

VOLUME NO. 41

OPINION NO. 80

CONSOLIDATION - Recommendation of local government study commissions to consolidate law enforcement services;
COUNTY GOVERNMENT - Recommendation of local government study commissions to consolidate law enforcement services;
LOCAL GOVERNMENT STUDY COMMISSIONS - Recommendation to consolidate services;
MUNICIPAL GOVERNMENT - Recommendation of local government study commissions to consolidate services;
MONTANA CODE ANNOTATED - Sections 7-3-171 to 7-3-193, 7-3-185, 7-3-187, 7-3-190.

HELD: A local government study commission's supplemental recommendation to consolidate services is submitted to the appropriate governing bodies rather than to the voters.

18 August 1986

Wm. Nels Swandal
Park County Attorney
Park County Courthouse
Livingston MT 59047

Dear Mr. Swandal:

You have asked my opinion on several questions concerning the operation of local government study commissions. Sections 7-3-171 to 193, MCA, provide the mechanism by which a local government study commission can recommend a change in government to be voted upon by the electorate.

Your first question concerns whether the local government study commissions of Park County and Livingston may recommend to the electorate a service consolidation of the Park County Sheriff's Department and the Livingston Police Department. Section 7-3-185, MCA, describes the scope of study commission recommendations. Study commissions may recommend a change in the form or structure of local government. §§ 7-3-185(1)(a) and (2)(a), MCA. Recommended changes in structure are to be set forth in a study commission's final report and placed on the ballot for voter approval or disapproval. § 7-3-187, MCA.

Local government study commissions may also recommend a service consolidation or transfer in cooperation with a study commission of another county or municipality. §§ 7-3-185(1)(b) and (2)(b), MCA. These recommendations, however, are not intended for submission to the voters. Rather, a recommendation to consolidate services is to be set forth in a study commission's supplemental report and "submitted to all appropriate governing bodies for reaction within 1 year." § 7-3-190, MCA.

Because the statutes do not contemplate voter approval for a study commission's "supplemental" recommendations, your remaining questions need not be addressed.

THEREFORE, IT IS MY OPINION:

A local government study commission's supplemental recommendation to consolidate services is submitted to the appropriate governing bodies rather than to the voters.

Very truly yours,

MIKE GREELY
Attorney General