

1 *House* BILL NO. *177* *William*
 2 INTRODUCED BY *State* *Richard* *David* *Fager*
 3 *Kindell* *BeDome* **LOCKREM** *Mark* *Sent* *Day* *Bradley*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO FURTHER IMPLEMENT *Hoyer*
 5 ARTICLE XI, SECTIONS 3, 5, 6, AND 9 OF THE 1972 MONTANA *Holmes*
 6 CONSTITUTION BY PROVIDING PROCEDURES BY WHICH LOCAL
 7 GOVERNMENT STUDY COMMISSIONS MAY FORMULATE RECOMMENDATIONS
 8 AND SUBMIT RECOMMENDATIONS TO THE VOTERS; PROVIDING FOR AN
 9 IMMEDIATE EFFECTIVE DATE; PROVIDING A TERMINATION DATE; AND
 10 AMENDING SECTIONS 16-5102, 16-5105, AND 16-5113, R.C.M.
 11 1947."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 16-5102, R.C.M. 1947, is amended to
15 read as follows:

16 "16-5102. Definitions. As used in this act:

- 17 (1) "Study commission" means a local government study
- 18 commission established pursuant to this act.
- 19 (2) "Unit of local government" means a county,
- 20 incorporated city or incorporated town.
- 21 (3) "Study commissioners" means the elected or
- 22 appointed members of the local government study commissions.
- 23 (4) "Structure" means the entire governmental
- 24 organization through which a local government unit carries
- 25 out its duties, functions and responsibilities.

1 (5) "Form" means a specific and formal governmental
2 organization authorized as an ~~optional~~ alternative form of
3 government by ~~law or a specific and formal governmental~~
4 ~~organization provided in a charter~~ Title 47A, Part 3,
5 chapter 2.

6 (6) "Charter" means a written document defining the
7 powers, structure, privileges, rights, and duties of the
8 government and limitations thereon.

9 (7) "Merger" means the joinder of the corporate
10 existence and government of two or more cities and/or towns.

11 (8) "Consolidation" means a form of local government
12 that provides for the joinder of the corporate existence and
13 government of a county and one or more of the cities and/or
14 towns which are located within the county.

15 (9) "Confederation" means a form of local government
16 that provides for the distribution of the governmental
17 authority between a county and one or more of the cities
18 and/or towns which are located within the county.

19 (10) "County consolidation" means a form of local
20 government that provides for the joinder of the corporate
21 existence and government of two or more counties.

22 (11) "Plan of government" means a certificate prepared
23 by a study commission from the provisions of Title 47A, Part
24 3, chapter 2, that documents the basic form of government
25 selected by the study commission including all applicable

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1 suboptions. The plan must establish the terms of all
 2 offices and the number of commissioners, if any, to be
 3 elected.

4 (12) "Apportionment plan" means a certificate prepared
 5 by a study commission that contains the proposed
 6 commissioner districts for a new plan of government.

7 (13) "Consolidation plan" means a certificate prepared
 8 by a study commission that contains the plans for
 9 consolidation of existing units of local government.

10 (14) "Plan for consolidation or transfer of services"
 11 means a certificate prepared by cooperating study
 12 commissions that contains the plans for consolidation or
 13 transfer of services or functions between or among cities,
 14 towns, and counties.

15 (15) "Local government code" means a revision and
 16 reorganization of the body of law dealing with the
 17 organization and operation of local government to be
 18 presented to the 1975 and 1977 legislatures."

19 Section 2. Section 16-5105, R.C.M. 1947, is amended to
 20 read as follows:

21 "16-5105. Power of the study commission. The study
 22 commission ~~shall have the power to~~ may review the structure
 23 and power of each unit of local government represented on
 24 the study commission and shall submit one (1) alternative
 25 form of government to the qualified electors of each unit of

1 government or combination of units of government. The study
 2 commission may submit an optional or alternative form of
 3 government provided by law or may draft a self-government
 4 charter, ~~however, no such optional or alternative form or~~
 5 ~~charter shall be submitted to the qualified electors until a~~
 6 ~~specific procedure for such submission by the study~~
 7 ~~commission is provided by subsequent law."~~

8 Section 3. Section 16-5113, R.C.M. 1947, is amended to
 9 read as follows:

10 "16-5113. Finances. (1) The governing body of each
 11 local government unit shall prepare a budget to cover the
 12 expenses of the study commission for the period it is in
 13 operation during fiscal year 1975.

14 (2) The study commission shall prepare a budget for
 15 fiscal year 1976 and a budget for fiscal year 1977 and
 16 submit them to the local government unit's governing body
 17 for approval.

18 (3) Each local government unit shall accept and
 19 transfer to its study commission all funds appropriated from
 20 the state general fund for the support of the study
 21 commission.

22 (4) Each local government unit shall supplement the
 23 state funds available in fiscal years 1975, 1976, and 1977
 24 by appropriating funds, providing in-kind services, or a
 25 combination of both, in a total amount not less than the

1 available state money for each fiscal year. ~~For--that~~
 2 ~~purpose,--each--local--government--unit--may--assess--and--levy,~~
 3 Each unit of local government may finance the operation of
 4 local study commissions, printing and distribution of the
 5 tentative and final report, and the election on the
 6 alternative form of local government from the general fund
 7 or each local government unit may assess and levy, in
 8 addition to all other levies permitted by law, a special tax
 9 on each dollar of taxable valuation of the taxable property
 10 of the unit of local government. This tax may be levied in
 11 each of the fiscal years 1975, 1976, and 1977 and may be
 12 levied by a municipality in addition to the all-purpose levy
 13 provided in sections 84-4701.1, 84-4701.2, 84-4701.3,
 14 84-4701.4, and 84-4701.5, R.C.M. 1947.

15 (5) All moneys received by the study commission shall
 16 be deposited with the county or municipal treasurer. The
 17 treasurer is authorized to disburse budgeted funds of the
 18 study commission on its order. Unexpended funds of the study
 19 commission shall not revert to the general fund of the local
 20 government unit at the end of the fiscal year but shall
 21 carry over to the study commission's budget for the
 22 following fiscal year. Upon termination of the study
 23 commission, unexpended funds shall revert to the general
 24 fund of the local government unit.

25 (6) The expense of printing, mailing, and publication

1 of the tentative and final report shall be appropriated to
 2 the study commission by the board of county commissioners
 3 for county study commissions and by the city or town council
 4 for city and town study commissions. The cost of printing
 5 and postage shall not be used to match the state grant to
 6 local study commissions."

7 Section 4. There is a new R.C.M. section numbered
 8 16-5115.1 that reads as follows:

9 16-5115.1. Existing forms of local government. (1)
 10 For the purpose of determining the statutory basis of
 11 existing units of local government under this act, each unit
 12 of local government organized under the general statutes
 13 authorizing the municipal mayor-council form of government
 14 which does not adopt a new form shall be governed after May
 15 2, 1977 by the following sections of section 47A-3-203:

- 16 (1)
- 17 (2)
- 18 (3) (a) (ii)
- 19 (3) (b) (iii)
- 20 (3) (c) (ii)
- 21 (3) (d) (ii)
- 22 (3) (e) (ii)
- 23 (3) (f) (i)
- 24 (3) (g) (ii)
- 25 (3) (h) (i)

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- 1 (3)(i)(i)
- 2 (3)(j)(iii)
- 3 (3)(k)(ii)
- 4 (3)(l)(ii)
- 5 (4)(a)

6 This form has terms of four (4) years for all elected
 7 officials. The size of the commission shall be established
 8 by ordinance, but it may not exceed twenty (20) members.

9 (2) For the purpose of determining the statutory basis
 10 of existing units of local government after May 2, 1977 when
 11 the new local government code will become effective, each
 12 unit of local government organized under the general
 13 statutes authorizing the municipal commission-manager form
 14 of government shall be governed by the following sections of
 15 section 47A-3-204:

- 16 (1)
- 17 (2)
- 18 (3)
- 19 (4)
- 20 (5)
- 21 (6)(a)(iii)
- 22 (6)(b)(i)
- 23 (6)(c)(ii)
- 24 (6)(d)(ii)
- 25 (6)(e)(ii)

- 1 (6)(f)(ii)
- 2 (6)(g)
- 3 (7)(a)

4 This form has terms of four (4) years for all elected
 5 officials. The size of the commission shall be established
 6 by ordinance, but it may not exceed five (5) members.

7 (3) For the purpose of determining the statutory basis
 8 of existing units of local government after May 2, 1977 when
 9 the new local government code will become effective, each
 10 unit of local government organized under the general
 11 statutes authorizing the elected county official form of
 12 government shall be governed by the following sections of
 13 section 47A-3-205:

- 14 (1)
- 15 (2)(a)(iii)
- 16 (2)(b)(i)
- 17 (2)(c)(i)
- 18 (2)(d)(ii)
- 19 (2)(e)(ii)
- 20 (2)(f)(ii)
- 21 (2)(g)
- 22 (3)(a)(i)
- 23 (3)(b)(i)
- 24 (3)(c)(i)
- 25 (3)(d)(i)

1 (3) (e) (i)

2 (3) (f) (i)

3 (3) (n) (i)

4 (3) (i) (i)

5 (3) (j) (i)

6 (3) (k) (i)

7 (4)

8 This form has terms of four (4) years for all elected
9 officials except commissioners who are elected to six (6)
10 year terms. The commission consists of three (3) members.

11 (4) For the purpose of determining the statutory basis
12 of existing units of local government after May 2, 1977 when
13 the local government code will become effective, each unit
14 of local government organized under the general statutes
15 authorizing the county manager form of government shall be
16 governed by the following sections of section 47A-3-204:

17 (1)

18 (2)

19 (3)

20 (4)

21 (5)

22 (6) (a) (ii)

23 (6) (b) (i) or (ii)

24 (6) (c) (ii)

25 (6) (d) (i)

1 (6) (e) (ii)

2 (6) (f) (ii)

3 (6) (g)

4 Commissioners are elected to six (6) year terms. The
5 size of the commission shall be established by ordinance,
6 but it may not exceed five (5) members.

7 Section 5. There is a new R.C.M. section numbered
8 16-5115.2 that reads as follows:

9 16-5115.2. Alternative forms of government. A study
10 commission shall submit to the qualified electors an
11 alternative form of local government authorized by Title
12 47A, Part 3, chapter 2.

13 Section 6. There is a new R.C.M. section numbered
14 16-5115.3 that reads as follows:

15 16-5115.3. Consolidation. (1) A county and a city or
16 town within the county may unite to form a single unit of
17 local government under the provisions of this section.

18 (2) An alternative form of government, including a
19 charter form, for a consolidated unit of government may be
20 submitted to the voters only by those study commissions that
21 have cooperated under section 16-5106. A majority vote by
22 each of the affected study commissions is required for the
23 submission of an alternative form of government for a
24 consolidated unit of local government. The affected study
25 commissions submitting a consolidated form shall issue a

1 single joint report and proposal.

2 (3) An alternative form of government for a
3 consolidated unit of local government does not need to
4 include more than one municipality. A municipality may not
5 be included unless the local government study commission of
6 that municipality participates in the cooperative study and
7 unless its study commission, by a majority vote, approves
8 the proposed alternative plan for the consolidated
9 government.

10 (4) Study commissions proposing consolidation shall
11 prepare, adopt, and submit to the voters a consolidation
12 plan, in addition to the alternative form of government. If
13 the commission proposes a charter, the plan may be included
14 in the charter.

15 The consolidation plan shall:

16 (a) Provide for adjustment of existing bonded
17 indebtedness and other obligations in a manner which will
18 provide for a fair and equitable burden of taxation for debt
19 service.

20 (b) Provide for establishment of service areas.

21 (c) Provide for the transfer or other disposition of
22 property and other rights, claims, assets, and franchises of
23 local governments consolidated under the alternative form.

24 (d) Provide the official name of the consolidated unit
25 of local government.

1 (e) Provide for the transfer, reorganization,
2 abolition, absorption, adjustment of boundaries and may
3 provide a method for adjusting the boundaries of all
4 existing boards, bureaus, commissions, agencies, special
5 districts, and political subdivisions of the consolidated
6 governments. Or the plan may grant the legislative body of
7 the consolidated government the authority to transfer,
8 reorganize, adjust boundaries, abolish, or absorb, and
9 provide a method for adjusting the boundaries of such
10 entities with or without referendum requirements. This
11 section shall not apply to excluded municipalities, school
12 districts, conservancy districts, drainage districts,
13 irrigation districts, soil and water conservation districts,
14 or livestock districts.

15 (f) Include other provisions which the study
16 commission elects to include and which are consistent with
17 state law.

18 (5) On its effective date, the alternative form of
19 government and consolidation plan operate to dissolve all
20 local governments within the area of consolidation in
21 accordance with their provisions. On the effective date the
22 separate corporate existence of the county and of each
23 participating city and/or town shall be consolidated and
24 merged into one local government unit under the name
25 selected, designated, and adopted as provided in this

1 chapter, and the consolidated local government shall
 2 thereupon succeed to, possess, and own all of the property
 3 and assets of every kind and description and shall, except
 4 as otherwise provided, become responsible for all of the
 5 obligations and liabilities of the county, cities, and towns
 6 so consolidated and merged. As a political subdivision of
 7 the state, such consolidated unit of local government shall
 8 have the status of a county and an incorporated municipality
 9 for all purposes and shall replace and be the successor of
 10 the county and any city or town.

11 (6) A consolidated local government shall have and may
 12 exercise all powers that are now, or hereafter may be,
 13 conferred on counties, cities, or towns by the constitution
 14 and laws of the state. The consolidated local government
 15 may levy all taxes which counties, cities, and towns are
 16 authorized to levy.

17 (7) Within two years after ratification of the
 18 consolidation, the governing body of the consolidated unit
 19 of local government shall revise, repeal, or reaffirm all
 20 rules, ordinances, and resolutions in force within the
 21 participating county, cities, and towns at the time of
 22 consolidation. Each rule, ordinance, or resolution, in
 23 force at the time of consolidation, shall remain in force
 24 within the former geographic jurisdiction until superseded
 25 by action of the new governing body. Ordinances and

1 resolutions relating to public improvements to be paid for
 2 in whole or in part by special assessments, may not be
 3 repealed.

4 (8) All provisions of law authorizing contributions of
 5 any kind, in money or otherwise, from the state or federal
 6 government to counties and cities shall remain in full force
 7 with respect to a consolidated local government.

8 Section 7. There is a new R.C.M. section numbered
 9 16-5115.4 that reads as follows:

10 16-5115.4. Confederation. (1) A county and any city
 11 or town within the county may unite to form a confederated
 12 unit of local government under the provisions of this
 13 section.

14 (2) A confederated form of local government may be
 15 created only by charter. A charter for a confederated form
 16 of local government may be submitted to the voters only by
 17 those study commissions that have cooperated under section
 18 16-5106. A majority vote by each of the affected study
 19 commissions is required for the submission of a charter for
 20 a confederated form of government. The affected study
 21 commissions submitting a charter for a confederated unit of
 22 local government shall issue a single joint report and
 23 proposal.

24 (3) A charter for a confederated form of government
 25 does not need to include more than one municipality. A

1 municipality may not be included unless the local government
 2 study commission of that municipality participates in the
 3 cooperative study and unless its study commission, by a
 4 majority vote, approves the proposed alternative plan for
 5 the confederated government.

6 (4) In addition to all other requirements, a charter
 7 for a confederated form of government shall:

8 (a) Provide for a confederated system of county, city,
 9 and town governments.

10 (b) Authorize the comprehensive and simultaneous
 11 transfer of services to a system in which the county
 12 provides county-wide and area-wide services and cities and
 13 towns provide local services.

14 (c) Permit future transfer of responsibility for
 15 provision of services.

16 (d) Establish a separate legislative body and chief
 17 administrative office for the county and each participating
 18 city or town in the confederated unit of local government.

19 (e) Provide for adjustment of existing bonded
 20 indebtedness and other obligations in a manner which will
 21 provide for a fair and equitable burden of taxation for debt
 22 service.

23 (f) Provide for establishment of service areas.

24 (g) Provide for the transfer or other disposition of
 25 property and other rights, claims, assets, and franchises of

1 local governments confederated under the charter.

2 (h) Provide the official name of the confederated unit
 3 of local government.

4 (i) Provide for the transfer, reorganization,
 5 abolition, absorption, or adjustment of boundaries, and may
 6 provide a method for adjusting the boundaries of all
 7 existing boards, bureaus, commissions, agencies, special
 8 districts, and political subdivisions of the confederated
 9 governments. Or the plan may provide for adjusting the
 10 boundaries of and may provide a method for adjusting the
 11 boundaries of the participating incorporated municipalities.
 12 Or the plan may grant the legislative bodies of the
 13 confederated government the authority to transfer,
 14 reorganize, adjust the boundaries of, absorb, or abolish,
 15 and provide a method for adjusting the boundaries of such
 16 entities with or without referendum requirements. This
 17 section shall not apply to excluded municipalities, school
 18 districts, conservancy districts, drainage districts,
 19 irrigation districts, soil and water conservation districts,
 20 or livestock districts.

21 (j) Include other provisions which the study
 22 commission elects to include and which are consistent with
 23 state law.

24 (5) On the effective date of the charter there shall
 25 be created a confederated unit of local government under the

1 (6) On the effective date of the charter, the charter
2 of the confederated form of local government operates to
3 consolidate and merge the corporate existence of the
4 participating units to the extent provided by the charter.

5 (7) As provided in the charter, the property, assets,
6 obligations, and liabilities of the confederated county,
7 cities, or towns shall be assumed on the effective date of
8 the charter by the parts of the new confederated unit of
9 local government.

10 (8) As a political subdivision of the state, such
11 confederated local government shall have the status of a
12 county and an incorporated municipality for all purposes and
13 shall replace and be the successor of the county and any
14 city or town.

15 (9) A confederated local government shall have and may
16 exercise all powers that are now, or hereafter may be,
17 conferred on counties, cities, or towns by the constitution
18 and laws of the state. The confederated local government
19 may levy all taxes which counties, cities, and towns are
20 authorized to levy.

21 (10) Within two (2) years after ratification of the
22 confederation, the governing bodies of the confederated unit
23 of local government shall revise, repeal, or reaffirm all
24 rules, ordinances, and resolutions in force within the
25 participating county, cities, and towns at the time of

1 confederation. Each rule, regulation, ordinance, or
2 resolution, in force at the time of confederation shall
3 remain in force within the former geographic jurisdiction
4 until superseded by action of the new governing body.
5 Ordinances and resolutions relating to public improvements
6 to be paid for in whole or in part by special assessments
7 may not be repealed.

8 (11) All provisions of law authorizing contributions of
9 any kind, in money or otherwise, from the state or federal
10 government to counties and cities shall remain in full force
11 with respect to a confederated local government.

12 Section 8. There is a new R.C.M. section numbered
13 16-5115.5 that reads as follows:

14 16-5115.5. County consolidation. (1) Two or more
15 contiguous counties may unite to form a single unit of local
16 government under the provisions of this section.

17 (2) An alternative form of government, including a
18 charter form, for consolidated counties may be submitted to
19 the voters only by county study commissions that have
20 cooperated under section 16-5106. A majority vote by each
21 of the affected study commissions is required for the
22 submission of an alternative form of government for a
23 consolidated county unit of local government. The affected
24 county study commissions submitting a consolidated form
25 shall issue a single joint report and proposal.

1 (3) Study commissions proposing county-county
 2 consolidation shall prepare, adopt, and submit to the voters
 3 a consolidation plan, in addition to the alternative form of
 4 government. If the study commissions propose a charter, the
 5 plan may be included in the charter.

6 The consolidation plan shall:

7 (a) Provide for adjustment of existing bonded
 8 indebtedness and other obligations in a manner which will
 9 provide for a fair and equitable burden of taxation for debt
 10 service.

11 (b) Provide for establishment of service areas.

12 (c) Provide for the transfer or other disposition of
 13 property and other rights, claims, assets, and franchises of
 14 local governments consolidated under the alternative form.

15 (d) Provide the official name of the consolidated unit
 16 of local government.

17 (e) Provide for the transfer, reorganization,
 18 abolition, absorption, adjustment of boundaries and may
 19 provide a method for adjusting the boundaries of all
 20 existing boards, bureaus, commissions, agencies, special
 21 districts, and political subdivisions of the consolidated
 22 governments. Or the plan may grant the legislative body of
 23 the consolidated government the authority to transfer,
 24 reorganize, adjust boundaries, abolish or absorb, and
 25 provide a method for adjusting the boundaries of such

1 entities with or without referendum requirements. This
 2 section shall not apply to excluded municipalities, school
 3 districts, conservancy districts, drainage districts,
 4 irrigation districts, soil and water conservation districts,
 5 or livestock districts.

6 (f) Include other provisions which the study
 7 commissions elect to include and which are consistent with
 8 state law.

9 (4) On their effective date, the alternative form of
 10 government and consolidation plan operate to dissolve the
 11 county governments within the area of consolidation in
 12 accordance with their provisions. On the effective date the
 13 separate corporate existence of the affected counties shall
 14 be consolidated and merged into one local government unit
 15 under the name selected, designated, and adopted as provided
 16 in this section, and such consolidated local government
 17 shall thereupon succeed to, possess, and own all of the
 18 property and assets of every kind and description and shall,
 19 except as otherwise provided, become responsible for all of
 20 the obligations and liabilities of the counties so
 21 consolidated. As a political subdivision of the state, such
 22 consolidated unit of local government shall have the status
 23 of a county, and shall replace and be the successor of the
 24 affected counties.

25 (5) A county-county consolidated local government

1 shall have and may exercise all powers that are now, or
2 hereafter may be, conferred on counties, by the constitution
3 and laws of the state. The consolidated local government
4 may levy all taxes which counties are authorized to levy.

5 (6) Within two years after ratification of the
6 consolidation, the governing body of the consolidated unit
7 of local government shall revise, repeal, or reaffirm all
8 rules, ordinances, and resolutions in force within the
9 participating counties at the time of consolidation. Each
10 rule, ordinance, or resolution, in force at the time of
11 consolidation shall remain in force within the former
12 geographic jurisdiction until superseded by action of the
13 new governing body. Ordinances and resolutions relating to
14 public improvements to be paid for in whole or in part by
15 special assessments, may not be repealed.

16 (7) All provisions of law authorizing contributions of
17 any kind, in money or otherwise, from the state or federal
18 government to counties shall remain in full force with
19 respect to a consolidated local government.

20 Section 9. There is a new R.C.M. section numbered
21 16-5115.6 that reads as follows:

22 16-5115.6. County consolidation including
23 municipalities. (1) Two or more contiguous counties and
24 any city or town of the counties may unite to form a single
25 unit of local government under the provisions of this

1 section.

2 (2) An alternative form of government, including a
3 charter form, for consolidated counties may be submitted to
4 the voters only by county study commissions that have
5 cooperated under section 16-5106. A majority vote by each
6 of the affected study commissions is required for the
7 submission of an alternative form of government for a
8 consolidated county unit of local government. The affected
9 county study commissions submitting a consolidated form
10 shall issue a single joint report and proposal.

11 (3) An alternative form of government for a
12 consolidated county unit of local government may not include
13 any city or town unless the local study commission of that
14 city or town participates in the cooperative study and
15 unless its study commission, by a majority vote, approves
16 the proposed alternative plan for the consolidated
17 government.

18 (4) Study commissions proposing county-county
19 consolidation that includes a city or town shall prepare,
20 adopt, and submit to the voters a consolidation plan, in
21 addition to the alternative form of government. If the
22 study commissions propose a charter, the plan may be
23 included in the charter.

24 The consolidation plan shall:

25 (a) Provide for adjustment of existing bonded

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1 indebtedness and other obligations in a manner which will
2 provide for a fair and equitable burden of taxation for debt
3 service.

4 (b) Provide for establishment of service areas.

5 (c) Provide for the transfer or other disposition of
6 property and other rights, claims, assets and franchises of
7 local governments consolidated under the alternative form.

8 (d) Provide the official name of the consolidated unit
9 of local government.

10 (e) Provide for the transfer, reorganization,
11 abolition, absorption, adjustment of boundaries and may
12 provide a method for adjusting the boundaries of all
13 existing boards, bureaus, commissions, agencies, special
14 districts, and political subdivisions of the consolidated
15 governments. Or the plan may grant the legislative body of
16 the consolidated government the authority to transfer,
17 reorganize, adjust boundaries, abolish or absorb, and
18 provide a method for adjusting the boundaries of such
19 entities with or without referendum requirements. This
20 section shall not apply to municipalities, school districts,
21 conservancy districts, drainage districts, irrigation
22 districts, soil and water conservation districts, or
23 livestock districts.

24 (f) Include other provisions which the study
25 commissions elect to include and which are consistent with

1 state law.

2 (5) On their effective date, the alternative form of
3 government and consolidation plan operate to dissolve all
4 local governments within the area of consolidation in
5 accordance with their provisions. On the effective date the
6 separate corporate existence of the affected counties and a
7 participating city or town shall be consolidated and merged
8 into one local government unit under the name selected,
9 designated, and adopted as provided in this section, and
10 such consolidated local government shall thereupon succeed
11 to, possess, and own all of the property and assets of every
12 kind and description and shall, except as herein otherwise
13 provided, become responsible for all of the obligations and
14 liabilities of the counties and cities and towns if any, so
15 consolidated and merged. As a political subdivision of the
16 state, such consolidated unit of local government shall have
17 the status of a county and an incorporated municipality, if
18 any city or town is included, for all purposes and shall
19 replace and be the successor of the affected counties and of
20 the affected cities and towns, if any.

21 (6) A county-county consolidation that includes a city
22 or town shall have and may exercise all powers that are now,
23 or hereafter may be, conferred on counties or cities and
24 towns by the constitution and laws of the state. The
25 consolidated local government may levy all taxes which

1 counties or cities and towns are authorized to levy.

2 (7) Within two years after ratification of the
3 consolidation, the governing body of the consolidated unit
4 of local government shall revise, repeal, or reaffirm all
5 rules, ordinances, and resolutions in force within the
6 participating counties and cities and towns at the time of
7 consolidation. Each rule, ordinance, or resolution, in
8 force at the time of consolidation shall remain in force
9 within the former geographic jurisdiction until superseded
10 by action of the new governing body. Ordinances and
11 resolutions relating to public improvements to be paid for
12 in whole or in part by special assessments, may not be
13 repealed.

14 (8) All provisions of law authorizing contributions of
15 any kind, in money or otherwise, from the state or federal
16 government to counties and cities shall remain in full force
17 with respect to a consolidated local government.

18 Section 10. There is a new R.C.M. section numbered
19 16-5115.7 that reads as follows:

20 16-5115.7. Service consolidation or transfer. (1)
21 Cooperating study commissions may submit in addition to any
22 plan of government submitted to the qualified electors,
23 separate ballot questions on the consolidation or transfer
24 of services and functions between or among cities, towns,
25 and counties.

1 (2) The cooperating study commissions may prepare a
2 "joint report on services to be consolidated or
3 transferred". The report shall include a certificate
4 containing a "plan for [insert consolidation or transfer] of
5 [insert name of service or function] services" signed by a
6 majority of the members elected or appointed to each
7 commission. The report shall contain a separate plan for
8 each service or function consolidated or transferred.

9 (3) The plan shall provide:

10 (a) The nature of service or function transferred or
11 consolidated;

12 (b) The effective date of such transfer or
13 consolidation;

14 (c) The manner in which affected employees engaged in
15 the performance of the function will be transferred,
16 reassigned or otherwise treated;

17 (d) The manner in which real property, facilities,
18 equipment, or other personal property required in the
19 exercise of the function are to be transferred, sold, or
20 otherwise disposed of;

21 (e) The method of financing, establishing, and
22 maintaining a budget for the service; and

23 (f) Other legal, financial, and administrative
24 arrangements necessary to effect the transfer in an orderly
25 and equitable manner.

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1 (4) The plan may include provisions for an
2 administrator or a joint board responsible for administering
3 any joint or cooperative undertaking.

4 (5) (a) The "joint report on services to be
5 consolidated or transferred" shall be published and
6 distributed to qualified electors and the election conducted
7 as provided in sections 16-5119 and 16-5120.

8 (b) Each plan for consolidation or transfer of
9 functions shall be listed separately on the ballot. The
10 following form shall be used for each separate plan:

11 "Shall the plan for [insert consolidation or transfer]
12 of [insert name of service or function] services
13 proposed in the reports of the [insert the names of
14 local government units] local government study
15 commissions be adopted?

Yes.

16 No."

17 (c) The affirmative vote of a simple majority of those
18 voting on the question shall be required for adoption of any
19 plan for consolidation or transfer of services.

20 (d) The plan for consolidation or transfer of service
21 shall take effect as provided in the plan and the
22 legislative body of a local government may enact and enforce
23 ordinances to bring about an orderly transition to the new

1 plan for consolidation or transfer of services.

2 (6) A plan for consolidation and/or transfer of
3 services and functions adopted by the voters may be amended
4 or terminated only by a referendum approved by a majority of
5 electors voting on the question.

6 Section 11. There is a new R.C.M. section numbered
7 16-5115.8 that reads as follows:

8 16-5115.8. Disincorporation. (1) A city or town
9 study commission may submit a proposal for disincorporation
10 to the qualified electors of the city or town. The
11 opportunity of the qualified electors to vote on the
12 proposal for disincorporation shall be construed as an
13 opportunity to vote on an alternative form of government in
14 accordance with Article XI, section 9, of the Montana
15 constitution.

16 (2) The final report of the study commission shall
17 describe the advantages and disadvantages of
18 disincorporation and shall meet the requirements for a final
19 study commission report established in section 16-5118,
20 except it shall contain a certificate authorizing
21 disincorporation rather than a proposed "plan of
22 government".

23 (3) A question of disincorporation proposed by a study
24 commission shall be submitted to the qualified electors in
25 the following form:

1 apportionment" of commissioner districts if districts are
2 contained in the "plan of government".

3 (v) A certificate establishing the date of the
4 special or general election at which the alternative form of
5 government shall be presented to the qualified electors and
6 a certificate establishing the form of the ballot question
7 or questions.

8 (b) The report shall contain a comparison of the
9 existing form and proposed form of local government, may
10 contain a statement on the strengths and weaknesses of the
11 existing and proposed form of local government, and may
12 contain information that supports the adoption of the
13 proposed form and information that supports retention of the
14 present form.

15 (c) The report may contain any minority report signed
16 by members of the commission who do not support the majority
17 proposal.

18 (4) Prepare or cause to be prepared sufficient copies
19 of its final report, including the full text of the proposed
20 form, any apportionment plan and the commission
21 recommendation, and mail one (1) copy, postpaid, to each
22 qualified elector of the local government unit or units
23 affected; the new report must be distributed to the
24 qualified electors not later than thirty (30) days prior to
25 the election on the issue of adopting the alternative form.

1 (5) Publish for two (2) successive weeks in a
2 newspaper of general circulation throughout the local
3 government unit or units affected, a summary of its proposed
4 plan of government, together with the address of a
5 convenient public place where the text of its proposal may
6 be obtained. The summary shall include a comparison of the
7 existing and proposed plans of government. The expenses of
8 printing, mailing, and publication shall be budgeted by the
9 local government study commission.

10 (6) File four (4) copies of the final report of the
11 commission with the state commission on local government.

12 (7) Have the power to prepare separate reports in
13 addition to its final report. These reports may recommend
14 consolidation of services and functions and potential areas
15 for interlocal agreements. The study commission may submit
16 recommendations to the state commission on local government
17 on revision of state laws governing local governments.

18 Section 13. There is a new R.C.M. section numbered
19 16-5115.10 that reads as follows:

20 16-5115.10. Vote on alternative form. (1) The study
21 commission shall authorize the submission of the alternative
22 form of government to the voters at a special election held
23 in 1976 on or before November 2, 1976. The special election
24 may be held with the school, primary, general, or other
25 election.

1 (2) A copy of the final report shall be certified by
2 the study commission to the city, town, or county clerk by
3 August 1, 1976. The clerk shall prepare and print notices
4 of the special election.

5 (3) Elections on the issue of adoption of a proposed
6 form of government by a local government unit shall be
7 conducted, returned, and canvassed and the result declared
8 in the same manner as provided by law in respect to
9 initiatives and referendums. The cost of the election shall
10 be budgeted by the local government unit. The affirmative
11 vote of a simple majority of those voting on the question
12 shall be required for adoption.

13 (4) In any election involving the question of
14 consolidation, such question shall be submitted to the
15 qualified voters in the county and shall require an
16 affirmative vote of a simple majority of the votes cast in
17 the county on the question for adoption. There shall be no
18 requirement for separate majorities in units of local
19 government voting on consolidation.

20 (5) In any election involving the question of
21 county-county consolidation or county-county-city
22 consolidation, such question shall be submitted to the
23 qualified electors in the counties affected and shall
24 require a simple majority of the votes cast on the question
25 in each affected county for adoption.

1 (6) The question of adopting the form of government
2 proposed by the study commission shall be submitted to the
3 qualified electors in substantially the following form:

4 (a) When only one unit of local government is affected
5 by the proposed form:

6 "Vote for one:

For adoption of the (self-government charter or
form of government) proposed in the report of the
(insert name of local government unit) local
government study commission.

7 For retention of the existing form of government."

8 (b) When more than one unit is affected by the
9 proposed form:

10 "Vote for one:

For adoption of the (self-government charter or
form of government) proposed in the report of the
(insert names of local government units) local
government study commissions to ("consolidate" or
"confederate") the corporate and governmental
existence of the following units of local
government (insert names of local government
units).

11 For retention of the existing form of government."

12 (c) The whole number ballots shall be divided into two

13 (2) equal sets. No more than one (1) set shall be used in
14 printing the ballot for use in any one (1) precinct and all
15 ballots furnished for use in one precinct shall be
16 identical. The existing form of government shall be printed

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1 as the first item and proposed form as second item on half
2 of the ballots and the proposed form as the first item and
3 the existing form as the second item on half of the ballots.

4 (7) A proposed alternative form shall be submitted to
5 the voters as a single question, except suboptions within
6 alternative forms of local government authorized by Title
7 47A, Part 3, chapter 2, and suboptions authorized in a
8 charter may be submitted to the qualified electors as
9 separate questions. No study commission may submit more
10 than three (3) separate suboptions and no suboption shall
11 contain more than two (2) alternatives. If a suboption is
12 submitted to the voters, only the ballot alternatives within
13 that suboption receiving the highest number of affirmative
14 votes shall be approved and included in the alternative form
15 of government. The question of adopting a suboption shall
16 be submitted to the qualified electors in substantially the
17 following form:

18 "Vote for one:

19 A legal officer (who may be called the "county
20 attorney"):

Shall be elected for a term of four years.

Shall be appointed for a term of four years by the
22 chairman of the local government commission."

23 Section 14. There is a new R.C.M. section numbered
24 16-5115.11 that reads as follows:

1 16-5115.11. General transition. (1) If the electors
2 disapprove the proposed new form of local government, the
3 local government shall retain its existing form as specified
4 in section 16-5115 and the report of the commission.

5 (2)(a) A new alternative form of local government
6 and/or consolidation plan approved by the voters, shall take
7 effect on May 2, 1977, except as otherwise provided in this
8 act and any charter or consolidation plan.

9 (b) Provisions creating offices and establishing
10 qualifications for office and any apportionment plan shall
11 become effective December 1, 1976 for the purpose of
12 electing officials.

13 (3)(a) A copy of the existing or proposed "plan of
14 government" ratified by the voters and any "apportionment
15 plan" or "consolidation plan" shall be certified by the
16 chairman of the study commission and filed by the study
17 commission by December 1, 1976 with each of the following
18 authorities: secretary of state; attorney general;
19 department of intergovernmental relations; state commission
20 on local government; clerk of the city, town, or county; and
21 clerk of the district court.

22 (b) The approved plan filed with the secretary of
23 state shall be the official plan and shall be a public
24 record open to inspection of the public and judicially
25 noticeable by all courts.

1 (4) All ordinances in effect at the time the new form
 2 of government becomes effective shall continue in effect
 3 until repealed or amended in the manner provided by law.
 4 Consolidated governments are governed by the provisions of
 5 section 16-5116.

6 (5) The adoption of a new form of government shall not
 7 affect the validity of any bond, debt, contract, obligation,
 8 or cause of action accrued or established under the prior
 9 form of government.

10 (6) If the proposed new form of local government is
 11 adopted the study commission shall prepare an advisory plan
 12 for orderly transition to a new form of local government.
 13 The transition plan may propose necessary ordinances, plans
 14 for consolidation of services and functions, and a plan for
 15 reorganizing boards, bureaus, departments, and agencies.

16 (7) The legislative body of a local government may
 17 enact and enforce ordinances to bring about an orderly
 18 transition to the new plan of government, including
 19 transfers of powers, records, documents, properties, assets,
 20 funds, liabilities, or personnel which are consistent with
 21 the approved plan and necessary or convenient to place it
 22 into full effect. Where any question arises concerning the
 23 transition which is not provided for herein, the legislative
 24 body may provide for such transition by ordinance, rule, or
 25 resolution not inconsistent with this act.

1 Section 15. There is a new R.C.M. section numbered
 2 16-5115.12 that reads as follows:

3 16-5115.12. Transition -- officers and employees. (1)
 4 The members of the board of county commissioners or the
 5 members of the council or commission of a city or town,
 6 holding office on the date a new alternative form of
 7 government is adopted by the qualified electors of the local
 8 government unit, shall continue in office and in the
 9 performance of their duties until the commission authorized
 10 by the new alternative forms has been elected and qualified,
 11 whereupon the prior commission or council shall be
 12 abolished.

13 (2) All other employees holding offices or positions,
 14 whether elective or appointive, under the government of such
 15 county, city, or town on May 2, 1977, shall continue in the
 16 performance of the duties of their respective offices and
 17 positions until provision is made for the performance or
 18 discontinuance of such duties, or the discontinuance of such
 19 offices or positions.

20 Section 16. There is a new R.C.M. section numbered
 21 16-5115.13 that reads as follows:

22 16-5115.13. Election of new officials. (1) No
 23 primary or general election shall be held in 1975 for
 24 officials elected under the commission manager form of city
 25 government or in 1976 for the election of county officials.

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1 The primary and general election for electing city, town,
2 and county officials shall be rescheduled as provided in
3 this section.

4 (2) The board of county commissioners, city or town
5 council or commission shall order a special local government
6 nonpartisan primary election to be held February 8, 1977 and
7 partisan primary elections February 15, 1977 and local
8 government general nonpartisan elections on April 5, 1977
9 and local government general partisan elections April 12,
10 1977 for the purpose of electing local government officials.

11 (3) Primary election is not required in cities and
12 towns with a population of 3,499 or less as shown by the
13 most recent federal census. Nonpartisan candidates shall be
14 nominated by certificates of nomination.

15 (4) Nomination declarations, or certificates of
16 nomination, shall be filed not later than 5 p.m., January 7,
17 1977.

18 (5) If a new alternative form of local government is
19 adopted, all elected city, town, and county officers shall
20 hold their respective offices until the new successors are
21 elected and qualified. The new officials specified in the
22 new alternative form shall be elected at the special primary
23 and general elections authorized in this act although
24 similar offices exist under the former form of government.
25 One (1) less than the number of commissioners specified in

1 the county form shall be nominated and elected.

2 The county commissioner elected on November 7, 1972
3 shall continue to hold office as a commissioner until his
4 successor is elected in 1978 and qualified in 1979. Such
5 commissioner retains his office under the provisions of
6 section 6(3) of the transition schedule of the 1972 Montana
7 constitution. If the county is divided into districts, he
8 shall represent the district that contains his legal
9 residence. If the county apportionment plan includes the
10 election of any commissioners at-large, he shall be one of
11 the at-large commissioners.

12 If the terms of commissioners are to be overlapping,
13 they shall draw lots to establish their respective terms of
14 office at the first meeting of the commission.

15 (6) If the existing form of local government is
16 retained, all elected city, town, and county officers shall
17 hold their respective offices until the new successors are
18 elected and qualified. Successors shall be elected at the
19 special primary and general election authorized in this act
20 for county officers whose term of office would otherwise
21 terminate on the first Monday of January 1977 or the first
22 Monday of March 1977.

23 Successors shall be elected at the special primary and
24 general election for city or town officers whose term of
25 office would otherwise terminate on December 31, 1977, or

1 the first Monday of May 1977.

2 (7) The elections shall be governed by the election
3 laws of the state of Montana. The election shall be
4 conducted, vote returned and canvassed, and results declared
5 in the manner provided by law for election of county
6 officials. Votes cast for city, town, and county officials
7 shall be counted, canvassed, and returned by county election
8 officials. Any separate ballots or election supplies
9 required for election of city or town officials shall be
10 furnished or paid for by the city or town.

11 (8) Officers elected shall take office on May 2, 1977.
12 They shall serve terms for the duration specified in the
13 alternative form of government.

14 Section 17. There is a new R.C.M. section numbered
15 16-5115.14 that reads as follows:

16 16-5115.14. Organization of the commission. (1) The
17 first meeting of a new commission for a new form of
18 government shall be held at 10 a.m. on May 2, 1977, at which
19 time newly elected members shall take the oath of office
20 prior to assuming the duties of office.

21 (2) If the terms of commissioners are to be
22 overlapping, they shall draw lots to establish their
23 respective terms of office.

24 Section 18. There is a new R.C.M. section numbered
25 16-5115.15 that reads as follows:

1 16-5115.15. Judicial enforcement and review. (1) Ten
2 (10) or more qualified electors or the attorney general may
3 petition the district court to enforce the provisions of
4 this chapter.

5 (2) The provisions of Title 93, chapter 89, R.C.M.
6 1947 (Uniform Declaratory Judgments Act) shall apply to the
7 adoption of a charter or an alternative form of government.
8 A petition for declaratory relief under Title 93, chapter
9 89, may be brought on behalf of the public either by the
10 attorney general or by ten (10) or more qualified electors
11 of the local government unit. In the case of a petition by
12 ten (10) or more qualified electors, the attorney general
13 shall be served notice of the petition and may intervene as
14 a party at any stage of the proceedings. The petitioner
15 may, in the court's discretion, be awarded costs which may
16 include reasonable attorney fees.

17 (3) Judicial review to determine the validity of the
18 procedures whereby any charter or alternative form of
19 government is adopted may be had by petition of ten (10) or
20 more registered voters of the city or town brought within
21 thirty (30) days after the election at which such charter or
22 form of government, revision, or amendment is approved. If
23 no petition is filed within that period, compliance with all
24 the procedures required by this act and the validity of the
25 manner in which the charter, or form of government was

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1 approved shall be conclusively presumed. It shall be
 2 presumed that proper procedure was followed and all
 3 procedural requirements were met. The adoption of a charter
 4 or form of government shall not be deemed invalid on account
 5 of any procedural error or omission unless it is shown that
 6 the error or omission materially and substantially affected
 7 such adoption.

8 Section 19. There is a new R.C.M. section numbered
 9 16-5115.16 that reads as follows:

10 16-5115.16. Effect of other laws. The procedures
 11 established by this chapter for adoption and implementation
 12 of an alternative form of government, a charter, a
 13 consolidated government, a confederated government, a
 14 consolidation or transfer of services, or a disincorporation
 15 of a city or town are exclusive and shall not be effected by
 16 any other law, except the disincorporation of a city or town
 17 shall be governed by other law as provided in this chapter.

18 Section 20. Liberal construction. This act shall be
 19 liberally construed to effectuate its purpose of
 20 facilitating the review of local government.

21 Section 21. Severability clause. If any part of this
 22 act shall be declared invalid or unconstitutional, it shall
 23 not affect the validity of any other part of this act.

24 Section 22. Immediate effective date. This act is
 25 effective on its passage and approval.

1 Section 23. Automatic repealer. This act terminates
 2 on June 30, 1977.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 177

INTRODUCED BY GERKE, MCKITTRICK, DRISCOLL, FAGG, WILLIAMS,
KENDALL, LOCKREM, MARKS, SOUTH, GWYNN,
BARDANOUVE, BRADLEY, HAGER, HOLMES

A BILL FOR AN ACT ENTITLED: "AN ACT TO FURTHER IMPLEMENT
ARTICLE XI, SECTIONS 3, 5, 6, AND 9 OF THE 1972 MONTANA
CONSTITUTION BY PROVIDING PROCEDURES BY WHICH LOCAL
GOVERNMENT STUDY COMMISSIONS MAY FORMULATE RECOMMENDATIONS
AND SUBMIT RECOMMENDATIONS TO THE VOTERS; PROVIDING FOR AN
IMMEDIATE EFFECTIVE DATE; PROVIDING A TERMINATION DATE; AND
AMENDING SECTIONS 16-5102, 16-5105, AND 16-5113, R.C.M.
1947."

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

Section 1. Section 16-5102, R.C.M. 1947, is amended to
read as follows:

"16-5102. Definitions. As used in this act:

(1) "Study commission" means a local government study
commission established pursuant to this act.

(2) "Unit of local government" means a county,
incorporated city or incorporated town.

(3) "Study commissioners" means the elected or
appointed members of the local government study commissions.

(4) "Structure" means the entire governmental

organization through which a local government unit carries
out its duties, functions and responsibilities.

(5) "Form" means a specific and formal governmental
organization authorized as an ~~optional~~ alternative form of
government by ~~law or a specific and formal governmental~~
~~organization provided in a charter~~ Title 47A, Part 3,
chapter 2.

(6) "Charter" means a written document defining the
powers, structure, privileges, rights, and duties of the
government and limitations thereon.

(7) "Merger" means the joinder of the corporate
existence and government of two or more cities and/or towns.

(8) "Consolidation" means a form of local government
that provides for the joinder of the corporate existence and
government of a county and one or more of the cities and/or
towns which are located within the county.

(9) "Confederation" means a form of local government
that provides for the distribution of the governmental
authority between a county and one or more of the cities
and/or towns which are located within the county.

(10) "County consolidation" means a form of local
government that provides for the joinder of the corporate
existence and government of two or more counties.

(11) "Plan of government" means a certificate prepared
by a study commission from the provisions of Title 47A, Part

1 3, chapter 2, that documents the basic form of government
 2 selected by the study commission including all applicable
 3 suboptions. The plan must establish the terms of all
 4 offices and the number of commissioners, if any, to be
 5 elected.

6 (12) "Apportionment plan" means a certificate prepared
 7 by a study commission that contains the proposed
 8 commissioner districts for a new plan of government.

9 (13) "Consolidation plan" means a certificate prepared
 10 by a study commission that contains the plans for
 11 consolidation of existing units of local government.

12 (14) "Plan for consolidation or transfer of services"
 13 means a certificate prepared by cooperating study
 14 commissions that contains the plans for consolidation or
 15 transfer of services or functions between or among cities,
 16 towns, and counties.

17 (15) "Local government code" means a revision and
 18 reorganization of the body of law dealing with the
 19 organization and operation of local government to be
 20 presented to the 1975 and 1977 legislatures."

21 Section 2. Section 16-5105, R.C.M. 1947, is amended to
 22 read as follows:

23 "16-5105. Power of the study commission. The study
 24 commission ~~shall have the power to may~~ SHALL HAVE THE POWER
 25 TO review the structure and power of each unit of local

1 government represented on the study commission and shall
 2 submit one (1) alternative form of government to the
 3 qualified electors of each unit of government or combination
 4 of units of government. The study commission may submit an
 5 optional or alternative form of government provided by law
 6 or may draft a self-government charter, ~~however, no such~~
 7 ~~optional or alternative form or charter shall be submitted~~
 98 ~~to the qualified electors until a specific procedure for~~
 9 ~~such submission by the study commission is provided by~~
 10 ~~subsequent law."~~

11 Section 3. Section 16-5113, R.C.M. 1947, is amended to
 12 read as follows:

13 "16-5113. Finances. (1) The governing body of each
 14 local government unit shall prepare a budget to cover the
 15 expenses of the study commission for the period it is in
 16 operation during fiscal year 1975.

17 (2) The study commission shall prepare a budget for
 18 fiscal year 1976 and a budget for fiscal year 1977 and
 19 submit them to the local government unit's governing body
 20 for approval.

21 (3) Each local government unit shall accept and
 22 transfer to its study commission all funds appropriated from
 23 the state general fund for the support of the study
 24 commission.

25 (4) Each local government unit shall supplement the

1 state funds available in fiscal years 1975, 1976, and 1977
 2 by appropriating funds, providing in-kind services, or a
 3 combination of both, in a total amount not less than the
 4 available state money for each fiscal year. ~~For--that~~
 5 ~~purpose; each local government unit may assess and levy,~~
 6 Each unit of local government may finance the operation of
 7 local study commissions, printing and distribution of the
 8 tentative and final report, and the election on the
 9 alternative form of local government from the general fund
 10 or each local government unit may assess and levy, in
 11 addition to all other levies permitted by law, a special tax
 12 on each dollar of taxable valuation of the taxable property
 13 of the unit of local government. This tax may be levied in
 14 each of the fiscal years 1975, 1976, and 1977 and may be
 15 levied by a municipality in addition to the all-purpose levy
 16 provided in sections 84-4701.1, 84-4701.2, 84-4701.3,
 17 84-4701.4, and 84-4701.5, R.C.M. 1947.

18 (5) All moneys received by the study commission shall
 19 be deposited with the county or municipal treasurer. The
 20 treasurer is authorized to disburse budgeted funds of the
 21 study commission on its order. Unexpended funds of the study
 22 commission shall not revert to the general fund of the local
 23 government unit at the end of the fiscal year but shall
 24 carry over to the study commission's budget for the
 25 following fiscal year. Upon termination of the study

1 commission, unexpended funds shall revert to the general
 2 fund of the local government unit AND TO THE STATE GENERAL
 3 FUND IN PROPORTION TO THEIR RESPECTIVE CONTRIBUTIONS TO THE
 4 STUDY COMMISSION.

5 (6) The expense of printing, mailing, and publication
 6 of the tentative and final report shall be appropriated to
 7 the study commission by the board of county commissioners
 8 for county study commissions and by the city or town council
 9 for city and town study commissions. The cost of printing
 10 and postage shall not be used to match the state grant to
 11 local study commissions."

12 Section 4. There is a new R.C.M. section numbered
 13 16-5115.1 that reads as follows:

14 16-5115.1. Existing forms of local government. (1)
 15 For the purpose of determining the statutory basis of
 16 existing units of local government under this act, each unit
 17 of local government organized under the general statutes
 18 authorizing the municipal mayor-council form of government
 19 which does not adopt a new form shall be governed after May
 20 2, 1977 by the following sections of section 47A-3-203:

- 21 (1)
- 22 (2)
- 23 (3) (a) (ii)
- 24 (3) (b) (iii)
- 25 (3) (c) (ii)

- 1 (3) (d) (ii)
- 2 (3) (e) (ii)
- 3 (3) (f) (i)
- 4 (3) (g) (ii)
- 5 (3) (h) (i)
- 6 (3) (i) (i)
- 7 (3) (j) (iii)
- 8 (3) (k) (ii)
- 9 (3) (l) (ii)
- 10 (4) (a)

11 This form has terms of four (4) years for all elected
 12 officials. The size of the commission shall be established
 13 by ordinance, but it may not exceed twenty (20) members.

14 (2) For the purpose of determining the statutory basis
 15 of existing units of local government after May 2, 1977 when
 16 the new local government code will become effective, each
 17 unit of local government organized under the general
 18 statutes authorizing the municipal commission-manager form
 19 of government shall be governed by the following sections of
 20 section 47A-3-204:

- 21 (1)
- 22 (2)
- 23 (3)
- 24 (4)
- 25 (5)

- 1 (6) (a) (iii)
- 2 (6) (b) (i)
- 3 (6) (c) (ii)
- 4 (6) (d) (ii)
- 5 (6) (e) (ii)
- 6 (6) (f) (ii)
- 7 (6) (g)
- 8 (7) (a)

9 This form has terms of four (4) years for all elected
 10 officials. The size of the commission shall be established
 11 by ordinance, but it may not exceed five (5) members.

12 (3) For the purpose of determining the statutory basis
 13 of existing units of local government after May 2, 1977 when
 14 the new local government code will become effective, each
 15 unit of local government organized under the general
 16 statutes authorizing the elected county official form of
 17 government shall be governed by the following sections of
 18 section 47A-3-205:

- 19 (1)
- 20 (2) (a) (iii)
- 21 (2) (b) (i)
- 22 (2) (c) (i)
- 23 (2) (d) (ii)
- 24 (2) (e) (ii)
- 25 (2) (f) (ii)

1 (2) (g)
 2 (3) (a) (i)
 3 (3) (b) (i)
 4 (3) (c) (i)
 5 (3) (d) (i)
 6 (3) (e) (i)
 7 (3) (f) (i)
 8 (3) (G) (I)
 9 (3) (h) (i)
 10 (3) (i) (i)
 11 (3) (j) (i)
 12 (3) (k) (i) IF THE COUNTY HAS ELECTED AN AUDITOR.
 13 (3) (K) (VI) IF THE COUNTY HAS NOT ELECTED AN AUDITOR.
 14 (4)
 15 This form has terms of four (4) years for all elected
 16 officials except commissioners who are elected to six (6)
 17 year terms. The commission consists of three (3) members.
 18 (4) For the purpose of determining the statutory basis
 19 of existing units of local government after May 2, 1977 when
 20 the local government code will become effective, each unit
 21 of local government organized under the general statutes
 22 authorizing the county manager form of government shall be
 23 governed by the following sections of section 47A-3-204:
 24 (1)
 25 (2)

1 (3)
 2 (4)
 3 (5)
 4 (6) (a) (ii)
 5 (6) (b) (i) or (ii)
 6 (6) (c) (ii)
 7 (6) (d) (i)
 8 (6) (e) (ii)
 9 (6) (f) (ii)
 10 (6) (g)
 11 Commissioners are elected to six (6) year terms. The
 12 size of the commission shall be established by ordinance,
 13 but it may not exceed five (5) members.
 14 Section 5. There is a new R.C.M. section numbered
 15 16-5115.2 that reads as follows:
 16 16-5115.2. Alternative forms of government. A study
 17 commission shall submit to the qualified electors an
 18 alternative form of local government authorized by Title
 19 47A, Part 3, chapter 2.
 20 Section 6. There is a new R.C.M. section numbered
 21 16-5115.3 that reads as follows:
 22 16-5115.3. Consolidation. (1) A county and a city or
 23 town within the county may unite to form a single unit of
 24 local government under the provisions of this section.
 25 (2) An alternative form of government, including a

1 charter form, for a consolidated unit of government may be
 2 submitted to the voters only by those study commissions that
 3 have cooperated under section 16-5106. A majority vote by
 4 each of the affected study commissions is required for the
 5 submission of an alternative form of government for a
 6 consolidated unit of local government. The affected study
 7 commissions submitting a consolidated form shall issue a
 8 single joint report and proposal.

9 (3) An alternative form of government for a
 10 consolidated unit of local government does not need to
 11 include more than one municipality. A municipality may not
 12 be included unless the local government study commission of
 13 that municipality participates in the cooperative study and
 14 unless its study commission, by a majority vote, approves
 15 the proposed alternative plan for the consolidated
 16 government.

17 (4) Study commissions proposing consolidation shall
 18 prepare, adopt, and submit to the voters a consolidation
 19 plan, in addition to the alternative form of government. If
 20 the commission proposes a charter, the plan may be included
 21 in the charter.

22 The consolidation plan shall:

23 (a) Provide for adjustment of existing bonded
 24 indebtedness and other obligations in a manner which will
 25 provide for a fair and equitable burden of taxation for debt

1 service.

2 (b) Provide for establishment of service areas.

3 (c) Provide for the transfer or other disposition of
 4 property and other rights, claims, assets, and franchises of
 5 local governments consolidated under the alternative form.

6 (d) Provide the official name of the consolidated unit
 7 of local government.

8 (e) Provide for the transfer, reorganization,
 9 abolition, absorption, adjustment of boundaries and may
 10 provide a method for adjusting the boundaries of all
 11 existing boards, bureaus, commissions, agencies, special
 12 districts, and political subdivisions of the consolidated
 13 governments. Or the plan may grant the legislative body of
 14 the consolidated government the authority to transfer,
 15 reorganize, adjust boundaries, abolish, or absorb, and
 16 provide a method for adjusting the boundaries of such
 17 entities with or without referendum requirements. This
 18 section shall not apply to excluded municipalities, school
 19 districts, conservancy districts, drainage districts,
 20 irrigation districts, soil and water conservation districts,
 21 or livestock districts.

22 (f) Include other provisions which the study
 23 commission elects to include and which are consistent with
 24 state law.

25 (5) On its effective date, the alternative form of

1 government and consolidation plan operate to dissolve all
 2 local governments within the area of consolidation in
 3 accordance with their provisions. On the effective date the
 4 separate corporate existence of the county and of each
 5 participating city and/or town shall be consolidated and
 6 merged into one local government unit under the name
 7 selected, designated, and adopted as provided in this
 8 chapter, and the consolidated local government shall
 9 thereupon succeed to, possess, and own all of the property
 10 and assets of every kind and description and shall, except
 11 as otherwise provided, become responsible for all of the
 12 obligations and liabilities of the county, cities, and towns
 13 so consolidated and merged. As a political subdivision of
 14 the state, such consolidated unit of local government shall
 15 have the status of a county and an incorporated municipality
 16 for all purposes and shall replace and be the successor of
 17 the county and any city or town.

18 (6) A consolidated local government shall have and may
 19 exercise all powers that are now, or hereafter may be,
 20 conferred on counties, cities, or towns by the constitution
 21 and laws of the state. The consolidated local government
 22 may levy all taxes which counties, cities, and towns are
 23 authorized to levy.

24 (7) Within two years after ratification of the
 25 consolidation, the governing body of the consolidated unit

1 of local government shall revise, repeal, or reaffirm all
 2 rules, ordinances, and resolutions in force within the
 3 participating county, cities, and towns at the time of
 4 consolidation. Each rule, ordinance, or resolution, in
 5 force at the time of consolidation, shall remain in force
 6 within the former geographic jurisdiction until superseded
 7 by action of the new governing body. Ordinances and
 8 resolutions relating to public improvements to be paid for
 9 in whole or in part by special assessments, may not be
 10 repealed.

11 (8) All provisions of law authorizing contributions of
 12 any kind, in money or otherwise, from the state or federal
 13 government to counties and cities shall remain in full force
 14 with respect to a consolidated local government.

15 Section 7. There is a new R.C.M. section numbered
 16 16-5115.4 that reads as follows:

17 16-5115.4. Confederation. (1) A county and any city
 18 or town within the county may unite to form a confederated
 19 unit of local government under the provisions of this
 20 section.

21 (2) A confederated form of local government may be
 22 created only by charter. A charter for a confederated form
 23 of local government may be submitted to the voters only by
 24 those study commissions that have cooperated under section
 25 16-5106. A majority vote by each of the affected study

1 commissions is required for the submission of a charter for
 2 a confederated form of government. The affected study
 3 commissions submitting a charter for a confederated unit of
 4 local government shall issue a single joint report and
 5 proposal.

6 (3) A charter for a confederated form of government
 7 does not need to include more than one municipality. A
 8 municipality may not be included unless the local government
 9 study commission of that municipality participates in the
 10 cooperative study and unless its study commission, by a
 11 majority vote, approves the proposed alternative plan for
 12 the confederated government.

13 (4) In addition to all other requirements, a charter
 14 for a confederated form of government shall:

15 (a) Provide for a confederated system of county, city,
 16 and town governments.

17 (b) Authorize the comprehensive and simultaneous
 18 transfer of services to a system in which the county
 19 provides county-wide and area-wide services and cities and
 20 towns provide local services.

21 (c) Permit future transfer of responsibility for
 22 provision of services.

23 (d) Establish a separate legislative body and chief
 24 administrative office for the county and each participating
 25 city or town in the confederated unit of local government OR

1 THE PLAN MAY PROVIDE A SINGLE EXECUTIVE FOR THE CONFEDERATED
 2 UNIT OF GOVERNMENT. THE PLAN MAY ALSO PROVIDE FOR A JOINT
 3 LEGISLATIVE BODY.

4 (e) Provide for adjustment of existing bonded
 5 indebtedness and other obligations in a manner which will
 6 provide for a fair and equitable burden of taxation for debt
 7 service.

8 (f) Provide for establishment of service areas.

9 (g) Provide for the transfer or other disposition of
 10 property and other rights, claims, assets, and franchises of
 11 local governments confederated under the charter.

12 (h) Provide the official name of the confederated unit
 13 of local government.

14 (i) Provide for the transfer, reorganization,
 15 abolition, absorption, or adjustment of boundaries, and may
 16 provide a method for adjusting the boundaries of all
 17 existing boards, bureaus, commissions, agencies, special
 18 districts, and political subdivisions of the confederated
 19 governments. Or the plan may provide for adjusting the
 20 boundaries of and may provide a method for adjusting the
 21 boundaries of the participating incorporated municipalities.
 22 Or the plan may grant the legislative bodies of the
 23 confederated government the authority to transfer,
 24 reorganize, adjust the boundaries of, absorb, or abolish,
 25 and provide a method for adjusting the boundaries of such

1 entities with or without referendum requirements. This
2 section shall not apply to excluded municipalities, school
3 districts, conservancy districts, drainage districts,
4 irrigation districts, soil and water conservation districts,
5 or livestock districts.

6 (j) Include other provisions which the study
7 commission elects to include and which are consistent with
8 state law.

9 (5) On the effective date of the charter there shall
10 be created a confederated unit of local government under the
11 NAME ESTABLISHED IN THE CHARTER.

12 (6) On the effective date of the charter, the charter
13 of the confederated form of local government operates to
14 consolidate and merge the corporate existence of the
15 participating units to the extent provided by the charter.

16 (7) As provided in the charter, the property, assets,
17 obligations, and liabilities of the confederated county,
18 cities, or towns shall be assumed on the effective date of
19 the charter by the parts of the new confederated unit of
20 local government.

21 (8) As a political subdivision of the state, such
22 confederated local government shall have the status of a
23 county and an incorporated municipality for all purposes and
24 shall replace and be the successor of the county and any
25 city or town.

1 (9) A confederated local government shall have and may
2 exercise all powers that are now, or hereafter may be,
3 conferred on counties, cities, or towns by the constitution
4 and laws of the state. The confederated local government
5 may levy all taxes which counties, cities, and towns are
6 authorized to levy.

7 (10) Within two (2) years after ratification of the
8 confederation, the governing bodies of the confederated unit
9 of local government shall revise, repeal, or reaffirm all
10 rules, ordinances, and resolutions in force within the
11 participating county, cities, and towns at the time of
12 confederation. Each rule, regulation, ordinance, or
13 resolution, in force at the time of confederation shall
14 remain in force within the former geographic jurisdiction
15 until superseded by action of the new governing body.
16 Ordinances and resolutions relating to public improvements
17 to be paid for in whole or in part by special assessments
18 may not be repealed.

19 (11) All provisions of law authorizing contributions of
20 any kind, in money or otherwise, from the state or federal
21 government to counties and cities shall remain in full force
22 with respect to a confederated local government.

23 Section 8. There is a new R.C.M. section numbered
24 16-5115.5 that reads as follows:

25 16-5115.5. County consolidation. (1) Two or more

1 contiguous counties may unite to form a single unit of local
2 government under the provisions of this section.

3 (2) An alternative form of government, including a
4 charter form, for consolidated counties may be submitted to
5 the voters only by county study commissions that have
6 cooperated under section 16-5106. A majority vote by each
7 of the affected study commissions is required for the
8 submission of an alternative form of government for a
9 consolidated county unit of local government. The affected
10 county study commissions submitting a consolidated form
11 shall issue a single joint report and proposal.

12 (3) Study commissions proposing county-county
13 consolidation shall prepare, adopt, and submit to the voters
14 a consolidation plan, in addition to the alternative form of
15 government. If the study commissions propose a charter, the
16 plan may be included in the charter.

17 The consolidation plan shall:

18 (a) Provide for adjustment of existing bonded
19 indebtedness and other obligations in a manner which will
20 provide for a fair and equitable burden of taxation for debt
21 service.

22 (b) Provide for establishment of service areas.

23 (c) Provide for the transfer or other disposition of
24 property and other rights, claims, assets, and franchises of
25 local governments consolidated under the alternative form.

1 (d) Provide the official name of the consolidated unit
2 of local government.

3 (e) Provide for the transfer, reorganization,
4 abolition, absorption, adjustment of boundaries and may
5 provide a method for adjusting the boundaries of all
6 existing boards, bureaus, commissions, agencies, special
7 districts, and political subdivisions of the consolidated
8 governments. Or the plan may grant the legislative body of
9 the consolidated government the authority to transfer,
10 reorganize, adjust boundaries, abolish or absorb, and
11 provide a method for adjusting the boundaries of such
12 entities with or without referendum requirements. This
13 section shall not apply to excluded municipalities, school
14 districts, conservancy districts, drainage districts,
15 irrigation districts, soil and water conservation districts,
16 or livestock districts.

17 (f) Include other provisions which the study
18 commissions elect to include and which are consistent with
19 state law.

20 (4) On their effective date, the alternative form of
21 government and consolidation plan operate to dissolve the
22 county governments within the area of consolidation in
23 accordance with their provisions. On the effective date the
24 separate corporate existence of the affected counties shall
25 be consolidated and merged into one local government unit

1 under the name selected, designated, and adopted as provided
 2 in this section, and such consolidated local government
 3 shall thereupon succeed to, possess, and own all of the
 4 property and assets of every kind and description and shall,
 5 except as otherwise provided, become responsible for all of
 6 the obligations and liabilities of the counties so
 7 consolidated. As a political subdivision of the state, such
 8 consolidated unit of local government shall have the status
 9 of a county, and shall replace and be the successor of the
 10 affected counties.

11 (5) A county-county consolidated local government
 12 shall have and may exercise all powers that are now, or
 13 hereafter may be, conferred on counties, by the constitution
 14 and laws of the state. The consolidated local government
 15 may levy all taxes which counties are authorized to levy.

16 (6) Within two years after ratification of the
 17 consolidation, the governing body of the consolidated unit
 18 of local government shall revise, repeal, or reaffirm all
 19 rules, ordinances, and resolutions in force within the
 20 participating counties at the time of consolidation. Each
 21 rule, ordinance, or resolution, in force at the time of
 22 consolidation shall remain in force within the former
 23 geographic jurisdiction until superseded by action of the
 24 new governing body. Ordinances and resolutions relating to
 25 public improvements to be paid for in whole or in part by

1 special assessments, may not be repealed.

2 (7) All provisions of law authorizing contributions of
 3 any kind, in money or otherwise, from the state or federal
 4 government to counties shall remain in full force with
 5 respect to a consolidated local government.

6 Section 9. There is a new R.C.M. section numbered
 7 16-5115.6 that reads as follows:

8 16-5115.6. County consolidation including
 9 municipalities. (1) Two or more contiguous counties and
 10 any city or town of the counties may unite to form a single
 11 unit of local government under the provisions of this
 12 section.

13 (2) An alternative form of government, including a
 14 charter form, for consolidated counties may be submitted to
 15 the voters only by county study commissions that have
 16 cooperated under section 16-5106. A majority vote by each
 17 of the affected study commissions is required for the
 18 submission of an alternative form of government for a
 19 consolidated county unit of local government. The affected
 20 county study commissions submitting a consolidated form
 21 shall issue a single joint report and proposal.

22 (3) An alternative form of government for a
 23 consolidated county unit of local government may not include
 24 any city or town unless the local study commission of that
 25 city or town participates in the cooperative study and

1 unless its study commission, by a majority vote, approves
 2 the proposed alternative plan for the consolidated
 3 government.

4 (4) Study commissions proposing county-county
 5 consolidation that includes a city or town shall prepare,
 6 adopt, and submit to the voters a consolidation plan, in
 7 addition to the alternative form of government. If the
 8 study commissions propose a charter, the plan may be
 9 included in the charter.

10 The consolidation plan shall:

11 (a) Provide for adjustment of existing bonded
 12 indebtedness and other obligations in a manner which will
 13 provide for a fair and equitable burden of taxation for debt
 14 service.

15 (b) Provide for establishment of service areas.

16 (c) Provide for the transfer or other disposition of
 17 property and other rights, claims, assets and franchises of
 18 local governments consolidated under the alternative form.

19 (d) Provide the official name of the consolidated unit
 20 of local government.

21 (e) Provide for the transfer, reorganization,
 22 abolition, absorption, adjustment of boundaries and may
 23 provide a method for adjusting the boundaries of all
 24 existing boards, bureaus, commissions, agencies, special
 25 districts, and political subdivisions of the consolidated

1 governments. Or the plan may grant the legislative body of
 2 the consolidated government the authority to transfer,
 3 reorganize, adjust boundaries, abolish or absorb, and
 4 provide a method for adjusting the boundaries of such
 5 entities with or without referendum requirements. This
 6 section shall not apply to municipalities, school districts,
 7 conservancy districts, drainage districts, irrigation
 8 districts, soil and water conservation districts, or
 9 livestock districts.

10 (f) Include other provisions which the study
 11 commissions elect to include and which are consistent with
 12 state law.

13 (5) On their effective date, the alternative form of
 14 government and consolidation plan operate to dissolve all
 15 local governments within the area of consolidation in
 16 accordance with their provisions. On the effective date the
 17 separate corporate existence of the affected counties and a
 18 participating city or town shall be consolidated and merged
 19 into one local government unit under the name selected,
 20 designated, and adopted as provided in this section, and
 21 such consolidated local government shall thereupon succeed
 22 to, possess, and own all of the property and assets of every
 23 kind and description and shall, except as herein otherwise
 24 provided, become responsible for all of the obligations and
 25 liabilities of the counties and cities and towns if any, so

1 consolidated and merged. As a political subdivision of the
 2 state, such consolidated unit of local government shall have
 3 the status of a county and an incorporated municipality, if
 4 any city or town is included, for all purposes and shall
 5 replace and be the successor of the affected counties and of
 6 the affected cities and towns, if any.

7 (6) A county-county consolidation that includes a city
 8 or town shall have and may exercise all powers that are now,
 9 or hereafter may be, conferred on counties or cities and
 10 towns by the constitution and laws of the state. The
 11 consolidated local government may levy all taxes which
 12 counties or cities and towns are authorized to levy.

13 (7) Within two years after ratification of the
 14 consolidation, the governing body of the consolidated unit
 15 of local government shall revise, repeal, or reaffirm all
 16 rules, ordinances, and resolutions in force within the
 17 participating counties and cities and towns at the time of
 18 consolidation. Each rule, ordinance, or resolution, in
 19 force at the time of consolidation shall remain in force
 20 within the former geographic jurisdiction until superseded
 21 by action of the new governing body. Ordinances and
 22 resolutions relating to public improvements to be paid for
 23 in whole or in part by special assessments, may not be
 24 repealed.

25 (8) All provisions of law authorizing contributions of

1 any kind, in money or otherwise, from the state or federal
 2 government to counties and cities shall remain in full force
 3 with respect to a consolidated local government.

4 Section 10. There is a new R.C.M. section numbered
 5 16-5115.7 that reads as follows:

6 16-5115.7. Service consolidation or transfer. (1)
 7 Cooperating study commissions may submit in addition to any
 8 plan of government submitted to the qualified electors,
 9 separate ballot questions on the consolidation or transfer
 10 of services and functions between or among cities, towns,
 11 and counties.

12 (2) The cooperating study commissions ~~may~~ SHALL
 13 prepare a "joint report on services to be consolidated or
 14 transferred". The report shall include a certificate
 15 containing a "plan for [insert consolidation or transfer] of
 16 [insert name of service or function] services" signed by a
 17 majority of the members elected or appointed to each
 18 commission. The report shall contain a separate plan for
 19 each service or function consolidated or transferred.

20 (3) The plan shall provide:

21 (a) The nature of service or function transferred or
 22 consolidated;

23 (b) The effective date of such transfer or
 24 consolidation;

25 (c) The manner in which affected employees engaged in

1 the performance of the function will be transferred,
2 reassigned or otherwise treated;

3 (d) The manner in which real property, facilities,
4 equipment, or other personal property required in the
5 exercise of the function are to be transferred, sold, or
6 otherwise disposed of;

7 (e) The method of financing, establishing, and
8 maintaining a budget for the service; and

9 (f) Other legal, financial, and administrative
10 arrangements necessary to effect the transfer in an orderly
11 and equitable manner.

12 (4) The plan may include provisions for an
13 administrator or a joint board responsible for administering
14 any joint or cooperative undertaking.

15 (5)(a) The "joint report on services to be
16 consolidated or transferred" shall be published and
17 distributed to qualified electors and the election conducted
18 as provided in sections 16-5119 and 16-5120.

19 (b) Each plan for consolidation or transfer of
20 functions shall be listed separately on the ballot. The
21 following form shall be used for each separate plan:

22 "Shall the plan for [insert consolidation or transfer]
23 of [insert name of service or function] services
24 proposed in the reports of the [insert the names of
25 local government units] local government study

1 commissions be adopted?

Yes.

2 No."

3 (c) The affirmative vote of a simple majority of those
4 voting on the question shall be required for adoption of any
5 plan for consolidation or transfer of services.

6 (d) The plan for consolidation or transfer of service
7 shall take effect as provided in the plan and the
8 legislative body of a local government may enact and enforce
9 ordinances to bring about an orderly transition to the new
10 plan for consolidation or transfer of services.

11 (6) A plan for consolidation and/or transfer of
12 services and functions adopted by the voters may be amended
13 or terminated only by a referendum approved by a majority of
14 electors voting on the question.

15 Section 11. There is a new R.C.M. section numbered
16 16-5115.8 that reads as follows:

17 16-5115.8. Disincorporation. (1) A city or town
18 study commission may submit a proposal for disincorporation
19 to the qualified electors of the city or town. The
20 opportunity of the qualified electors to vote on the
21 proposal for disincorporation shall be construed as an
22 opportunity to vote on an alternative form of government in
23 accordance with Article XI, section 9, of the Montana

1 constitution.

2 (2) The final report of the study commission shall
 3 describe the advantages and disadvantages of
 4 disincorporation and shall meet the requirements for a final
 5 study commission report established in section ~~16-5118~~
 6 16-5115.9, except it shall contain a certificate authorizing
 7 disincorporation rather than a proposed "plan of
 8 government".

9 (3) A question of disincorporation proposed by a study
 10 commission shall be submitted to the qualified electors in
 11 the following form:

12 For the disincorporation of [insert name of city
 13 or town].

14 Against the disincorporation of [insert name of
 15 city or town] and for the retention of the
 16 present form of government."

17 (4) Adoption of the study commission proposal for
 18 disincorporation shall require the affirmative vote of a
 19 majority of the qualified electors voting on the question.

20 (5) If the disincorporation proposal is approved by
 21 the qualified electors the disincorporation shall become
 22 effective May 2, 1977.

23 (6) The legislative body of the county in which the
 24 disincorporating city or town is located shall adopt
 25 ordinances to provide for orderly disincorporation and may
 26 establish tax and service districts to provide services to

1 the disincorporated city or town.

2 (7) The study commission shall prepare a report
 3 containing a recommended plan of disincorporation including
 4 suggested ordinances and service districts.

5 (8) If the study commission proposal for
 6 disincorporation is approved by the qualified electors, the
 7 disincorporation shall proceed in accordance with the
 8 provisions of sections 11-315 through 11-321.

9 Section 12. There is a new R.C.M. section numbered
 10 16-5115.9 that reads as follows:

11 16-5115.9. Study commission timetable. Each local
 12 study commission, or combination of local study commissions
 13 shall:

14 (1) Conduct one or more public hearings prior to
 15 ~~August~~ OCTOBER 1, 1975, for the purpose of gathering
 16 information regarding the current form, functions, and
 17 problems of the local government or governments.

18 (2) Formulate, reproduce, and distribute by June 1,
 19 1976, a tentative proposed report. No sooner than thirty
 20 (30) days after the report is distributed, conduct one or
 21 more public hearings on the tentative report. The tentative
 22 report shall contain ~~all information~~ THE SAME CATEGORIES OF
 23 INFORMATION required to be included in the final report of
 24 the commission.

25 (3) (a) Adopt by August 1, 1976, the final report of

1 the commission. The final report shall contain the
2 following material and documents, each signed by a majority
3 of the members elected or appointed to the commission:

4 (i) A certificate containing the "plan of government"
5 of the existing form of local government.

6 (ii) A certificate containing the "plan of government"
7 of the proposed new form of local government, which must
8 differ in some manner from the existing form of local
9 government.

10 (iii) A certificate containing the "plan for
11 consolidation", if consolidation is proposed.

12 (iv) A certificate containing the "plan for
13 apportionment" of commissioner districts if districts are
14 contained in the "plan of government". THE APPORTIONMENT
15 PLAN SHALL BE BASED ON THE MOST RECENT FEDERAL CENSUS AND
16 THE DISTRICT SHALL BE AS COMPACT AND EQUAL IN POPULATION AS
17 POSSIBLE.

18 (v) A certificate establishing the date of the
19 special or general election at which the alternative form of
20 government shall be presented to the qualified electors and
21 a certificate establishing the form of the ballot question
22 or questions.

23 (b) The report shall contain a comparison of the
24 existing form and proposed form of local government, may
25 contain a statement on the strengths and weaknesses of the

1 existing and proposed form of local government, and may
2 contain information that supports the adoption of the
3 proposed form and information that supports retention of the
4 present form.

5 (c) The report may contain any minority report signed
6 by members of the commission who do not support the majority
7 proposal.

8 (4) Prepare or cause to be prepared sufficient copies
9 of its final report, including the full text of the proposed
10 form, any apportionment plan and the commission
11 recommendation, and mail one (1) copy, postpaid, to each
12 qualified elector of the local government unit or units
13 affected; the new report must be distributed to the
14 qualified electors not later than thirty (30) days prior to
15 the election on the issue of adopting the alternative form.

16 (5) Publish for two (2) successive weeks in a
17 newspaper of general circulation throughout the local
18 government unit or units affected, a summary of its proposed
19 plan of government, together with the address of a
20 convenient public place where the text of its proposal may
21 be obtained. The summary shall include a comparison of the
22 existing and proposed plans of government. The expenses of
23 printing, mailing, and publication shall be budgeted by the
24 local government study commission.

25 (6) File four (4) copies of the final report of the

1 commission with the state commission on local government.

2 (7) Have the power to prepare separate reports in
3 addition to its final report. These reports may recommend
4 consolidation of services and functions and potential areas
5 for interlocal agreements. The study commission may submit
6 recommendations to the state commission on local government
7 on revision of state laws governing local governments.

8 Section 13. There is a new R.C.M. section numbered
9 16-5115.10 that reads as follows:

10 16-5115.10. Vote on alternative form. (1) The study
11 commission shall authorize the ~~wwwwl2~~ form of government to the
12 in 1976 on or before November 2, 1976. The special election
13 may be held with the school, primary, general, or other
14 election.
15

16 (2) A copy of the final report shall be certified by
17 the study commission to the city, town, or county clerk by
18 August 1, 1976. The clerk shall prepare and print notices
19 of the special election.

20 (3) Elections on the issue of adoption of a proposed
21 form of government by a local government unit shall be
22 conducted, returned, and canvassed and the result declared
23 in the same manner as provided by law in respect to
24 initiatives and referendums. The cost of the election shall
25 be budgeted by the local government unit. The affirmative

1 vote of a simple majority of those voting on the question
2 shall be required for adoption.

3 (4) In any election involving the question of
4 consolidation, such question shall be submitted to the
5 qualified voters in the county and shall require an
6 affirmative vote of a simple majority of the votes cast in
7 the county on the question for adoption. There shall be no
8 requirement for separate majorities in units of local
9 government voting on consolidation.

10 (5) In any election involving the question of
11 county-county consolidation or county-county-city
12 consolidation, such question shall be submitted to the
13 qualified electors in the counties affected and shall
14 require a simple majority of the votes cast on the question
15 in each affected county for adoption.

16 (6) The question of adopting the form of government
17 proposed by the study commission shall be submitted to the
18 qualified electors in substantially the following form:

19 (a) When only one unit of local government is affected
20 by the proposed form:

21 "Vote for one:

For adoption of the (self-government charter or form of government) proposed in the report of the (insert name of local government unit) local government study commission.

1 For ~~retention-of~~ the existing form of government."

2 (b) When more than one unit is affected by the
3 proposed form:

4 "Vote for one:

For adoption of the (self-government charter or form of government) proposed in the report of the (insert names of local government units) local government study commissions to ("consolidate" or "confederate") the corporate and governmental existence of the following units of local government (insert names of local government units).

5 For ~~retention-of~~ the existing form of government."

6 (c) The whole number OF ballots shall be divided into
7 two (2) equal sets. No more than one (1) set shall be used
8 in printing the ballot for use in any one (1) precinct and
9 all ballots furnished for use in one precinct shall be
10 identical. The existing form of government shall be printed
11 as the first item and proposed form as second item on half
12 of the ballots and the proposed form as the first item and
13 the existing form as the second item on half of the ballots.

14 IF THE LOCAL GOVERNMENT CONSISTS OF ONLY ONE (1) PRECINCT,
15 THE EXISTING FORM SHALL BE LISTED FIRST ON THE BALLOT.

16 (7) A proposed alternative form shall be submitted to

1 the voters as a single question, except suboptions within
2 alternative forms of local government authorized by Title
3 47A, Part 3, chapter 2, and suboptions authorized in a
4 charter may be submitted to the qualified electors as
5 separate questions. No study commission may submit more
6 than three (3) separate suboptions and no suboption shall
7 contain more than two (2) alternatives. If a suboption is
8 submitted to the voters, only the ballot alternatives within
9 that suboption receiving the highest number of affirmative
10 votes shall be approved and included in the alternative form
11 of government. The question of adopting a suboption shall
12 be submitted to the qualified electors in substantially the
13 following form:

14 "Vote for one:

15 A legal officer (who may be called the "county
16 attorney"):

Shall be elected for a term of four years.

17 Shall be appointed for a term of four years by the
18 chairman of the local government commission."

19 Section 14. There is a new R.C.M. section numbered
20 16-5115.11 that reads as follows:

21 16-5115.11. General transition. (1) If the electors
22 disapprove the proposed new form of local government, the
23 local government shall retain its existing form as specified
24 in section 16-5115 and the report of the commission.

1 (2)(a) A new alternative form of local government
 2 and/or consolidation plan approved by the voters, shall take
 3 effect on May 2, 1977, except as otherwise provided in this
 4 act and any charter or consolidation plan. THE ELECTORS OF
 5 ANY UNIT OF LOCAL GOVERNMENT WHICH HAS ADOPTED A NEW
 6 ALTERNATIVE FORM OF LOCAL GOVERNMENT MAY NOT VOTE ON THE
 7 QUESTION OF CHANGING THE FORM OF LOCAL GOVERNMENT UNTIL
 8 THREE (3) YEARS AFTER THE NEW ALTERNATIVE FORM OF LOCAL
 9 GOVERNMENT BECAME EFFECTIVE, BUT THE VOTERS MAY VOTE ON
 10 AMENDMENTS TO THE ALTERNATIVE FORM OR SERVICE OR FUNCTIONAL
 11 TRANSFER.

12 (b) Provisions creating offices and establishing
 13 qualifications for office and any apportionment plan shall
 14 become effective December 1, 1976 for the purpose of
 15 electing officials.

16 (3)(a) A copy of the existing or proposed "plan of
 17 government" ratified by the voters and any "apportionment
 18 plan" or "consolidation plan" shall be certified by the
 19 chairman of the study commission and filed by the study
 20 commission by December 1, 1976 with each of the following
 21 authorities: secretary of state; attorney general;
 22 department of intergovernmental relations; state commission
 23 on local government; clerk of the city, town, or county; and
 24 clerk of the district court.

25 (b) The approved plan filed with the secretary of

1 state shall be the official plan and shall be a public
 2 record open to inspection of the public and judicially
 3 noticeable by all courts.

4 (4) All ordinances in effect at the time the new form
 5 of government becomes effective shall continue in effect
 6 until repealed or amended in the manner provided by law.
 7 Consolidated governments are governed by the provisions of
 8 section 16-5116.

9 (5) The adoption of a new form of government shall not
 10 affect the validity of any bond, debt, contract, obligation,
 11 or cause of action accrued or established under the prior
 12 form of government.

13 (6) If the proposed new form of local government is
 14 adopted the study commission shall prepare an advisory plan
 15 for orderly transition to a new form of local government.
 16 The transition plan may propose necessary ordinances, plans
 17 for consolidation of services and functions, and a plan for
 18 reorganizing boards, bureaus, departments, and agencies.

19 (7) The legislative body of a local government may
 20 enact and enforce ordinances to bring about an orderly
 21 transition to the new plan of government, including
 22 transfers of powers, records, documents, properties, assets,
 23 funds, liabilities, or personnel which are consistent with
 24 the approved plan and necessary or convenient to place it
 25 into full effect. Where any question arises concerning the

1 transition which is not provided for herein, the legislative
2 body may provide for such transition by ordinance, rule, or
3 resolution not inconsistent with this act.

4 Section 15. There is a new R.C.M. section numbered
5 16-5115.12 that reads as follows:

6 16-5115.12. Transition -- officers and employees. (1)
7 The members of the board of county commissioners or the
8 members of the council or commission of a city or town,
9 holding office on the date a new alternative form of
10 government is adopted by the qualified electors of the local
11 government unit, shall continue in office and in the
12 performance of their duties until the commission authorized
13 by the new alternative forms has been elected and qualified,
14 whereupon the prior commission or council shall be
15 abolished.

16 (2) All other employees holding offices or positions,
17 whether elective or appointive, under the government of such
18 county, city, or town on May 2, 1977, shall continue in the
19 performance of the duties of their respective offices and
20 positions until provision is made for the performance or
21 discontinuance of such duties, or the discontinuance of such
22 offices or positions.

23 Section 16. There is a new R.C.M. section numbered
24 16-5115.13 that reads as follows:

25 16-5115.13. Election of new officials. (1) No

1 primary or general election shall be held ~~in--1975--for~~
2 ~~officials--elected-under-the-commission-manager-form-of-city~~
3 ~~government-or~~ in 1976 for the election of county officials.
4 The primary and general election for electing city, town,
5 and county officials shall be rescheduled as provided in
6 this section.

7 (2) The board of county commissioners, city or town
8 council or commission shall order a special local government
9 nonpartisan primary election to be held February 8, 1977 and
10 partisan primary elections February 15, 1977 and local
11 government general nonpartisan elections on April 5, 1977
12 and local government general partisan elections April 12,
13 1977 for the purpose of electing local government officials.

14 (3) Primary election is not required in cities and
15 towns with a population of 3,499 or less as shown by the
16 most recent federal census. Nonpartisan candidates shall be
17 nominated by certificates of nomination.

18 (4) Nomination declarations, or certificates of
19 nomination, shall be filed not later than 5 p.m., January 7,
20 1977.

21 (5) If a new alternative form of local government is
22 adopted, all elected city, town, and county officers shall
23 hold their respective offices until the new successors are
24 elected and qualified. The new officials specified in the
25 new alternative form shall be elected at the special primary

1 and general elections authorized in this act although
 2 similar offices exist under the former form of government.
 3 One (1) less than the number of commissioners specified in
 4 the county form shall be nominated and elected.

5 The county commissioner elected on November 7, 1972
 6 shall continue to hold office as a commissioner until his
 7 successor is elected in 1978 and qualified in 1979. Such
 8 commissioner retains his office under the provisions of
 9 section 6(3) of the transition schedule of the 1972 Montana
 10 constitution. If the county is divided into districts, he
 11 shall represent the district that contains his legal
 12 residence. If the county apportionment plan includes the
 13 election of any commissioners at-large, he shall be one of
 14 the at-large commissioners.

15 If the terms of commissioners are to be overlapping,
 16 they shall draw lots to establish their respective terms of
 17 office at the first meeting of the commission.

18 (6) If the existing form of local government is
 19 retained, all elected city, town, and county officers shall
 20 hold their respective offices until the new successors are
 21 elected and qualified. Successors shall be elected at the
 22 special primary and general election authorized in this act
 23 for county officers whose term of office would otherwise
 24 terminate on the first Monday of January 1977 or the first
 25 Monday of March 1977.

1 Successors shall be elected at the special primary and
 2 general election for city or town officers whose term of
 3 office would otherwise terminate on December 31, 1977, or
 4 the first Monday of May 1977.

5 (7) The elections shall be governed by the election
 6 laws of the state of Montana. The election shall be
 7 conducted, vote returned and canvassed, and results declared
 8 in the manner provided by law for election of county
 9 officials. Votes cast for city, town, and county officials
 10 shall be counted, canvassed, and returned by county election
 11 officials. Any separate ballots or election supplies
 12 required for election of city or town officials shall be
 13 furnished or paid for by the city or town.

14 (8) Officers elected shall take office on May 2, 1977.
 15 They shall serve terms for the duration specified in the
 16 alternative form of government.

17 Section 17. There is a new R.C.M. section numbered
 18 16-5115.14 that reads as follows:

19 16-5115.14. Organization of the commission. (1) The
 20 first meeting of a new commission for a new form of
 21 government shall be held at 10 a.m. on May 2, 1977, at which
 22 time newly elected members shall take the oath of office
 23 prior to assuming the duties of office.

24 (2) If the terms of commissioners are to be
 25 overlapping, they shall draw lots to establish their

1 respective terms of office.

2 Section 18. There is a new R.C.M. section numbered
3 16-5115.15 that reads as follows:

4 16-5115.15. Judicial enforcement and review. (1) Ten
5 (10) or more qualified electors or the attorney general may
6 petition the district court to enforce the provisions of
7 this chapter.

8 (2) The provisions of Title 93, chapter 89, R.C.M.
9 1947 (Uniform Declaratory Judgments Act) shall apply to the
10 adoption of a charter or an alternative form of government.
11 A petition for declaratory relief under Title 93, chapter
12 89, may be brought on behalf of the public either by the
13 attorney general or by ten (10) or more qualified electors
14 of the local government unit. In the case of a petition by
15 ten (10) or more qualified electors, the attorney general
16 shall be served notice of the petition and may intervene as
17 a party at any stage of the proceedings. The petitioner
18 may, in the court's discretion, be awarded costs which may
19 include reasonable attorney fees.

20 (3) Judicial review to determine the validity of the
21 procedures whereby any charter or alternative form of
22 government is adopted may be had by petition of ten (10) or
23 more registered voters of the city or town brought within
24 thirty (30) days after the election at which such charter or
25 form of government, revision, or amendment is approved. If

1 no petition is filed within that period, compliance with all
2 the procedures required by this act and the validity of the
3 manner in which the charter, or form of government was
4 approved shall be conclusively presumed. It shall be
5 presumed that proper procedure was followed and all
6 procedural requirements were met. The adoption of a charter
7 or form of government shall not be deemed invalid on account
8 of any procedural error or omission unless it is shown that
9 the error or omission materially and substantially affected
10 such adoption.

11 Section 19. There is a new R.C.M. section numbered
12 16-5115.16 that reads as follows:

13 16-5115.16. Effect of other laws. The procedures
14 established by this chapter for adoption and implementation
15 of an alternative form of government, a charter, a
16 consolidated government, a confederated government, a
17 consolidation or transfer of services, or a disincorporation
18 of a city or town are exclusive and shall not be effected by
19 any other law, except the disincorporation of a city or town
20 shall be governed by other law as provided in this chapter.

21 Section 20. Liberal construction. This act shall be
22 liberally construed to effectuate its purpose of
23 facilitating the review of local government.

24 Section 21. Severability clause. If any part of this
25 act shall be declared invalid or unconstitutional, it shall

1 not affect the validity of any other part of this act.

2 Section 22. Immediate effective date. This act is
3 effective on its passage and approval.

4 Section 23. Automatic repealer. This act terminates
5 on June 30, 1977.

-End-

1 HOUSE BILL NO. 177

2 INTRODUCED BY GERKE, MCKITTRICK, DRISCOLL, FAGG, WILLIAMS,
3 KENDALL, LOCKREM, MARKS, SOUTH, GWYNN,
4 HARDANOUVE, BRADLEY, HAGER, HOLMES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO FURTHER IMPLEMENT
7 ARTICLE XI, SECTIONS 3, 5, 6, AND 9 OF THE 1972 MONTANA
8 CONSTITUTION BY PROVIDING PROCEDURES BY WHICH LOCAL
9 GOVERNMENT STUDY COMMISSIONS MAY FORMULATE RECOMMENDATIONS
10 AND SUBMIT RECOMMENDATIONS TO THE VOTERS; PROVIDING FOR AN
11 IMMEDIATE EFFECTIVE DATE; PROVIDING A TERMINATION DATE; AND
12 AMENDING SECTIONS 16-5102, 16-5105, AND 16-5113, R.C.M.
13 1947."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 16-5102, R.C.M. 1947, is amended to
17 read as follows:

18 "16-5102. Definitions. As used in this act:

19 (1) "Study commission" means a local government study
20 commission established pursuant to this act.

21 (2) "Unit of local government" means a county,
22 incorporated city or incorporated town.

23 (3) "Study commissioners" means the elected or
24 appointed members of the local government study commissions.

25 (4) "Structure" means the entire governmental

1 organization through which a local government unit carries
2 out its duties, functions and responsibilities.

3 (5) "Form" means a specific and formal governmental
4 organization authorized as an ~~optional~~ alternative form of
5 government by ~~law or a specific and formal governmental~~
6 ~~organization provided in a charter~~ Title 47A, Part 3,
7 chapter 2-

8 (6) "Charter" means a written document defining the
9 powers, structure, privileges, rights, and duties of the
10 government and limitations thereon.

11 (7) "Merger" means the joinder of the corporate
12 existence and government of two or more cities and/or towns.

13 (8) "Consolidation" means a form of local government
14 that provides for the joinder of the corporate existence and
15 government of a county and one or more of the cities and/or
16 towns which are located within the county.

17 (9) "Confederation" means a form of local government
18 that provides for the distribution of the governmental
19 authority between a county and one or more of the cities
20 and/or towns which are located within the county.

21 (10) "County consolidation" means a form of local
22 government that provides for the joinder of the corporate
23 existence and government of two or more counties.

24 (11) "Plan of government" means a certificate prepared
25 by a study commission from the provisions of Title 47A, Part

3. chapter 2, that documents the basic form of government selected by the study commission including all applicable suboptions. The plan must establish the terms of all offices and the number of commissioners, if any, to be elected.

(12) "Apportionment plan" means a certificate prepared by a study commission that contains the proposed commissioner districts for a new plan of government.

(13) "Consolidation plan" means a certificate prepared by a study commission that contains the plans for consolidation of existing units of local government.

(14) "Plan for consolidation or transfer of services" means a certificate prepared by cooperating study commissions that contains the plans for consolidation or transfer of services or functions between or among cities, towns, and counties.

(15) "Local government code" means a revision and reorganization of the body of law dealing with the organization and operation of local government to be presented to the 1975 and 1977 legislatures."

Section 2. Section 16-5105, R.C.M. 1947, is amended to read as follows:

"16-5105. Power of the study commission. The study commission ~~shall have the power to~~ SHALL HAVE THE POWER TO review the structure and power of each unit of local

government represented on the study commission and shall submit one (1) alternative form of government to the qualified electors of each unit of government or combination of units of government. The study commission may submit an optional or alternative form of government provided by law or may draft a self-government charter; ~~however, no such optional or alternative form or charter shall be submitted to the qualified electors until a specific procedure for such submission by the study commission is provided by subsequent law."~~

Section 3. Section 16-5113, R.C.M. 1947, is amended to read as follows:

"16-5113. Finances. (1) The governing body of each local government unit shall prepare a budget to cover the expenses of the study commission for the period it is in operation during fiscal year 1975.

(2) The study commission shall prepare a budget for fiscal year 1976 and a budget for fiscal year 1977 and submit them to the local government unit's governing body for approval.

(3) Each local government unit shall accept and transfer to its study commission all funds appropriated from the state general fund for the support of the study commission.

(4) Each local government unit shall supplement the

1 state funds available in fiscal years 1975, 1976, and 1977
 2 by appropriating funds, providing in-kind services, or a
 3 combination or both, in a total amount not less than the
 4 available state money for each fiscal year. ~~For that~~
 5 ~~purpose, each local government unit may assess and levy,~~
 6 Each unit of local government may finance the operation of
 7 local study commissions, printing and distribution of the
 8 tentative and final report, and the election on the
 9 alternative form of local government from the general fund
 10 or each local government unit may assess and levy, in
 11 addition to all other levies permitted by law, a special tax
 12 on each dollar of taxable valuation of the taxable property
 13 of the unit of local government. This tax may be levied in
 14 each of the fiscal years 1975, 1976, and 1977 and may be
 15 levied by a municipality in addition to the all-purpose levy
 16 provided in sections 84-4701.1, 84-4701.2, 84-4701.3,
 17 84-4701.4, and 84-4701.5, R.C.M. 1947.

18 (5) All moneys received by the study commission shall
 19 be deposited with the county or municipal treasurer. The
 20 treasurer is authorized to disburse budgeted funds of the
 21 study commission on its order. Unexpended funds of the study
 22 commission shall not revert to the general fund of the local
 23 government unit at the end of the fiscal year but shall
 24 carry over to the study commission's budget for the
 25 following fiscal year. Upon termination of the study

1 commission, unexpended funds shall revert to the general
 2 fund of the local government unit AND TO THE STATE GENERAL
 3 FUND IN PROPORTION TO THEIR RESPECTIVE CONTRIBUTIONS TO THE
 4 STUDY COMMISSION.

5 (6) The expense of printing, mailing, and publication
 6 of the tentative and final report shall be appropriated to
 7 the study commission by the board of county commissioners
 8 for county study commissions and by the city or town council
 9 for city and town study commissions. The cost of printing
 10 and postage shall not be used to match the state grant to
 11 local study commissions."

12 Section 4. There is a new R.C.M. section numbered
 13 16-5115.1 that reads as follows:

14 16-5115.1. Existing forms of local government. (1)
 15 For the purpose of determining the statutory basis of
 16 existing units of local government under this act, each unit
 17 of local government organized under the general statutes
 18 authorizing the municipal mayor-council form of government
 19 which does not adopt a new form shall be governed after May
 20 2, 1977 by the following sections of section 47A-3-203:

- 21 (1)
- 22 (2)
- 23 (3) (a) (ii)
- 24 (3) (b) (iii)
- 25 (3) (c) (ii)

- 1 (3) (d) (ii)
- 2 (3) (e) (ii)
- 3 (3) (f) (i)
- 4 (3) (g) (ii)
- 5 (3) (h) (i)
- 6 (3) (i) (i)
- 7 (3) (j) (iii)
- 8 (3) (k) (ii)
- 9 (3) (l) (ii)
- 10 (4) (a)

11 This form has terms of four (4) years for all elected
 12 officials. The size of the commission shall be established
 13 by ordinance, but it may not exceed twenty (20) members.

14 (2) For the purpose of determining the statutory basis
 15 of existing units of local government after May 2, 1977 when
 16 the new local government code will become effective, each
 17 unit of local government organized under the general
 18 statutes authorizing the municipal commission-manager form
 19 of government shall be governed by the following sections of
 20 section 47A-3-204:

- 21 (1)
- 22 (2)
- 23 (3)
- 24 (4)
- 25 (5)

- 1 (6) (a) (iii)
- 2 (6) (b) (i)
- 3 (6) (c) (ii)
- 4 (6) (d) (ii)
- 5 (6) (e) (ii)
- 6 (6) (f) (ii)
- 7 (6) (g)
- 8 (7) (a)

9 This form has terms of four (4) years for all elected
 10 officials. The size of the commission shall be established
 11 by ordinance, but it may not exceed five (5) members.

12 (3) For the purpose of determining the statutory basis
 13 of existing units of local government after May 2, 1977 when
 14 the new local government code will become effective, each
 15 unit of local government organized under the general
 16 statutes authorizing the elected county official form or
 17 government shall be governed by the following sections of
 18 section 47A-3-205:

- 19 (1)
- 20 (2) (a) (iii)
- 21 (2) (b) (i)
- 22 (2) (c) (i)
- 23 (2) (d) (ii)
- 24 (2) (e) (ii)
- 25 (2) (f) (ii)

1 (2) (g)
 2 (3) (a) (i)
 3 (3) (b) (i)
 4 (3) (c) (i)
 5 (3) (d) (i)
 6 (3) (e) (i)
 7 (3) (f) (i)
 8 ~~(3) (g) (i)~~
 9 (3) (h) (i)
 10 (3) (i) (i)
 11 (3) (j) (i)
 12 (3) (k) (i) IF THE COUNTY HAS ELECTED AN AUDITOR.
 13 ~~(3) (k) (vi) IF THE COUNTY HAS NOT ELECTED AN AUDITOR.~~
 14 (4)
 15 This form has terms of four (4) years for all elected
 16 officials except commissioners who are elected to six (6)
 17 year terms. The commission consists of three (3) members.
 18 (4) For the purpose of determining the statutory basis
 19 of existing units of local government after May 2, 1977 when
 20 the local government code will become effective, each unit
 21 of local government organized under the general statutes
 22 authorizing the county manager form of government shall be
 23 governed by the following sections of section 47A-3-204:
 24 (1)
 25 (2)

1 (3)
 2 (4)
 3 (5)
 4 (6) (a) (ii)
 5 (6) (b) (i) or (ii)
 6 (6) (c) (ii)
 7 (6) (d) (i)
 8 (6) (e) (ii)
 9 (6) (f) (ii)
 10 (6) (g)
 11 Commissioners are elected to six (6) year terms. The
 12 size of the commission shall be established by ordinance,
 13 but it may not exceed five (5) members.
 14 Section 5. There is a new R.C.M. section numbered
 15 16-5115.2 that reads as follows:
 16 16-5115.2. Alternative forms of government. A study
 17 commission shall submit to the qualified electors an
 18 alternative form of local government authorized by Title
 19 47A, Part 3, chapter 2.
 20 Section 6. There is a new R.C.M. section numbered
 21 16-5115.3 that reads as follows:
 22 16-5115.3. Consolidation. (1) A county and a city or
 23 town within the county may unite to form a single unit of
 24 local government under the provisions of this section.
 25 (2) An alternative form of government, including a

1 charter form, for a consolidated unit of government may be
 2 submitted to the voters only by those study commissions that
 3 have cooperated under section 16-5106. A majority vote by
 4 each of the affected study commissions is required for the
 5 submission of an alternative form of government for a
 6 consolidated unit of local government. The affected study
 7 commissions submitting a consolidated form shall issue a
 8 single joint report and proposal.

9 (3) An alternative form of government for a
 10 consolidated unit of local government does not need to
 11 include more than one municipality. A municipality may not
 12 be included unless the local government study commission of
 13 that municipality participates in the cooperative study and
 14 unless its study commission, by a majority vote, approves
 15 the proposed alternative plan for the consolidated
 16 government.

17 (4) Study commissions proposing consolidation shall
 18 prepare, adopt, and submit to the voters a consolidation
 19 plan, in addition to the alternative form of government. If
 20 the commission proposes a charter, the plan may be included
 21 in the charter.

22 The consolidation plan shall:

23 (a) Provide for adjustment of existing bonded
 24 indebtedness and other obligations in a manner which will
 25 provide for a fair and equitable burden of taxation for debt

1 service.

2 (b) Provide for establishment of service areas.

3 (c) Provide for the transfer or other disposition of
 4 property and other rights, claims, assets, and franchises of
 5 local governments consolidated under the alternative form.

6 (d) Provide the official name of the consolidated unit
 7 of local government.

8 (e) Provide for the transfer, reorganization,
 9 abolition, absorption, adjustment of boundaries and may
 10 provide a method for adjusting the boundaries of all
 11 existing boards, bureaus, commissions, agencies, special
 12 districts, and political subdivisions of the consolidated
 13 governments. Or the plan may grant the legislative body of
 14 the consolidated government the authority to transfer,
 15 reorganize, adjust boundaries, abolish, or absorb, and
 16 provide a method for adjusting the boundaries of such
 17 entities with or without referendum requirements. This
 18 section shall not apply to excluded municipalities, school
 19 districts, conservancy districts, drainage districts,
 20 irrigation districts, soil and water conservation districts,
 21 or livestock districts.

22 (f) Include other provisions which the study
 23 commission elects to include and which are consistent with
 24 state law.

25 (5) On its effective date, the alternative form of

1 government and consolidation plan operate to dissolve all
 2 local governments within the area of consolidation in
 3 accordance with their provisions. On the effective date the
 4 separate corporate existence of the county and of each
 5 participating city and/or town shall be consolidated and
 6 merged into one local government unit under the name
 7 selected, designated, and adopted as provided in this
 8 chapter, and the consolidated local government shall
 9 thereupon succeed to, possess, and own all of the property
 10 and assets of every kind and description and shall, except
 11 as otherwise provided, become responsible for all of the
 12 obligations and liabilities of the county, cities, and towns
 13 so consolidated and merged. As a political subdivision of
 14 the state, such consolidated unit or local government shall
 15 have the status of a county and an incorporated municipality
 16 for all purposes and shall replace and be the successor of
 17 the county and any city or town.

18 (6) A consolidated local government shall have and may
 19 exercise all powers that are now, or hereafter may be,
 20 conferred on counties, cities, or towns by the constitution
 21 and laws of the state. The consolidated local government
 22 may levy all taxes which counties, cities, and towns are
 23 authorized to levy.

24 (7) Within two years after ratification of the
 25 consolidation, the governing body of the consolidated unit

1 of local government shall revise, repeal, or reaffirm all
 2 rules, ordinances, and resolutions in force within the
 3 participating county, cities, and towns at the time of
 4 consolidation. Each rule, ordinance, or resolution, in
 5 force at the time of consolidation, shall remain in force
 6 within the former geographic jurisdiction until superseded
 7 by action of the new governing body. Ordinances and
 8 resolutions relating to public improvements to be paid for
 9 in whole or in part by special assessments, may not be
 10 repealed.

11 (8) All provisions of law authorizing contributions of
 12 any kind, in money or otherwise, from the state or federal
 13 government to counties and cities shall remain in full force
 14 with respect to a consolidated local government.

15 Section 7. There is a new K.C.M. section numbered
 16 16-5115.4 that reads as follows:

17 16-5115.4. Confederation. (1) A county and any city
 18 or town within the county may unite to form a confederated
 19 unit of local government under the provisions of this
 20 section.

21 (2) A confederated form of local government may be
 22 created only by charter. A charter for a confederated form
 23 of local government may be submitted to the voters only by
 24 those study commissions that have cooperated under section
 25 16-5106. A majority vote by each of the affected study

1 commissions is required for the submission of a charter for
 2 a confederated form of government. The affected study
 3 commissions submitting a charter for a confederated unit of
 4 local government shall issue a single joint report and
 5 proposal.

6 (3) A charter for a confederated form of government
 7 does not need to include more than one municipality. A
 8 municipality may not be included unless the local government
 9 study commission of that municipality participates in the
 10 cooperative study and unless its study commission, by a
 11 majority vote, approves the proposed alternative plan for
 12 the confederated government.

13 (4) In addition to all other requirements, a charter
 14 for a confederated form of government shall:

15 (a) Provide for a confederated system of county, city,
 16 and town governments.

17 (b) Authorize the comprehensive and simultaneous
 18 transfer of services to a system in which the county
 19 provides county-wide and area-wide services and cities and
 20 towns provide local services.

21 (c) Permit future transfer of responsibility for
 22 provision of services.

23 (d) Establish a separate legislative body and chief
 24 administrative office for the county and each participating
 25 city or town in the confederated unit of local government OR

1 THE PLAN MAY PROVIDE A SINGLE EXECUTIVE FOR THE CONFEDERATED
 2 UNIT OF GOVERNMENT. THE PLAN MAY ALSO PROVIDE FOR A JOINT
 3 LEGISLATIVE BODY.

4 (e) Provide for adjustment of existing bonded
 5 indebtedness and other obligations in a manner which will
 6 provide for a fair and equitable burden of taxation for debt
 7 service.

8 (f) Provide for establishment of service areas.

9 (g) Provide for the transfer or other disposition of
 10 property and other rights, claims, assets, and franchises of
 11 local governments confederated under the charter.

12 (h) Provide the official name of the confederated unit
 13 of local government:

14 (i) Provide for the transfer, reorganization,
 15 abolition, absorption, or adjustment of boundaries, and may
 16 provide a method for adjusting the boundaries of all
 17 existing boards, bureaus, commissions, agencies, special
 18 districts, and political subdivisions of the confederated
 19 governments. Or the plan may provide for adjusting the
 20 boundaries of and may provide a method for adjusting the
 21 boundaries of the participating incorporated municipalities.
 22 Or the plan may grant the legislative bodies of the
 23 confederated government the authority to transfer,
 24 reorganize, adjust the boundaries of, absorb, or abolish,
 25 and provide a method for adjusting the boundaries of such

1 entities with or without referendum requirements. This
 2 section shall not apply to excluded municipalities, school
 3 districts, conservancy districts, drainage districts,
 4 irrigation districts, soil and water conservation districts,
 5 or livestock districts.

6 (j) Include other provisions which the study
 7 commission elects to include and which are consistent with
 8 state law.

9 (5) On the effective date of the charter there shall
 10 be created a confederated unit of local government under the
 11 NAME ESTABLISHED IN THE CHARTER.

12 (6) On the effective date of the charter, the charter
 13 of the confederated form of local government operates to
 14 consolidate and merge the corporate existence of the
 15 participating units to the extent provided by the charter.

16 (7) As provided in the charter, the property, assets,
 17 obligations, and liabilities of the confederated county,
 18 cities, or towns shall be assumed on the effective date of
 19 the charter by the parts of the new confederated unit of
 20 local government.

21 (8) As a political subdivision of the state, such
 22 confederated local government shall have the status of a
 23 county and an incorporated municipality for all purposes and
 24 shall replace and be the successor of the county and any
 25 city or town.

1 (9) A confederated local government shall have and may
 2 exercise all powers that are now, or hereafter may be,
 3 conferred on counties, cities, or towns by the constitution
 4 and laws of the state. The confederated local government
 5 may levy all taxes which counties, cities, and towns are
 6 authorized to levy.

7 (10) Within two (2) years after ratification of the
 8 confederation, the governing bodies of the confederated unit
 9 of local government shall revise, repeal, or reaffirm all
 10 rules, ordinances, and resolutions in force within the
 11 participating county, cities, and towns at the time of
 12 confederation. Each rule, regulation, ordinance, or
 13 resolution, in force at the time of confederation shall
 14 remain in force within the former geographic jurisdiction
 15 until superseded by action of the new governing body.
 16 Ordinances and resolutions relating to public improvements
 17 to be paid for in whole or in part by special assessments
 18 may not be repealed.

19 (11) All provisions of law authorizing contributions of
 20 any kind, in money or otherwise, from the state or federal
 21 government to counties and cities shall remain in full force
 22 with respect to a confederated local government.

23 Section 8. There is a new H.C.M. section numbered
 24 16-5115.5 that reads as follows:

25 16-5115.5. County consolidation. (1) Two or more

1 contiguous counties may unite to form a single unit of local
2 government under the provisions of this section.

3 (2) An alternative form of government, including a
4 charter form, for consolidated counties may be submitted to
5 the voters only by county study commissions that have
6 cooperated under section 16-5106. A majority vote by each
7 of the affected study commissions is required for the
8 submission of an alternative form of government for a
9 consolidated county unit of local government. The affected
10 county study commissions submitting a consolidated form
11 shall issue a single joint report and proposal.

12 (3) Study commissions proposing county-county
13 consolidation shall prepare, adopt, and submit to the voters
14 a consolidation plan, in addition to the alternative form of
15 government. If the study commissions propose a charter, the
16 plan may be included in the charter.

17 The consolidation plan shall:

18 (a) Provide for adjustment of existing bonded
19 indebtedness and other obligations in a manner which will
20 provide for a fair and equitable burden of taxation for debt
21 service.

22 (b) Provide for establishment of service areas.

23 (c) Provide for the transfer or other disposition of
24 property and other rights, claims, assets, and franchises of
25 local governments consolidated under the alternative form.

1 (d) Provide the official name of the consolidated unit
2 of local government.

3 (e) Provide for the transfer, reorganization,
4 abolition, absorption, adjustment of boundaries and may
5 provide a method for adjusting the boundaries of all
6 existing boards, bureaus, commissions, agencies, special
7 districts, and political subdivisions of the consolidated
8 governments. Or the plan may grant the legislative body of
9 the consolidated government the authority to transfer,
10 reorganize, adjust boundaries, abolish or absorb, and
11 provide a method for adjusting the boundaries of such
12 entities with or without referendum requirements. This
13 section shall not apply to excluded municipalities, school
14 districts, conservancy districts, drainage districts,
15 irrigation districts, soil and water conservation districts,
16 or livestock districts.

17 (f) Include other provisions which the study
18 commissions elect to include and which are consistent with
19 state law.

20 (4) On their effective date, the alternative form of
21 government and consolidation plan operate to dissolve the
22 county governments within the area of consolidation in
23 accordance with their provisions. On the effective date the
24 separate corporate existence of the affected counties shall
25 be consolidated and merged into one local government unit

1 under the name selected, designated, and adopted as provided
 2 in this section, and such consolidated local government
 3 shall thereupon succeed to, possess, and own all of the
 4 property and assets of every kind and description and shall,
 5 except as otherwise provided, become responsible for all of
 6 the obligations and liabilities of the counties so
 7 consolidated. As a political subdivision of the state, such
 8 consolidated unit of local government shall have the status
 9 of a county, and shall replace and be the successor of the
 10 affected counties.

11 (5) A county-county consolidated local government
 12 shall have and may exercise all powers that are now, or
 13 hereafter may be, conferred on counties, by the constitution
 14 and laws of the state. The consolidated local government
 15 may levy all taxes which counties are authorized to levy.

16 (6) Within two years after ratification of the
 17 consolidation, the governing body of the consolidated unit
 18 of local government shall revise, repeal, or reaffirm all
 19 rules, ordinances, and resolutions in force within the
 20 participating counties at the time of consolidation. Each
 21 rule, ordinance, or resolution, in force at the time of
 22 consolidation shall remain in force within the former
 23 geographic jurisdiction until superseded by action of the
 24 new governing body. Ordinances and resolutions relating to
 25 public improvements to be paid for in whole or in part by

1 special assessments, may not be repealed.

2 (7) All provisions of law authorizing contributions of
 3 any kind, in money or otherwise, from the state or federal
 4 government to counties shall remain in full force with
 5 respect to a consolidated local government.

6 Section 9. There is a new R.C.M. section numbered
 7 16-5115.6 that reads as follows:

8 16-5115.6. County consolidation including
 9 municipalities. (1) Two or more contiguous counties and
 10 any city or town of the counties may unite to form a single
 11 unit of local government under the provisions of this
 12 section.

13 (2) An alternative form of government, including a
 14 charter form, for consolidated counties may be submitted to
 15 the voters only by county study commissions that have
 16 cooperated under section 16-5106. A majority vote by each
 17 of the affected study commissions is required for the
 18 submission of an alternative form of government for a
 19 consolidated county unit of local government. The affected
 20 county study commissions submitting a consolidated form
 21 shall issue a single joint report and proposal.

22 (3) An alternative form of government for a
 23 consolidated county unit of local government may not include
 24 any city or town unless the local study commission of that
 25 city or town participates in the cooperative study and

1 unless its study commission, by a majority vote, approves
2 the proposed alternative plan for the consolidated
3 government.

4 (4) Study commissions proposing county-county
5 consolidation that includes a city or town shall prepare,
6 adopt, and submit to the voters a consolidation plan, in
7 addition to the alternative form of government. If the
8 study commissions propose a charter, the plan may be
9 included in the charter.

10 The consolidation plan shall:

11 (a) Provide for adjustment of existing bonded
12 indebtedness and other obligations in a manner which will
13 provide for a fair and equitable burden of taxation for debt
14 service.

15 (b) Provide for establishment of service areas.

16 (c) Provide for the transfer or other disposition of
17 property and other rights, claims, assets and franchises of
18 local governments consolidated under the alternative form.

19 (d) Provide the official name of the consolidated unit
20 of local government.

21 (e) Provide for the transfer, reorganization,
22 abolition, absorption, adjustment of boundaries and may
23 provide a method for adjusting the boundaries of all
24 existing boards, bureaus, commissions, agencies, special
25 districts, and political subdivisions of the consolidated

1 governments. Or the plan may grant the legislative body of
2 the consolidated government the authority to transfer,
3 reorganize, adjust boundaries, abolish or absorb, and
4 provide a method for adjusting the boundaries of such
5 entities with or without referendum requirements. This
6 section shall not apply to municipalities, school districts,
7 conservancy districts, drainage districts, irrigation
8 districts, soil and water conservation districts, or
9 livestock districts.

10 (f) Include other provisions which the study
11 commissions elect to include and which are consistent with
12 state law.

13 (5) On their effective date, the alternative form of
14 government and consolidation plan operate to dissolve all
15 local governments within the area of consolidation in
16 accordance with their provisions. On the effective date the
17 separate corporate existence of the affected counties and a
18 participating city or town shall be consolidated and merged
19 into one local government unit under the name selected,
20 designated, and adopted as provided in this section, and
21 such consolidated local government shall thereupon succeed
22 to, possess, and own all of the property and assets of every
23 kind and description and shall, except as herein otherwise
24 provided, become responsible for all of the obligations and
25 liabilities of the counties and cities and towns if any, so

1 consolidated and merged. As a political subdivision of the
 2 state, such consolidated unit of local government shall have
 3 the status of a county and an incorporated municipality, if
 4 any city or town is included, for all purposes and shall
 5 replace and be the successor of the affected counties and of
 6 the affected cities and towns, if any.

7 (6) A county-county consolidation that includes a city
 8 or town shall have and may exercise all powers that are now,
 9 or hereafter may be, conferred on counties or cities and
 10 towns by the constitution and laws of the state. The
 11 consolidated local government may levy all taxes which
 12 counties or cities and towns are authorized to levy.

13 (7) Within two years after ratification of the
 14 consolidation, the governing body of the consolidated unit
 15 of local government shall revise, repeal, or reaffirm all
 16 rules, ordinances, and resolutions in force within the
 17 participating counties and cities and towns at the time of
 18 consolidation. Each rule, ordinance, or resolution, in
 19 force at the time of consolidation shall remain in force
 20 within the former geographic jurisdiction until superseded
 21 by action of the new governing body. Ordinances and
 22 resolutions relating to public improvements to be paid for
 23 in whole or in part by special assessments, may not be
 24 repealed.

25 (8) All provisions of law authorizing contributions of

1 any kind, in money or otherwise, from the state or federal
 2 government to counties and cities shall remain in full force
 3 with respect to a consolidated local government.

4 Section 10. There is a new R.C.M. section numbered
 5 16-5115.7 that reads as follows:

6 16-5115.7. Service consolidation or transfer. (1)
 7 Cooperating study commissions may submit in addition to any
 8 plan of government submitted to the qualified electors,
 9 separate ballot questions on the consolidation or transfer
 10 of services and functions between or among cities, towns,
 11 and counties.

12 (2) The cooperating study commissions may SHALL
 13 prepare a "joint report on services to be consolidated or
 14 transferred". The report shall include a certificate
 15 containing a "plan for [insert consolidation or transfer] of
 16 [insert name of service or function] services" signed by a
 17 majority of the members elected or appointed to each
 18 commission. The report shall contain a separate plan for
 19 each service or function consolidated or transferred.

20 (3) The plan shall provide:

21 (a) The nature of service or function transferred or
 22 consolidated;

23 (b) The effective date of such transfer or
 24 consolidation;

25 (c) The manner in which affected employees engaged in

1 the performance of the function will be transferred,
 2 reassigned or otherwise treated;

3 (d) The manner in which real property, facilities,
 4 equipment, or other personal property required in the
 5 exercise of the function are to be transferred, sold, or
 6 otherwise disposed of;

7 (e) The method of financing, establishing, and
 8 maintaining a budget for the service; and

9 (f) Other legal, financial, and administrative
 10 arrangements necessary to effect the transfer in an orderly
 11 and equitable manner.

12 (4) The plan may include provisions for an
 13 administrator or a joint board responsible for administering
 14 any joint or cooperative undertaking.

15 (5) (a) The "joint report on services to be
 16 consolidated or transferred" shall be published and
 17 distributed to qualified electors and the election conducted
 18 as provided in sections 16-5119 and 16-5120.

19 (b) Each plan for consolidation or transfer of
 20 functions shall be listed separately on the ballot. The
 21 following form shall be used for each separate plan:

22 "Shall the plan for [insert consolidation or transfer]
 23 of [insert name of service or function] services
 24 proposed in the reports of the [insert the names of
 25 local government units] local government study

1 commissions be adopted?

Yes.

No."

2
 3 (c) The affirmative vote of a simple majority of those
 4 voting on the question shall be required for adoption of any
 5 plan for consolidation or transfer of services.

6 (d) The plan for consolidation or transfer of service
 7 shall take effect as provided in the plan and the
 8 legislative body of a local government may enact and enforce
 9 ordinances to bring about an orderly transition to the new
 10 plan for consolidation or transfer of services.

11 (6) A plan for consolidation and/or transfer of
 12 services and functions adopted by the voters may be amended
 13 or terminated only by a referendum approved by a majority of
 14 electors voting on the question.

15 Section 11. There is a new h.c.m. section numbered
 16 16-5115.8 that reads as follows:

17 16-5115.8. Disincorporation. (1) A city or town
 18 study commission may submit a proposal for disincorporation
 19 to the qualified electors of the city or town. The
 20 opportunity of the qualified electors to vote on the
 21 proposal for disincorporation shall be construed as an
 22 opportunity to vote on an alternative form of government in
 23 accordance with Article XI, section 9, of the Montana

1 constitution.

2 (2) The final report of the study commission shall
3 describe the advantages and disadvantages of
4 disincorporation and shall meet the requirements for a final
5 study commission report established in section ~~16-5118~~
6 16-5115.9, except it shall contain a certificate authorizing
7 disincorporation rather than a proposed "plan of
8 government".

9 (3) A question of disincorporation proposed by a study
10 commission shall be submitted to the qualified electors in
11 the following form:

12 For the disincorporation of [insert name of city
13 or town].

14 Against the disincorporation of [insert name of
15 city or town] and for the retention of the
16 present form of government."

17 (4) Adoption of the study commission proposal for
18 disincorporation shall require the affirmative vote of a
19 majority of the qualified electors voting on the question.

20 (5) If the disincorporation proposal is approved by
21 the qualified electors the disincorporation shall become
22 effective May 2, 1977.

23 (6) The legislative body of the county in which the
24 disincorporating city or town is located shall adopt
25 ordinances to provide for orderly disincorporation and may
26 establish tax and service districts to provide services to

1 the disincorporated city or town.

2 (7) The study commission shall prepare a report
3 containing a recommended plan of disincorporation including
4 suggested ordinances and service districts.

5 (8) If the study commission proposal for
6 disincorporation is approved by the qualified electors, the
7 disincorporation shall proceed in accordance with the
8 provisions of sections 11-315 through 11-321.

9 Section 12. There is a new R.C.M. section numbered
10 16-5115.9 that reads as follows:

11 16-5115.9. Study commission timetable. Each local
12 study commission, or combination of local study commissions
13 shall:

14 (1) Conduct one or more public hearings prior to
15 ~~August~~ OCTOBER 1, 1975, for the purpose of gathering
16 information regarding the current form, functions, and
17 problems of the local government or governments.

18 (2) Formulate, reproduce, and distribute by June 1,
19 1976, a tentative proposed report. No sooner than thirty
20 (30) days after the report is distributed, conduct one or
21 more public hearings on the tentative report. The tentative
22 report shall contain ~~all information~~ THE SAME CATEGORIES OF
23 INFORMATION required to be included in the final report of
24 the commission.

25 (3) (a) Adopt by August 1, 1976, the final report of

1 the commission. The final report shall contain the
2 following material and documents, each signed by a majority
3 of the members elected or appointed to the commission:

4 (i) A certificate containing the "plan of government"
5 of the existing form of local government.

6 (ii) A certificate containing the "plan of government"
7 of the proposed new form of local government, which must
8 differ in some manner from the existing form of local
9 government.

10 (iii) A certificate containing the "plan for
11 consolidation", if consolidation is proposed.

12 (iv) A certificate containing the "plan for
13 apportionment" of commissioner districts if districts are
14 contained in the "plan of government". THE APPORTIONMENT
15 PLAN SHALL BE BASED ON THE MOST RECENT FEDERAL CENSUS AND
16 THE DISTRICT SHALL BE AS COMPACT AND EQUAL IN POPULATION AS
17 POSSIBLE.

18 (v) A certificate establishing the date of the
19 special or general election at which the alternative form of
20 government shall be presented to the qualified electors and
21 a certificate establishing the form of the ballot question
22 or questions.

23 (b) The report shall contain a comparison of the
24 existing form and proposed form of local government, may
25 contain a statement on the strengths and weaknesses of the

1 existing and proposed form of local government, and may
2 contain information that supports the adoption of the
3 proposed form and information that supports retention of the
4 present form.

5 (c) The report may contain any minority report signed
6 by members of the commission who do not support the majority
7 proposal.

8 (4) Prepare or cause to be prepared sufficient copies
9 of its final report, including the full text of the proposed
10 form, any apportionment plan and the commission
11 recommendation, and mail one (1) copy, postpaid, to each
12 qualified elector of the local government unit or units
13 affected; the new report must be distributed to the
14 qualified electors not later than thirty (30) days prior to
15 the election on the issue of adopting the alternative form.

16 (5) Publish for two (2) successive weeks in a
17 newspaper of general circulation throughout the local
18 government unit or units affected, a summary of its proposed
19 plan of government, together with the address of a
20 convenient public place where the text of its proposal may
21 be obtained. The summary shall include a comparison of the
22 existing and proposed plans of government. The expenses of
23 printing, mailing, and publication shall be budgeted by the
24 local government study commission.

25 (6) File four (4) copies of the final report of the

1 commission with the state commission on local government.

2 (7) Have the power to prepare separate reports in
3 addition to its final report. These reports may recommend
4 consolidation of services and functions and potential areas
5 for interlocal agreements. The study commission may submit
6 recommendations to the state commission on local government
7 on revision of state laws governing local governments.

8 Section 13. There is a new R.C.M. section numbered
9 16-5115.10 that reads as follows:

10 16-5115.10. Vote on alternative form. (1) The study
11 commission shall authorize the submission of the alternative
12 form of government to the voters at a special election held
13 in 1976 on or before November 2, 1976. The special election
14 may be held with the school, primary, general, or other
15 election.

16 (2) A copy of the final report shall be certified by
17 the study commission to the city, town, or county clerk by
18 August 1, 1976. The clerk shall prepare and print notices
19 of the special election.

20 (3) Elections on the issue of adoption of a proposed
21 form of government by a local government unit shall be
22 conducted, returned, and canvassed and the result declared
23 in the same manner as provided by law in respect to
24 initiatives and referendums. The cost of the election shall
25 be budgeted by the local government unit. The affirmative

1 vote of a simple majority of those voting on the question
2 shall be required for adoption.

3 (4) In any election involving the question of
4 consolidation, such question shall be submitted to the
5 qualified voters in the county and shall require an
6 affirmative vote of a simple majority of the votes cast in
7 the county on the question for adoption. There shall be no
8 requirement for separate majorities in units of local
9 government voting on consolidation.

10 (5) In any election involving the question of
11 county-county consolidation or county-county-city
12 consolidation, such question shall be submitted to the
13 qualified electors in the counties affected and shall
14 require a simple majority of the votes cast on the question
15 in each affected county for adoption.

16 (6) The question of adopting the form of government
17 proposed by the study commission shall be submitted to the
18 qualified electors in substantially the following form:

19 (a) When only one unit of local government is affected
20 by the proposed form:

21 "Vote for one:

For adoption of the (self-government charter or form of government) proposed in the report of the (insert name of local government unit) local government study commission.

1 For ~~retention of~~ the existing form of government."

2 (b) When more than one unit is affected by the
3 proposed form:

4 *Vote for one:

For adoption of the (self-government charter or form of government) proposed in the report of the (insert names of local government units) local government study commissions to ("consolidate" or "confederate") the corporate and governmental existence of the following units of local government (insert names of local government units).

5 For ~~retention of~~ the existing form of government."

6 (c) The whole number of ballots shall be divided into
7 two (2) equal sets. No more than one (1) set shall be used
8 in printing the ballot for use in any one (1) precinct and
9 all ballots furnished for use in one precinct shall be
10 identical. The existing form of government shall be printed
11 as the first item and proposed form as second item on half
12 of the ballots and the proposed form as the first item and
13 the existing form as the second item on half of the ballots.
14 IF THE LOCAL GOVERNMENT CONSISTS OF ONLY ONE (1) PRECINCT,
15 THE EXISTING FORM SHALL BE LISTED FIRST ON THE BALLOT.

16 (7) A proposed alternative form shall be submitted to

1 the voters as a single question, except suboptions within
2 alternative forms of local government authorized by Title
3 47A, Part 3, chapter 2, and suboptions authorized in a
4 charter may be submitted to the qualified electors as
5 separate questions. No study commission may submit more
6 than three (3) separate suboptions and no suboption shall
7 contain more than two (2) alternatives. If a suboption is
8 submitted to the voters, only the ballot alternatives within
9 that suboption receiving the highest number of affirmative
10 votes shall be approved and included in the alternative form
11 of government. The question of adopting a suboption shall
12 be submitted to the qualified electors in substantially the
13 following form:

14 *Vote for one:

15 A legal officer (who may be called the "county
16 attorney"):

Shall be elected for a term of four years.

17 Shall be appointed for a term of four years by the
18 chairman of the local government commission."

19 Section 14. There is a new R.C.M. section numbered
20 16-5115.11 that reads as follows:

21 16-5115.11. General transition. (1) If the electors
22 disapprove the proposed new form of local government, the
23 local government shall retain its existing form as specified
24 in section 16-5115 and the report of the commission.

1 (2) (a) A new alternative form of local government
 2 and/or consolidation plan approved by the voters, shall take
 3 effect on May 2, 1977, except as otherwise provided in this
 4 act and any charter or consolidation plan. THE ELECTORS OF
 5 ANY UNIT OF LOCAL GOVERNMENT WHICH HAS ADOPTED A NEW
 6 ALTERNATIVE FORM OF LOCAL GOVERNMENT MAY NOT VOTE ON THE
 7 QUESTION OF CHANGING THE FORM OF LOCAL GOVERNMENT UNTIL
 8 THREE (3) YEARS AFTER THE NEW ALTERNATIVE FORM OF LOCAL
 9 GOVERNMENT BECAME EFFECTIVE, BUT THE VOTERS MAY VOTE ON
 10 AMENDMENTS TO THE ALTERNATIVE FORM OF SERVICE OR FUNCTIONAL
 11 TRANSFER.

12 (b) Provisions creating offices and establishing
 13 qualifications for office and any apportionment plan shall
 14 become effective December 1, 1976 for the purpose of
 15 electing officials.

16 (3) (a) A copy of the existing or proposed "plan of
 17 government" ratified by the voters and any "apportionment
 18 plan" or "consolidation plan" shall be certified by the
 19 chairman of the study commission and filed by the study
 20 commission by December 1, 1976 with each of the following
 21 authorities: secretary of state; attorney general;
 22 department of intergovernmental relations; state commission
 23 on local government; clerk of the city, town, or county; and
 24 clerk of the district court.

25 (b) The approved plan filed with the secretary of

1 state shall be the official plan and shall be a public
 2 record open to inspection of the public and judicially
 3 noticeable by all courts.

4 (4) All ordinances in effect at the time the new form
 5 of government becomes effective shall continue in effect
 6 until repealed or amended in the manner provided by law.
 7 Consolidated governments are governed by the provisions of
 8 section 16-5116.

9 (5) The adoption of a new form of government shall not
 10 affect the validity of any bond, debt, contract, obligation,
 11 or cause of action accrued or established under the prior
 12 form of government.

13 (6) If the proposed new form of local government is
 14 adopted the study commission shall prepare an advisory plan
 15 for orderly transition to a new form of local government.
 16 The transition plan may propose necessary ordinances, plans
 17 for consolidation of services and functions, and a plan for
 18 reorganizing boards, bureaus, departments, and agencies.

19 (7) The legislative body of a local government may
 20 enact and enforce ordinances to bring about an orderly
 21 transition to the new plan of government, including
 22 transfers of powers, records, documents, properties, assets,
 23 funds, liabilities, or personnel which are consistent with
 24 the approved plan and necessary or convenient to place it
 25 into full effect. Where any question arises concerning the

1 transition which is not provided for herein, the legislative
 2 body may provide for such transition by ordinance, rule, or
 3 resolution not inconsistent with this act.

4 Section 15. There is a new R.C.M. section numbered
 5 16-5115.12 that reads as follows:

6 16-5115.12. Transition -- officers and employees. (1)
 7 The members of the board of county commissioners or the
 8 members of the council or commission of a city or town,
 9 holding office on the date a new alternative form of
 10 government is adopted by the qualified electors of the local
 11 government unit, shall continue in office and in the
 12 performance of their duties until the commission authorized
 13 by the new alternative forms has been elected and qualified,
 14 whereupon the prior commission or council shall be
 15 abolished.

16 (2) All other employees holding offices or positions,
 17 whether elective or appointive, under the government of such
 18 county, city, or town on May 2, 1977, shall continue in the
 19 performance of the duties of their respective offices and
 20 positions until provision is made for the performance or
 21 discontinuance of such duties, or the discontinuance of such
 22 offices or positions.

23 Section 16. There is a new R.C.M. section numbered
 24 16-5115.13 that reads as follows:

25 16-5115.13. Election of new officials. (1) No

1 primary or general election shall be held ~~in 1975 for~~
 2 ~~officials elected under the commission manager form of city~~
 3 ~~government or~~ in 1976 for the election of county officials.
 4 The primary and general election for electing city, town,
 5 and county officials shall be rescheduled as provided in
 6 this section.

7 (2) ~~The board of county commissioners, city or town~~
 8 ~~council or commission shall order a special local government~~
 9 ~~nonpartisan primary election to be held February 8, 1977 and~~
 10 ~~partisan primary elections February 15, 1977 and local~~
 11 ~~government general nonpartisan elections on April 5, 1977~~
 12 ~~and local government general partisan elections April 12,~~
 13 ~~1977 for the purpose of electing local government officials.~~
 14 THE BOARD OF COUNTY COMMISSIONERS, CITY OR TOWN COUNCIL OR
 15 COMMISSION SHALL ORDER A SPECIAL LOCAL GOVERNMENT PRIMARY
 16 ELECTION TO BE HELD FEBRUARY 8, 1977 AND LOCAL GOVERNMENT
 17 GENERAL ELECTION ON APRIL 5, 1977 FOR THE PURPOSE OF
 18 ELECTING LOCAL GOVERNMENT OFFICIALS.

19 (3) Primary election is not required in cities and
 20 towns with a population of 3,499 or less as shown by the
 21 most recent federal census. Nonpartisan candidates shall be
 22 nominated by certificates of nomination.

23 (4) Nomination declarations, or certificates of
 24 nomination, shall be filed not later than 5 p.m., January 7,
 25 1977.

1 (5) If a new alternative form of local government is
 2 adopted, all elected city, town, and county officers shall
 3 hold their respective offices until the new successors are
 4 elected and qualified. The new officials specified in the
 5 new alternative form shall be elected at the special primary
 6 and general elections authorized in this act although
 7 similar offices exist under the former form of government.
 8 One (1) less than the number of commissioners specified in
 9 the county form shall be nominated and elected.

10 The county commissioner elected on November 7, 1972
 11 shall continue to hold office as a commissioner until his
 12 successor is elected in 1978 and qualified in 1979. Such
 13 commissioner retains his office under the provisions of
 14 section 6(3) of the transition schedule of the 1972 Montana
 15 constitution. If the county is divided into districts, he
 16 shall represent the district that contains his legal
 17 residence. If the county apportionment plan includes the
 18 election of any commissioners at-large, he shall be one of
 19 the at-large commissioners.

20 If the terms of commissioners are to be overlapping,
 21 they shall draw lots to establish their respective terms of
 22 office at the first meeting of the commission.

23 (6) If the existing form of local government is
 24 retained, all elected city, town, and county officers shall
 25 hold their respective offices until the new successors are

1 elected and qualified. Successors shall be elected at the
 2 special primary and general election authorized in this act
 3 for county officers whose term of office would otherwise
 4 terminate on the first Monday of January 1977 or the first
 5 Monday of March 1977.

6 Successors shall be elected at the special primary and
 7 general election for city or town officers whose term of
 8 office would otherwise terminate on December 31, 1977, or
 9 the first Monday of May 1977.

10 (7) The elections shall be governed by the election
 11 laws of the state of Montana. The election shall be
 12 conducted, vote returned and canvassed, and results declared
 13 in the manner provided by law for election of county
 14 officials. Votes cast for city, town, and county officials
 15 shall be counted, canvassed, and returned by county election
 16 officials. Any separate ballots or election supplies
 17 required for election of city or town officials shall be
 18 furnished or paid for by the city or town.

19 (8) Officers elected shall take office on May 2, 1977.
 20 They shall serve terms for the duration specified in the
 21 alternative form of government.

22 Section 17. There is a new R.C.M. section numbered
 23 16-5115.14 that reads as follows:

24 16-5115.14. Organization of the commission. (1) The
 25 first meeting of a new commission for a new form of

1 government shall be held at 10 a.m. on May 2, 1977, at which
2 time newly elected members shall take the oath of office
3 prior to assuming the duties of office.

4 (2) If the terms of commissioners are to be
5 overlapping, they shall draw lots to establish their
6 respective terms of office.

7 Section 18. There is a new R.C.M. section numbered
8 16-5115.15 that reads as follows:

9 16-5115.15. Judicial enforcement and review. (1) Ten
10 (10) or more qualified electors or the attorney general may
11 petition the district court to enforce the provisions of
12 this chapter.

13 (2) The provisions of Title 93, chapter 89, R.C.M.
14 1947 (Uniform Declaratory Judgments Act) shall apply to the
15 adoption of a charter or an alternative form of government.
16 A petition for declaratory relief under Title 93, chapter
17 89, may be brought on behalf of the public either by the
18 attorney general or by ten (10) or more qualified electors
19 of the local government unit. In the case of a petition by
20 ten (10) or more qualified electors, the attorney general
21 shall be served notice of the petition and may intervene as
22 a party at any stage of the proceedings. The petitioner
23 may, in the court's discretion, be awarded costs which may
24 include reasonable attorney fees.

25 (3) Judicial review to determine the validity of the

1 procedures whereby any charter or alternative form of
2 government is adopted may be had by petition of ten (10) or
3 more registered voters of the city or town brought within
4 thirty (30) days after the election at which such charter or
5 form of government, revision, or amendment is approved. If
6 no petition is filed within that period, compliance with all
7 the procedures required by this act and the validity of the
8 manner in which the charter, or form of government was
9 approved shall be conclusively presumed. It shall be
10 presumed that proper procedure was followed and all
11 procedural requirements were met. The adoption of a charter
12 or form of government shall not be deemed invalid on account
13 of any procedural error or omission unless it is shown that
14 the error or omission materially and substantially affected
15 such adoption.

16 Section 19. There is a new R.C.M. section numbered
17 16-5115.16 that reads as follows:

18 16-5115.16. Effect of other laws. The procedures
19 established by this chapter for adoption and implementation
20 of an alternative form of government, a charter, a
21 consolidated government, a confederated government, a
22 consolidation or transfer of services, or a disincorporation
23 of a city or town are exclusive and shall not be effected by
24 any other law, except the disincorporation of a city or town
25 shall be governed by other law as provided in this chapter.

1 Section 20. Liberal construction. This act shall be
2 liberally construed to effectuate its purpose of
3 facilitating the review of local government.

4 Section 21. Severability clause. If any part of this
5 act shall be declared invalid or unconstitutional, it shall
6 not affect the validity of any other part of this act.

7 Section 22. Immediate effective date. This act is
8 effective on its passage and approval.

9 Section 23. Automatic repealer. This act terminates
10 on June 30, 1977.

-End-

March 20, 1975

SENATE COMMITTEE ON LOCAL GOVERNMENT

AMENDMENTS TO HOUSE BILL NO. 177

That House Bill No. 177, third reading, be amended as follows:

1. Amend page 5, section 3, line 25.

Following: "."

Insert: "Unexpended funds shall be used to finance the printing and distribution of the final report. Additional funds as required to finance the printing and distribution of the final report shall be appropriated to the study commission by the board of county commissioners for county study commissions and by the city or town council for city and town study commissions."

2. Amend page 6, section 3, lines 5 through 11.

Strike: Subsection (6) in its entirety

3. Amend page 31, section 12, line 15.

Following: "BASED"

Insert: "on a census conducted by the study commission or"

4. Amend page 31, section 12, line 16.

Following: "THE"

Strike: "DISTRICT"

Insert: "districts"

5. Amend page 32, section 12, lines 11 through 13.

Following: "recommendation"

Strike: ", and mail one (1) copy, postpaid, to each qualified elector of the local government unit or units affect; the"

Insert: ". The"

6. Amend page 32, section 12, line 13.

Following: "be"

Strike: "distributed"

Insert: "available"

7. Amend page 32, section 12, line 15.

Following: "."

Insert: "Copies of the final report may be distributed to qualified electors or residents of the local government or governments affected."

8. Amend page 32, section 12, line 23.

Following: "printing,"

Strike: "mailing"

Insert: "distribution"

9. Amend page 36, section 13, line 14.
Following: "one"
Insert: "sub-option to be included in the new form of government
if it is adopted"
10. Amend page 40, section 16, line 3.
Following: "or"
Insert: "in 1975 for officials elected under the commission-manager
form of city government or"
11. Amend page 42, section 16, line 8.
Following: "on"
Insert: "December 31, 1975, or"
12. Amend page 44, section 18, line 4.
Strike: "thirty (30)"
Insert: "sixty (60)"
13. Amend page 44, section 18, line 5.
Following: "."
Insert: "The petitioner may, in the court's discretion, be awarded
costs which may include reasonable attorney fees."

1 HOUSE BILL NO. 177

2 INTRODUCED BY GENKE, MCKITTRICK, DRISCOLL, FAGG, WILLIAMS,
3 KENDALL, LOCKREM, MARKS, SOUTH, GWYNN,
4 BARDANOUVE, BRADLEY, HAGER, HOLMES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO FURTHER IMPLEMENT
7 ARTICLE XI, SECTIONS 3, 5, 6, AND 9 OF THE 1972 MONTANA
8 CONSTITUTION BY PROVIDING PROCEDURES BY WHICH LOCAL
9 GOVERNMENT STUDY COMMISSIONS MAY FORMULATE RECOMMENDATIONS
10 AND SUBMIT RECOMMENDATIONS TO THE VOTERS; PROVIDING FOR AN
11 IMMEDIATE EFFECTIVE DATE; PROVIDING A TERMINATION DATE; AND
12 AMENDING SECTIONS 16-5102, 16-5105, AND 16-5113, R.C.M.
13 1947."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 16-5102, R.C.M. 1947, is amended to
17 read as follows:

18 "16-5102. Definitions. As used in this act:

- 19 (1) "Study commission" means a local government study
20 commission established pursuant to this act.
21 (2) "Unit of local government" means a county,
22 incorporated city or incorporated town.
23 (3) "Study commissioners" means the elected or
24 appointed members of the local government study commissions.
25 (4) "Structure" means the entire governmental

1 organization through which a local government unit carries
2 out its duties, functions and responsibilities.

3 (5) "Form" means a specific and formal governmental
4 organization authorized as an optional alternative form of
5 government by law ~~or a specific and formal governmental~~
6 ~~organization provided in a charter Title 47A, Part 3,~~
7 chapter 2.

8 (6) "Charter" means a written document defining the
9 powers, structure, privileges, rights, and duties of the
10 government and limitations thereon.

11 (7) "Merger" means the joinder of the corporate
12 existence and government of two or more cities and/or towns.

13 (8) "Consolidation" means a form of local government
14 that provides for the joinder of the corporate existence and
15 government of a county and one or more of the cities and/or
16 towns which are located within the county.

17 (9) "Confederation" means a form of local government
18 that provides for the distribution of the governmental
19 authority between a county and one or more of the cities
20 and/or towns which are located within the county.

21 (10) "County consolidation" means a form of local
22 government that provides for the joinder of the corporate
23 existence and government of two or more counties.

24 (11) "Plan of government" means a certificate prepared
25 by a study commission from the provisions of Title 47A, Part

3/11/75

1 3, chapter 2, that documents the basic form of government
 2 selected by the study commission including all applicable
 3 suboptions. The plan must establish the terms of all
 4 offices and the number of commissioners, if any, to be
 5 elected.

6 (12) "Apportionment plan" means a certificate prepared
 7 by a study commission that contains the proposed
 8 commissioner districts for a new plan of government.

9 (13) "Consolidation plan" means a certificate prepared
 10 by a study commission that contains the plans for
 11 consolidation of existing units of local government.

12 (14) "Plan for consolidation or transfer of services"
 13 means a certificate prepared by cooperating study
 14 commissions that contains the plans for consolidation or
 15 transfer of services or functions between or among cities,
 16 towns, and counties.

17 (15) "Local government code" means a revision and
 18 reorganization of the body of law dealing with the
 19 organization and operation of local government to be
 20 presented to the 1975 and 1977 legislatures."

21 Section 2. Section 16-5105, R.C.M. 1947, is amended to
 22 read as follows:

23 "16-5105. Power of the study commission. The study
 24 commission shall have the power to ~~may~~ **SHALL HAVE THE POWER**
 25 **TO** review the structure and power of each unit of local

1 government represented on the study commission and shall
 2 submit one (1) alternative form of government to the
 3 qualified electors of each unit of government or combination
 4 of units of government. The study commission may submit an
 5 optional or alternative form of government provided by law
 6 or may draft a self-government charter; ~~however, no such~~
 7 ~~optional or alternative form or charter shall be submitted~~
 8 ~~to the qualified electors until a specific procedure for~~
 9 ~~such submission by the study commission is provided by~~
 10 ~~subsequent law."~~

11 Section 3. Section 16-5113, R.C.M. 1947, is amended to
 12 read as follows:

13 "16-5113. Finances. (1) The governing body of each
 14 local government unit shall prepare a budget to cover the
 15 expenses of the study commission for the period it is in
 16 operation during fiscal year 1975.

17 (2) The study commission shall prepare a budget for
 18 fiscal year 1976 and a budget for fiscal year 1977 and
 19 submit them to the local government unit's governing body
 20 for approval.

21 (3) Each local government unit shall accept and
 22 transfer to its study commission all funds appropriated from
 23 the state general fund for the support of the study
 24 commission.

25 (4) Each local government unit shall supplement the

1 state funds available in fiscal years 1975, 1976, and 1977
 2 by appropriating funds, providing in-kind services, or a
 3 combination of both, in a total amount not less than the
 4 available state money for each fiscal year. ~~For that~~
 5 ~~purpose, each local government unit may assess and levy,~~
 6 Each unit of local government may finance the operation of
 7 local study commissions, printing and distribution of the
 8 tentative and final report, and the election on the
 9 alternative form of local government from the general fund
 10 or each local government unit may assess and levy, in
 11 addition to all other levies permitted by law, a special tax
 12 on each dollar of taxable valuation of the taxable property
 13 of the unit of local government. This tax may be levied in
 14 each of the fiscal years 1975, 1976, and 1977 and may be
 15 levied by a municipality in addition to the all-purpose levy
 16 provided in sections 84-4701.1, 84-4701.2, 84-4701.3,
 17 84-4701.4, and 84-4701.5, R.C.M. 1947.

18 (5) All moneys received by the study commission shall
 19 be deposited with the county or municipal treasurer. The
 20 treasurer is authorized to disburse budgeted funds of the
 21 study commission on its order. Unexpended funds of the study
 22 commission shall not revert to the general fund of the local
 23 government unit at the end of the fiscal year but shall
 24 carry over to the study commission's budget for the
 25 following fiscal year. UNEXPENDED FUNDS SHALL BE USED TO

1 FINANCE THE PRINTING AND DISTRIBUTION OF THE FINAL REPORT.
 2 ADDITIONAL FUNDS AS REQUIRED TO FINANCE THE PRINTING AND
 3 DISTRIBUTION OF THE FINAL REPORT SHALL BE APPROPRIATED TO
 4 THE STUDY COMMISSION BY THE BOARD OF COUNTY COMMISSIONERS
 5 FOR COUNTY STUDY COMMISSIONS AND BY THE CITY OR TOWN COUNCIL
 6 FOR CITY AND TOWN STUDY COMMISSION. Upon termination of the
 7 study commission, unexpended funds shall revert to the
 8 general fund of the local government unit AND TO THE STATE
 9 GENERAL FUND IN PROPORTION TO THEIR RESPECTIVE CONTRIBUTIONS
 10 TO THE STUDY COMMISSION.

11 ~~(6) THE EXPENSE OF PRINTING, MAILING, AND PUBLICATION~~
 12 ~~OF THE TENTATIVE AND FINAL REPORT SHALL BE APPROPRIATED TO~~
 13 ~~THE STUDY COMMISSION BY THE BOARD OF COUNTY COMMISSIONERS~~
 14 ~~FOR COUNTY STUDY COMMISSIONS AND BY THE CITY OR TOWN COUNCIL~~
 15 ~~FOR CITY AND TOWN STUDY COMMISSIONS. THE COST OF PRINTING~~
 16 ~~AND POSTAGE SHALL NOT BE USED TO MATCH THE STATE GRANT TO~~
 17 ~~LOCAL STUDY COMMISSIONS."~~

18 Section 4. There is a new R.C.M. section numbered
 19 16-5115.1 that reads as follows:

20 16-5115.1. Existing forms of local government. (1)
 21 For the purpose of determining the statutory basis of
 22 existing units of local government under this act, each unit
 23 of local government organized under the general statutes
 24 authorizing the municipal mayor-council form of government
 25 which does not adopt a new form shall be governed after May

- 1 2, 1977 by the following sections of section 47A-3-203:
- 2 (1)
- 3 (2)
- 4 (3) (a) (ii)
- 5 (3) (b) (iii)
- 6 (3) (c) (ii)
- 7 (3) (d) (ii)
- 8 (3) (e) (ii)
- 9 (3) (f) (i)
- 10 (3) (g) (ii)
- 11 (3) (h) (i)
- 12 (3) (i) (i)
- 13 (3) (j) (iii)
- 14 (3) (k) (ii)
- 15 (3) (l) (ii)
- 16 (4) (a)

17 This form has terms of four (4) years for all elected
 18 officials. The size of the commission shall be established
 19 by ordinance, but it may not exceed twenty (20) members.

20 (2) For the purpose of determining the statutory basis
 21 of existing units of local government after May 2, 1977 when
 22 the new local government code will become effective, each
 23 unit of local government organized under the general
 24 statutes authorizing the municipal commission-manager form
 25 of government shall be governed by the following sections of

- 1 section 47A-3-204:
- 2 (1)
- 3 (2)
- 4 (3)
- 5 (4)
- 6 (5)
- 7 (6) (a) (iii)
- 8 (6) (b) (i)
- 9 (6) (c) (ii)
- 10 (6) (d) (ii)
- 11 (6) (e) (ii)
- 12 (6) (f) (ii)
- 13 (6) (g)
- 14 (7) (a)

15 This form has terms of four (4) years for all elected
 16 officials. The size of the commission shall be established
 17 by ordinance, but it may not exceed five (5) members.

18 (3) For the purpose of determining the statutory basis
 19 of existing units of local government after May 2, 1977 when
 20 the new local government code will become effective, each
 21 unit of local government organized under the general
 22 statutes authorizing the elected county official form of
 23 government shall be governed by the following sections of
 24 section 47A-3-205:

- 25 (1)

1 (2) (a) (iii)
 2 (2) (b) (i)
 3 (2) (c) (i)
 4 (2) (d) (ii)
 5 (2) (e) (ii)
 6 (2) (f) (ii)
 7 (2) (g)
 8 (3) (a) (i)
 9 (3) (b) (i)
 10 (3) (c) (i)
 11 (3) (d) (i)
 12 (3) (e) (i)
 13 (3) (f) (i)
 14 ~~(3) (g) (i)~~
 15 (3) (h) (i)
 16 (3) (i) (i)
 17 (3) (j) (i)
 18 (3) (k) (i) IF THE COUNTY HAS ELECTED AN AUDITOR.
 19 (3) (k) (vi) IF THE COUNTY HAS NOT ELECTED AN AUDITOR.
 20 (4)
 21 This form has terms of four (4) years for all elected
 22 officials except commissioners who are elected to six (6)
 23 year terms. The commission consists of three (3) members.
 24 (4) For the purpose of determining the statutory basis
 25 of existing units of local government after May 2, 1977 when

1 the local government code will become effective, each unit
 2 of local government organized under the general statutes
 3 authorizing the county manager form of government shall be
 4 governed by the following sections of section 47A-3-204:
 5 (1)
 6 (2)
 7 (3)
 8 (4)
 9 (5)
 10 (6) (a) (ii)
 11 (6) (b) (i) or (ii)
 12 (6) (c) (ii)
 13 (6) (d) (i)
 14 (6) (e) (ii)
 15 (6) (f) (ii)
 16 (6) (g)
 17 Commissioners are elected to six (6) year terms. The
 18 size of the commission shall be established by ordinance,
 19 but it may not exceed five (5) members.
 20 Section 5. There is a new H.C.M. section numbered
 21 16-5115.2 that reads as follows:
 22 16-5115.2. Alternative forms of government. A study
 23 commission shall submit to the qualified electors an
 24 alternative form of local government authorized by Title
 25 47A, Part 3, chapter 2.

1 Section 6. There is a new K.C.M. section numbered
2 16-5115.3 that reads as follows:

3 16-5115.3. Consolidation. (1) A county and a city or
4 town within the county may unite to form a single unit of
5 local government under the provisions of this section.

6 (2) An alternative form of government, including a
7 charter form, for a consolidated unit of government may be
8 submitted to the voters only by those study commissions that
9 have cooperated under section 16-5106. A majority vote by
10 each of the affected study commissions is required for the
11 submission of an alternative form of government for a
12 consolidated unit of local government. The affected study
13 commissions submitting a consolidated form shall issue a
14 single joint report and proposal.

15 (3) An alternative form of government for a
16 consolidated unit of local government does not need to
17 include more than one municipality. A municipality may not
18 be included unless the local government study commission of
19 that municipality participates in the cooperative study and
20 unless its study commission, by a majority vote, approves
21 the proposed alternative plan for the consolidated
22 government.

23 (4) Study commissions proposing consolidation shall
24 prepare, adopt, and submit to the voters a consolidation
25 plan, in addition to the alternative form of government. If

1 the commission proposes a charter, the plan may be included
2 in the charter.

3 The consolidation plan shall:

4 (a) Provide for adjustment of existing bonded
5 indebtedness and other obligations in a manner which will
6 provide for a fair and equitable burden of taxation for debt
7 service.

8 (b) Provide for establishment of service areas.

9 (c) Provide for the transfer or other disposition of
10 property and other rights, claims, assets, and franchises of
11 local governments consolidated under the alternative form.

12 (d) Provide the official name of the consolidated unit
13 of local government.

14 (e) Provide for the transfer, reorganization,
15 abolition, absorption, adjustment of boundaries and may
16 provide a method for adjusting the boundaries of all
17 existing boards, bureaus, commissions, agencies, special
18 districts, and political subdivisions of the consolidated
19 governments. Or the plan may grant the legislative body of
20 the consolidated government the authority to transfer,
21 reorganize, adjust boundaries, abolish, or absorb, and
22 provide a method for adjusting the boundaries of such
23 entities with or without referendum requirements. This
24 section shall not apply to excluded municipalities, school
25 districts, conservancy districts, drainage districts,

1 irrigation districts, soil and water conservation districts,
2 or livestock districts.

3 (f) Include other provisions which the study
4 commission elects to include and which are consistent with
5 state law.

6 (5) On its effective date, the alternative form of
7 government and consolidation plan operate to dissolve all
8 local governments within the area of consolidation in
9 accordance with their provisions. On the effective date the
10 separate corporate existence of the county and of each
11 participating city and/or town shall be consolidated and
12 merged into one local government unit under the name
13 selected, designated, and adopted as provided in this
14 chapter, and the consolidated local government shall
15 thereupon succeed to, possess, and own all of the property
16 and assets of every kind and description and shall, except
17 as otherwise provided, become responsible for all of the
18 obligations and liabilities of the county, cities, and towns
19 so consolidated and merged. As a political subdivision of
20 the state, such consolidated unit of local government shall
21 have the status of a county and an incorporated municipality
22 for all purposes and shall replace and be the successor of
23 the county and any city or town.

24 (6) A consolidated local government shall have and may
25 exercise all powers that are now, or hereafter may be,

1 conferred on counties, cities, or towns by the constitution
2 and laws of the state. The consolidated local government
3 may levy all taxes which counties, cities, and towns are
4 authorized to levy.

5 (7) Within two years after ratification of the
6 consolidation, the governing body of the consolidated unit
7 of local government shall revise, repeal, or reaffirm all
8 rules, ordinances, and resolutions in force within the
9 participating county, cities, and towns at the time of
10 consolidation. Each rule, ordinance, or resolution, in
11 force at the time of consolidation, shall remain in force
12 within the former geographic jurisdiction until superseded
13 by action of the new governing body. Ordinances and
14 resolutions relating to public improvements to be paid for
15 in whole or in part by special assessments, may not be
16 repealed.

17 (8) All provisions of law authorizing contributions of
18 any kind, in money or otherwise, from the state or federal
19 government to counties and cities shall remain in full force
20 with respect to a consolidated local government.

21 Section 7. There is a new R.C.M. section numbered
22 16-5115.4 that reads as follows:

23 16-5115.4. Confederation. (1) A county and any city
24 or town within the county may unite to form a confederated
25 unit of local government under the provisions of this

1 section.

2 (2) A confederated form of local government may be
 3 created only by charter. A charter for a confederated form
 4 of local government may be submitted to the voters only by
 5 those study commissions that have cooperated under section
 6 16-5106. A majority vote by each of the affected study
 7 commissions is required for the submission of a charter for
 8 a confederated form of government. The affected study
 9 commissions submitting a charter for a confederated unit of
 10 local government shall issue a single joint report and
 11 proposal.

12 (3) A charter for a confederated form of government
 13 does not need to include more than one municipality. A
 14 municipality may not be included unless the local government
 15 study commission of that municipality participates in the
 16 cooperative study and unless its study commission, by a
 17 majority vote, approves the proposed alternative plan for
 18 the confederated government.

19 (4) In addition to all other requirements, a charter
 20 for a confederated form of government shall:

21 (a) Provide for a confederated system of county, city,
 22 and town governments.

23 (b) Authorize the comprehensive and simultaneous
 24 transfer of services to a system in which the county
 25 provides county-wide and area-wide services and cities and

1 towns provide local services.

2 (c) Permit future transfer of responsibility for
 3 provision of services.

4 (d) Establish a separate legislative body and chief
 5 administrative office for the county and each participating
 6 city or town in the confederated unit of local government OR
 7 THE PLAN MAY PROVIDE A SINGLE EXECUTIVE FOR THE CONFEDERATED
 8 UNIT OF GOVERNMENT. THE PLAN MAY ALSO PROVIDE FOR A JOINT
 9 LEGISLATIVE BODY.

10 (e) Provide for adjustment of existing bonded
 11 indebtedness and other obligations in a manner which will
 12 provide for a fair and equitable burden of taxation for debt
 13 service.

14 (f) Provide for establishment of service areas.

15 (g) Provide for the transfer or other disposition of
 16 property and other rights, claims, assets, and franchises of
 17 local governments confederated under the charter.

18 (h) Provide the official name of the confederated unit
 19 of local government.

20 (i) Provide for the transfer, reorganization,
 21 abolition, absorption, or adjustment of boundaries, and may
 22 provide a method for adjusting the boundaries of all
 23 existing boards, bureaus, commissions, agencies, special
 24 districts, and political subdivisions of the confederated
 25 governments. Or the plan may provide for adjusting the

1 boundaries of and may provide a method for adjusting the
 2 boundaries of the participating incorporated municipalities.
 3 Or the plan may grant the legislative bodies of the
 4 confederated government the authority to transfer,
 5 reorganize, adjust the boundaries of, absorb, or abolish,
 6 and provide a method for adjusting the boundaries of such
 7 entities with or without referendum requirements. This
 8 section shall not apply to excluded municipalities, school
 9 districts, conservancy districts, drainage districts,
 10 irrigation districts, soil and water conservation districts,
 11 or livestock districts.

12 (j) Include other provisions which the study
 13 commission elects to include and which are consistent with
 14 state law.

15 (5) On the effective date of the charter there shall
 16 be created a confederated unit of local government under the
 17 NAME ESTABLISHED IN THE CHARTER.

18 (6) On the effective date of the charter, the charter
 19 of the confederated form of local government operates to
 20 consolidate and merge the corporate existence of the
 21 participating units to the extent provided by the charter.

22 (7) As provided in the charter, the property, assets,
 23 obligations, and liabilities of the confederated county,
 24 cities, or towns shall be assumed on the effective date of
 25 the charter by the parts of the new confederated unit of

1 local government.

2 (8) As a political subdivision of the state, such
 3 confederated local government shall have the status of a
 4 county and an incorporated municipality for all purposes and
 5 shall replace and be the successor of the county and any
 6 city or town.

7 (9) A confederated local government shall have and may
 8 exercise all powers that are now, or hereafter may be,
 9 conferred on counties, cities, or towns by the constitution
 10 and laws of the state. The confederated local government
 11 may levy all taxes which counties, cities, and towns are
 12 authorized to levy.

13 (10) Within two (2) years after ratification of the
 14 confederation, the governing bodies of the confederated unit
 15 of local government shall revise, repeal, or reaffirm all
 16 rules, ordinances, and resolutions in force within the
 17 participating county, cities, and towns at the time of
 18 confederation. Each rule, regulation, ordinance, or
 19 resolution, in force at the time of confederation shall
 20 remain in force within the former geographic jurisdiction
 21 until superseded by action of the new governing body.
 22 Ordinances and resolutions relating to public improvements
 23 to be paid for in whole or in part by special assessments
 24 may not be repealed.

25 (11) All provisions of law authorizing contributions of

1 any kind, in money or otherwise, from the state or federal
2 government to counties and cities shall remain in full force
3 with respect to a confederated local government.

4 Section 6. There is a new K.C.M. section numbered
5 16-5115.5 that reads as follows:

6 16-5115.5. County consolidation. (1) Two or more
7 contiguous counties may unite to form a single unit of local
8 government under the provisions of this section.

9 (2) An alternative form of government, including a
10 charter form, for consolidated counties may be submitted to
11 the voters only by county study commissions that have
12 cooperated under section 16-5106. A majority vote by each
13 of the affected study commissions is required for the
14 submission of an alternative form of government for a
15 consolidated county unit of local government. The affected
16 county study commissions submitting a consolidated form
17 shall issue a single joint report and proposal.

18 (3) Study commissions proposing county-county
19 consolidation shall prepare, adopt, and submit to the voters
20 a consolidation plan, in addition to the alternative form of
21 government. If the study commissions propose a charter, the
22 plan may be included in the charter.

23 The consolidation plan shall:

24 (a) Provide for adjustment of existing bonded
25 indebtedness and other obligations in a manner which will

1 provide for a fair and equitable burden of taxation for debt
2 service.

3 (b) Provide for establishment of service areas.

4 (c) Provide for the transfer or other disposition of
5 property and other rights, claims, assets, and franchises of
6 local governments consolidated under the alternative form.

7 (d) Provide the official name of the consolidated unit
8 of local government.

9 (e) Provide for the transfer, reorganization,
10 abolition, absorption, adjustment of boundaries and may
11 provide a method for adjusting the boundaries of all
12 existing boards, bureaus, commissions, agencies, special
13 districts, and political subdivisions of the consolidated
14 governments. Or the plan may grant the legislative body of
15 the consolidated government the authority to transfer,
16 reorganize, adjust boundaries, abolish or absorb, and
17 provide a method for adjusting the boundaries of such
18 entities with or without referendum requirements. This
19 section shall not apply to excluded municipalities, school
20 districts, conservancy districts, drainage districts,
21 irrigation districts, soil and water conservation districts,
22 or livestock districts.

23 (f) Include other provisions which the study
24 commissions elect to include and which are consistent with
25 state law.

1 (4) On their effective date, the alternative form of
 2 government and consolidation plan operate to dissolve the
 3 county governments within the area of consolidation in
 4 accordance with their provisions. On the effective date the
 5 separate corporate existence of the affected counties shall
 6 be consolidated and merged into one local government unit
 7 under the name selected, designated, and adopted as provided
 8 in this section, and such consolidated local government
 9 shall thereupon succeed to, possess, and own all of the
 10 property and assets of every kind and description and shall,
 11 except as otherwise provided, become responsible for all of
 12 the obligations and liabilities of the counties so
 13 consolidated. As a political subdivision of the state, such
 14 consolidated unit of local government shall have the status
 15 of a county, and shall replace and be the successor of the
 16 affected counties.

17 (5) A county-county consolidated local government
 18 shall have and may exercise all powers that are now, or
 19 hereafter may be, conferred on counties, by the constitution
 20 and laws of the state. The consolidated local government
 21 may levy all taxes which counties are authorized to levy.

22 (6) Within two years after ratification of the
 23 consolidation, the governing body of the consolidated unit
 24 of local government shall revise, repeal, or reaffirm all
 25 rules, ordinances, and resolutions in force within the

1 participating counties at the time of consolidation. Each
 2 rule, ordinance, or resolution, in force at the time of
 3 consolidation shall remain in force within the former
 4 geographic jurisdiction until superseded by action of the
 5 new governing body. Ordinances and resolutions relating to
 6 public improvements to be paid for in whole or in part by
 7 special assessments, may not be repealed.

8 (7) All provisions of law authorizing contributions of
 9 any kind, in money or otherwise, from the state or federal
 10 government to counties shall remain in full force with
 11 respect to a consolidated local government.

12 Section 9. There is a new R.C.M. section numbered
 13 16-5115.6 that reads as follows:

14 16-5115.6. County consolidation including
 15 municipalities. (1) Two or more contiguous counties and
 16 any city or town of the counties may unite to form a single
 17 unit of local government under the provisions of this
 18 section.

19 (2) An alternative form of government, including a
 20 charter form, for consolidated counties may be submitted to
 21 the voters only by county study commissions that have
 22 cooperated under section 16-5106. A majority vote by each
 23 of the affected study commissions is required for the
 24 submission of an alternative form of government for a
 25 consolidated county unit of local government. The affected

1 county study commissions submitting a consolidated form
2 shall issue a single joint report and proposal.

3 (3) An alternative form of government for a
4 consolidated county unit of local government may not include
5 any city or town unless the local study commission of that
6 city or town participates in the cooperative study and
7 unless its study commission, by a majority vote, approves
8 the proposed alternative plan for the consolidated
9 government.

10 (4) Study commissions proposing county-county
11 consolidation that includes a city or town shall prepare,
12 adopt, and submit to the voters a consolidation plan, in
13 addition to the alternative form of government. If the
14 study commissions propose a charter, the plan may be
15 included in the charter.

16 The consolidation plan shall:

17 (a) Provide for adjustment of existing bonded
18 indebtedness and other obligations in a manner which will
19 provide for a fair and equitable burden of taxation for debt
20 service.

21 (b) Provide for establishment of service areas.

22 (c) Provide for the transfer or other disposition of
23 property and other rights, claims, assets and franchises of
24 local governments consolidated under the alternative form.

25 (d) Provide the official name of the consolidated unit

1 of local government.

2 (e) Provide for the transfer, reorganization,
3 abolition, absorption, adjustment of boundaries and may
4 provide a method for adjusting the boundaries of all
5 existing boards, bureaus, commissions, agencies, special
6 districts, and political subdivisions of the consolidated
7 governments. Or the plan may grant the legislative body of
8 the consolidated government the authority to transfer,
9 reorganize, adjust boundaries, abolish or absorb, and
10 provide a method for adjusting the boundaries of such
11 entities with or without referendum requirements. This
12 section shall not apply to municipalities, school districts,
13 conservancy districts, drainage districts, irrigation
14 districts, soil and water conservation districts, or
15 livestock districts.

16 (f) Include other provisions which the study
17 commissions elect to include and which are consistent with
18 state law.

19 (5) On their effective date, the alternative form of
20 government and consolidation plan operate to dissolve all
21 local governments within the area of consolidation in
22 accordance with their provisions. On the effective date the
23 separate corporate existence of the affected counties and a
24 participating city or town shall be consolidated and merged
25 into one local government unit under the name selected,

1 designated, and adopted as provided in this section, and
 2 such consolidated local government shall thereupon succeed
 3 to, possess, and own all of the property and assets of every
 4 kind and description and shall, except as herein otherwise
 5 provided, become responsible for all of the obligations and
 6 liabilities of the counties and cities and towns if any, so
 7 consolidated and merged. As a political subdivision of the
 8 state, such consolidated unit of local government shall have
 9 the status of a county and an incorporated municipality, if
 10 any city or town is included, for all purposes and shall
 11 replace and be the successor of the affected counties and of
 12 the affected cities and towns, if any.

13 (6) A county-county consolidation that includes a city
 14 or town shall have and may exercise all powers that are now,
 15 or hereafter may be, conferred on counties or cities and
 16 towns by the constitution and laws of the state. The
 17 consolidated local government may levy all taxes which
 18 counties or cities and towns are authorized to levy.

19 (7) Within two years after ratification of the
 20 consolidation, the governing body of the consolidated unit
 21 of local government shall revise, repeal, or reaffirm all
 22 rules, ordinances, and resolutions in force within the
 23 participating counties and cities and towns at the time of
 24 consolidation. Each rule, ordinance, or resolution, in
 25 force at the time of consolidation shall remain in force

1 within the former geographic jurisdiction until superseded
 2 by action of the new governing body. Ordinances and
 3 resolutions relating to public improvements to be paid for
 4 in whole or in part by special assessments, may not be
 5 repealed.

6 (8) All provisions of law authorizing contributions of
 7 any kind, in money or otherwise, from the state or federal
 8 government to counties and cities shall remain in full force
 9 with respect to a consolidated local government.

10 Section 10. There is a new h.c.m. section numbered
 11 16-5115.7 that reads as follows:

12 16-5115.7. Service consolidation or transfer. (1)
 13 Cooperating study commissions may submit in addition to any
 14 plan of government submitted to the qualified electors,
 15 separate ballot questions on the consolidation or transfer
 16 of services and functions between or among cities, towns,
 17 and counties.

18 (2) The cooperating study commissions ~~may~~ SHALL
 19 prepare a "joint report on services to be consolidated or
 20 transferred". The report shall include a certificate
 21 containing a "plan for [insert consolidation or transfer] of
 22 [insert name of service or function] services" signed by a
 23 majority of the members elected or appointed to each
 24 commission. The report shall contain a separate plan for
 25 each service or function consolidated or transferred.

1 (3) The plan shall provide:

2 (a) The nature of service or function transferred or

3 consolidated;

4 (b) The effective date of such transfer or

5 consolidation;

6 (c) The manner in which affected employees engaged in

7 the performance of the function will be transferred,

8 reassigned or otherwise treated;

9 (d) The manner in which real property, facilities,

10 equipment, or other personal property required in the

11 exercise of the function are to be transferred, sold, or

12 otherwise disposed of;

13 (e) The method of financing, establishing, and

14 maintaining a budget for the service; and

15 (f) Other legal, financial, and administrative

16 arrangements necessary to effect the transfer in an orderly

17 and equitable manner.

18 (4) The plan may include provisions for an

19 administrator or a joint board responsible for administering

20 any joint or cooperative undertaking.

21 (5) (a) The "joint report on services to be

22 consolidated or transferred" shall be published and

23 distributed to qualified electors and the election conducted

24 as provided in sections 16-5119 and 16-5120.

25 (b) Each plan for consolidation or transfer of

1 functions shall be listed separately on the ballot. The

2 following form shall be used for each separate plan:

3 *Shall the plan for [insert consolidation or transfer]

4 of [insert name of service or function] services

5 proposed in the reports of the [insert the names of

6 local government units] local government study

7 commissions be adopted?

8 Yes.

9 No.*

10 (c) The affirmative vote of a simple majority of those

11 voting on the question shall be required for adoption of any

12 plan for consolidation or transfer of services.

13 (d) The plan for consolidation or transfer of service

14 shall take effect as provided in the plan and the

15 legislative body of a local government may enact and enforce

16 ordinances to bring about an orderly transition to the new

17 plan for consolidation or transfer of services.

18 (6) A plan for consolidation and/or transfer of

19 services and functions adopted by the voters may be amended

20 or terminated only by a referendum approved by a majority of

21 electors voting on the question.

22 Section 11. There is a new R.C.M. section numbered

23 16-5115.8 that reads as follows:

16-5115.8. Disincorporation. (1) A city or town

1 study commission may submit a proposal for disincorporation
2 to the qualified electors of the city or town. The
3 opportunity of the qualified electors to vote on the
4 proposal for disincorporation shall be construed as an
5 opportunity to vote on an alternative form of government in
6 accordance with Article XI, section 9, of the Montana
7 constitution.

8 (2) The final report of the study commission shall
9 describe the advantages and disadvantages of
10 disincorporation and shall meet the requirements for a final
11 study commission report established in section ~~16-5118~~
12 16-5115.9, except it shall contain a certificate authorizing
13 disincorporation rather than a proposed "plan of
14 government".

15 (3) A question of disincorporation proposed by a study
16 commission shall be submitted to the qualified electors in
17 the following form:

18 For the disincorporation of [insert name of city
19 or town].

20 Against the disincorporation of [insert name of
21 city or town] and for the retention of the
22 present form of government."

23 (4) Adoption of the study commission proposal for
24 disincorporation shall require the affirmative vote of a
25 majority of the qualified electors voting on the question.

26 (5) If the disincorporation proposal is approved by

1 the qualified electors the disincorporation shall become
2 effective May 2, 1977.

3 (6) The legislative body of the county in which the
4 disincorporating city or town is located shall adopt
5 ordinances to provide for orderly disincorporation and may
6 establish tax and service districts to provide services to
7 the disincorporated city or town.

8 (7) The study commission shall prepare a report
9 containing a recommended plan of disincorporation including
10 suggested ordinances and service districts.

11 (8) If the study commission proposal for
12 disincorporation is approved by the qualified electors, the
13 disincorporation shall proceed in accordance with the
14 provisions of sections 11-315 through 11-321.

15 Section 12. There is a new M.C.M. section numbered
16 16-5115.9 that reads as follows:

17 16-5115.9. Study commission timetable. Each local
18 study commission, or combination of local study commissions
19 shall:

20 (1) Conduct one or more public hearings prior to
21 ~~August~~ OCTOBER 1, 1975, for the purpose of gathering
22 information regarding the current form, functions, and
23 problems of the local government or governments.

24 (2) Formulate, reproduce, and distribute by June 1,
25 1976, a tentative proposed report. No sooner than thirty

1 (30) days after the report is distributed, conduct one or
 2 more public hearings on the tentative report. The tentative
 3 report shall contain ~~all information~~ THE SAME CATEGORIES OF
 4 INFORMATION required to be included in the final report of
 5 the commission.

6 (3) (a) Adopt by August 1, 1976, the final report of
 7 the commission. The final report shall contain the
 8 following material and documents, each signed by a majority
 9 of the members elected or appointed to the commission:

10 (i) A certificate containing the "plan of government"
 11 of the existing form of local government.

12 (ii) A certificate containing the "plan of government"
 13 of the proposed new form of local government, which must
 14 differ in some manner from the existing form of local
 15 government.

16 (iii) A certificate containing the "plan for
 17 consolidation", if consolidation is proposed.

18 (iv) A certificate containing the "plan for
 19 apportionment" of commissioner districts if districts are
 20 contained in the "plan of government". THE APPORTIONMENT
 21 PLAN SHALL BE BASED ON A CENSUS CONDUCTED BY THE STUDY
 22 COMMISSION OR ON THE MOST RECENT FEDERAL CENSUS AND THE
 23 DISTRICT DISTRICTS SHALL BE AS COMPACT AND EQUAL IN
 24 POPULATION AS POSSIBLE.

25 (v) A certificate establishing the date of the

1 special or general election at which the alternative form of
 2 government shall be presented to the qualified electors and
 3 a certificate establishing the form of the ballot question
 4 or questions.

5 (b) The report shall contain a comparison of the
 6 existing form and proposed form of local government, may
 7 contain a statement on the strengths and weaknesses of the
 8 existing and proposed form of local government, and may
 9 contain information that supports the adoption of the
 10 proposed form and information that supports retention of the
 11 present form.

12 (c) The report may contain any minority report signed
 13 by members of the commission who do not support the majority
 14 proposal.

15 (4) Prepare or cause to be prepared sufficient copies
 16 of its final report, including the full text of the proposed
 17 form, any apportionment plan and the commission
 18 recommendation, ~~and mail one (1) copy, postpaid, to each~~
 19 ~~qualified elector of the local government unit or units~~
 20 ~~affected; the, THE new report must be distributed AVAILABLE~~
 21 to the qualified electors not later than thirty (30) days
 22 prior to the election on the issue of adopting the
 23 alternative form. COPIES OF THE FINAL REPORT MAY BE
 24 DISTRIBUTED TO QUALIFIED ELECTORS OR RESIDENTS OF THE LOCAL
 25 GOVERNMENT OR GOVERNMENTS AFFECTED.

1 (5) Publish for two (2) successive weeks in a
 2 newspaper of general circulation throughout the local
 3 government unit or units affected, a summary of its proposed
 4 plan of government, together with the address of a
 5 convenient public place where the text of its proposal may
 6 be obtained. The summary shall include a comparison of the
 7 existing and proposed plans of government. The expenses of
 8 printing, ~~mailing~~ DISTRIBUTION, and publication shall be
 9 budgeted by the local government study commission.

10 (6) File four (4) copies of the final report of the
 11 commission with the state commission on local government.

12 (7) Have the power to prepare separate reports in
 13 addition to its final report. These reports may recommend
 14 consolidation of services and functions and potential areas
 15 for interlocal agreements. The study commission may submit
 16 recommendations to the state commission on local government
 17 on revision of state laws governing local governments.

18 Section 13. There is a new R.C.M. section numbered
 19 16-5115.10 that reads as follows:

20 16-5115.10. Vote on alternative form. (1) The study
 21 commission shall authorize the submission of the alternative
 22 form of government to the voters at a special election held
 23 in 1976 on or before November 2, 1976. The special election
 24 may be held with the school, primary, general, or other
 25 election.

1 (2) A copy of the final report shall be certified by
 2 the study commission to the city, town, or county clerk by
 3 August 1, 1976. The clerk shall prepare and print notices
 4 of the special election.

5 (3) Elections on the issue of adoption of a proposed
 6 form of government by a local government unit shall be
 7 conducted, returned, and canvassed and the result declared
 8 in the same manner as provided by law in respect to
 9 initiatives and referendums. The cost of the election shall
 10 be budgeted by the local government unit. The affirmative
 11 vote of a simple majority of those voting on the question
 12 shall be required for adoption.

13 (4) In any election involving the question of
 14 consolidation, such question shall be submitted to the
 15 qualified voters in the county and shall require an
 16 affirmative vote of a simple majority of the votes cast in
 17 the county on the question for adoption. There shall be no
 18 requirement for separate majorities in units of local
 19 government voting on consolidation.

20 (5) In any election involving the question of
 21 county-county consolidation or county-county-city
 22 consolidation, such question shall be submitted to the
 23 qualified electors in the counties affected and shall
 24 require a simple majority of the votes cast on the question
 25 in each affected county for adoption.

1 (6) The question of adopting the form of government
2 proposed by the study commission shall be submitted to the
3 qualified electors in substantially the following form:

4 (a) When only one unit of local government is affected
5 by the proposed form:

6 "Vote for one:

For adoption of the (self-government charter or
form of government) proposed in the report of the
(insert name of local government unit) local
government study commission.

7 For ~~retention of~~ the existing form of government."

8 (b) When more than one unit is affected by the
9 proposed form:

10 "Vote for one:

For adoption of the (self-government charter or
form of government) proposed in the report of the
(insert names of local government units) local
government study commissions to ("consolidate" or
"confederate") the corporate and governmental
existence of the following units of local
government (insert names of local government
units).

11 For ~~retention of~~ the existing form of government."

12 (c) The whole number of ballots shall be divided into
13 two (2) equal sets. No more than one (1) set shall be used
14 in printing the ballot for use in any one (1) precinct and
15 all ballots furnished for use in one precinct shall be
16 identical. The existing form of government shall be printed

1 as the first item and proposed form as second item on half
2 of the ballots and the proposed form as the first item and
3 the existing form as the second item on half of the ballots.
4 IF THE LOCAL GOVERNMENT CONSISTS OF ONLY ONE (1) PRECINCT,
5 THE EXISTING FORM SHALL BE LISTED FIRST ON THE BALLOT.

6 (7) A proposed alternative form shall be submitted to
7 the voters as a single question, except suboptions within
8 alternative forms of local government authorized by Title
9 47A, Part 3, chapter 2, and suboptions authorized in a
10 charter may be submitted to the qualified electors as
11 separate questions. No study commission may submit more
12 than three (3) separate suboptions and no suboption shall
13 contain more than two (2) alternatives. If a suboption is
14 submitted to the voters, only the ballot alternatives within
15 that suboption receiving the highest number of affirmative
16 votes shall be approved and included in the alternative form
17 of government. The question of adopting a suboption shall
18 be submitted to the qualified electors in substantially the
19 following form:

20 "Vote for one SUB-OPTION TO BE INCLUDED IN THE NEW FORM
21 OF GOVERNMENT IF IT IS ADOPTED:

22 A legal officer (who may be called the "county
23 attorney"):

Shall be elected for a term of four years.

Shall be appointed for a term of four years by the chairman of the local government commission."

Section 14. There is a new R.C.M. section numbered 16-5115.11 that reads as follows:

16-5115.11. General transition. (1) If the electors disapprove the proposed new form of local government, the local government shall retain its existing form as specified in section 16-5115 and the report of the commission.

(2) (a) A new alternative form of local government and/or consolidation plan approved by the voters, shall take effect on May 2, 1977, except as otherwise provided in this act and any charter or consolidation plan. THE ELECTORS OF ANY UNIT OF LOCAL GOVERNMENT WHICH HAS ADOPTED A NEW ALTERNATIVE FORM OF LOCAL GOVERNMENT MAY NOT VOTE ON THE QUESTION OF CHANGING THE FORM OF LOCAL GOVERNMENT UNTIL THREE (3) YEARS AFTER THE NEW ALTERNATIVE FORM OF LOCAL GOVERNMENT BECAME EFFECTIVE, BUT THE VOTERS MAY VOTE ON AMENDMENTS TO THE ALTERNATIVE FORM OR SERVICE OR FUNCTIONAL TRANSPER.

(b) Provisions creating offices and establishing qualifications for office and any apportionment plan shall become effective December 1, 1976 for the purpose of electing officials.

(3) (a) A copy of the existing or proposed "plan of

government" ratified by the voters and any "apportionment plan" or "consolidation plan" shall be certified by the chairman of the study commission and filed by the study commission by December 1, 1976 with each of the following authorities: secretary of state; attorney general; department of intergovernmental relations; state commission on local government; clerk of the city, town, or county; and clerk of the district court.

(b) The approved plan filed with the secretary of state shall be the official plan and shall be a public record open to inspection of the public and judicially noticeable by all courts.

(4) All ordinances in effect at the time the new form of government becomes effective shall continue in effect until repealed or amended in the manner provided by law. Consolidated governments are governed by the provisions of section 16-5116.

(5) The adoption of a new form of government shall not affect the validity of any bond, debt, contract, obligation, or cause of action accrued or established under the prior form of government.

(6) If the proposed new form of local government is adopted the study commission shall prepare an advisory plan for orderly transition to a new form of local government. The transition plan may propose necessary ordinances, plans

1 for consolidation of services and functions, and a plan for
2 reorganizing boards, bureaus, departments, and agencies.

3 (7) The legislative body of a local government may
4 enact and enforce ordinances to bring about an orderly
5 transition to the new plan of government, including
6 transfers of powers, records, documents, properties, assets,
7 funds, liabilities, or personnel which are consistent with
8 the approved plan and necessary or convenient to place it
9 into full effect. Where any question arises concerning the
10 transition which is not provided for herein, the legislative
11 body may provide for such transition by ordinance, rule, or
12 resolution not inconsistent with this act.

13 Section 15. There is a new E.C.M. section numbered
14 16-5115.12 that reads as follows:

15 16-5115.12. Transition — officers and employees. (1)
16 The members of the board of county commissioners or the
17 members of the council or commission of a city or town,
18 holding office on the date a new alternative form of
19 government is adopted by the qualified electors of the local
20 government unit, shall continue in office and in the
21 performance of their duties until the commission authorized
22 by the new alternative forms has been elected and qualified,
23 whereupon the prior commission or council shall be
24 abolished.

25 (2) All other employees holding offices or positions,

1 whether elective or appointive, under the government of such
2 county, city, or town on May 2, 1977, shall continue in the
3 performance of the duties of their respective offices and
4 positions until provision is made for the performance or
5 discontinuance of such duties, or the discontinuance of such
6 offices or positions.

7 Section 16. There is a new E.C.M. section numbered
8 16-5115.13 that reads as follows:

9 16-5115.13. Election of new officials. (1) No
10 primary or general election shall be held ~~in 1975 for~~
11 ~~officials elected under the commission manager form of city~~
12 ~~government or in 1975 for officials elected under the~~
13 ~~commission manager form of city government or~~ in 1976 for
14 the election of county officials. The primary and general
15 election for electing city, town, and county officials shall
16 be rescheduled as provided in this section.

17 (2) ~~The board of county commissioners, city or town~~
18 ~~council or commission shall order a special local government~~
19 ~~nonpartisan primary election to be held February 6, 1977 and~~
20 ~~partisan primary elections February 15, 1977 and local~~
21 ~~government general nonpartisan elections on April 5, 1977~~
22 ~~and local government general partisan elections April 12,~~
23 ~~1977 for the purpose of electing local government officials.~~
24 THE BOARD OF COUNTY COMMISSIONERS, CITY OR TOWN COUNCIL OR
25 COMMISSION SHALL ORDER A SPECIAL LOCAL GOVERNMENT PRIMARY

1 ELECTION TO BE HELD FEBRUARY 8, 1977 AND LOCAL GOVERNMENT
 2 GENERAL ELECTION ON APRIL 5, 1977 FOR THE PURPOSE OF
 3 ELECTING LOCAL GOVERNMENT OFFICIALS.

4 (3) Primary election is not required in cities and
 5 towns with a population of 3,499 or less as shown by the
 6 most recent federal census. Nonpartisan candidates shall be
 7 nominated by certificates of nomination.

8 (4) Nomination declarations, or certificates of
 9 nomination, shall be filed not later than 5 p.m., January 7,
 10 1977.

11 (5) If a new alternative form of local government is
 12 adopted, all elected city, town, and county officers shall
 13 hold their respective offices until the new successors are
 14 elected and qualified. The new officials specified in the
 15 new alternative form shall be elected at the special primary
 16 and general elections authorized in this act although
 17 similar offices exist under the former form of government.
 18 One (1) less than the number of commissioners specified in
 19 the county form shall be nominated and elected.

20 The county commissioner elected on November 7, 1972
 21 shall continue to hold office as a commissioner until his
 22 successor is elected in 1978 and qualified in 1979. Such
 23 commissioner retains his office under the provisions of
 24 section 6(3) of the transition schedule of the 1972 Montana
 25 constitution. If the county is divided into districts, he

1 shall represent the district that contains his legal
 2 residence. If the county apportionment plan includes the
 3 election of any commissioners at-large, he shall be one of
 4 the at-large commissioners.

5 If the terms of commissioners are to be overlapping,
 6 they shall draw lots to establish their respective terms of
 7 office at the first meeting of the commission.

8 (6) If the existing form of local government is
 9 retained, all elected city, town, and county officers shall
 10 hold their respective offices until the new successors are
 11 elected and qualified. Successors shall be elected at the
 12 special primary and general election authorized in this act
 13 for county officers whose term of office would otherwise
 14 terminate on the first Monday of January 1977 or the first
 15 Monday of March 1977.

16 Successors shall be elected at the special primary and
 17 general election for city or town officers whose term of
 18 office would otherwise terminate on ~~DECEMBER 31, 1975, OR~~
 19 December 31, 1977, or the first Monday of May 1977.

20 (7) The elections shall be governed by the election
 21 laws of the state of Montana. The election shall be
 22 conducted, vote returned and canvassed, and results declared
 23 in the manner provided by law for election of county
 24 officials. Votes cast for city, town, and county officials
 25 shall be counted, canvassed, and returned by county election

1 officials. Any separate ballots or election supplies
 2 required for election of city or town officials shall be
 3 furnished or paid for by the city or town.

4 (8) Officers elected shall take office on May 2, 1977.
 5 They shall serve terms for the duration specified in the
 6 alternative form of government.

7 Section 17. There is a new R.C.M. section numbered
 8 16-5115.14 that reads as follows:

9 16-5115.14. Organization of the commission. (1) The
 10 first meeting of a new commission for a new form of
 11 government shall be held at 10 a.m. on May 2, 1977, at which
 12 time newly elected members shall take the oath of office
 13 prior to assuming the duties of office.

14 (2) If the terms of commissioners are to be
 15 overlapping, they shall draw lots to establish their
 16 respective terms of office.

17 Section 18. There is a new R.C.M. section numbered
 18 16-5115.15 that reads as follows:

19 16-5115.15. Judicial enforcement and review. (1) Ten
 20 (10) or more qualified electors or the attorney general may
 21 petition the district court to enforce the provisions of
 22 this chapter.

23 (2) The provisions of Title 93, Chapter 89, R.C.M.
 24 1947 (Uniform Declaratory Judgments Act) shall apply to the
 25 adoption of a charter or an alternative form of government.

1 A petition for declaratory relief under Title 93, chapter
 2 89, may be brought on behalf of the public either by the
 3 attorney general or by ten (10) or more qualified electors
 4 of the local government unit. In the case of a petition by
 5 ten (10) or more qualified electors, the attorney general
 6 shall be served notice of the petition and may intervene as
 7 a party at any stage of the proceedings. The petitioner
 8 may, in the court's discretion, be awarded costs which may
 9 include reasonable attorney fees.

10 (3) Judicial review to determine the validity of the
 11 procedures whereby any charter or alternative form of
 12 government is adopted may be had by petition of ten (10) or
 13 more registered voters of the city or town brought within
 14 ~~thirty (30)~~ SIXTY (60) days after the election at which such
 15 charter or form of government, revision, or amendment is
 16 approved. THE PETITIONER MAY, IN THE COURT'S DISCRETION, BE
 17 AWARDED COSTS WHICH MAY INCLUDE REASONABLE ATTORNEY FEES. If
 18 no petition is filed within that period, compliance with all
 19 the procedures required by this act and the validity of the
 20 manner in which the charter, or form of government was
 21 approved shall be conclusively presumed. It shall be
 22 presumed that proper procedure was followed and all
 23 procedural requirements were met. The adoption of a charter
 24 or form of government shall not be deemed invalid on account
 25 of any procedural error or omission unless it is shown that

1 the error or omission materially and substantially affected
2 such adoption.

3 Section 19. There is a new R.C.M. section numbered
4 16-5115.16 that reads as follows:

5 16-5115.16. Effect of other laws. The procedures
6 established by this chapter for adoption and implementation
7 of an alternative form of government, a charter, a
8 consolidated government, a confederated government, a
9 consolidation or transfer of services, or a disincorporation
10 of a city or town are exclusive and shall not be effected by
11 any other law, except the disincorporation of a city or town
12 shall be governed by other law as provided in this chapter.

13 Section 20. Liberal construction. This act shall be
14 liberally construed to effectuate its purpose of
15 facilitating the review of local government.

16 Section 21. Severability clause. If any part of this
17 act shall be declared invalid or unconstitutional, it shall
18 not affect the validity of any other part of this act.

19 Section 22. Immediate effective date. This act is
20 effective on its passage and approval.

21 Section 23. Automatic repealer. This act terminates
22 on June 30, 1977.

-End-