

SENATE BILL 221

Introduced by Harding, et al.

1/29	Introduced
1/29	Referred to Local Government
1/29	First Reading
2/12	Hearing
2/18	Tabled in Committee
2/20	Taken from Table
2/20	Committee Report--Bill Passed
2/23	2nd Reading Passed
2/25	3rd Reading Passed
	Transmitted to House
3/04	First Reading
3/04	Referred to Local Government
3/11	Hearing
3/13	Tabled in Committee

1 **SENATE** BILL NO. 221  
 2 INTRODUCED BY Harding Douglas Connolly  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ELECTION  
 5 FOR THE CONSOLIDATION OF COUNTY OFFICES; AND AMENDING  
 6 SECTIONS 7-4-2301, 7-4-2302, 7-4-2305, 7-4-2309, 7-4-2310,  
 7 AND 7-4-2311, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 7-4-2301, MCA, is amended to read:

11 "7-4-2301. Authorization to consolidate county offices.  
 12 (1) Except as provided in subsection (2), ~~the board of~~  
 13 ~~county commissioners of any county may in its discretion~~  
 14 ~~consolidate any two or more of the offices named in 7-4-2203~~  
 15 ~~may be consolidated and combine the powers and the duties of~~  
 16 ~~the consolidated offices combined upon approval by the~~  
 17 ~~electorate of the county.~~

18 (2) The office of the justice of the peace may not be  
 19 combined or consolidated with any other office other than  
 20 another justice of the peace office."

21 **Section 2.** Section 7-4-2302, MCA, is amended to read:

22 "7-4-2302. Petition for consolidation of county  
 23 offices. (1) ~~At any time not later than 45 days before the~~  
 24 ~~date on which declarations for nomination may first be filed~~  
 25 ~~for any county office, a~~ A petition in writing may be filed

1 with the board of county commissioners of a county asking  
 2 for the consolidation of any two or more ~~of said~~ offices by  
 3 the board of such the county.

4 (2) The petition shall must be signed by not less than  
 5 15% of the registered electors of such the county."

6 **Section 3.** Section 7-4-2305, MCA, is amended to read:

7 "7-4-2305. Initiation of consolidation by county  
 8 commissioners. ~~{}~~ The board or boards of county  
 9 commissioners may initiate the consolidation of county  
 10 offices under the procedure set forth in this part. Any  
 11 board or boards desiring to consolidate any two or more  
 12 offices or any two or more offices among several counties  
 13 under the provisions of this part shall first pass a  
 14 resolution stating the intent of the board or boards to  
 15 consider consolidation.

16 ~~{2}--Nothing---contained---herein---shall---be---deemed---as~~  
 17 ~~limiting---in---any---manner---the---discretion---of---the---county~~  
 18 ~~commissioners---to---consolidate---the---several---offices---without---the~~  
 19 ~~filing---of---the---petition---provided---for---in---this---part."~~

20 **Section 4.** Section 7-4-2309, MCA, is amended to read:

21 "7-4-2309. Conduct of hearing -- decision. (1) At the  
 22 time designated in said the notice, the county commissioners  
 23 shall proceed to hear said the petition and the evidence for  
 24 or against the same petition. Any registered elector of the  
 25 county affected shall have the right to appear and be



1 heard upon said the petition, subject, however, to the right  
2 of the county commissioners to limit cumulative testimony  
3 and to prevent the undue prolonging of said the hearing.

4 (2) Within 5 days after the date set for said the  
5 hearing, the board or boards of county commissioners shall  
6 make ~~such--order--in--relation-to-the-consolidation-of-said~~  
7 ~~offices-as-they-shall-deem-proper--Such-order-must--be--made~~  
8 ~~at--least--7--days-before-the-date-on-which-declarations-for~~  
9 ~~nomination-may-first-be-filed-for-any-county-office~~ an order  
10 calling for an election on the consolidation of county  
11 offices.

12 (3) The election on the consolidation of county offices  
13 must be held at the general election 2 years preceding the  
14 expiration of the term of the offices to be consolidated."

15 **Section 5.** Section 7-4-2310, MCA, is amended to read:

16 "7-4-2310. Order for consolidation of offices. (1) In  
17 consolidating county offices, the board of county  
18 commissioners shall, ~~not-less-than-7-days-before-the-date-on~~  
19 ~~which-declarations-for-nomination-may-first-be-filed-for-any~~  
20 ~~office-to-be-consolidated-or-not-less-than-6-months-prior-to~~  
21 ~~the-appointment-to-the-offices-to-be-consolidated,-make--and~~  
22 ~~enter-an-order-combining-any-two-or-more-of-the-within-named~~  
23 offices 3 months prior to the general election, publish an  
24 order calling for the election.

25 (2) Whenever an order consolidating two or more offices

1 is made, the order ~~shall~~ must be entered in full on the  
2 board's minutes of proceedings. The order must contain the  
3 date and time of the election and the offices to be  
4 consolidated.

5 (3) The order ~~shall~~ must be published in a newspaper of  
6 general circulation, printed and published in the county or  
7 counties affected, for a period of 2 successive weeks  
8 following the date of the ~~making-and-entering-of-the~~ order."

9 **Section 6.** Section 7-4-2311, MCA, is amended to read:

10 "7-4-2311. Implementation of consolidation order. (1)  
11 Whenever ~~any-such-order-is-made-consolidating~~ the electorate  
12 approves the consolidation of two or more of--such offices,  
13 it ~~shall--be~~ is the duty of the officers holding and  
14 occupying such the offices, at the end of their terms of  
15 office, to deliver and transfer to their successor or  
16 successors all of the books, files, papers, documents, maps,  
17 plats, and records of such the offices.

18 (2) The officer or officers receiving the same shall  
19 make and deliver proper receipts therefor and shall  
20 thereafter:

21 (a) be the custodian or custodians of such the books,  
22 files, papers, documents, maps, plats, and records;

23 (b) perform all of the duties and acts imposed on such  
24 the consolidated offices as required of them by law; and

25 (c) make and execute, with full legal force and effect,

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1 all certificates, official statements, official reports,  
2 affidavits, and other instruments required to be made by the  
3 laws of this state by either or any of the officers whose  
4 offices have been so consolidated.

5 (3) If the laws of this state or the rules,  
6 regulations, orders, or directions of any officer or  
7 department of the state shall require each of two offices  
8 which that are consolidated to keep duplicate or similar  
9 records, books, or accounts, after such the consolidation,  
10 such the consolidated office shall keep but one set of such  
11 records, books, or accounts."

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ELECTION  
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 7-4-2301, MCA, is amended to read:

11 "7-4-2301. Authorization to consolidate county offices.  
 12 (1) Except as provided in subsection (2), ~~the--board--of~~  
 13 ~~county--commissioners--of--any--county--may--in--its--discretion~~  
 14 ~~consolidate~~ any two or more of the offices named in 7-4-2203  
 15 ~~may be consolidated~~ and combine the powers and the duties of  
 16 the consolidated offices combined upon approval by the  
 17 electorate of the county.

18 (2) The office of the justice of the peace may not be  
 19 combined or consolidated with any other office other than  
 20 another justice of the peace office."

21 **Section 2.** Section 7-4-2302, MCA, is amended to read:

22 "7-4-2302. Petition for consolidation of county  
 23 offices. (1) ~~At any time not later than 45 days before the~~  
 24 ~~date on which declarations for nomination may first be filed~~  
 25 ~~for any county office, a~~ petition in writing may be filed

1 with the board of county commissioners of a county asking  
 2 for the consolidation of any two or more of ~~said~~ offices by  
 3 the board of such the county.

4 (2) The petition shall must be signed by not less than  
 5 15% of the registered electors of such the county."

6 **Section 3.** Section 7-4-2305, MCA, is amended to read:

7 "7-4-2305. Initiation of consolidation by county  
 8 commissioners. ~~{}~~ The board or boards of county  
 9 commissioners may initiate the consolidation of county  
 10 offices under the procedure set forth in this part. Any  
 11 board or boards desiring to consolidate any two or more  
 12 offices or any two or more offices among several counties  
 13 under the provisions of this part shall first pass a  
 14 resolution stating the intent of the board or boards to  
 15 consider consolidation.

16 ~~{2}--Nothing---contained---herein---shall---be---deemed---as~~  
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 18 ~~commissioners--to--consolidate--the--several--offices--without--the~~  
 19 ~~filing--of--the--petition--provided--for--in--this--part--"~~

20 **Section 4.** Section 7-4-2309, MCA, is amended to read:

21 "7-4-2309. Conduct of hearing -- decision. (1) At the  
 22 time designated in said the notice, the county commissioners  
 23 shall proceed to hear said the petition and the evidence for  
 24 or against the same petition. Any registered elector of the  
 25 county affected shall ~~have~~ has the right to appear and be

1 heard upon said the petition, subject, however, to the right  
2 of the county commissioners to limit cumulative testimony  
3 and to prevent the undue prolonging of said the hearing.

4 (2) Within 5 days after the date set for said the  
5 hearing, the board or boards of county commissioners shall  
6 make ~~such order in relation to the consolidation of said~~  
7 ~~offices as they shall deem proper. Such order must be made~~  
8 ~~at least 7 days before the date on which declarations for~~  
9 ~~nomination may first be filed for any county office~~ an order  
10 calling for an election on the consolidation of county  
11 offices.

12 (3) The election on the consolidation of county offices  
13 must be held at the general election 2 years preceding the  
14 expiration of the term of the offices to be consolidated."

15 **Section 5.** Section 7-4-2310, MCA, is amended to read:

16 "7-4-2310. Order for consolidation of offices. (1) In  
17 consolidating county offices, the board of county  
18 commissioners shall, ~~not less than 7 days before the date on~~  
19 ~~which declarations for nomination may first be filed for any~~  
20 ~~office to be consolidated or not less than 6 months prior to~~  
21 ~~the appointment to the offices to be consolidated, make and~~  
22 ~~enter an order combining any two or more of the within named~~  
23 ~~offices 3 months prior to the general election, publish an~~  
24 order calling for the election.

25 (2) Whenever an order consolidating two or more offices

1 is made, the order shall must be entered in full on the  
2 board's minutes of proceedings. The order must contain the  
3 date and time of the election and the offices to be  
4 consolidated.

5 (3) The order shall must be published in a newspaper of  
6 general circulation, printed and published in the county or  
7 counties affected, for a period of 2 successive weeks  
8 following the date of the ~~making and entering of the~~ order."

9 **Section 6.** Section 7-4-2311, MCA, is amended to read:

10 "7-4-2311. Implementation of consolidation order. (1)  
11 ~~Whenever any such order is made consolidating the electorate~~  
12 approves the consolidation of two or more of such offices,  
13 it shall ~~be~~ is the duty of the officers holding and  
14 occupying such the offices, at the end of their terms of  
15 office, to deliver and transfer to their successor or  
16 successors all of the books, files, papers, documents, maps,  
17 plats, and records of such the offices.

18 (2) The officer or officers receiving the same shall  
19 make and deliver proper receipts therefor and shall  
20 thereafter:

21 (a) be the custodian or custodians of such the books,  
22 files, papers, documents, maps, plats, and records;

23 (b) perform all of the duties and acts imposed on such  
24 the consolidated offices as required of them by law; and

25 (c) make and execute, with full legal force and effect,

1 all certificates, official statements, official reports,  
2 affidavits, and other instruments required to be made by the  
3 laws of this state by either or any of the officers whose  
4 offices have been so consolidated.

5 (3) If the laws of this state or the rules,  
6 regulations, orders, or directions of any officer or  
7 department of the state ~~shall~~ require each of two offices  
8 which that are consolidated to keep duplicate or similar  
9 records, books, or accounts, after ~~such~~ the consolidation,  
10 ~~such~~ the consolidated office shall keep but one set of ~~such~~  
11 records, books, or accounts."

-End-

**SENATE** BILL NO. **221**

INTRODUCED BY

*Harding Hughes Connelly*  
*Naturey*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ELECTION FOR THE CONSOLIDATION OF COUNTY OFFICES; AND AMENDING SECTIONS 7-4-2301, 7-4-2302, 7-4-2305, 7-4-2309, 7-4-2310, AND 7-4-2311, MCA."

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**Section 1.** Section 7-4-2301, MCA, is amended to read:

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(1) Except as provided in subsection (2), ~~the board of county commissioners of any county may in its discretion consolidate~~ any two or more of the offices named in 7-4-2303 may be consolidated and combine the powers and the duties of the consolidated offices combined upon approval by the electorate of the county.

(2) The office of the justice of the peace may not be combined or consolidated with any other office other than another justice of the peace office."

**Section 2.** Section 7-4-2302, MCA, is amended to read:

"7-4-2302. Petition for consolidation of county offices. (1) ~~At any time not later than 45 days before the date on which declarations for nomination may first be filed for any county office,~~ a petition in writing may be filed

with the board of county commissioners of a county asking for the consolidation of any two or more of said offices by the board of such the county.

(2) The petition shall must be signed by not less than 15% of the registered electors of such the county."

**Section 3.** Section 7-4-2305, MCA, is amended to read:

"7-4-2305. Initiation of consolidation by county commissioners. ~~{}~~ The board or boards of county commissioners may initiate the consolidation of county offices under the procedure set forth in this part. Any board or boards desiring to consolidate any two or more offices or any two or more offices among several counties under the provisions of this part shall first pass a resolution stating the intent of the board or boards to consider consolidation.

~~{2}--Nothing---contained---herein---shall---be---deemed---as limiting---in---any---manner---the---discretion---of---the---county commissioners to consolidate the several offices without the filing of the petition provided for in this part."~~

**Section 4.** Section 7-4-2309, MCA, is amended to read:

"7-4-2309. Conduct of hearing -- decision. (1) At the time designated in said the notice, the county commissioners shall proceed to hear said the petition and the evidence for or against the same petition. Any registered elector of the county affected shall have has the right to appear and be



1 heard upon said the petition, subject, however, to the right  
2 of the county commissioners to limit cumulative testimony  
3 and to prevent the undue prolonging of said the hearing.

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14 expiration of the term of the offices to be consolidated."

15 **Section 5.** Section 7-4-2310, MCA, is amended to read:

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24 order calling for the election.

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7 counties affected, for a period of 2 successive weeks  
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9 **Section 6.** Section 7-4-2311, MCA, is amended to read:

10 "7-4-2311. Implementation of consolidation order. (1)  
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15 office, to deliver and transfer to their successor or  
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19 make and deliver proper receipts therefor and shall  
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21 (a) be the custodian or custodians of such the books,  
22 files, papers, documents, maps, plats, and records;

23 (b) perform all of the duties and acts imposed on such  
24 the consolidated offices as required of them by law; and

25 (c) make and execute, with full legal force and effect,

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1 all certificates, official statements, official reports,  
2 affidavits, and other instruments required to be made by the  
3 laws of this state by either or any of the officers whose  
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5 (3) If the laws of this state or the rules,  
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8 which that are consolidated to keep duplicate or similar  
9 records, books, or accounts, after ~~such~~ the consolidation,  
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11 records, books, or accounts."

-End-