newspaper having general
4 circulation within the proposed district at least once each
5 week for at least 2 consecutive weeks prior to the hearing.
6 If no newspaper of general circulation exists in the
7 proposed district, the notice of public hearing shall be
8 posted in at least three public places within the proposed
9 district for at least 2 weeks prior to the hearing.

10 (2) The notice shall state the time, date, place, and
11 purpose of the hearing and shall describe the boundaries of
12 the proposed district.

13 Section 8. Hearing on petition. (1) At the time fixed
14 for the public hearing, the county commissioners shall hear
15 all testimony offered in support of and in opposition to the
16 petition and the creation of the district.

17 (2) The hearing may be adjourned from time to time to
18 facilitate additional testimony, but no adjournment may
19 delay the hearing beyond 2 weeks after the hearing date
20 originally set forth in the public notice of hearing.

21 Section 9. Election on the question of creating a
22 municipal facilities district. (1) The county commissioners,
23 upon completion of the public hearing, shall proceed by
24 resolution to refer the creation of a municipal facilities
25 district to the registered electors of the proposed

1 district.

2 (2) The county commissioners may designate in their
3 resolution whether a special election will be held or
4 whether the matter will be voted on at the next primary or
5 general election. If a special election is ordered, the
6 county commissioners shall specify in their order the date
7 for the election and the voting places and shall appoint and
8 designate judges and clerks for the election.

9 Section 10. Conduct of election on question of
10 creating district. (1) The election shall be conducted in
11 accordance with general election laws.

12 (2) At the election, the ballots shall contain the
13 words:

14 YES - Municipal facilities district

15 NO - Municipal facilities district

16 Section 11. District to be governed by elected
17 facilities board of commissioners. The district shall be
18 governed by a facilities board of commissioners which shall
19 consist of three members. The initial members shall be
20 appointed by a selection board. Subsequent to the initial
21 appointments, facilities commissioners shall be elected.

22 Section 12. Selection of initial facilities board of
23 commissioners. (1) The initial facilities board of
24 commissioners shall consist of three members appointed by a
25 selection board composed of the county commissioners of the

1 county in which the district is located and one
2 representative from each governing body of each incorporated
3 municipality included or partially included in the district.

4 (2) The appointed commissioners shall serve until the
5 first county general election after their appointment.

6 Section 13. Election of facilities board
7 commissioners. (1) Any registered elector in the district
8 may file before the deadline for candidacy in the next
9 primary election a petition of candidacy for election to the
10 facilities board with the election administrator of the
11 county where the district is located. No filing fee is
12 required.

13 (2) All candidates shall file a nonpartisan petition
14 for candidacy as provided in 13-14-113.

15 (3) The names of the six candidates receiving the
16 highest number of votes in the primary election shall be
17 placed on the ballots in the county general election.

18 Section 14. Term of office. (1) At the first election
19 of commissioners for the facilities board, the candidate
20 receiving the highest number of votes in the county general
21 election shall receive a 4-year term on the board. The two
22 candidates receiving the next highest number of votes in the
23 county general election shall receive 2-year terms on the
24 board.

25 (2) After the initial election, two seats on the board

1 shall be filled at every county general election. The
2 candidate receiving the highest number of votes shall serve
3 a 4-year term and the candidate receiving the next highest
4 number of votes shall serve a 2-year term.

5 Section 15. Vacancies on the facilities board. The
6 selection board provided for in [section 12] shall fill all
7 vacancies occurring on the facilities board.

8 Section 16. Notice of vacancy on facilities board. (1)
9 The selection board shall give public notice of its
10 solicitation of applications for membership on the
11 facilities board of commissioners. Any registered elector of
12 the district may submit an application to be considered by
13 the selection board in filling the vacancy.

14 (2) The notice shall be published in a newspaper
15 having general circulation in the district, at least once
16 each week for at least 2 consecutive weeks prior to the date
17 set for the appointment.

18 (3) If there is no newspaper having general
19 circulation within the boundaries of the proposed district,
20 the notice of solicitation shall be posted in at least three
21 public places within the boundaries of the proposed district
22 for at least 2 weeks prior to the appointment.

23 Section 17. Compensation of facilities board
24 commissioners. The commissioners of the facilities board
25 shall serve without pay except for reimbursement for

1 necessary and approved expenses incurred when representing
2 the facilities board on official business.

3 Section 18. Powers of facilities board. The facilities
4 board shall have all powers necessary and proper to the
5 acquisition, purchase, construction, renovation,
6 establishment, operation, improvement, maintenance, and
7 administration of adequate public facilities within the
8 district.

9 Section 19. Employment of administrative officer. The
10 facilities board shall MAY employ a qualified administrative
11 officer for the facilities district. The facilities board
12 shall give public notice of its solicitation of applications
13 for the position of administrative officer in a manner
14 consistent with other public notices required in [sections 7
15 and 16], except that the facilities board may also give
16 notice in appropriate publications and in other ways in
17 order to attract the best available candidates for the
18 position.

19 Section 20. Facilities district budget. The facilities
20 board shall annually present its budget to the county
21 commissioners at the regular budget meetings as prescribed
22 by law and shall certify the amount of money necessary for
23 its operations during the ensuing year.

24 Section 21. Mill levy authorized -- limitations. (1)
25 the SUBJECT TO THE LIMITATIONS OF THIS SECTION THE county

1 commissioners shall annually, at the time of levying county
 2 taxes, fix and levy a tax in mills upon all property within
 3 the district sufficient to raise the amount of money
 4 certified by the facilities board.

5 (2) The facilities board may include in the annual
 6 district budget an amount to be placed into a capital
 7 improvements fund, which shall include the amount of money
 8 necessary to meet anticipated needs for maintenance,
 9 renovation, or improvement of public facilities commensurate
 10 with the public need as determined by the facilities board.
 11 Any money remaining in the capital improvements fund at the
 12 end of the county's fiscal year may be carried over into the
 13 following year but may be used only as originally intended.

14 (3) The tax levied by the county commissioners for the
 15 purposes of the district, not including that for bonded
 16 indebtedness, may not in any year exceed 3 mills on each
 17 dollar of taxable valuation of property within the district.

18 Section 22. Collection of tax -- role of county
 19 treasurer. (1) The money collected under the facilities
 20 district tax levy shall be deposited in a municipal
 21 facilities district fund administered by the county
 22 treasurer.

23 (2) The county treasurer is ex officio the treasurer
 24 for the district and shall keep a detailed account of:

25 (a) all tax money paid into the fund;

1 (b) all other money, from whatever source, received by
 2 the district; and

3 (c) all payments and disbursements from the district
 4 fund for whatever purpose.

5 Section 23. Warrants to be used for payments. Funds
 6 shall be paid out on warrants issued under the direction of
 7 the facilities board and signed by a majority of the
 8 members.

9 Section 24. Facilities district bonds authorized. A
 10 facilities district may borrow money by the issuance of
 11 general obligation or revenue bonds or a combination thereof
 12 to provide funds for the district.

13 Section 25. Limitation on bonded indebtedness. The
 14 amount of general obligation bonds issued to provide funds
 15 for the district and outstanding at any time may not exceed
 16 5% of the value of the taxable property in the district, as
 17 determined by the last assessment for state and county taxes
 18 before the issuance of such bonds.

19 Section 26. Procedure for enlarging a facilities
 20 district. (1) The boundaries of any facilities district may
 21 be enlarged if 51% of the qualified electors of the area to
 22 be added to the existing district either sign a petition
 23 requesting addition to the district or, in a special or
 24 general election, vote in favor of addition to the district.

25 (2) Each addition must be approved by a majority vote

1 of the board of facilities commissioners.

2 (3) All property within any addition to the district
3 is subject to all existing indebtedness of the district.

4 (4) If the addition includes all or part of another
5 county, budgeting procedures shall remain unchanged, but
6 budget presentations shall be made, as described, to all
7 affected boards of county commissioners, and the liability
8 of each county shall be determined so that each county shall
9 levy an equal number of mills. The treasurer of the original
10 county shall remain as ex officio treasurer of the district.

11 Section 27. Petition for dissolution of district. A
12 facilities district may be dissolved upon presentation to
13 the county commissioners of a petition favoring dissolution
14 and signed by at least 51% of the qualified electors of the
15 district.

16 Section 28. Notice of hearing on question of
17 dissolution. (1) A notice of a hearing on the question of
18 whether to dissolve shall be given in the manner prescribed
19 in [section 7].

20 (2) The notice shall state the time, date, place, and
21 purpose of the hearing.

22 Section 29. Hearing on the question of dissolution --
23 decision. (1) If upon such hearing the county commissioners
24 find that the district is not indebted beyond funds
25 immediately available to extinguish all of its debts and

1 obligations and that there is good reason for the
2 dissolution of such district, the county commissioners shall
3 order dissolution of the district.

4 (2) The order shall be filed of record, and the
5 dissolution shall be effective 6 months after the date of
6 filing the order, if the facilities board of commissioners
7 of the district certifies to the county commissioners that
8 all debts and obligations of the district have been paid,
9 discharged, or irrevocably settled and provides proof of all
10 such payments, discharges, or settlements.

11 Section 30. Distribution of district assets after
12 dissolution. Assets of the district remaining after all
13 debts and obligations of the district have been paid,
14 discharged, or irrevocably settled shall be divided among
15 the counties and municipalities within or partially within
16 the dissolved district based proportionally upon the taxable
17 valuation of each county or municipality.

18 Section 31. Severability. If a part of this act is
19 invalid, all valid parts that are severable from the invalid
20 part remain in effect. If a part of this act is invalid in
21 one or more of its applications, the part remains in effect
22 in all valid applications that are severable from the
23 invalid applications.

-End-