

SB BILL NO. 180

INTRODUCED BY

Dorothy Bergala

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF MAIL BALLOT ELECTIONS TO CERTAIN ELECTIONS; CLARIFYING THE AVAILABILITY OF SPECIAL ELECTIONS FOR CERTAIN WATER AND SEWER PROJECTS; AMENDING SECTIONS 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, AND 85-9-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-7-2223, MCA, is amended to read:

"7-7-2223. Election required for issuance of certain bonds. (1) County bonds for any purpose other than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19, at a special election held in conjunction with a regular or primary election, or at a general election at which the question of issuing the bonds is submitted to the registered electors of the county and approved as provided in 7-7-2237.

(2) A bond election may not be called unless the board of county commissioners:

(a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2);

or

(b) receives a petition, delivered and certified by the election administrator, asking that the election be held and the question be submitted. The petition must be signed by at least 20% of the registered electors of the county."

Section 2. Section 7-7-2227, MCA, is amended to read:

"7-7-2227. Examination of petition -- resolution calling for election. (1) Upon delivery of the certified petition, the board shall carefully examine the petition and make any other investigation that it may consider necessary. If it is found that the petition is in proper form, bears the requisite number of signers of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a resolution that contains the provisions of subsection (2) plus the essential facts in regard to the petition and its filing

1 and presentation.

2 (2) The resolution must:

3 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

4 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be
5 less than but must not exceed the amount set forth in the petition;

6 (c) determine the number of years through which the bonds are to be paid, not exceeding the
7 limitations fixed in 7-7-2206; and

8 (d) make provision for having the question submitted to the registered electors of the county at
9 the next general election or at a special election that is conducted by mail ballot, as provided in Title 13,
10 chapter 19, or that is held in conjunction with a regular or primary election and that the board may call for
11 that purpose.

12 (3) Whenever a board of county commissioners initiates a resolution in accordance with the
13 provisions of 7-7-2223, the resolution must contain the provisions of subsection (2)."

14

15 **Section 3.** Section 7-7-2229, MCA, is amended to read:

16 "7-7-2229. **Notice of election.** (1) Whether the election is held at the general election, ~~or~~ at an
17 election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that
18 is held in conjunction with a regular or primary election, separate notice of the election must be given.

19 (2) (a) The notice must state:

20 (i) the date when the election will be held;

21 (ii) the amount of bonds proposed to be issued;

22 (iii) the purpose of the issue;

23 (iv) the term of years through which the bonds are to be paid; and

24 (v) other information regarding the holding of the election and the bonds proposed to be issued that
25 the board may consider proper.

26 (b) If bonds are to be issued for two or more purposes, each purpose and the amount for each
27 purpose must be separately stated.

28 (3) The notice must be published as provided in 13-1-108."

29

30 **Section 4.** Section 7-7-2237, MCA, is amended to read:

1 **"7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of
2 issuing county bonds for any purpose is submitted to the registered electors of a county at ~~either~~ a general
3 election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special
4 election that is held in conjunction with a regular or primary election, the determination of the approval or
5 rejection of the bond proposition is made in the following manner:

6 (1) determine the total number of electors who were qualified to vote in the bond election;

7 (2) determine the total number of qualified electors who voted in the bond election from the tally
8 sheet or sheets for the election;

9 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
10 determined in subsection (2) by the number determined in subsection (1); and

11 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
12 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
13 it is considered rejected; or

14 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
15 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
16 the proposition, otherwise it is considered rejected; or

17 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
18 considered rejected."

19
20 **Section 5.** Section 7-7-4226, MCA, is amended to read:

21 **"7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body
22 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality
23 pursuant to a statute of this state, the governing body shall pass and adopt a resolution.

24 (2) The resolution must:

25 (a) recite the purpose or purposes for which it is proposed to issue the bonds;

26 (b) fix the amount of bonds to be issued for each purpose;

27 (c) determine the number of years through which the bonds are to be paid, not exceeding the limits
28 fixed in 7-7-4205; and

29 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make
30 provisions that are necessary for submitting the question to the registered electors of the city or town at

1 the next general city or town election, at an election that is conducted by mail ballot, as provided in Title
 2 13, chapter 19, or at a special election that is held in conjunction with a regular or primary election and that
 3 the governing body may call for the purpose.

4 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before
 5 submitting the measure to the electors, pass a resolution containing the information required in this section
 6 and setting forth the essential facts in regard to the filing and presentation of the petition."
 7

8 **Section 6.** Section 7-7-4227, MCA, is amended to read:

9 **"7-7-4227. Notice of election.** (1) Whether the election is held at the general city or town election,
 10 at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election
 11 that is held in conjunction with a regular or primary election, separate notice of the election must be given.

12 (2) (a) The notice must state:

13 (i) the date when the election will be held;

14 (ii) the amount of bonds proposed to be issued;

15 (iii) the purpose of the bonds;

16 (iv) the term of years through which the bonds will be paid; and

17 (v) other information regarding the election and the proposed bonds that the board may consider
 18 proper.

19 (b) If the bonds that are proposed to be issued are for two or more purposes, each purpose and
 20 the amount for each purpose must be separately stated.

21 (3) The notice must be published as provided in 13-1-108 and may be posted in each voting
 22 precinct in the city or town at least 10 days prior to the date for holding the election."
 23

24 **Section 7.** Section 7-7-4235, MCA, is amended to read:

25 **"7-7-4235. Percentage of electors required to authorize the issuing of bonds.** Whenever the
 26 question of issuing bonds for any purpose is submitted to the registered electors of a city or town at ~~either~~
 27 a general election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or
 28 at a special election that is held in conjunction with a regular or primary election, the determination of the
 29 approval or rejection of the bond proposition is made in the following manner:

30 (1) determine the total number of electors who were qualified to vote in the bond election;

1 (2) determine the total number of qualified electors who voted in the bond election from the tally
2 sheet or sheets for the election;

3 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
4 determined in subsection (2) by the number determined in subsection (1); and

5 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
6 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
7 it is considered rejected; or

8 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
9 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
10 the proposition, otherwise it is considered rejected; or

11 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
12 considered rejected."

13
14 **Section 8.** Section 7-7-4426, MCA, is amended to read:

15 **"7-7-4426. Authorization for undertaking and issuance of bonds.** (1) The acquisition, purchase,
16 construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized
17 under this part.

18 (2) Bonds may be authorized to be issued under this part by resolution or resolutions of the
19 governing body of the municipality:

20 (a) without an election; or

21 (b) when authorized by a majority of the qualified electors voting upon the question at a special
22 election that is conducted by mail ballot, as provided in Title 13, chapter 19, or that is held in conjunction
23 with a regular or primary election, if the governing body in its sole discretion chooses to submit the
24 question to the electorate."

25
26 **Section 9.** Section 7-7-4427, MCA, is amended to read:

27 **"7-7-4427. Special election on question of issuing bonds.** (1) When the governing body has
28 chosen to submit the question of issuing bonds to the electorate, the special election must be conducted
29 by mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary
30 election and must be noticed and conducted as provided for municipal general obligation bonds in chapter

1 7, part 42.

2 (2) The special election must be held not later than the next municipal election that is held after
3 the council or governing body of the municipality has by resolution or resolutions approved the acquisition,
4 purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking as
5 provided in this part has and ordered the special election."

6

7 **Section 10.** Section 7-13-2208, MCA, is amended to read:

8 **"7-13-2208. Decision on petition -- election required.** (1) On the final hearing, the board of county
9 commissioners shall make any changes in the proposed boundaries within the county that are considered
10 advisable and shall define and establish the boundaries. The board of county commissioners may not modify
11 the boundaries in a manner that would exclude from the proposed district any territory that would be
12 benefited by the formation of the district. Land that will not, in the judgment of the board of county
13 commissioners, be benefited by the district may not be included within the proposed district.

14 (2) Upon the final determination of the boundaries of the district, the board of county
15 commissioners of each county in which the district lies shall give notice of an election to be held in the
16 proposed district for the purpose of determining whether or not the district is to be incorporated. The
17 election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in
18 conjunction with a regular or primary election."

19

20 **Section 11.** Section 7-13-2231, MCA, is amended to read:

21 **"7-13-2231. District to be governed by board of directors.** (1) At an election to be held within a
22 district under the provisions of ~~this part and part 23~~ and this part and the laws governing general elections
23 not inconsistent with this part and part 23 and this part, the district shall elect a board of directors. The
24 election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in
25 conjunction with the next regular or primary election.

26 (2) The board of directors is the governing body of the district."

27

28 **Section 12.** Section 7-13-2323, MCA, is amended to read:

29 **"7-13-2323. Election on question of incurring bonded indebtedness. (1)** The board of directors
30 shall fix a date upon which an election is held for the purpose of authorizing the bonded indebtedness to

1 be incurred. ~~The~~ Except as provided in subsection (2), the election must be conducted by mail ballot, as
 2 provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary election.

3 (2) The board may order up to two special elections each year if:

4 (a) there are no bids within the amount of approved bonds;

5 (b) there is an emergency;

6 (c) a directive for a project is received from a government agency; or

7 (d) it is necessary to take advantage of the construction season."

8
 9 **Section 13.** Section 7-13-2341, MCA, is amended to read:

10 **"7-13-2341. Addition of land to district.** (1) Except as provided in subsection (5), any portion of
 11 any county, or any municipality, or both, may be added to any district organized under the provisions of
 12 ~~this part and~~ part 22 and this part at any time upon petition presented in the manner provided in ~~this part~~
 13 ~~and~~ part 22 and this part for the organization of the district.

14 (2) The petition may be granted by ordinance of the board of directors of the district. The ordinance
 15 must be submitted for adoption or rejection to the vote of the electors in the district and in the proposed
 16 addition at a general election, at a special election that is conducted by mail ballot, as provided in Title 13,
 17 chapter 19, or at a special election that is held in conjunction with a regular or primary election.

18 (3) If the ordinance is approved, the president and secretary of the board of directors shall certify
 19 that fact to the secretary of state and to the county clerk and recorder of the county in which the district
 20 is located. Upon the receipt of the certification, the secretary of state shall within 10 days issue a certificate
 21 that states the passage of the ordinance and the addition of the territory to the district. A copy of the
 22 certificate must be transmitted to and filed with the county clerk and recorder of the county in which the
 23 district is situated.

24 (4) After the filing of the certificate, the territory is added to and is a part of the district with all
 25 the rights, privileges, and powers set forth in this part and necessarily incident to this part.

26 (5) If the board of directors determines that a district has a water facility or a sewer facility with
 27 a capacity greater than required to meet the needs of the current district, it may by ordinance, upon petition
 28 of contiguous property owners and with the written consent of all property owners to whom the service
 29 is to be extended, expand the district to include land, to the extent of excess capacity, without complying
 30 with subsections (1) and (2). However, if the board determines that an election should be held or if 40%

1 or more of the members of the district petition for an election, compliance with subsections (1) and (2) is
2 required."

3

4 **Section 14.** Section 85-9-206, MCA, is amended to read:

5 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) Upon receipt of
6 a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court
7 finds that the petition should be granted, it shall:

8 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited
9 by the proposed district and exclude those lands that will not be benefited;

10 (b) make an order fixing the time and place of an organizing election;

11 (c) order the election administrator to conduct the election in accordance with the provisions of
12 Title 13;

13 (d) order and decree the district organized if the requisite number of eligible electors vote in favor
14 of organization.

15 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
16 election, and a majority of those voting must vote in favor of organization. The election must be conducted
17 by mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary
18 election.

19 (3) This chapter does not confer upon the court jurisdiction to hear, adjudicate, and settle questions
20 concerning the priority of appropriation of water between districts and other persons. Jurisdiction to hear
21 and determine priority of appropriation and questions of right growing out of or in any way connected with
22 a priority of appropriation is expressly excluded from this chapter and must be determined as otherwise
23 provided by the laws of Montana."

24

25 **Section 15.** Section 85-9-623, MCA, is amended to read:

26 **"85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to
27 issue bonds, the directors shall:

28 (1) pass a resolution that includes:

29 (a) the purpose or purposes for which the bonds will be issued;

30 (b) the maximum amount and term of the bonds;

- 1 (c) the maximum interest rate that the bonds will bear;
- 2 (d) whether the bonds will be repaid from revenue, assessments, or both;
- 3 (2) give notice, as provided in 85-9-103(9), that must include the resolution adopted by the
- 4 directors and the location of polling places unless the election is conducted by mail ballot, as provided in
- 5 Title 13, chapter 19; and
- 6 (3) hold an election as provided by 85-9-422."

7

8 **NEW SECTION. Section 16. Effective date.** [This act] is effective on passage and approval.

9 -END-

APPROVED BY COM ON
LOCAL GOVERNMENT

1
2
3
4
5
6
7
8
9
10

SB BILL NO. 180

INTRODUCED BY Doreity Bergala

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF MAIL BALLOT ELECTIONS TO CERTAIN ELECTIONS; CLARIFYING THE AVAILABILITY OF SPECIAL ELECTIONS FOR CERTAIN WATER AND SEWER PROJECTS; AMENDING SECTIONS 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, AND 85-9-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO INTRODUCED COPY (WHITE) FOR COMPLETE TEXT.

1
2
3
4
5
6
7
8
9
10

SB BILL NO. 180

INTRODUCED BY Dorety Pasquale

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF MAIL BALLOT ELECTIONS TO CERTAIN ELECTIONS; CLARIFYING THE AVAILABILITY OF SPECIAL ELECTIONS FOR CERTAIN WATER AND SEWER PROJECTS; AMENDING SECTIONS 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, AND 85-9-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

1
2
3
4
5
6
7
8
9
10

SB BILL NO. 180

INTRODUCED BY Dorothy Bergala

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF MAIL BALLOT ELECTIONS TO CERTAIN ELECTIONS; CLARIFYING THE AVAILABILITY OF SPECIAL ELECTIONS FOR CERTAIN WATER AND SEWER PROJECTS; AMENDING SECTIONS 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, AND 85-9-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO THIRD READING COPY (BLUE) FOR COMPLETE TEXT.

1 SENATE BILL NO. 180

2 INTRODUCED BY DOHERTY, TROPILA

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF MAIL BALLOT ELECTIONS
5 TO CERTAIN ELECTIONS; CLARIFYING THE AVAILABILITY OF SPECIAL ELECTIONS FOR CERTAIN WATER
6 AND SEWER PROJECTS; AMENDING SECTIONS 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226,
7 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, AND
8 85-9-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9

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

12 **Section 1.** Section 7-7-2223, MCA, is amended to read:

13 **"7-7-2223. Election required for issuance of certain bonds.** (1) County bonds for any purpose
14 other than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized at a special
15 election that is conducted by mail ballot, as provided in Title 13, chapter 19, at a special election held in
16 conjunction with a regular or primary election, or at a general election at which the question of issuing the
17 bonds is submitted to the registered electors of the county and approved as provided in 7-7-2237.

18 (2) A bond election may not be called unless the board of county commissioners:

19 (a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2);

20 or

21 (b) receives a petition, delivered and certified by the election administrator, asking that the election
22 be held and the question be submitted. The petition must be signed by at least 20% of the registered
23 electors of the county."
24

25 **Section 2.** Section 7-7-2227, MCA, is amended to read:

26 **"7-7-2227. Examination of petition -- resolution calling for election.** (1) Upon delivery of the
27 certified petition, the board shall carefully examine the petition and make any other investigation that it may
28 consider necessary. If it is found that the petition is in proper form, bears the requisite number of signers
29 of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a resolution
30 that contains the provisions of subsection (2) plus the essential facts in regard to the petition and its filing

1 and presentation.

2 (2) The resolution must:

3 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

4 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be
5 less than but must not exceed the amount set forth in the petition;

6 (c) determine the number of years through which the bonds are to be paid, not exceeding the
7 limitations fixed in 7-7-2206; and

8 (d) make provision for having the question submitted to the registered electors of the county at
9 the next general election or at a special election that is conducted by mail ballot, as provided in Title 13,
10 chapter 19, or that is held in conjunction with a regular or primary election and that the board may call for
11 that purpose.

12 (3) Whenever a board of county commissioners initiates a resolution in accordance with the
13 provisions of 7-7-2223, the resolution must contain the provisions of subsection (2)."

14

15 **Section 3.** Section 7-7-2229, MCA, is amended to read:

16 "**7-7-2229. Notice of election.** (1) Whether the election is held at the general election, ~~or at an~~
17 election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that
18 is held in conjunction with a regular or primary election, separate notice of the election must be given.

19 (2) (a) The notice must state:

20 (i) the date when the election will be held;

21 (ii) the amount of bonds proposed to be issued;

22 (iii) the purpose of the issue;

23 (iv) the term of years through which the bonds are to be paid; and

24 (v) other information regarding the holding of the election and the bonds proposed to be issued that
25 the board may consider proper.

26 (b) If bonds are to be issued for two or more purposes, each purpose and the amount for each
27 purpose must be separately stated.

28 (3) The notice must be published as provided in 13-1-108."

29

30 **Section 4.** Section 7-7-2237, MCA, is amended to read:

1 **"7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of
2 issuing county bonds for any purpose is submitted to the registered electors of a county at ~~either~~ a general
3 election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special
4 election that is held in conjunction with a regular or primary election, the determination of the approval or
5 rejection of the bond proposition is made in the following manner:

6 (1) determine the total number of electors who were qualified to vote in the bond election;

7 (2) determine the total number of qualified electors who voted in the bond election from the tally
8 sheet or sheets for the election;

9 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
10 determined in subsection (2) by the number determined in subsection (1); and

11 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
12 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
13 it is considered rejected; or

14 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
15 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
16 the proposition, otherwise it is considered rejected; or

17 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
18 considered rejected."

19
20 **Section 5.** Section 7-7-4226, MCA, is amended to read:

21 **"7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body
22 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality
23 pursuant to a statute of this state, the governing body shall pass and adopt a resolution.

24 (2) The resolution must:

25 (a) recite the purpose or purposes for which it is proposed to issue the bonds;

26 (b) fix the amount of bonds to be issued for each purpose;

27 (c) determine the number of years through which the bonds are to be paid, not exceeding the limits
28 fixed in 7-7-4205; and

29 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make
30 provisions that are necessary for submitting the question to the registered electors of the city or town at

1 the next general city or town election, at an election that is conducted by mail ballot, as provided in Title
 2 13, chapter 19, or at a special election that is held in conjunction with a regular or primary election and that
 3 the governing body may call for the purpose.

4 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before
 5 submitting the measure to the electors, pass a resolution containing the information required in this section
 6 and setting forth the essential facts in regard to the filing and presentation of the petition."
 7

8 **Section 6.** Section 7-7-4227, MCA, is amended to read:

9 "**7-7-4227. Notice of election.** (1) Whether the election is held at the general city or town election,
 10 at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election
 11 that is held in conjunction with a regular or primary election, separate notice of the election must be given.

12 (2) (a) The notice must state:

13 (i) the date when the election will be held;

14 (ii) the amount of bonds proposed to be issued;

15 (iii) the purpose of the bonds;

16 (iv) the term of years through which the bonds will be paid; and

17 (v) other information regarding the election and the proposed bonds that the board may consider
 18 proper.

19 (b) If the bonds that are proposed to be issued are for two or more purposes, each purpose and
 20 the amount for each purpose must be separately stated.

21 (3) The notice must be published as provided in 13-1-108 and may be posted in each voting
 22 precinct in the city or town at least 10 days prior to the date for holding the election."
 23

24 **Section 7.** Section 7-7-4235, MCA, is amended to read:

25 "**7-7-4235. Percentage of electors required to authorize the issuing of bonds.** Whenever the
 26 question of issuing bonds for any purpose is submitted to the registered electors of a city or town at ~~either~~
 27 a general election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or
 28 at a special election that is held in conjunction with a regular or primary election, the determination of the
 29 approval or rejection of the bond proposition is made in the following manner:

30 (1) determine the total number of electors who were qualified to vote in the bond election;

- 1 (2) determine the total number of qualified electors who voted in the bond election from the tally
2 sheet or sheets for the election;
- 3 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
4 determined in subsection (2) by the number determined in subsection (1); and
- 5 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
6 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
7 it is considered rejected; or
- 8 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
9 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
10 the proposition, otherwise it is considered rejected; or
- 11 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
12 considered rejected."

13

14 **Section 8.** Section 7-7-4426, MCA, is amended to read:

15 **"7-7-4426. Authorization for undertaking and issuance of bonds.** (1) The acquisition, purchase,
16 construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized
17 under this part.

18 (2) Bonds may be authorized to be issued under this part by resolution or resolutions of the
19 governing body of the municipality:

20 (a) without an election; or

21 (b) when authorized by a majority of the qualified electors voting upon the question at a special
22 election that is conducted by mail ballot, as provided in Title 13, chapter 19, or that is held in conjunction
23 with a regular or primary election, if the governing body in its sole discretion chooses to submit the
24 question to the electorate."

25

26 **Section 9.** Section 7-7-4427, MCA, is amended to read:

27 **"7-7-4427. Special election on question of issuing bonds.** (1) When the governing body has
28 chosen to submit the question of issuing bonds to the electorate, the special election must be conducted
29 by mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary
30 election and must be noticed and conducted as provided for municipal general obligation bonds in chapter

1 7, part 42.

2 (2) The special election must be held not later than the next municipal election that is held after
3 the council or governing body of the municipality has by resolution or resolutions approved the acquisition,
4 purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking as
5 provided in this part has and ordered the special election."

6

7 **Section 10.** Section 7-13-2208, MCA, is amended to read:

8 **"7-13-2208. Decision on petition -- election required.** (1) On the final hearing, the board of county
9 commissioners shall make any changes in the proposed boundaries within the county that are considered
10 advisable and shall define and establish the boundaries. The board of county commissioners may not modify
11 the boundaries in a manner that would exclude from the proposed district any territory that would be
12 benefited by the formation of the district. Land that will not, in the judgment of the board of county
13 commissioners, be benefited by the district may not be included within the proposed district.

14 (2) Upon the final determination of the boundaries of the district, the board of county
15 commissioners of each county in which the district lies shall give notice of an election to be held in the
16 proposed district for the purpose of determining whether or not the district is to be incorporated. The
17 election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in
18 conjunction with a regular or primary election."

19

20 **Section 11.** Section 7-13-2231, MCA, is amended to read:

21 **"7-13-2231. District to be governed by board of directors.** (1) At an election to be held within a
22 district under the provisions of ~~this part and part 23~~ and this part and the laws governing general elections
23 not inconsistent ~~with this part and part 23~~ and this part, the district shall elect a board of directors. The
24 election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in
25 conjunction with the next regular or primary election.

26 (2) The board of directors is the governing body of the district."

27

28 **Section 12.** Section 7-13-2323, MCA, is amended to read:

29 **"7-13-2323. Election on question of incurring bonded indebtedness.** (1) The board of directors
30 shall fix a date upon which an election is held for the purpose of authorizing the bonded indebtedness to

1 be incurred. ~~The~~ Except as provided in subsection (2), the election must be conducted by mail ballot, as
 2 provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary election.

3 (2) The board may order up to two special elections each year if:

4 (a) there are no bids within the amount of approved bonds;

5 (b) there is an emergency;

6 (c) a directive for a project is received from a government agency; or

7 (d) it is necessary to take advantage of the construction season."

8
 9 **Section 13.** Section 7-13-2341, MCA, is amended to read:

10 **"7-13-2341. Addition of land to district.** (1) Except as provided in subsection (5), any portion of
 11 any county, or any municipality, or both, may be added to any district organized under the provisions of
 12 ~~this part and part 22 and this part~~ at any time upon petition presented in the manner provided in ~~this part~~
 13 ~~and part 22 and this part~~ for the organization of the district.

14 (2) The petition may be granted by ordinance of the board of directors of the district. The ordinance
 15 must be submitted for adoption or rejection to the vote of the electors in the district and in the proposed
 16 addition at a general election, at a special election that is conducted by mail ballot, as provided in Title 13,
 17 chapter 19, or at a special election that is held in conjunction with a regular or primary election.

18 (3) If the ordinance is approved, the president and secretary of the board of directors shall certify
 19 that fact to the secretary of state and to the county clerk and recorder of the county in which the district
 20 is located. Upon the receipt of the certification, the secretary of state shall within 10 days issue a certificate
 21 that states the passage of the ordinance and the addition of the territory to the district. A copy of the
 22 certificate must be transmitted to and filed with the county clerk and recorder of the county in which the
 23 district is situated.

24 (4) After the filing of the certificate, the territory is added to and is a part of the district with all
 25 the rights, privileges, and powers set forth in this part and necessarily incident to this part.

26 (5) If the board of directors determines that a district has a water facility or a sewer facility with
 27 a capacity greater than required to meet the needs of the current district, it may by ordinance, upon petition
 28 of contiguous property owners and with the written consent of all property owners to whom the service
 29 is to be extended, expand the district to include land, to the extent of excess capacity, without complying
 30 with subsections (1) and (2). However, if the board determines that an election should be held or if 40%

1 or more of the members of the district petition for an election, compliance with subsections (1) and (2) is
2 required."

3

4 **Section 14.** Section 85-9-206, MCA, is amended to read:

5 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) Upon receipt of
6 a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court
7 finds that the petition should be granted, it shall:

8 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited
9 by the proposed district and exclude those lands that will not be benefited;

10 (b) make an order fixing the time and place of an organizing election;

11 (c) order the election administrator to conduct the election in accordance with the provisions of
12 Title 13;

13 (d) order and decree the district organized if the requisite number of eligible electors vote in favor
14 of organization.

15 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
16 election, and a majority of those voting must vote in favor of organization. The election must be conducted
17 by mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary
18 election.

19 (3) This chapter does not confer upon the court jurisdiction to hear, adjudicate, and settle questions
20 concerning the priority of appropriation of water between districts and other persons. Jurisdiction to hear
21 and determine priority of appropriation and questions of right growing out of or in any way connected with
22 a priority of appropriation is expressly excluded from this chapter and must be determined as otherwise
23 provided by the laws of Montana."

24

25 **Section 15.** Section 85-9-623, MCA, is amended to read:

26 **"85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to
27 issue bonds, the directors shall:

28 (1) pass a resolution that includes:

29 (a) the purpose or purposes for which the bonds will be issued;

30 (b) the maximum amount and term of the bonds;

- 1 (c) the maximum interest rate that the bonds will bear;
- 2 (d) whether the bonds will be repaid from revenue, assessments, or both;
- 3 (2) give notice, as provided in 85-9-103(9), that must include the resolution adopted by the
- 4 directors and the location of polling places unless the election is conducted by mail ballot, as provided in
- 5 Title 13, chapter 19; and
- 6 (3) hold an election as provided by 85-9-422."

7

8 **NEW SECTION. Section 16. Effective date.** [This act] is effective on passage and approval.

9 -END-