

SENATE BILL NO. 510

INTRODUCED BY W. CURDY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING URBAN TRANSPORTATION DISTRICT LAWS; REQUIRING THE ELECTION OF COMMISSIONERS; PROHIBITING LOCAL GOVERNMENTS FROM REQUIRING THE ADDITION OF LAND TO AN URBAN TRANSPORTATION DISTRICT AS AN EXACTION; REQUIRING URBAN TRANSPORTATION DISTRICTS TO SHOW AREAS ADDED TO THE DISTRICT; ALLOWING AN AREA THAT HAS NOT RECEIVED DIRECT TRANSPORTATION SERVICE FOR 5 YEARS TO BE REMOVED WITHOUT BEING SUBJECT TO EXISTING INDEBTEDNESS; PROVIDING A DEFINITION; AND AMENDING SECTIONS 7-14-202, 7-14-212, AND 7-14-241, MCA."

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

Section 1. Section 7-14-202, MCA, is amended to read:

"7-14-202. Definitions. As used in this part, the following definitions apply:

(1) "Board" means the board of transportation of any district created under this part.

(2) "Commissioners" means the board of county commissioners or other governing body of a county.

(3) "Direct transportation service" means the operation of a vehicle that provides general or special service to the public on a regular and continuing basis.

~~(3)~~(4) "District" means any transportation district created under this part."

Section 2. Section 7-14-212, MCA, is amended to read:

"7-14-212. District to be governed by transportation board -- election of board. (1) The district must be governed by a transportation board. ~~The commissioners and the governing bodies of each city or town included or partially included in the district shall determine if the board is to be elected or appointed. If the board is to be elected, the initial~~ Initial and subsequent elections of board members must be held in accordance with

1 Title 13, chapter 1, part 5.

2 (2) The commissioners and the governing body by resolution shall:

3 (a) determine the number of board members;

4 (b) set the term of office;

5 (c) determine the makeup of the board with respect to the number of ~~appointed~~ elected members
6 that will represent each county, city, or town;

7 (d) determine the number of candidates for an elected board whose names must be placed on the
8 ballot; and

9 (e) establish a procedure for filling vacancies on the board, including a provision for public notice.

10 ~~(3) The commissioners and the governing body may, at any time, adopt a resolution changing the~~
11 ~~method by which the members of the board are selected. The resolution must contain a provision that the term~~
12 ~~of office of the current members of the board may not be shortened.~~

13 ~~(4)(3)~~ If the board is elected and if the number of candidates is equal to or less than the number of
14 positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. If an
15 election is not held, the board shall declare elected by acclamation each candidate who filed a nominating
16 petition for a position.

17 ~~(5)(4)~~ If there are no nominees for an elective office of a member of the board, the vacancy must be
18 filled as provided in subsection (2)(e).

19 ~~(6)(5)~~ A member of the board taking office pursuant to subsection ~~(4)-(3)~~ or ~~(5)-(4)~~ serves a term of
20 office as if elected to that office."
21

22 **Section 3.** Section 7-14-241, MCA, is amended to read:

23 **"7-14-241. Procedure to be included in district or to remove an addition to a district.** (1) A real
24 property owner may petition to have that owner's property included in a district. The addition of the real property
25 owner's property must be approved by a majority vote of the transportation board. Addition may not be
26 compelled as an exaction.

27 (2) An area added to a district pursuant to this part may be removed if the area does not directly
28 receive transportation services from the district and 51% of the qualified voters in the area sign a petition

1 requesting to be removed from the district. The removal of the area is effective 60 days after submission of the
2 petition to the transportation board unless within that time, it is determined that the petition contains insufficient
3 signatures for removal of the area. An insufficient petition must be returned to the petitioners, who may
4 resubmit a corrected version within 90 days. A transportation district shall maintain an inventory or map that
5 clearly delineates areas added to the district.

6 (3) (a) ~~All~~ Except as provided in subsection (3)(b), all property within any addition to a district is
7 subject to all existing indebtedness of the district.

8 (b) (i) Property within an area removed from a district is not subject to the district's existing
9 indebtedness if the area was added to the district within 5 years of the date on which the petition for removal
10 was submitted to the transportation board.

11 (ii) Property within an area removed from a district is not subject to the district's existing
12 indebtedness if the area has not received direct transportation service within 5 years of the date on which the
13 petition for removal was submitted to the transportation board."

14 - END -