

HOUSE BILL NO. 496

INTRODUCED BY DARKO, MOHAR, RANEY,  
PETERSON, BACHINI, HANSEN

IN THE HOUSE

January 26, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass as amended.
February 19, 1985	Correctly engrossed.
February 20, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

February 22, 1985	Introduced and referred to Committee on Local Government.
March 26, 1985	Committee recommend bill be concurrent in. Report adopted.
March 29, 1985	Second reading, concurred in.
March 30, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.  Returned to House.

IN THE HOUSE

March 30, 1985	Received from Senate.  Sent to enrolling.  Reported correctly enrolled.
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1 HOUSE BILL NO. 496  
 2 INTRODUCED BY Marko Moran Remy Peterson  
 3 Backus, Stella Jean Norman

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 CREATION OF COUNTY PARK DISTRICTS FOR THE OPERATION OF  
 6 COUNTY OR DONATED PARK AND RECREATION LANDS WITHIN THE  
 7 DISTRICTS; PROVIDING FOR THE CREATION, AFTER AN ELECTION, OF  
 8 SUCH A DISTRICT; PROVIDING FOR AN ELECTED COMMISSION TO  
 9 ADMINISTER THE DISTRICT; PROVIDING FOR A PROPERTY TAX MILL  
 10 LEVY FOR THE OPERATION OF THE DISTRICT; PROVIDING THAT THE  
 11 MAXIMUM DISTRICT MILL LEVY MUST BE APPROVED BY THE DISTRICT  
 12 ELECTORATE; PROVIDING FOR THE ADMINISTRATION OF SUCH A  
 13 DISTRICT; PROVIDING BONDING AUTHORITY FOR SUCH A DISTRICT;  
 14 AND PROVIDING FOR THE ALTERATION AND DISSOLUTION OF SUCH A  
 15 DISTRICT."

16  
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Park and recreation land -- definition. As  
 19 used in [this act], "park and recreation land" means real  
 20 property, buildings, and fixtures on:

- 21 (1) land designated as park land or recreational land
- 22 by the grant or deed of such land to the county;
- 23 (2) land owned, leased, or otherwise possessed by a
- 24 county and which the governing body of a county has
- 25 designated as park or recreational land;

1 (3) land belonging to a public or private entity or  
 2 person who has donated the recreational rights to such land  
 3 to a county park district on behalf of the county; or

4 (4) land which, by agreement between an owner of land  
 5 and a county park district, the district may use for park or  
 6 recreational purposes.

7 Section 2. Duties of county park district. A county  
 8 park district shall operate and maintain park and recreation  
 9 land within the district and may conduct such programs  
 10 relating to parks and recreation and make such improvements  
 11 to such land as the county park district commissioners  
 12 consider appropriate.

13 Section 3. Territory of county park district. A county  
 14 park district may contain the entire territory of a county  
 15 or any part of a county. A county park district may include  
 16 incorporated municipalities within the county.

17 Section 4. Creation of county park district. (1)  
 18 Proceedings for the creation of a county park district may  
 19 be initiated by:

- 20 (a) a petition signed by not less than 15% of the
- 21 qualified electors of the proposed park district; or
- 22 (b) a resolution of intent adopted by the county
- 23 governing body, calling for the creation of a county park
- 24 district.
- 25 (2) The petition or resolution must contain:



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1 (a) the boundaries of the proposed district;

2 (b) the proposed maximum property tax mill levy that

3 could be levied on property owners within the district for

4 the operation of the district; and

5 (c) the proposed number of members of the county park

6 district commission. The number of members must be an odd

7 number and may not be less than three.

8 (3) Upon receipt of a petition for the creation of a

9 county park district, the county clerk shall examine it and

10 within 15 days either reject the petition if it is

11 insufficient under the provisions of subsections (1) and (2)

12 or certify that the petition is sufficient and present it to

13 the county governing body at its next meeting.

14 (4) The county governing body shall schedule a public

15 hearing on the creation of a county park district no earlier

16 than 21 days or later than 45 days after the presentation of

17 the petition or adoption of the resolution of intent to

18 create a district. It shall cause to be published in the

19 official county newspaper notice of the public hearing and

20 the proposed boundary, mill levy, and number of members of

21 the district commission.

22 (5) At the hearing, the county governing body shall

23 hear testimony of all interested persons on whether a county

24 park district should be created; testimony regarding the

25 proposed boundary, property tax mill levy, and number of

1 members of the district commission; and any other matter

2 relating to the proposed district.

3 (6) After the hearing, if the county governing body

4 determines that the proposed park district should be

5 created, it shall by resolution set the boundaries of the

6 proposed park district, the maximum mill levy for the

7 proposed park district, and the number of members to be on

8 the district commission. The resolution must also call for

9 an election, which may be held in conjunction with any

10 regularly scheduled election, on the question of whether to

11 create the county park district.

12 Section 5. Election on creation of district. (1) The

13 election on the question of whether to create a county park

14 district must be conducted as provided in Title 13.

15 (2) Only qualified electors residing within the

16 proposed park district may vote on the question of whether

17 to create the district.

18 (3) The question of creating a county park district

19 shall be submitted to the electors in substantially the

20 following form:

21  FOR the creation of a county park district which may

22 levy not more than \_\_\_ mills of property tax for the

23 operation of the district.

24  AGAINST the creation of a county park district.

25 Section 6. Formation of county park district --

1 appointment of initial commission. (1) If the question of  
 2 forming a county park district is approved by the electorate  
 3 of the district, the county governing body shall, within 10  
 4 days of receipt of the official canvass of such result,  
 5 certify that the district is formed.

6 (2) Within 30 days after the certification of the  
 7 formation of the district, the county governing body shall  
 8 appoint the initial members of the county park district  
 9 commission. The members shall serve until their successors  
 10 are elected and qualified.

11 Section 7. Election of commissioners. (1) After  
 12 appointment of the initial commission and except in the case  
 13 of vacancies, all members of the county park district  
 14 commission must be elected by the electors of the district.

15 (2) The election of members to the commission must be  
 16 held in conjunction with the school elections held pursuant  
 17 to 20-3-304.

18 (3) Candidates for the office of member of the county  
 19 park district commission must be nominated by petition filed  
 20 with the office of the election administrator at least 30  
 21 days prior to the election day and signed by at least five  
 22 electors of the district.

23 (4) If no nomination petition is filed for an office,  
 24 the county governing body shall appoint a member to fill the  
 25 term. A person appointed pursuant to this subsection has the

1 same term and obligations as a person elected to fill the  
 2 office. If there are no petitions of nomination for members  
 3 of the commission, no election need be held.

4 (5) The term of office of elected members commences  
 5 upon their being elected and qualified. The term of office  
 6 of an elected member of the county park district commission  
 7 is 4 years, except that a simple majority of the members of  
 8 the first elected board shall serve terms of 2 years, with a  
 9 minority of the board serving terms of 4 years. The members  
 10 serving 2-year terms must be selected by lot.

11 (6) A vacancy in the office of a member must be filled  
 12 by appointment by the remaining members of the commission.  
 13 The term of the appointed member expires upon the election  
 14 and qualification of an elected successor or upon the  
 15 election of a member to fill the unexpired term of the  
 16 vacant office. The election must be held at the next  
 17 scheduled school election.

18 Section 8. Compensation of members of county park  
 19 district commission. Members of a county park district  
 20 commission serve without compensation.

21 Section 9. Powers of county park district commission.  
 22 A county park district commission has all powers necessary  
 23 for the betterment, operation, maintenance, and  
 24 administration of park and recreation land within the  
 25 territory of the district. In the exercise of this general

1 grant of powers, the county park district commission may:

2 (1) employ or contract with administrative,

3 professional, and other personnel necessary for the

4 operation of the district;

5 (2) lease, purchase, or contract for the purchase of

6 personal property, including property which after purchase

7 constitutes a fixture on real property;

8 (3) lease, purchase, or contract for the purchase of

9 buildings and facilities on lands controlled by the district

10 and equip, operate, and maintain such buildings and

11 facilities;

12 (4) adopt by resolution rules for the operation and

13 administration of all parks and recreational facilities

14 under its control;

15 (5) impose by resolution and collect charges for such

16 services and facilities provided by the district as the

17 commission considers necessary for the prudent operation of

18 the district;

19 (6) establish a property tax mill levy for the

20 operation of the district as provided in [section 9];

21 (7) enter into agreements with any public or private

22 entity or person for the operation of parks or recreational

23 areas either by the district on behalf of the landowner or

24 by another entity on behalf of the district;

25 (8) with the concurrence of the county governing body,

1 accept donations of land or recreational-type easements on

2 land within the district for park or recreational purposes

3 on behalf and in the name of the county;

4 (9) accept donations and devises of money or personal

5 property.

6 Section 10. District budget -- property tax levy. (1)

7 The county park district commission shall annually prepare a

8 budget for the ensuing fiscal year and present the budget to

9 the county governing body at the regular budget meetings as

10 prescribed in Title 7, chapter 6, part 23, and certify the

11 amount of money necessary for the operation of the district

12 for the ensuing fiscal year.

13 (2) The county governing body must, annually at the

14 time of levying county taxes, fix and levy a tax in mills on

15 all taxable property within the district sufficient to raise

16 the amount certified by the county park district commission.

17 The tax so levied may not in any year exceed the maximum

18 amount approved by the electorate in [section 4 or section

19 10].

20 Section 11. Election to change maximum property tax

21 mill levy. (1) The maximum property tax mill levy authorized

22 for the operation of a county park district may be changed

23 by an election on the question of changing the maximum mill

24 levy.

25 (2) A vote on the question of raising or lowering the

1 maximum property tax mill levy in the district may be  
2 initiated by:

3 (a) a petition signed by not less than 15% of the  
4 electorate of the district; or

5 (b) a resolution of the county park district  
6 commission.

7 (3) The petition or resolution must set forth the  
8 proposed new maximum mill levy for the operation of the  
9 district.

10 (4) Upon receipt of a petition for a change in the  
11 maximum mill levy, certified by the county clerk as  
12 sufficient under this section, or a resolution for such a  
13 change adopted by the county park district commission, the  
14 county governing body shall submit to the electorate of the  
15 district, at the next election at which members are elected  
16 to the county park district commission, a ballot question on  
17 changing the maximum mill levy. The election on the  
18 question of changing the maximum mill levy must be held as  
19 provided in Title 13. The question must be submitted to the  
20 electors of the district in substantially the following  
21 form:

22  FOR changing the authorized maximum property tax  
23 mill levy for the operation of the county park  
24 district from \_\_\_ to \_\_\_.

25  AGAINST changing the authorized maximum property tax

1 mill levy for the operation of the county park  
2 district.

3 (5) The new maximum property tax mill levy is  
4 authorized for the following tax year if approved by a  
5 simple majority of the votes on the question.

6 Section 12. Park district bonds authorized. (1) A  
7 county park district may borrow money by the issuance of its  
8 bonds to provide funds for payment of all or part of the  
9 cost of construction, acquisition, furnishing, equipping,  
10 extension, and betterment of park facilities and to provide  
11 an adequate working capital for such facilities.

12 (2) The amount of bonds issued for such purchase and  
13 outstanding at any time may not exceed 20% of the taxable  
14 value of the property within the district as ascertained by  
15 the last assessment for state and county taxes previous to  
16 the issuance of such bonds.

17 (3) Such bonds must be authorized, sold, and issued  
18 and provisions made for their payment in the manner and  
19 subject to the conditions and limitations prescribed for  
20 bonds of school districts by Title 20, chapter 9, part 4.

21 Section 13. Alteration of district boundaries. (1) The  
22 boundaries of a county park district may be enlarged by the  
23 annexation of contiguous territory in the county or it may  
24 be reduced in size by the withdrawal of territory from the  
25 district after an election on the question approved by

1 simple majorities of the electorate involved.

2 (2) The alteration of the district boundary may be  
3 initiated in the same manner as the creation of the  
4 district, except the applicable resolutions, hearings, and  
5 procedures must be adopted and conducted by the county park  
6 district commission and not by the county governing body.  
7 If the alteration is proposed by petition, the petition must  
8 be signed by 15% of the electorate in the territory to be  
9 annexed or withdrawn from the district and certified as  
10 sufficient by the county clerk.

11 (3) (a) In the case of annexation, the vote on the  
12 question requires the separate majorities of the electorate  
13 of the territory to be annexed and the electorate of the  
14 then constituted district.

15 (b) In the case of withdrawal of territory, only the  
16 electorate of the territory to be withdrawn may vote on the  
17 question.

18 (4) A change in the boundaries of a district is  
19 effective on January 1 of the year following the election  
20 authorizing the change in boundaries.

21 Section 14. Dissolution of county park district. (1) A  
22 county park district may be dissolved after an election on  
23 the question of dissolving the district. The process of  
24 dissolving the district may be initiated by a petition of  
25 25% of the electorate of the district or by a resolution of

1 intent to dissolve the district adopted by either the county  
2 park district commission or the county governing body.

3 (2) Upon receipt of such a petition which has been  
4 certified by the county clerk as sufficient under this  
5 section or upon the adoption of such a resolution of intent,  
6 the county governing body shall call a public hearing on the  
7 question of dissolving the district and cause to be  
8 published a notice of the hearing in the official county  
9 newspaper.

10 (3) At the public hearing the county governing body  
11 shall hear testimony of interested persons regarding the  
12 dissolution of the district. After the public hearing the  
13 county governing body may either submit the question of  
14 dissolving the district to the electorate of the district or  
15 it may call for a public hearing on the question of altering  
16 the boundaries of the district. If the county governing  
17 body calls for a public hearing on the question of altering  
18 the boundaries of the district by withdrawal of territory,  
19 it shall cause to be published notice of such a hearing in  
20 the official county newspaper. The notice must state the  
21 boundaries of the area proposed to be withdrawn from the  
22 district. After hearing testimony at such hearing, the  
23 county governing body may submit the question of either  
24 dissolving the district or altering the district by  
25 withdrawal of specified territory from the district to the

1 electorate of the district.

2 (4) Such a question must be submitted by a resolution  
3 calling for an election on either dissolving the district or  
4 altering the boundaries of the district by withdrawal of  
5 land from the district. The county governing body may call  
6 a special election for such purposes, or it may schedule the  
7 election in conjunction with any other regularly scheduled  
8 election. The election on the question must be conducted as  
9 provided in Title 13.

10 (5) The question of withdrawal of territory under this  
11 section must be voted on separately by the electorate of the  
12 territory to be withdrawn and the electorate of the balance  
13 of the territory of the district. The question fails unless  
14 a simple majority of those voting on the question in each of  
15 the two territories authorize altering the district  
16 boundary. If the question passes, the boundary alteration is  
17 effective the following January 1. If the question fails,  
18 the county governing body shall by resolution call for an  
19 election on the question of dissolving the district.

20 Section 15. Effect of dissolution. (1) If dissolution  
21 of a county park district is authorized by a majority of the  
22 electorate of the district, the county governing body shall  
23 order the dissolution and file the order with the county  
24 clerk. The dissolution is effective upon the earlier of the  
25 following:

- 1 (a) 6 months after the date of filing of the order; or
- 2 (b) certification by the members of the county park  
3 commission that all debts and obligations of the district  
4 have been paid, discharged, or irrevocably settled.

5 (2) If debts or obligations of the district remain  
6 unsatisfied after the dissolution of the district, the  
7 county governing body shall, for as long as necessary, levy  
8 a property tax, in an amount not to exceed the voted maximum  
9 authorized by the district, on all taxable property that is  
10 in the territory formerly comprising the district, to be  
11 used to discharge the debts of the former district. If the  
12 electors of the district lowered the maximum amount to be  
13 levied for the operation of the district within 2 calendar  
14 years prior to the election authorizing the dissolution, the  
15 county governing body is authorized to levy a property tax  
16 not to exceed the maximum levy authorized prior to the  
17 reduction of the maximum levy for the discharge of the  
18 district's obligations.

19 (3) Any assets of the district remaining after all  
20 debts and obligations have been discharged become the  
21 property of the county.

-End-



APPROVED BY COMM.  
ON LOCAL GOVERNMENT

HOUSE BILL NO. 496

INTRODUCED BY DARKO, MOHAR, RANEY,

PETERSON, BACHINI, HANSEN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
CREATION OF COUNTY PARK DISTRICTS FOR THE OPERATION OF  
COUNTY OR DONATED PARK AND RECREATION LANDS WITHIN THE  
DISTRICTS; PROVIDING FOR THE CREATION, AFTER AN ELECTION, OF  
SUCH A DISTRICT; PROVIDING FOR AN ELECTED COMMISSION TO  
ADMINISTER THE DISTRICT; PROVIDING FOR A PROPERTY TAX MILL  
LEVY FOR THE OPERATION OF THE DISTRICT; PROVIDING THAT THE  
MAXIMUM DISTRICT MILL LEVY MUST BE APPROVED BY THE DISTRICT  
ELECTORATE; PROVIDING FOR THE ADMINISTRATION OF SUCH A  
DISTRICT; PROVIDING BONDING AUTHORITY FOR SUCH A DISTRICT;  
AND PROVIDING FOR THE ALTERATION AND DISSOLUTION OF SUCH A  
DISTRICT."

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

Section 1. Park and recreation land -- definition. As  
used in [this act], "park and recreation land" means real  
property, buildings, and fixtures on:

- (1) land designated as park land or recreational land  
by the grant or deed of such land to the county;
- (2) land owned, leased, or otherwise possessed by a  
county and which the governing body of a county has

- designated as park or recreational land;
- (3) land belonging to a public or private entity or  
person who has donated the recreational rights to such land  
to a county park district on behalf of the county; or
- (4) land which, by agreement between an owner of land  
and a county park district, the district may use for park or  
recreational purposes.

Section 2. Duties of county park district. A county  
park district shall operate and maintain park and recreation  
land within the district and may conduct such programs  
relating to parks and recreation and make such improvements  
to such land as the county park district commissioners  
consider appropriate.

Section 3. Territory of county park district. A county  
park district may contain the entire territory of a county  
or any part of a county. A county park district may include  
incorporated municipalities within the county.

Section 4. Creation of county park district. (1)  
Proceedings for the creation of a county park district may  
be initiated by:

- (a) a petition signed by not less than 15% of the  
qualified electors of the proposed park district; or
- (b) a resolution of intent adopted by the county  
governing body, calling for the creation of a county park  
district.



1 (2) The petition or resolution must contain:  
 2 (a) the boundaries of the proposed district;  
 3 (b) the proposed maximum property tax mill levy that  
 4 could be levied on property owners within the district for  
 5 the operation of the district; and  
 6 (c) the proposed number of members of the county park  
 7 district commission. The number of members must be an odd  
 8 number and may not be less than three.

9 (3) Upon receipt of a petition for the creation of a  
 10 county park district, the county clerk shall examine it and  
 11 within 15 days either reject the petition if it is  
 12 insufficient under the provisions of subsections (1) and (2)  
 13 or certify that the petition is sufficient and present it to  
 14 the county governing body at its next meeting.

15 (4) The county governing body shall schedule a public  
 16 hearing on the creation of a county park district no earlier  
 17 than 21 days or later than 45 days after the presentation of  
 18 the petition or adoption of the resolution of intent to  
 19 create a district. It shall cause to be published in the  
 20 official county newspaper notice of the public hearing and  
 21 the proposed boundary, mill levy, and number of members of  
 22 the district commission.

23 (5) At the hearing, the county governing body shall  
 24 hear testimony of all interested persons on whether a county  
 25 park district should be created; testimony regarding the

1 proposed boundary, property tax mill levy, and number of  
 2 members of the district commission; and any other matter  
 3 relating to the proposed district.

4 (6) After the hearing, if the county governing body  
 5 determines that the proposed park district should be  
 6 created, it shall by resolution set the boundaries of the  
 7 proposed park district, the maximum mill levy for the  
 8 proposed park district, and the number of members to be on  
 9 the district commission. The resolution must also call for  
 10 an election, which may be held in conjunction with any  
 11 regularly scheduled election, on the question of whether to  
 12 create the county park district.

13 Section 5. Election on creation of district. (1) The  
 14 election on the question of whether to create a county park  
 15 district must be conducted as provided in Title 13.

16 (2) Only qualified electors residing within the  
 17 proposed park district may vote on the question of whether  
 18 to create the district.

19 (3) The question of creating a county park district  
 20 shall be submitted to the electors in substantially the  
 21 following form:  
 22  FOR the creation of a county park district which may  
 23 levy not more than \_\_\_ mills of property tax for the  
 24 operation of the district.  
 25  AGAINST the creation of a county park district.

1 Section 6. Formation of county park district --  
 2 appointment of initial commission. (1) If the question of  
 3 forming a county park district is approved by the electorate  
 4 of the district, the county governing body shall, within 10  
 5 days of receipt of the official canvass of such result,  
 6 certify that the district is formed.

7 (2) Within 30 days after the certification of the  
 8 formation of the district, the county governing body shall  
 9 appoint the initial members of the county park district  
 10 commission. The members shall serve until their successors  
 11 are elected and qualified.

12 Section 7. Election of commissioners. (1) After  
 13 appointment of the initial commission and except in the case  
 14 of vacancies, all members of the county park district  
 15 commission must be elected by the electors of the district.

16 (2) The election of members to the commission must be  
 17 held in conjunction with the school elections held pursuant  
 18 to 20-3-304.

19 (3) Candidates for the office of member of the county  
 20 park district commission must be nominated by petition filed  
 21 with the office of the election administrator at least 30  
 22 days prior to the election day and signed by at least five  
 23 electors of the district.

24 (4) If no nomination petition is filed for an office,  
 25 the county governing body shall appoint a member to fill the

1 term. A person appointed pursuant to this subsection has the  
 2 same term and obligations as a person elected to fill the  
 3 office. If there are no petitions of nomination for members  
 4 of the commission, no election need be held.

5 (5) The term of office of elected members commences  
 6 upon their being elected and qualified. The term of office  
 7 of an elected member of the county park district commission  
 8 is 4 years, except that a simple majority of the members of  
 9 the first elected board shall serve terms of 2 years, with a  
 10 minority of the board serving terms of 4 years. The members  
 11 serving 2-year terms must be selected by lot.

12 (6) A vacancy in the office of a member must be filled  
 13 by appointment by the remaining members of the commission.  
 14 The term of the appointed member expires upon the election  
 15 and qualification of an elected successor or upon the  
 16 election of a member to fill the unexpired term of the  
 17 vacant office. The election must be held at the next  
 18 scheduled school election.

19 Section 8. Compensation of members of county park  
 20 district commission. Members of a county park district  
 21 commission serve without compensation.

22 Section 9. Powers of county park district commission.  
 23 A county park district commission has all powers necessary  
 24 for the betterment, operation, maintenance, and  
 25 administration of park and recreation land within the

1 territory of the district. In the exercise of this general  
2 grant of powers, the county park district commission may:

3 (1) employ or contract with administrative,  
4 professional, and other personnel necessary for the  
5 operation of the district;

6 (2) lease, purchase, or contract for the purchase of  
7 personal property, including property which after purchase  
8 constitutes a fixture on real property;

9 (3) lease, purchase, or contract for the purchase of  
10 buildings and facilities on lands controlled by the district  
11 and equip, operate, and maintain such buildings and  
12 facilities;

13 (4) adopt by resolution rules for the operation and  
14 administration of all parks and recreational facilities  
15 under its control;

16 (5) impose by resolution and collect charges for such  
17 services and facilities provided by the district as the  
18 commission considers necessary for the prudent operation of  
19 the district;

20 (6) establish a property tax mill levy for the  
21 operation of the district as provided in [section 9 10];

22 (7) enter into agreements with any public or private  
23 entity or person for the operation of parks or recreational  
24 areas either by the district on behalf of the landowner or  
25 by another entity on behalf of the district;

1 (8) with the concurrence of the county governing body,  
2 accept donations of land or recreational-type easements on  
3 land within the district for park or recreational purposes  
4 on behalf and in the name of the county;

5 (9) accept donations and devises of money or personal  
6 property.

7 Section 10. District budget -- property tax levy. (1)  
8 The county park district commission shall annually prepare a  
9 budget for the ensuing fiscal year and present the budget to  
10 the county governing body at the regular budget meetings as  
11 prescribed in Title 7, chapter 6, part 23, and certify the  
12 amount of money necessary for the operation of the district  
13 for the ensuing fiscal year.

14 (2) The county governing body must, annually at the  
15 time of levying county taxes, fix and levy a tax in mills on  
16 all taxable property within the district sufficient to raise  
17 the amount certified by the county park district commission.  
18 The tax so levied may not in any year exceed the maximum  
19 amount approved by the electorate in [section 4 or section  
20 ~~10~~ 11].

21 Section 11. Election to change maximum property tax  
22 mill levy. (1) The maximum property tax mill levy authorized  
23 for the operation of a county park district may be changed  
24 by an election on the question of changing the maximum mill  
25 levy.

1 (2) A vote on the question of raising or lowering the  
2 maximum property tax mill levy in the district may be  
3 initiated by:

4 (a) a petition signed by not less than 15% of the  
5 electorate of the district; or

6 (b) a resolution of the county park district  
7 commission.

8 (3) The petition or resolution must set forth the  
9 proposed new maximum mill levy for the operation of the  
10 district.

11 (4) Upon receipt of a petition for a change in the  
12 maximum mill levy, certified by the county clerk as  
13 sufficient under this section, or a resolution for such a  
14 change adopted by the county park district commission, the  
15 county governing body shall submit to the electorate of the  
16 district, at the next election at which members are elected  
17 to the county park district commission, a ballot question on  
18 changing the maximum mill levy. The election on the  
19 question of changing the maximum mill levy must be held as  
20 provided in Title 13. The question must be submitted to the  
21 electors of the district in substantially the following  
22 form:

23  FOR changing the authorized maximum property tax  
24 mill levy for the operation of the county park  
25 district from \_\_\_ to \_\_\_.

1  AGAINST changing the authorized maximum property tax  
2 mill levy for the operation of the county park  
3 district.

4 (5) The new maximum property tax mill levy is  
5 authorized for the following tax year if approved by a  
6 simple majority of the votes on the question.

7 Section 12. Park district bonds authorized. (1) A  
8 county park district may borrow money by the issuance of its  
9 bonds to provide funds for payment of all or part of the  
10 cost of construction, acquisition, furnishing, equipping,  
11 extension, and betterment of park facilities and to provide  
12 an adequate working capital for such facilities.

13 (2) The amount of bonds issued for such purchase and  
14 outstanding at any time may not exceed 20% of the taxable  
15 value of the property within the district as ascertained by  
16 the last assessment for state and county taxes previous to  
17 the issuance of such bonds.

18 (3) Such bonds must be authorized, sold, and issued  
19 and provisions made for their payment in the manner and  
20 subject to the conditions and limitations prescribed for  
21 bonds of school districts by Title 20, chapter 9, part 4.

22 Section 13. Alteration of district boundaries. (1) The  
23 boundaries of a county park district may be enlarged by the  
24 annexation of contiguous territory in the county or it may  
25 be reduced in size by the withdrawal of territory from the

1 district after an election on the question approved by  
 2 simple majorities of the electorate involved.

3 (2) The alteration of the district boundary may be  
 4 initiated in the same manner as the creation of the  
 5 district, except the applicable resolutions, hearings, and  
 6 procedures must be adopted and conducted by the county park  
 7 district commission and not by the county governing body.  
 8 If the alteration is proposed by petition, the petition must  
 9 be signed by 15% of the electorate in the territory to be  
 10 annexed or withdrawn from the district and certified as  
 11 sufficient by the county clerk.

12 (3) (a) In the case of annexation, the vote on the  
 13 question requires the separate majorities of the electorate  
 14 of the territory to be annexed and the electorate of the  
 15 then constituted district.

16 (b) In the case of withdrawal of territory, only the  
 17 electorate of the territory to be withdrawn may vote on the  
 18 question.

19 (4) A change in the boundaries of a district is  
 20 effective on January 1 of the year following the election  
 21 authorizing the change in boundaries.

22 Section 14. Dissolution of county park district. (1) A  
 23 county park district may be dissolved after an election on  
 24 the question of dissolving the district. The process of  
 25 dissolving the district may be initiated by a petition of

1 25% of the electorate of the district or by a resolution of  
 2 intent to dissolve the district adopted by either the county  
 3 park district commission or the county governing body.

4 (2) Upon receipt of such a petition which has been  
 5 certified by the county clerk as sufficient under this  
 6 section or upon the adoption of such a resolution of intent,  
 7 the county governing body shall call a public hearing on the  
 8 question of dissolving the district and cause to be  
 9 published a notice of the hearing in the official county  
 10 newspaper.

11 (3) At the public hearing the county governing body  
 12 shall hear testimony of interested persons regarding the  
 13 dissolution of the district. After the public hearing the  
 14 county governing body may either submit the question of  
 15 dissolving the district to the electorate of the district or  
 16 it may call for a public hearing on the question of altering  
 17 the boundaries of the district. If the county governing  
 18 body calls for a public hearing on the question of altering  
 19 the boundaries of the district by withdrawal of territory,  
 20 it shall cause to be published notice of such a hearing in  
 21 the official county newspaper. The notice must state the  
 22 boundaries of the area proposed to be withdrawn from the  
 23 district. After hearing testimony at such hearing, the  
 24 county governing body may submit the question of either  
 25 dissolving the district or altering the district by

1 withdrawal of specified territory from the district to the  
 2 electorate of the district.

3 (4) Such a question must be submitted by a resolution  
 4 calling for an election on either dissolving the district or  
 5 altering the boundaries of the district by withdrawal of  
 6 land from the district. The county governing body may call  
 7 a special election for such purposes, or it may schedule the  
 8 election in conjunction with any other regularly scheduled  
 9 election. The election on the question must be conducted as  
 10 provided in Title 13.

11 (5) The question of withdrawal of territory under this  
 12 section must be voted on separately by the electorate of the  
 13 territory to be withdrawn and the electorate of the balance  
 14 of the territory of the district. The question fails unless  
 15 a simple majority of those voting on the question in each of  
 16 the two territories authorize altering the district  
 17 boundary. If the question passes, the boundary alteration is  
 18 effective the following January 1. If the question fails,  
 19 the county governing body shall by resolution call for an  
 20 election on the question of dissolving the district.

21 Section 15. Effect of dissolution. (1) If dissolution  
 22 of a county park district is authorized by a majority of the  
 23 electorate of the district, the county governing body shall  
 24 order the dissolution and file the order with the county  
 25 clerk. The dissolution is effective upon the earlier of the

1 following:

- 2 (a) 6 months after the date of filing of the order; or
- 3 (b) certification by the members of the county park  
 4 commission that all debts and obligations of the district  
 5 have been paid, discharged, or irrevocably settled.

6 (2) If debts or obligations of the district remain  
 7 unsatisfied after the dissolution of the district, the  
 8 county governing body shall, for as long as necessary, levy  
 9 a property tax, in an amount not to exceed the voted maximum  
 10 authorized by the district, on all taxable property that is  
 11 in the territory formerly comprising the district, to be  
 12 used to discharge the debts of the former district. If the  
 13 electors of the district lowered the maximum amount to be  
 14 levied for the operation of the district within 2 calendar  
 15 years prior to the election authorizing the dissolution, the  
 16 county governing body is authorized to levy a property tax  
 17 not to exceed the maximum levy authorized prior to the  
 18 reduction of the maximum levy for the discharge of the  
 19 district's obligations.

20 (3) Any assets of the district remaining after all  
 21 debts and obligations have been discharged become the  
 22 property of the county.

-End-

## 1 HOUSE BILL NO. 496

2 INTRODUCED BY DARKO, MOHAR, RANEY,

3 PETERSON, BACHINI, HANSEN  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
6 CREATION OF COUNTY PARK DISTRICTS FOR THE OPERATION OF  
7 COUNTY OR DONATED PARK AND RECREATION LANDS WITHIN THE  
8 DISTRICTS; PROVIDING FOR THE CREATION, AFTER AN ELECTION, OF  
9 SUCH A DISTRICT; PROVIDING FOR AN ELECTED COMMISSION TO  
10 ADMINISTER THE DISTRICT; PROVIDING FOR A PROPERTY TAX MILL  
11 LEVY FOR THE OPERATION OF THE DISTRICT; PROVIDING THAT THE  
12 MAXIMUM DISTRICT MILL LEVY MUST BE APPROVED BY THE DISTRICT  
13 ELECTORATE; PROVIDING FOR THE ADMINISTRATION OF SUCH A  
14 DISTRICT; PROVIDING BONDING AUTHORITY FOR SUCH A DISTRICT;  
15 AND PROVIDING FOR THE ALTERATION AND DISSOLUTION OF SUCH A  
16 DISTRICT."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 Section 1. Park and recreation land -- definition. As  
20 used in [this act], "park and recreation land" means real  
21 property, buildings, and fixtures on:

22 (1) land designated as park land or recreational land  
23 by the grant or deed of such land to the county;

24 (2) land owned, leased, or otherwise possessed by a  
25 county and which the governing body of a county has

1 designated as park or recreational land;

2 (3) land belonging to a public or private entity or  
3 person who has donated the recreational rights to such land  
4 to a county park district on behalf of the county; or

5 (4) land which, by agreement between an owner of land  
6 and a county park district, the district may use for park or  
7 recreational purposes.

8 Section 2. Duties of county park district. A county  
9 park district shall operate and maintain park and recreation  
10 land within the district and may conduct such programs  
11 relating to parks and recreation and make such improvements  
12 to such land as the county park district commissioners  
13 consider appropriate.

14 Section 3. Territory of county park district. A county  
15 park district may contain the entire territory of a county  
16 or any part of a county. A county park district may include  
17 incorporated municipalities within the county.

18 Section 4. Creation of county park district. (1)  
19 Proceedings for the creation of a county park district may  
20 be initiated by:

21 (a) a petition signed by not less than 15% of the  
22 qualified electors of the proposed park district; or

23 (b) a resolution of intent adopted by the county  
24 governing body, calling for the creation of a county park  
25 district.

**THIRD READING**



1 (2) The petition or resolution must contain:

2 (a) the boundaries of the proposed district;

3 (b) the proposed maximum property tax mill levy that

4 could be levied on property owners within the district for

5 the operation of the district; and

6 (c) the proposed number of members of the county park

7 district commission. The number of members must be an odd

8 number and may not be less than three.

9 (3) Upon receipt of a petition for the creation of a

10 county park district, the county clerk shall examine it and

11 within 15 days either reject the petition if it is

12 insufficient under the provisions of subsections (1) and (2)

13 or certify that the petition is sufficient and present it to

14 the county governing body at its next meeting.

15 (4) The county governing body shall schedule a public

16 hearing on the creation of a county park district no earlier

17 than 21 days or later than 45 days after the presentation of

18 the petition or adoption of the resolution of intent to

19 create a district. It shall cause to be published in the

20 official county newspaper notice of the public hearing and

21 the proposed boundary, mill levy, and number of members of

22 the district commission.

23 (5) At the hearing, the county governing body shall

24 hear testimony of all interested persons on whether a county

25 park district should be created; testimony regarding the

1 proposed boundary, property tax mill levy, and number of

2 members of the district commission; and any other matter

3 relating to the proposed district.

4 (6) After the hearing, if the county governing body

5 determines that the proposed park district should be

6 created, it shall by resolution set the boundaries of the

7 proposed park district, the maximum mill levy for the

8 proposed park district, and the number of members to be on

9 the district commission. The resolution must also call for

10 an election, which may be held in conjunction with any

11 regularly scheduled election, on the question of whether to

12 create the county park district.

13 Section 5. Election on creation of district. (1) The

14 election on the question of whether to create a county park

15 district must be conducted as provided in Title 13.

16 (2) Only qualified electors residing within the

17 proposed park district may vote on the question of whether

18 to create the district.

19 (3) The question of creating a county park district

20 shall be submitted to the electors in substantially the

21 following form:

- 22  FOR the creation of a county park district which may
- 23 levy not more than \_\_\_ mills of property tax for the
- 24 operation of the district.
- 25  AGAINST the creation of a county park district.

1       (4) IF A PROPOSED COUNTY PARK DISTRICT INCLUDES ONE OR  
 2 MORE MUNICIPALITIES OR PARTS OF MUNICIPALITIES, SEPARATE  
 3 MAJORITIES ON THE QUESTION OF FORMING THE DISTRICT ARE  
 4 REQUIRED OF THOSE VOTING WHO RESIDE WITHIN EACH MUNICIPALITY  
 5 AND OF THOSE NOT RESIDING WITHIN A MUNICIPALITY.

6       Section 6. Formation of county park district --  
 7 appointment of initial commission. (1) If the question of  
 8 forming a county park district is approved by the electorate  
 9 of the district, the county governing body shall, within 10  
 10 days of receipt of the official canvass of such result,  
 11 certify that the district is formed.

12       (2) Within 30 days after the certification of the  
 13 formation of the district, the county governing body shall  
 14 appoint the initial members of the county park district  
 15 commission. The members shall serve until their successors  
 16 are elected and qualified.

17       Section 7. Election of commissioners. (1) After  
 18 appointment of the initial commission and except in the case  
 19 of vacancies, all members of the county park district  
 20 commission must be elected by the electors of the district.

21       (2) The election of members to the commission must be  
 22 held in conjunction with the school elections held pursuant  
 23 to 20-3-304.

24       (3) Candidates for the office of member of the county  
 25 park district commission must be nominated by petition filed

1 with the office of the election administrator at least 30  
 2 days prior to the election day and signed by at least five  
 3 electors of the district.

4       (4) If no nomination petition is filed for an office,  
 5 the county governing body shall appoint a member to fill the  
 6 term. A person appointed pursuant to this subsection has the  
 7 same term and obligations as a person elected to fill the  
 8 office. If there are no petitions of nomination for members  
 9 of the commission, no election need be held.

10       (5) The term of office of elected members commences  
 11 upon their being elected and qualified. The term of office  
 12 of an elected member of the county park district commission  
 13 is 4 years, except that a simple majority of the members of  
 14 the first elected board shall serve terms of 2 years, with a  
 15 minority of the board serving terms of 4 years. The members  
 16 serving 2-year terms must be selected by lot.

17       (6) A vacancy in the office of a member must be filled  
 18 by appointment by the remaining members of the commission.  
 19 The term of the appointed member expires upon the election  
 20 and qualification of an elected successor or upon the  
 21 election of a member to fill the unexpired term of the  
 22 vacant office. The election must be held at the next  
 23 scheduled school election.

24       Section 8. Compensation of members of county park  
 25 district commission. Members of a county park district

1 commission serve without compensation.

2 Section 9. Powers of county park district commission.

3 A county park district commission has all powers necessary  
4 for the betterment, operation, maintenance, and  
5 administration of park and recreation land within the  
6 territory of the district. In the exercise of this general  
7 grant of powers, the county park district commission may:

8 (1) employ or contract with administrative,  
9 professional, and other personnel necessary for the  
10 operation of the district;

11 (2) lease, purchase, or contract for the purchase of  
12 personal property, including property which after purchase  
13 constitutes a fixture on real property;

14 (3) lease, purchase, or contract for the purchase of  
15 buildings and facilities on lands controlled by the district  
16 and equip, operate, and maintain such buildings and  
17 facilities;

18 (4) adopt by resolution rules for the operation and  
19 administration of all parks and recreational facilities  
20 under its control;

21 (5) impose by resolution and collect charges for such  
22 services and facilities provided by the district as the  
23 commission considers necessary for the prudent operation of  
24 the district;

25 (6) establish a property tax mill levy for the

1 operation of the district as provided in [section 9 10];

2 (7) enter into agreements with any public or private  
3 entity or person for the operation of parks or recreational  
4 areas either by the district on behalf of the landowner or  
5 by another entity on behalf of the district;

6 (8) with the concurrence of the county governing body,  
7 accept donations of land or recreational-type easements on  
8 land within the district for park or recreational purposes  
9 on behalf and in the name of the county;

10 (9) accept donations and devises of money or personal  
11 property.

12 Section 10. District budget -- property tax levy. (1)

13 The county park district commission shall annually prepare a  
14 budget for the ensuing fiscal year and present the budget to  
15 the county governing body at the regular budget meetings as  
16 prescribed in Title 7, chapter 6, part 23, and certify the  
17 amount of money necessary for the operation of the district  
18 for the ensuing fiscal year.

19 (2) The county governing body must, annually at the  
20 time of levying county taxes, fix and levy a tax in mills on  
21 all taxable property within the district sufficient to raise  
22 the amount certified by the county park district commission.  
23 The tax so levied may not in any year exceed the maximum  
24 amount approved by the electorate in [section 4 or section  
25 ±0 11].

1 Section 11. Election to change maximum property tax  
 2 mill levy. (1) The maximum property tax mill levy authorized  
 3 for the operation of a county park district may be changed  
 4 by an election on the question of changing the maximum mill  
 5 levy.

6 (2) A vote on the question of raising or lowering the  
 7 maximum property tax mill levy in the district may be  
 8 initiated by:

9 (a) a petition signed by not less than 15% of the  
 10 electorate of the district; or

11 (b) a resolution of the county park district  
 12 commission.

13 (3) The petition or resolution must set forth the  
 14 proposed new maximum mill levy for the operation of the  
 15 district.

16 (4) Upon receipt of a petition for a change in the  
 17 maximum mill levy, certified by the county clerk as  
 18 sufficient under this section, or a resolution for such a  
 19 change adopted by the county park district commission, the  
 20 county governing body shall submit to the electorate of the  
 21 district, at the next election at which members are elected  
 22 to the county park district commission, a ballot question on  
 23 changing the maximum mill levy. The election on the  
 24 question of changing the maximum mill levy must be held as  
 25 provided in Title 13. The question must be submitted to the

1 electors of the district in substantially the following  
 2 form:

3  FOR changing the authorized maximum property tax  
 4 mill levy for the operation of the county park  
 5 district from \_\_\_ to \_\_\_.

6  AGAINST changing the authorized maximum property tax  
 7 mill levy for the operation of the county park  
 8 district.

9 (5) IF A COUNTY PARK DISTRICT INCLUDES ONE OR MORE  
 10 MUNICIPALITIES OR PARTS OF MUNICIPALITIES, SEPARATE  
 11 MAJORITIES OF THOSE VOTING ON THE QUESTION OF CHANGING THE  
 12 PROPERTY TAX MILL LEVY ARE REQUIRED OF THOSE VOTING WHO  
 13 RESIDE WITHIN EACH MUNICIPALITY AND OF THOSE NOT RESIDING  
 14 WITHIN A MUNICIPALITY.

15 ~~(5)~~(6) The new maximum property tax mill levy is  
 16 authorized for the following tax year if approved by a  
 17 simple majority of the votes on the question.

18 Section 12. Park district bonds authorized. (1) A  
 19 county park district may borrow money by the issuance of its  
 20 bonds to provide funds for payment of all or part of the  
 21 cost of construction, acquisition, furnishing, equipping,  
 22 extension, and betterment of park facilities and to provide  
 23 an adequate working capital for such facilities.

24 (2) The amount of bonds issued for such purchase and  
 25 outstanding at any time may not exceed 20% of the taxable

1 value of the property within the district as ascertained by  
 2 the last assessment for state and county taxes previous to  
 3 the issuance of such bonds.

4 (3) Such bonds must be authorized, sold, and issued  
 5 and provisions made for their payment in the manner and  
 6 subject to the conditions and limitations prescribed for  
 7 bonds of school districts by Title 20, chapter 9, part 4.

8 Section 13. Alteration of district boundaries. (1) The  
 9 boundaries of a county park district may be enlarged by the  
 10 annexation of contiguous territory in the county or it may  
 11 be reduced in size by the withdrawal of territory from the  
 12 district after an election on the question approved by  
 13 simple majorities of the electorate involved.

14 (2) The alteration of the district boundary may be  
 15 initiated in the same manner as the creation of the  
 16 district, except the applicable resolutions, hearings, and  
 17 procedures must be adopted and conducted by the county park  
 18 district commission and not by the county governing body.  
 19 If the alteration is proposed by petition, the petition must  
 20 be signed by 15% of the electorate in the territory to be  
 21 annexed or withdrawn from the district and certified as  
 22 sufficient by the county clerk.

23 (3) (a) In the case of annexation, the vote on the  
 24 question requires the separate majorities of the electorate  
 25 of the territory to be annexed and the electorate of the

1 then constituted district.

2 (b) In the case of withdrawal of territory, only the  
 3 electorate of the territory to be withdrawn may vote on the  
 4 question.

5 (4) A change in the boundaries of a district is  
 6 effective on January 1 of the year following the election  
 7 authorizing the change in boundaries.

8 Section 14. Dissolution of county park district. (1) A  
 9 county park district may be dissolved after an election on  
 10 the question of dissolving the district. The process of  
 11 dissolving the district may be initiated by a petition of  
 12 25% of the electorate of the district or by a resolution of  
 13 intent to dissolve the district adopted by either the county  
 14 park district commission or the county governing body.

15 (2) Upon receipt of such a petition which has been  
 16 certified by the county clerk as sufficient under this  
 17 section or upon the adoption of such a resolution of intent,  
 18 the county governing body shall call a public hearing on the  
 19 question of dissolving the district and cause to be  
 20 published a notice of the hearing in the official county  
 21 newspaper.

22 (3) At the public hearing the county governing body  
 23 shall hear testimony of interested persons regarding the  
 24 dissolution of the district. After the public hearing the  
 25 county governing body may either submit the question of

1 dissolving the district to the electorate of the district or  
 2 it may call for a public hearing on the question of altering  
 3 the boundaries of the district. If the county governing  
 4 body calls for a public hearing on the question of altering  
 5 the boundaries of the district by withdrawal of territory,  
 6 it shall cause to be published notice of such a hearing in  
 7 the official county newspaper. The notice must state the  
 8 boundaries of the area proposed to be withdrawn from the  
 9 district. After hearing testimony at such hearing, the  
 10 county governing body may submit the question of either  
 11 dissolving the district or altering the district by  
 12 withdrawal of specified territory from the district to the  
 13 electorate of the district.

14 (4) Such a question must be submitted by a resolution  
 15 calling for an election on either dissolving the district or  
 16 altering the boundaries of the district by withdrawal of  
 17 land from the district. The county governing body may call  
 18 a special election for such purposes, or it may schedule the  
 19 election in conjunction with any other regularly scheduled  
 20 election. The election on the question must be conducted as  
 21 provided in Title 13.

22 (5) The question of withdrawal of territory under this  
 23 section must be voted on separately by the electorate of the  
 24 territory to be withdrawn and the electorate of the balance  
 25 of the territory of the district. The question fails unless

1 a simple majority of those voting on the question in each of  
 2 the two territories authorize altering the district  
 3 boundary. If the question passes, the boundary alteration is  
 4 effective the following January 1. If the question fails,  
 5 the county governing body shall by resolution call for an  
 6 election on the question of dissolving the district.

7 Section 15. Effect of dissolution. (1) If dissolution  
 8 of a county park district is authorized by a majority of the  
 9 electorate of the district, the county governing body shall  
 10 order the dissolution and file the order with the county  
 11 clerk. The dissolution is effective upon the earlier of the  
 12 following:

13 (a) 6 months after the date of filing of the order; or  
 14 (b) certification by the members of the county park  
 15 commission that all debts and obligations of the district  
 16 have been paid, discharged, or irrevocably settled.

17 (2) If debts or obligations of the district remain  
 18 unsatisfied after the dissolution of the district, the  
 19 county governing body shall, for as long as necessary, levy  
 20 a property tax, in an amount not to exceed the voted maximum  
 21 authorized by the district, on all taxable property that is  
 22 in the territory formerly comprising the district, to be  
 23 used to discharge the debts of the former district. If the  
 24 electors of the district lowered the maximum amount to be  
 25 levied for the operation of the district within 2 calendar

1 years prior to the election authorizing the dissolution, the  
2 county governing body is authorized to levy a property tax  
3 not to exceed the maximum levy authorized prior to the  
4 reduction of the maximum levy for the discharge of the  
5 district's obligations.

6 (3) Any assets of the district remaining after all  
7 debts and obligations have been discharged become the  
8 property of the county.

-End-

## 1 HOUSE BILL NO. 496

2 INTRODUCED BY DARKO, MOHAR, RANEY,

3 PETERSON, BACHINI, HANSEN

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
6 CREATION OF COUNTY PARK DISTRICTS FOR THE OPERATION OF  
7 COUNTY OR DONATED PARK AND RECREATION LANDS WITHIN THE  
8 DISTRICTS; PROVIDING FOR THE CREATION, AFTER AN ELECTION, OF  
9 SUCH A DISTRICT; PROVIDING FOR AN ELECTED COMMISSION TO  
10 ADMINISTER THE DISTRICT; PROVIDING FOR A PROPERTY TAX MILL  
11 LEVY FOR THE OPERATION OF THE DISTRICT; PROVIDING THAT THE  
12 MAXIMUM DISTRICT MILL LEVY MUST BE APPROVED BY THE DISTRICT  
13 ELECTORATE; PROVIDING FOR THE ADMINISTRATION OF SUCH A  
14 DISTRICT; PROVIDING BONDING AUTHORITY FOR SUCH A DISTRICT;  
15 AND PROVIDING FOR THE ALTERATION AND DISSOLUTION OF SUCH A  
16 DISTRICT."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:19 Section 1. Park and recreation land -- definition. As  
20 used in [this act], "park and recreation land" means real  
21 property, buildings, and fixtures on:22 (1) land designated as park land or recreational land  
23 by the grant or deed of such land to the county;24 (2) land owned, leased, or otherwise possessed by a  
25 county and which the governing body of a county has

1 designated as park or recreational land;

2 (3) land belonging to a public or private entity or  
3 person who has donated the recreational rights to such land  
4 to a county park district on behalf of the county; or5 (4) land which, by agreement between an owner of land  
6 and a county park district, the district may use for park or  
7 recreational purposes.8 Section 2. Duties of county park district. A county  
9 park district shall operate and maintain park and recreation  
10 land within the district and may conduct such programs  
11 relating to parks and recreation and make such improvements  
12 to such land as the county park district commissioners  
13 consider appropriate.14 Section 3. Territory of county park district. A county  
15 park district may contain the entire territory of a county  
16 or any part of a county. A county park district may include  
17 incorporated municipalities within the county.18 Section 4. Creation of county park district. (1)  
19 Proceedings for the creation of a county park district may  
20 be initiated by:21 (a) a petition signed by not less than 15% of the  
22 qualified electors of the proposed park district; or23 (b) a resolution of intent adopted by the county  
24 governing body, calling for the creation of a county park  
25 district.



1 (2) The petition or resolution must contain:  
 2 (a) the boundaries of the proposed district;  
 3 (b) the proposed maximum property tax mill levy that  
 4 could be levied on property owners within the district for  
 5 the operation of the district; and  
 6 (c) the proposed number of members of the county park  
 7 district commission. The number of members must be an odd  
 8 number and may not be less than three.

9 (3) Upon receipt of a petition for the creation of a  
 10 county park district, the county clerk shall examine it and  
 11 within 15 days either reject the petition if it is  
 12 insufficient under the provisions of subsections (1) and (2)  
 13 or certify that the petition is sufficient and present it to  
 14 the county governing body at its next meeting.

15 (4) The county governing body shall schedule a public  
 16 hearing on the creation of a county park district no earlier  
 17 than 21 days or later than 45 days after the presentation of  
 18 the petition or adoption of the resolution of intent to  
 19 create a district. It shall cause to be published in the  
 20 official county newspaper notice of the public hearing and  
 21 the proposed boundary, mill levy, and number of members of  
 22 the district commission.

23 (5) At the hearing, the county governing body shall  
 24 hear testimony of all interested persons on whether a county  
 25 park district should be created; testimony regarding the

1 proposed boundary, property tax mill levy, and number of  
 2 members of the district commission; and any other matter  
 3 relating to the proposed district.

4 (6) After the hearing, if the county governing body  
 5 determines that the proposed park district should be  
 6 created, it shall by resolution set the boundaries of the  
 7 proposed park district, the maximum mill levy for the  
 8 proposed park district, and the number of members to be on  
 9 the district commission. The resolution must also call for  
 10 an election, which may be held in conjunction with any  
 11 regularly scheduled election, on the question of whether to  
 12 create the county park district.

13 Section 5. Election on creation of district. (1) The  
 14 election on the question of whether to create a county park  
 15 district must be conducted as provided in Title 13.

16 (2) Only qualified electors residing within the  
 17 proposed park district may vote on the question of whether  
 18 to create the district.

19 (3) The question of creating a county park district  
 20 shall be submitted to the electors in substantially the  
 21 following form:

22  FOR the creation of a county park district which may  
 23 levy not more than \_\_\_ mills of property tax for the  
 24 operation of the district.

25  AGAINST the creation of a county park district.

1       (4) IF A PROPOSED COUNTY PARK DISTRICT INCLUDES ONE OR  
 2 MORE MUNICIPALITIES OR PARTS OF MUNICIPALITIES, SEPARATE  
 3 MAJORITIES ON THE QUESTION OF FORMING THE DISTRICT ARE  
 4 REQUIRED OF THOSE VOTING WHO RESIDE WITHIN EACH MUNICIPALITY  
 5 AND OF THOSE NOT RESIDING WITHIN A MUNICIPALITY.

6       Section 6. Formation of county park district --  
 7 appointment of initial commission. (1) If the question of  
 8 forming a county park district is approved by the electorate  
 9 of the district, the county governing body shall, within 10  
 10 days of receipt of the official canvass of such result,  
 11 certify that the district is formed.

12       (2) Within 30 days after the certification of the  
 13 formation of the district, the county governing body shall  
 14 appoint the initial members of the county park district  
 15 commission. The members shall serve until their successors  
 16 are elected and qualified.

17       Section 7. Election of commissioners. (1) After  
 18 appointment of the initial commission and except in the case  
 19 of vacancies, all members of the county park district  
 20 commission must be elected by the electors of the district.

21       (2) The election of members to the commission must be  
 22 held in conjunction with the school elections held pursuant  
 23 to 20-3-304.

24       (3) Candidates for the office of member of the county  
 25 park district commission must be nominated by petition filed

1 with the office of the election administrator at least 30  
 2 days prior to the election day and signed by at least five  
 3 electors of the district.

4       (4) If no nomination petition is filed for an office,  
 5 the county governing body shall appoint a member to fill the  
 6 term. A person appointed pursuant to this subsection has the  
 7 same term and obligations as a person elected to fill the  
 8 office. If there are no petitions of nomination for members  
 9 of the commission, no election need be held.

10       (5) The term of office of elected members commences  
 11 upon their being elected and qualified. The term of office  
 12 of an elected member of the county park district commission  
 13 is 4 years, except that a simple majority of the members of  
 14 the first elected board shall serve terms of 2 years, with a  
 15 minority of the board serving terms of 4 years. The members  
 16 serving 2-year terms must be selected by lot.

17       (6) A vacancy in the office of a member must be filled  
 18 by appointment by the remaining members of the commission.  
 19 The term of the appointed member expires upon the election  
 20 and qualification of an elected successor or upon the  
 21 election of a member to fill the unexpired term of the  
 22 vacant office. The election must be held at the next  
 23 scheduled school election.

24       Section 8. Compensation of members of county park  
 25 district commission. Members of a county park district

1 commission serve without compensation.

2 Section 9. Powers of county park district commission.

3 A county park district commission has all powers necessary  
4 for the betterment, operation, maintenance, and  
5 administration of park and recreation land within the  
6 territory of the district. In the exercise of this general  
7 grant of powers, the county park district commission may:

8 (1) employ or contract with administrative,  
9 professional, and other personnel necessary for the  
10 operation of the district;

11 (2) lease, purchase, or contract for the purchase of  
12 personal property, including property which after purchase  
13 constitutes a fixture on real property;

14 (3) lease, purchase, or contract for the purchase of  
15 buildings and facilities on lands controlled by the district  
16 and equip, operate, and maintain such buildings and  
17 facilities;

18 (4) adopt by resolution rules for the operation and  
19 administration of all parks and recreational facilities  
20 under its control;

21 (5) impose by resolution and collect charges for such  
22 services and facilities provided by the district as the  
23 commission considers necessary for the prudent operation of  
24 the district;

25 (6) establish a property tax mill levy for the

1 operation of the district as provided in [section 9 10];

2 (7) enter into agreements with any public or private  
3 entity or person for the operation of parks or recreational  
4 areas either by the district on behalf of the landowner or  
5 by another entity on behalf of the district;

6 (8) with the concurrence of the county governing body,  
7 accept donations of land or recreational-type easements on  
8 land within the district for park or recreational purposes  
9 on behalf and in the name of the county;

10 (9) accept donations and devises of money or personal  
11 property.

12 Section 10. District budget -- property tax levy. (1)  
13 The county park district commission shall annually prepare a  
14 budget for the ensuing fiscal year and present the budget to  
15 the county governing body at the regular budget meetings as  
16 prescribed in Title 7, chapter 6, part 23, and certify the  
17 amount of money necessary for the operation of the district  
18 for the ensuing fiscal year.

19 (2) The county governing body must, annually at the  
20 time of levying county taxes, fix and levy a tax in mills on  
21 all taxable property within the district sufficient to raise  
22 the amount certified by the county park district commission.  
23 The tax so levied may not in any year exceed the maximum  
24 amount approved by the electorate in [section 4 or section  
25 ~~10~~ 11].

1 Section 11. Election to change maximum property tax  
 2 mill levy. (1) The maximum property tax mill levy authorized  
 3 for the operation of a county park district may be changed  
 4 by an election on the question of changing the maximum mill  
 5 levy.

6 (2) A vote on the question of raising or lowering the  
 7 maximum property tax mill levy in the district may be  
 8 initiated by:

9 (a) a petition signed by not less than 15% of the  
 10 electorate of the district; or

11 (b) a resolution of the county park district  
 12 commission.

13 (3) The petition or resolution must set forth the  
 14 proposed new maximum mill levy for the operation of the  
 15 district.

16 (4) Upon receipt of a petition for a change in the  
 17 maximum mill levy, certified by the county clerk as  
 18 sufficient under this section, or a resolution for such a  
 19 change adopted by the county park district commission, the  
 20 county governing body shall submit to the electorate of the  
 21 district, at the next election at which members are elected  
 22 to the county park district commission, a ballot question on  
 23 changing the maximum mill levy. The election on the  
 24 question of changing the maximum mill levy must be held as  
 25 provided in Title 13. The question must be submitted to the

1 electors of the district in substantially the following  
 2 form:

3  FOR changing the authorized maximum property tax  
 4 mill levy for the operation of the county park  
 5 district from \_\_\_ to \_\_\_.

6  AGAINST changing the authorized maximum property tax  
 7 mill levy for the operation of the county park  
 8 district.

9 (5) IF A COUNTY PARK DISTRICT INCLUDES ONE OR MORE  
 10 MUNICIPALITIES OR PARTS OF MUNICIPALITIES, SEPARATE  
 11 MAJORITIES OF THOSE VOTING ON THE QUESTION OF CHANGING THE  
 12 PROPERTY TAX MILL LEVY ARE REQUIRED OF THOSE VOTING WHO  
 13 RESIDE WITHIN EACH MUNICIPALITY AND OF THOSE NOT RESIDING  
 14 WITHIN A MUNICIPALITY.

15 (5)(6) The new maximum property tax mill levy is  
 16 authorized for the following tax year if approved by a  
 17 simple majority of the votes on the question.

18 Section 12. Park district bonds authorized. (1) A  
 19 county park district may borrow money by the issuance of its  
 20 bonds to provide funds for payment of all or part of the  
 21 cost of construction, acquisition, furnishing, equipping,  
 22 extension, and betterment of park facilities and to provide  
 23 an adequate working capital for such facilities.

24 (2) The amount of bonds issued for such purchase and  
 25 outstanding at any time may not exceed 20% of the taxable

1 value of the property within the district as ascertained by  
2 the last assessment for state and county taxes previous to  
3 the issuance of such bonds.

4 (3) Such bonds must be authorized, sold, and issued  
5 and provisions made for their payment in the manner and  
6 subject to the conditions and limitations prescribed for  
7 bonds of school districts by Title 20, chapter 9, part 4.

8 Section 13. Alteration of district boundaries. (1) The  
9 boundaries of a county park district may be enlarged by the  
10 annexation of contiguous territory in the county or it may  
11 be reduced in size by the withdrawal of territory from the  
12 district after an election on the question approved by  
13 simple majorities of the electorate involved.

14 (2) The alteration of the district boundary may be  
15 initiated in the same manner as the creation of the  
16 district, except the applicable resolutions, hearings, and  
17 procedures must be adopted and conducted by the county park  
18 district commission and not by the county governing body.  
19 If the alteration is proposed by petition, the petition must  
20 be signed by 15% of the electorate in the territory to be  
21 annexed or withdrawn from the district and certified as  
22 sufficient by the county clerk.

23 (3) (a) In the case of annexation, the vote on the  
24 question requires the separate majorities of the electorate  
25 of the territory to be annexed and the electorate of the

1 then constituted district.

2 (b) In the case of withdrawal of territory, only the  
3 electorate of the territory to be withdrawn may vote on the  
4 question.

5 (4) A change in the boundaries of a district is  
6 effective on January 1 of the year following the election  
7 authorizing the change in boundaries.

8 Section 14. Dissolution of county park district. (1) A  
9 county park district may be dissolved after an election on  
10 the question of dissolving the district. The process of  
11 dissolving the district may be initiated by a petition of  
12 25% of the electorate of the district or by a resolution of  
13 intent to dissolve the district adopted by either the county  
14 park district commission or the county governing body.

15 (2) Upon receipt of such a petition which has been  
16 certified by the county clerk as sufficient under this  
17 section or upon the adoption of such a resolution of intent,  
18 the county governing body shall call a public hearing on the  
19 question of dissolving the district and cause to be  
20 published a notice of the hearing in the official county  
21 newspaper.

22 (3) At the public hearing the county governing body  
23 shall hear testimony of interested persons regarding the  
24 dissolution of the district. After the public hearing the  
25 county governing body may either submit the question of

1 dissolving the district to the electorate of the district or  
 2 it may call for a public hearing on the question of altering  
 3 the boundaries of the district. If the county governing  
 4 body calls for a public hearing on the question of altering  
 5 the boundaries of the district by withdrawal of territory,  
 6 it shall cause to be published notice of such a hearing in  
 7 the official county newspaper. The notice must state the  
 8 boundaries of the area proposed to be withdrawn from the  
 9 district. After hearing testimony at such hearing, the  
 10 county governing body may submit the question of either  
 11 dissolving the district or altering the district by  
 12 withdrawal of specified territory from the district to the  
 13 electorate of the district.

14 (4) Such a question must be submitted by a resolution  
 15 calling for an election on either dissolving the district or  
 16 altering the boundaries of the district by withdrawal of  
 17 land from the district. The county governing body may call  
 18 a special election for such purposes, or it may schedule the  
 19 election in conjunction with any other regularly scheduled  
 20 election. The election on the question must be conducted as  
 21 provided in Title 13.

22 (5) The question of withdrawal of territory under this  
 23 section must be voted on separately by the electorate of the  
 24 territory to be withdrawn and the electorate of the balance  
 25 of the territory of the district. The question fails unless

1 a simple majority of those voting on the question in each of  
 2 the two territories authorize altering the district  
 3 boundary. If the question passes, the boundary alteration is  
 4 effective the following January 1. If the question fails,  
 5 the county governing body shall by resolution call for an  
 6 election on the question of dissolving the district.

7 Section 15. Effect of dissolution. (1) If dissolution  
 8 of a county park district is authorized by a majority of the  
 9 electorate of the district, the county governing body shall  
 10 order the dissolution and file the order with the county  
 11 clerk. The dissolution is effective upon the earlier of the  
 12 following:

13 (a) 6 months after the date of filing of the order; or  
 14 (b) certification by the members of the county park  
 15 commission that all debts and obligations of the district  
 16 have been paid, discharged, or irrevocably settled.

17 (2) If debts or obligations of the district remain  
 18 unsatisfied after the dissolution of the district, the  
 19 county governing body shall, for as long as necessary, levy  
 20 a property tax, in an amount not to exceed the voted maximum  
 21 authorized by the district, on all taxable property that is  
 22 in the territory formerly comprising the district, to be  
 23 used to discharge the debts of the former district. If the  
 24 electors of the district lowered the maximum amount to be  
 25 levied for the operation of the district within 2 calendar

1 years prior to the election authorizing the dissolution, the  
2 county governing body is authorized to levy a property tax  
3 not to exceed the maximum levy authorized prior to the  
4 reduction of the maximum levy for the discharge of the  
5 district's obligations.

6 (3) Any assets of the district remaining after all  
7 debts and obligations have been discharged become the  
8 property of the county.

-End-