

SENATE BILL NO. 92
INTRODUCED BY KLAMPE

IN THE SENATE

JANUARY 7, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

JANUARY 22, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 23, 1993 PRINTING REPORT.

SECOND READING, DO PASS.

JANUARY 25, 1993 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 45; NOES, 5.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 26, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

MARCH 10, 1993 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

MARCH 11, 1993

MARCH 12, 1993

THIRD READING, CONCURRED IN.
AYES, 91; NOES, 5.

MARCH 13, 1993 RETURNED TO SENATE.

IN THE SENATE

MARCH 15, 1993 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 92
2 INTRODUCED BY Senator Klampe
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
5 RELATING TO COUNTY PARK DISTRICTS; REDUCING THE PERCENTAGE
6 OF ELECTORS REQUIRED TO SIGN THE PETITION TO CREATE A
7 DISTRICT; ALLOWING A PARK DISTRICT TO ENCOMPASS TERRITORY IN
8 MORE THAN ONE COUNTY; REVISING THE PROCEDURE FOR CREATING A
9 PARK DISTRICT; AND AMENDING SECTIONS 7-16-2403, 7-16-2411,
10 7-16-2412, 7-16-2413, 7-16-2421, 7-16-2423, AND 7-16-2431,
11 MCA."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 **Section 1.** Section 7-16-2403, MCA, is amended to read:
15 "7-16-2403. Territory of county park district. A county
16 park district may contain the entire territory of a county,
17 or--any a part of a county, or territory in more than one
18 county. A county park district may include incorporated
19 municipalities within the a county."
20 **Section 2.** Section 7-16-2411, MCA, is amended to read:
21 "7-16-2411. Creation of county park district. (1)
22 Proceedings for the creation of a county park district may
23 be initiated by:
24 (a) a petition signed by not less than ~~15%~~ 10% of the
25 qualified electors of the proposed park district; or

1 (b) a resolution of intent adopted by the county
2 governing body, calling for the creation of a county park
3 district.
4 (2) The petition or resolution must contain:
5 (a) the boundaries of the proposed district;
6 (b) the proposed maximum property tax mill levy that
7 could be levied on property owners within the district for
8 the operation of the district; and
9 (c) the proposed number of members of the county park
10 district commission. The number of members must be an odd
11 number and may not be less than three.
12 (3) When the territory to be included in the proposed
13 district lies in more than one county, a petition must be
14 presented to the governing body of each county in which the
15 territory lies. Each petition must be signed by not less
16 than 10% of the qualified electors of the territory within
17 the county proposed to be included in the district.
18 ~~(3)(4)~~ Upon receipt of a petition for the creation of a
19 county park district, the county clerk shall examine it and
20 within 15 days either reject the petition if it is
21 insufficient under the provisions of subsections subsection
22 (1), and (2), or (3) or certify that the petition is
23 sufficient and present it to the county governing body at
24 its next meeting.
25 ~~(4)--The--county--governing-body--shall--schedule--a--public~~

hearing on the creation of a county park district no earlier than 21 days or later than 45 days after the presentation of the petition or adoption of the resolution of intent to create a district. It shall cause to be published in the official county newspaper notice of the public hearing and the proposed boundary, mill levy, and number of members of the district commission.

(5) The text of the petition or resolution must be published as provided in 7-1-2121 in each county in which the territory of the proposed district lies.

(6) At the hearing, the county governing body shall hear testimony of all interested persons on whether a county park district should be created; testimony regarding the proposed boundary, property tax mill levy, and number of members of the district commission; and any other matter relating to the proposed district.

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

conjunction with a regularly scheduled election, provided that at least 75 days have elapsed between the adoption of the resolution and the election."

Section 3. Section 7-16-2412, MCA, is amended to read:

"7-16-2412. Election on creation of district. (1) The election on the question of whether to create a county park district must be conducted as provided in Title 13.

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

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

☐ FOR the creation of a county park district which may levy not more than mills of property tax for the operation of the district.

☐ AGAINST the creation of a county park district.

~~(4) If a proposed county park district includes one or more municipalities or parts of municipalities, separate majorities on the question of forming the district are required of those voting who reside within each municipality and of those not residing within a municipality."~~

Section 4. Section 7-16-2413, MCA, is amended to read:

"7-16-2413. Formation of county park district -- appointment of initial commission. (1) If the question of

~~forming a county park district is approved by the electorate of the district, the county~~ at least 40% of all registered voters residing within the proposed district have voted and if a majority of the votes cast at the election in each municipality or part of a municipality and in the unincorporated territory of each county included in the proposed district approve the formation of the park district, the governing body of each county shall, within 10 days of receipt of the official canvass of such the result, certify that the district is formed.

(2) Within 30 days after the certification of the formation of the district, the county governing body of each county with territory included in the district shall jointly appoint the initial members of the county park district commission. The members shall serve until their successors are elected and qualified."

Section 5. Section 7-16-2421, MCA, is amended to read:

"7-16-2421. Election of commissioners. (1) After appointment of the initial commission and except in the case of vacancies, all members of the county park district commission must be elected by the electors of the district.

(2) The election of members to the commission must be held in conjunction with the ~~school elections held pursuant to 20-3-304~~ election for local government officials provided for in 13-1-104(2).

(3) Candidates for the office of member of the county park district commission must be nominated by petition filed with the office of the election administrator ~~at least not~~ earlier than 135 days or later than 75 days prior to the election day and signed by at least five electors of the district.

(4) If the county park district lies in more than one county, the petition for nomination must be presented to the election administrator whose county contains the largest percentage of the territory of the district.

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

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

~~(6)~~(7) A vacancy in the office of a member must be

filled by appointment by the remaining members of the commission. The term of the appointed member expires upon the election and qualification of an elected successor or upon the election of a member to fill the unexpired term of the vacant office. The election must be held at the next scheduled ~~school~~ county election."

Section 6. Section 7-16-2423, MCA, is amended to read:

"7-16-2423. Powers of county park district ~~commission~~.

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

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

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

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

(4) adopt by resolution rules for the operation and administration of all parks and recreational facilities

under its control;

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

(6) establish a property tax mill levy for the operation of the district as provided in 7-16-2431;

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

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

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

Section 7. Section 7-16-2431, MCA, is amended to read:

"7-16-2431. District budget -- property tax levy. (1)

The county park district commission shall annually prepare a budget for the ensuing fiscal year and present the budget to the county governing body of each county with territory included in the district at the regular budget meetings as prescribed in Title 7, chapter 6, part 23, and certify the

1 amount of money necessary for the operation of the district
2 for the ensuing fiscal year.

3 (2) The county governing body ~~must~~ shall, annually at
4 the time of levying county taxes, fix and levy a tax in
5 mills on all taxable property within the district sufficient
6 to raise the amount certified by the county park district
7 commission. The tax ~~so~~ levied may not in any year exceed the
8 maximum amount approved by the electorate in 7-16-2411 or
9 7-16-2432."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 92
INTRODUCED BY KLAMPE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
RELATING TO COUNTY PARK DISTRICTS; REDUCING THE PERCENTAGE
OF ELECTORS REQUIRED TO SIGN THE PETITION TO CREATE A
DISTRICT; ALLOWING A PARK DISTRICT TO ENCOMPASS TERRITORY IN
MORE THAN ONE COUNTY; REVISING THE PROCEDURE FOR CREATING A
PARK DISTRICT; AND AMENDING SECTIONS 7-16-2403, 7-16-2411,
7-16-2412, 7-16-2413, 7-16-2421, 7-16-2423, AND 7-16-2431,
MCA."

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

Section 1. Section 7-16-2403, MCA, is amended to read:

"7-16-2403. Territory of county park district. A county
park district may contain the entire territory of a county,
~~or--any a~~ a part of a county, or territory in more than one
county. A county park district may include incorporated
municipalities within the a county."

Section 2. Section 7-16-2411, MCA, is amended to read:

"7-16-2411. 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%~~ 10% 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.

(2) The petition or resolution must contain:

(a) the boundaries of the proposed district;

(b) the proposed maximum property tax mill levy that
could be levied on property owners within the district for
the operation of the district; and

(c) the proposed number of members of the county park
district commission. The number of members must be an odd
number and may not be less than three.

(3) When the territory to be included in the proposed
district lies in more than one county, a petition must be
presented to the governing body of each county in which the
territory lies. Each petition must be signed by not less
than 10% of the qualified electors of the territory within
the county proposed to be included in the district.

~~(3)~~ (4) Upon receipt of a petition for the creation of a
county park district, the county clerk shall examine it and
within 15 days either reject the petition if it is
insufficient under the provisions of subsections subsection
(1), and (2), or (3) or certify that the petition is
sufficient and present it to the county governing body at
its next meeting.

~~(4)--The--county--governing-body--shall--schedule--a--public~~

~~hearing-on-the-creation-of-a-county-park-district-no-earlier
than-21-days-or-later-than-45-days-after-the-presentation-of
the-petition-or-adoption-of--the--resolution--of--intent--to
create--a--district;--it--shall-cause-to-be-published-in-the
official-county-newspaper-notice-of-the-public--hearing--and
the--proposed--boundary, mill-levy, and-number-of-members-of
the-district-commission;~~

(5) The text of the petition or resolution must be published as provided in 7-1-2121 in each county in which the territory of the proposed district lies.

~~(5)(6)~~ At the hearing, the county governing body shall hear testimony of all interested persons on whether a county park district should be created; testimony regarding the proposed boundary, property tax mill levy, and number of members of the district commission; and any other matter relating to the proposed district.

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

conjunction with a regularly scheduled election, provided that at least 75 days have elapsed between the adoption of the resolution and the election."

Section 3. Section 7-16-2412, MCA, is amended to read:

"7-16-2412. Election on creation of district. (1) The election on the question of whether to create a county park district must be conducted as provided in Title 13.

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

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

☐ FOR the creation of a county park district which may levy not more than mills of property tax for the operation of the district.

☐ AGAINST the creation of a county park district.

~~(4)--if--a-proposed-county-park-district--includes--one--or--more--municipalities--or--parts--of--municipalities,--separate--majorities--on--the--question--of--forming--the--district--are--required--of--those--voting--who--reside--within--each--municipality--and--of--those--not--residing--within--a--municipality--"~~

Section 4. Section 7-16-2413, MCA, is amended to read:

"7-16-2413. Formation of county park district -- appointment of initial commission. (1) If the question of

~~forming a county park district is approved by the electorate of the district, the county at least 40% of all registered voters residing within the proposed district have voted and~~
 if a majority of the votes cast at the election in each municipality or part of a municipality and in the unincorporated territory of each county included in the proposed district approve the formation of the park district, the governing body of each county shall, within 10 days of receipt of the official canvass of such the result, certify that the district is formed.

(2) Within 30 days after the certification of the formation of the district, the county governing body of each county with territory included in the district shall jointly appoint the initial members of the county park district commission. The members shall serve until their successors are elected and qualified."

Section 5. Section 7-16-2421, MCA, is amended to read:

"7-16-2421. Election of commissioners. (1) After appointment of the initial commission and except in the case of vacancies, all members of the county park district commission must be elected by the electors of the district.

(2) The election of members to the commission must be held in conjunction with the ~~school elections held pursuant to 20-3-304 election for local government officials provided for in 13-1-104~~ (2) SCHOOL ELECTIONS HELD PURSUANT TO

20-3-304.

(3) Candidates for the office of member of the county park district commission must be nominated by petition filed with the office of the election administrator ~~at least~~ not earlier than 135 days or later than 75 days prior to the election day and signed by at least five electors of the district.

(4) If the county park district lies in more than one county, the petition for nomination must be presented to the election administrator whose county contains the largest percentage of the territory of the district.

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

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

1 ~~{6}{7}~~ A vacancy in the office of a member must be
 2 filled by appointment by the remaining members of the
 3 commission. The term of the appointed member expires upon
 4 the election and qualification of an elected successor or
 5 upon the election of a member to fill the unexpired term of
 6 the vacant office. The election must be held at the next
 7 scheduled ~~school~~ county SCHOOL election HELD PURSUANT TO
 8 20-3-304."

9 **Section 6.** Section 7-16-2423, MCA, is amended to read:

10 **"7-16-2423. Powers of county park district commission.**

11 A county park district commission has all powers necessary
 12 for the betterment, operation, maintenance, and
 13 administration of park and recreation land within the
 14 territory of the district. In the exercise of this general
 15 grant of powers, the county park district commission may:

16 (1) employ or contract with administrative,
 17 professional, and other personnel necessary for the
 18 operation of the district;

19 (2) lease, purchase, or contract for the purchase of
 20 personal property, including property which after purchase
 21 constitutes a fixture on real property;

22 (3) lease, purchase, or contract for the purchase of
 23 buildings and facilities on lands controlled by the district
 24 and equip, operate, and maintain such buildings and
 25 facilities;

1 (4) adopt by resolution rules for the operation and
 2 administration of all parks and recreational facilities
 3 under its control;

4 (5) impose by resolution and collect charges for such
 5 services and facilities provided by the district as the
 6 commission considers necessary for the prudent operation of
 7 the district;

8 (6) establish a property tax mill levy for the
 9 operation of the district as provided in 7-16-2431;

10 (7) enter into agreements with any public or private
 11 entity or person for the operation of parks or recreational
 12 areas either by the district on behalf of the landowner or
 13 by another entity on behalf of the district;

14 (8) with the concurrence of the county governing body
 15 or bodies, accept donations of land or recreational-type
 16 easements on land within the district for park or
 17 recreational purposes on behalf and in the name of the
 18 county or counties;

19 (9) accept donations and devises of money or personal
 20 property."

21 **Section 7.** Section 7-16-2431, MCA, is amended to read:

22 **"7-16-2431. District budget -- property tax levy.** (1)
 23 The county park district commission shall annually prepare a
 24 budget for the ensuing fiscal year and present the budget to
 25 the county governing body of each county with territory

1 included in the district at the regular budget meetings as
2 prescribed in Title 7, chapter 6, part 23, and certify the
3 amount of money necessary for the operation of the district
4 for the ensuing fiscal year.

5 (2) The county governing body ~~must~~ shall, annually at
6 the time of levying county taxes, fix and levy a tax in
7 mills on all taxable property within the district sufficient
8 to raise the amount certified by the county park district
9 commission. The tax ~~so~~ levied may not in any year exceed the
10 maximum amount approved by the electorate in 7-16-2411 or
11 7-16-2432."

-End-

SENATE BILL NO. 92

INTRODUCED BY KLAMPE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO COUNTY PARK DISTRICTS; REDUCING THE PERCENTAGE OF ELECTORS REQUIRED TO SIGN THE PETITION TO CREATE A DISTRICT; ALLOWING A PARK DISTRICT TO ENCOMPASS TERRITORY IN MORE THAN ONE COUNTY; REVISING THE PROCEDURE FOR CREATING A PARK DISTRICT; AND AMENDING SECTIONS 7-16-2403, 7-16-2411, 7-16-2412, 7-16-2413, 7-16-2421, 7-16-2423, AND 7-16-2431, MCA."

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

Section 1. Section 7-16-2403, MCA, is amended to read:

"7-16-2403. Territory of county park district. A county park district may contain the entire territory of a county, or--any a part of a county, or territory in more than one county. A county park district may include incorporated municipalities within the a county."

Section 2. Section 7-16-2411, MCA, is amended to read:

"7-16-2411. 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%~~ 10% 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.

(2) The petition or resolution must contain:

(a) the boundaries of the proposed district;

(b) the proposed maximum property tax mill levy that could be levied on property owners within the district for the operation of the district; and

(c) the proposed number of members of the county park district commission. The number of members must be an odd number and may not be less than three.

(3) When the territory to be included in the proposed district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies. Each petition must be signed by not less than 10% of the qualified electors of the territory within the county proposed to be included in the district.

~~(3)~~(4) Upon receipt of a petition for the creation of a county park district, the county clerk shall examine it and within 15 days either reject the petition if it is insufficient under the provisions of subsections subsection (1), and (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.

~~(4)--The--county--governing--body--shall--schedule--a--public~~

1 hearing-on-the-creation-of-a-county-park-district-no-earlier
 2 than-21-days-or-later-than-45-days-after-the-presentation-of
 3 the-petition-or-adoption-of--the--resolution--of--intent--to
 4 create--a--district;--it--shall-cause-to-be-published-in-the
 5 official-county-newspaper-notice-of-the-public-hearing--and
 6 the--proposed--boundary,--mill-levy,--and-number-of-members-of
 7 the-district-commission;

8 (5) The text of the petition or resolution must be
 9 published as provided in 7-1-2121 in each county in which
 10 the territory of the proposed district lies.

11 (6) At the hearing, the county governing body shall
 12 hear testimony of all interested persons on whether a county
 13 park district should be created; testimony regarding the
 14 proposed boundary, property tax mill levy, and number of
 15 members of the district commission; and any other matter
 16 relating to the proposed district.

17 (7) After the hearing, if the county governing body
 18 determines that the proposed park district should be
 19 created, it shall by resolution set the boundaries of the
 20 proposed park district, the maximum mill levy for the
 21 proposed park district, and the number of members to be on
 22 the district commission. The resolution must also call for
 23 an election--which-may--be--held--in--conjunction--with--any
 24 regularly-scheduled-election, on the question of whether to
 25 create the county park district. The election may be held in

1 conjunction with a regularly scheduled election, provided
 2 that at least 75 days have elapsed between the adoption of
 3 the resolution and the election."

4 **Section 3.** Section 7-16-2412, MCA, is amended to read:

5 "7-16-2412. Election on creation of district. (1) The
 6 election on the question of whether to create a county park
 7 district must be conducted as provided in Title 13.

8 (2) Only qualified electors residing within the
 9 proposed park district may vote on the question of whether
 10 to create the district.

11 (3) The question of creating a county park district
 12 shall be submitted to the electors in substantially the
 13 following form:

14 ☐ FOR the creation of a county park district which may
 15 levy not more than mills of property tax for
 16 the operation of the district.

17 ☐ AGAINST the creation of a county park district.

18 (4) ~~--if--a-proposed-county-park-district--includes--one--or~~
 19 ~~more-municipalities--or--parts--of--municipalities,--separate~~
 20 ~~majorities--on--the--question--of--forming--the-district--are~~
 21 ~~required--of--those--voting--who--reside--within--each-municipality~~
 22 ~~and--of--those--not--residing--within--a-municipality."~~

23 **Section 4.** Section 7-16-2413, MCA, is amended to read:

24 "7-16-2413. Formation of county park district --
 25 appointment of initial commission. (1) If the question of

1 ~~forming-a-county-park-district-is-approved-by-the-electorate~~
 2 ~~of-the-district, the-county at-least-40%-of--all--registered~~
 3 ~~voters--residing-within-the-proposed-district-have-voted-and~~
 4 ~~if a majority of the votes cast at the election in each~~
 5 ~~municipality or part of a municipality and in the~~
 6 ~~unincorporated territory of each county included in the~~
 7 ~~proposed district approve the formation of the park~~
 8 ~~district, the governing body of each county shall, within 10~~
 9 ~~days of receipt of the official canvass of such the result,~~
 10 ~~certify that the district is formed.~~

11 (2) Within 30 days after the certification of the
 12 formation of the district, the county governing body of each
 13 county with territory included in the district shall jointly
 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 5.** Section 7-16-2421, MCA, is amended to read:

18 "7-16-2421. Election of commissioners. (1) After
 19 appointment of the initial commission and except in the case
 20 of vacancies, all members of the county park district
 21 commission must be elected by the electors of the district.

22 (2) The election of members to the commission must be
 23 held in conjunction with the ~~school-elections-held-pursuant~~
 24 ~~to-20-3-304 election-for-local-government-officials-provided~~
 25 ~~for--in--13-1-104(2)~~ SCHOOL ELECTIONS HELD PURSUANT TO

1 20-3-304.

2 (3) Candidates for the office of member of the county
 3 park district commission must be nominated by petition filed
 4 with the office of the election administrator at--least not
 5 earlier than 135 days or later than 75 days prior to the
 6 election day and signed by at least five electors of the
 7 district.

8 (4) If the county park district lies in more than one
 9 county, the petition for nomination must be presented to the
 10 election administrator whose county contains the largest
 11 percentage of the territory of the district.

12 ~~(5)~~ (5) If no nomination petition is filed for an
 13 office, the county governing body shall appoint a member to
 14 fill the term. A person appointed pursuant to this
 15 subsection has the same term and obligations as a person
 16 elected to fill the office. If there are no petitions of
 17 nomination for members of the commission, no election need
 18 be held.

19 ~~(5)~~ (6) The term of office of elected members commences
 20 upon their being elected and qualified. The term of office
 21 of an elected member of the county park district commission
 22 is 4 years, except that a simple majority of the members of
 23 the first elected board shall serve terms of 2 years, with a
 24 minority of the board serving terms of 4 years. The members
 25 serving 2-year terms must be selected by lot.

1 †6†(7) A vacancy in the office of a member must be
 2 filled by appointment by the remaining members of the
 3 commission. The term of the appointed member expires upon
 4 the election and qualification of an elected successor or
 5 upon the election of a member to fill the unexpired term of
 6 the vacant office. The election must be held at the next
 7 scheduled school county SCHOOL election HELD PURSUANT TO
 8 20-3-304."

9 **Section 6.** Section 7-16-2423, MCA, is amended to read:

10 "7-16-2423. Powers of county park district commission.

11 A county park district commission has all powers necessary
 12 for the betterment, operation, maintenance, and
 13 administration of park and recreation land within the
 14 territory of the district. In the exercise of this general
 15 grant of powers, the county park district commission may:

16 (1) employ or contract with administrative,
 17 professional, and other personnel necessary for the
 18 operation of the district;

19 (2) lease, purchase, or contract for the purchase of
 20 personal property, including property which after purchase
 21 constitutes a fixture on real property;

22 (3) lease, purchase, or contract for the purchase of
 23 buildings and facilities on lands controlled by the district
 24 and equip, operate, and maintain such buildings and
 25 facilities;

1 (4) adopt by resolution rules for the operation and
 2 administration of all parks and recreational facilities
 3 under its control;

4 (5) impose by resolution and collect charges for such
 5 services and facilities provided by the district as the
 6 commission considers necessary for the prudent operation of
 7 the district;

8 (6) establish a property tax mill levy for the
 9 operation of the district as provided in 7-16-2431;

10 (7) enter into agreements with any public or private
 11 entity or person for the operation of parks or recreational
 12 areas either by the district on behalf of the landowner or
 13 by another entity on behalf of the district;

14 (8) with the concurrence of the county governing body
 15 or bodies, accept donations of land or recreational-type
 16 easements on land within the district for park or
 17 recreational purposes on behalf and in the name of the
 18 county or counties;

19 (9) accept donations and devises of money or personal
 20 property."

21 **Section 7.** Section 7-16-2431, MCA, is amended to read:

22 "7-16-2431. District budget -- property tax levy. (1)
 23 The county park district commission shall annually prepare a
 24 budget for the ensuing fiscal year and present the budget to
 25 the county governing body of each county with territory

1 included in the district at the regular budget meetings as
2 prescribed in Title 7, chapter 6, part 23, and certify the
3 amount of money necessary for the operation of the district
4 for the ensuing fiscal year.

5 (2) The county governing body ~~must~~ shall, annually at
6 the time of levying county taxes, fix and levy a tax in
7 mills on all taxable property within the district sufficient
8 to raise the amount certified by the county park district
9 commission. The tax so levied may not in any year exceed the
10 maximum amount approved by the electorate in 7-16-2411 or
11 7-16-2432."

-End-

SENATE BILL NO. 92
INTRODUCED BY KLAMPE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO COUNTY PARK DISTRICTS; REDUCING THE PERCENTAGE OF ELECTORS REQUIRED TO SIGN THE PETITION TO CREATE A DISTRICT; ALLOWING A PARK DISTRICT TO ENCOMPASS TERRITORY IN MORE THAN ONE COUNTY; REVISING THE PROCEDURE FOR CREATING A PARK DISTRICT; AND AMENDING SECTIONS 7-16-2403, 7-16-2411, 7-16-2412, 7-16-2413, 7-16-2421, 7-16-2423, AND 7-16-2431, MCA."

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

Section 1. Section 7-16-2403, MCA, is amended to read:

"7-16-2403. Territory of county park district. A county park district may contain the entire territory of a county, or--any a part of a county, or territory in more than one county. A county park district may include incorporated municipalities within the a county."

Section 2. Section 7-16-2411, MCA, is amended to read:

"7-16-2411. 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~~ 10% 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.

(2) The petition or resolution must contain:

(a) the boundaries of the proposed district;

(b) the proposed maximum property tax mill levy that could be levied on property owners within the district for the operation of the district; and

(c) the proposed number of members of the county park district commission. The number of members must be an odd number and may not be less than three.

(3) When the territory to be included in the proposed district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies. Each petition must be signed by not less than 10% of the qualified electors of the territory within the county proposed to be included in the district.

~~(3)~~(4) Upon receipt of a petition for the creation of a county park district, the county clerk shall examine it and within 15 days either reject the petition if it is insufficient under the provisions of subsections subsection (1), and (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.

~~(4)--The--county--governing-body--shall--schedule--a--public~~

hearing on the creation of a county park district no earlier than 21 days or later than 45 days after the presentation of the petition or adoption of the resolution of intent to create a district; it shall cause to be published in the official county newspaper notice of the public hearing and the proposed boundary, mill levy, and number of members of the district commission.

(5) The text of the petition or resolution must be published as provided in 7-1-2121 in each county in which the territory of the proposed district lies.

{5}{6} At the hearing, the county governing body shall hear testimony of all interested persons on whether a county park district should be created; testimony regarding the proposed boundary, property tax mill levy, and number of members of the district commission; and any other matter relating to the proposed district.

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

conjunction with a regularly scheduled election, provided that at least 75 days have elapsed between the adoption of the resolution and the election."

Section 3. Section 7-16-2412, MCA, is amended to read:

"7-16-2412. Election on creation of district. (1) The election on the question of whether to create a county park district must be conducted as provided in Title 13.

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

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

☐ FOR the creation of a county park district which may levy not more than mills of property tax for the operation of the district.

☐ AGAINST the creation of a county park district.

{4}--if--a--proposed--county--park--district--includes--one--or--more--municipalities--or--parts--of--municipalities--separate--majorities--on--the--question--of--forming--the--district--are--required--of--those--voting--who--reside--within--each--municipality--and--of--those--not--residing--within--a--municipality--"

Section 4. Section 7-16-2413, MCA, is amended to read:

"7-16-2413. Formation of county park district -- appointment of initial commission. (1) If the question of

~~forming a county park district is approved by the electorate of the district, the county at least 40% of all registered voters residing within the proposed district have voted and if a majority of the votes cast at the election in each municipality or part of a municipality and in the unincorporated territory of each county included in the proposed district approve the formation of the park district, the governing body of each county shall, within 10 days of receipt of the official canvass of such the result, certify that the district is formed.~~

(2) Within 30 days after the certification of the formation of the district, the county governing body of each county with territory included in the district shall jointly appoint the initial members of the county park district commission. The members shall serve until their successors are elected and qualified."

Section 5. Section 7-16-2421, MCA, is amended to read:

"7-16-2421. Election of commissioners. (1) After appointment of the initial commission and except in the case of vacancies, all members of the county park district commission must be elected by the electors of the district.

(2) The election of members to the commission must be held in conjunction with the school elections held pursuant to ~~20-3-304 election for local government officials provided for in 13-1-104(2)~~ SCHOOL ELECTIONS HELD PURSUANT TO

20-3-304.

(3) Candidates for the office of member of the county park district commission must be nominated by petition filed with the office of the election administrator at least not earlier than 135 days or later than 75 days prior to the election day and signed by at least five electors of the district.

(4) If the county park district lies in more than one county, the petition for nomination must be presented to the election administrator whose county contains the largest percentage of the territory of the district.

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

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

1 ~~(6)~~(7) A vacancy in the office of a member must be
 2 filled by appointment by the remaining members of the
 3 commission. The term of the appointed member expires upon
 4 the election and qualification of an elected successor or
 5 upon the election of a member to fill the unexpired term of
 6 the vacant office. The election must be held at the next
 7 scheduled school county SCHOOL election HELD PURSUANT TO
 8 20-3-304."

9 **Section 6.** Section 7-16-2423, MCA, is amended to read:

10 "7-16-2423. Powers of county park district commission.
 11 A county park district commission has all powers necessary
 12 for the betterment, operation, maintenance, and
 13 administration of park and recreation land within the
 14 territory of the district. In the exercise of this general
 15 grant of powers, the county park district commission may:

16 (1) employ or contract with administrative,
 17 professional, and other personnel necessary for the
 18 operation of the district;

19 (2) lease, purchase, or contract for the purchase of
 20 personal property, including property which after purchase
 21 constitutes a fixture on real property;

22 (3) lease, purchase, or contract for the purchase of
 23 buildings and facilities on lands controlled by the district
 24 and equip, operate, and maintain such buildings and
 25 facilities;

1 (4) adopt by resolution rules for the operation and
 2 administration of all parks and recreational facilities
 3 under its control;

4 (5) impose by resolution and collect charges for such
 5 services and facilities provided by the district as the
 6 commission considers necessary for the prudent operation of
 7 the district;

8 (6) establish a property tax mill levy for the
 9 operation of the district as provided in 7-16-2431;

10 (7) enter into agreements with any public or private
 11 entity or person for the operation of parks or recreational
 12 areas either by the district on behalf of the landowner or
 13 by another entity on behalf of the district;

14 (8) with the concurrence of the county governing body
 15 or bodies, accept donations of land or recreational-type
 16 easements on land within the district for park or
 17 recreational purposes on behalf and in the name of the
 18 county or counties;

19 (9) accept donations and devises of money or personal
 20 property."

21 **Section 7.** Section 7-16-2431, MCA, is amended to read:

22 "7-16-2431. District budget -- property tax levy. (1)
 23 The county park district commission shall annually prepare a
 24 budget for the ensuing fiscal year and present the budget to
 25 the county governing body of each county with territory

1 included in the district at the regular budget meetings as
2 prescribed in Title 7, chapter 6, part 23, and certify the
3 amount of money necessary for the operation of the district
4 for the ensuing fiscal year.

5 (2) The county governing body ~~must~~ shall, annually at
6 the time of levying county taxes, fix and levy a tax in
7 mills on all taxable property within the district sufficient
8 to raise the amount certified by the county park district
9 commission. The tax so levied may not in any year exceed the
10 maximum amount approved by the electorate in 7-16-2411 or
11 7-16-2432."

-End-