

SENATE BILL 143

IN THE SENATE

January 17, 1979

Introduced and referred to
Committee on Local Government.

January 29, 1979

Committee recommend bill,
do not pass.

On motion, Senate reconsider
its action taken on Adverse
Committee report this Legislative
Day. Motion adopted.

On motion, taken from Committee
on Bills and Journal and rereferred
to Committee on Local Government.

April 20, 1979

Died in Committee.

1 *Senate* BILL NO. *143*
 2 INTRODUCED BY *Walt L. Ford Vincent Manley*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE TERM OF
 5 OFFICE FOR COUNTY COMMISSIONERS FROM 6 YEARS TO 4 YEARS;
 6 AMENDING SECTIONS 7-3-111, 7-3-112, AND 7-3-2109, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 7-3-111, MCA, is amended to read:
 10 "7-3-111. Statutory basis for elected county official
 11 government. (1) For the purpose of determining the statutory
 12 basis of existing units of local government after May 2,
 13 1977, each unit of local government organized under the
 14 general statutes authorizing the elected county official
 15 form of government shall be governed by the following
 16 sections:

- 17 (a) 7-3-401;
- 18 (b) 7-3-402;
- 19 (c) 7-3-412(3);
- 20 (d) 7-3-413(1);
- 21 (e) 7-3-414(1);
- 22 (f) 7-3-415(2);
- 23 (g) 7-3-416(2);
- 24 (h) 7-3-417(2);
- 25 (i) 7-3-418;

- 1 (j) 7-3-432(1);
- 2 (k) 7-3-433(1);
- 3 (l) 7-3-434(1);
- 4 (m) 7-3-435(1);
- 5 (n) 7-3-436(1);
- 6 (o) 7-3-437(1);
- 7 (p) 7-3-438(1);
- 8 (q) 7-3-439(1);
- 9 (r) 7-3-440(1);
- 10 (s) 7-3-441(1);
- 11 (t) 7-3-442(1) if the county has elected an auditor;
- 12 (u) 7-3-442(6) if the county has not elected an
 13 auditor.

14 (2) This form has terms of 4 years for all elected
 15 officials ~~except commissioners who are elected to 6-year~~
 16 ~~terms. The commission consists of three members."~~

17 Section 2. Section 7-3-112, MCA, is amended to read:
 18 "7-3-112. Statutory basis for county manager
 19 government. (1) For the purpose of determining the statutory
 20 basis of existing units of local government after May 2,
 21 1977, each unit of local government organized under the
 22 general statutes authorizing the county manager form of
 23 government shall be governed by the following sections:

- 24 (a) 7-3-301;
- 25 (b) 7-3-303;

- 1 (c) 7-3-304;
 2 (d) 7-3-305;
 3 (e) 7-3-312(2);
 4 (f) 7-3-313(1) or (2);
 5 (g) 7-3-314(2);
 6 (h) 7-3-315(1);
 7 (i) 7-3-316(2);
 8 (j) 7-3-317(2);
 9 (k) 7-3-318.

10 (2) Commissioners are elected to 6-year ~~5-year~~ terms.
 11 The size of the commission shall be established by
 12 ordinance, but it may not exceed five members."

13 Section 3. Section 7-3-2109, MCA, is amended to read:

14 "7-3-2109. Provisions for board elected at large. (1)
 15 Under all optional forms of county government whereby the
 16 entire board of county commissioners is elected at large,
 17 there shall be a board of county commissioners who shall
 18 have the qualifications and shall be nominated and elected
 19 as provided by general law except as otherwise provided for
 20 in this section.

21 (2) If the electors of a county approve a proposition
 22 to adopt an optional form of county government under this
 23 part and thereby adopt a different size board, the change in
 24 membership shall be effected as follows:

25 (a) Whenever the number of members of the board is

1 increased, there shall be elected at the next regular state
 2 election following the adoption of such provision a
 3 sufficient number of county commissioners to bring the total
 4 membership of the board up to the number fixed. County
 5 commissioners shall first serve a term of 6 $\frac{1}{2}$ years, except
 6 the ~~candidates first elected under the provisions of this~~
 7 ~~section.~~

8 (b) Whenever the number of members of the board is
 9 decreased, the optional number of county commissioners
 10 adopted under this part shall be effective as to the
 11 commissioner with the least time left on his term on the
 12 first Monday in January following the next regular state
 13 election and, as to the other half of the decrease, on the
 14 first Monday in January 2 years later. The latter decrease
 15 in board size shall also be determined by the least time
 16 left on his term and, should two commissioners have the same
 17 amount of term left to serve, then by lot.

18 (3) The term of office of county commissioners shall
 19 be 6 $\frac{1}{2}$ years ~~except as provided in this subsection. If the~~
 20 ~~optional form as adopted provides for no change in size of~~
 21 ~~the board of county commissioners, county commissioners~~
 22 ~~shall continue to be elected for 6-year terms.~~ If the
 23 optional form as adopted provides for an increased
 24 membership on the board as provided in this part, the
 25 additional members shall be elected to the board at the

1 first regular state election subsequent to the adoption of
2 the alternative form.

3 (4) If the first election under an optional form of
4 county government provided for in this part occurs in a year
5 in which one county commissioner is to be elected under the
6 former law and the optional form as adopted provides for an
7 expansion of the board to five commissioners, there shall be
8 elected for a staggered term two commissioners for a 6-year
9 ~~4-year~~ term and one commissioner for a 4-year ~~2-year~~ term as
10 provided in this part.

11 (5) At all succeeding elections after the first
12 regular state election subsequent to adoption of an optional
13 form, all members of the board of county commissioners shall
14 ~~continue to be elected for 6-year 4-year terms.~~

15 Section 4. Transition. Persons who are serving as
16 county commissioners on the effective date of this act shall
17 serve the remainder of their 6-year terms. Any person
18 elected as a county commissioner after the effective date of
19 this act shall serve for a 4-year term as provided in
20 7-3-2109(5).

-End-

SB 143