

SENATE BILL 518

IN THE SENATE

February 15, 1979

Introduced and referred to  
Committee on Local Government.

April 20, 1979

Died in Committee.

1 *Sen. Day* BILL NO. *518*  
 2 INTRODUCED BY *Sen. Day* \_\_\_\_\_

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR AN  
 4 ELECTION ON THE QUESTION OF VOTER REVIEW OF LOCAL GOVERNMENT  
 5 AND TO PROVIDE PROCEDURES FOR THE ESTABLISHMENT AND  
 6 FUNCTIONING OF A LOCAL GOVERNMENT STUDY COMMISSION AND FOR  
 7 THE IMPLEMENTATION OF ITS RECOMMENDATIONS."

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

10 Section 1. Purpose. The purpose of [this act] is to  
 11 provide procedures for local government review and for the  
 12 establishment and operation of local government study  
 13 commissions.

14 Section 2. Definitions. As used in [this act], unless  
 15 the context indicates otherwise, the following definitions  
 16 apply:

- 17 (1) "Authority" means:
- 18 (a) a municipal or regional airport authority as
- 19 provided in Title 67, chapter 11;
- 20 (b) a conservancy district as provided in Title 85,
- 21 chapter 9;
- 22 (c) a conservation district as provided in Title 76,
- 23 chapter 15;
- 24 (d) a drainage district as provided in Title 85,

- 1 chapter 8;
- 2 (e) an irrigation district as provided in Title 85,
- 3 chapter 7;
- 4 (f) a hospital district as provided in Title 7,
- 5 chapter 34, part 21;
- 6 (g) a flood control and water conservation district as
- 7 provided in Title 76, chapter 5, part 11;
- 8 (h) a county water and sewer district as provided in
- 9 Title 7, chapter 13, part 22; or
- 10 (i) an urban transportation district as provided in
- 11 Title 7, chapter 14, part 2.
- 12 (2) "Finance administrator" means the individual
- 13 responsible for the financial administration of the local
- 14 government and generally means the county or city treasurer
- 15 or town clerk unless the alternative form or governing body
- 16 specifies a different individual.
- 17 (3) "Governing body" means the commission or the town
- 18 meeting legislative body established in the alternative form
- 19 of a local government under Title 7, chapter 3, parts 1
- 20 through 6.
- 21 (4) "Local improvement district" means an improvement
- 22 district in which property is assessed to pay for specific
- 23 capital improvements benefiting the assessed property.
- 24 (5) "Records administrator" means the individual
- 25 responsible for keeping the public records of the local

1 government and generally means the county, city, or town  
 2 clerk unless the alternative form or governing body  
 3 specifies a different individual.

4 (6) "Subordinate service district" means a special  
 5 district within a local government in which certain services  
 6 are provided and in which taxes may be levied to finance the  
 7 services.

8 Section 3. Alteration of existing forms of local  
 9 government. An alteration of an existing form of local  
 10 government may be proposed by a local government study  
 11 commission.

12 Section 4. Election procedure. (1) Except as otherwise  
 13 provided in [this act], each election under [this act] is  
 14 conducted in the same manner as an election involving ballot  
 15 issues or of local officials.

16 (2) Votes cast on the question of establishing a study  
 17 commission and for electing study commission members shall  
 18 be counted, canvassed, and returned as provided in Title 13  
 19 for general elections unless the county and municipality  
 20 agree by joint resolution to do so in another manner.

21 Section 5. Establishment of study commissions. (1) A  
 22 study commission may be established by an affirmative vote  
 23 of the people. An election on the question of conducting a  
 24 local government review and establishing a study commission  
 25 shall be held in conjunction with the general election in

1 1986 and every 10 years thereafter.

2 (2) The governing body is responsible for calling by  
 3 resolution for the election on the question of conducting a  
 4 local government review and establishing a study commission.

5 Section 6. Election on question of establishing study  
 6 commission. (1) The question of conducting a local  
 7 government review and establishing a study commission shall  
 8 be submitted to the electors in substantially the following  
 9 form:

10 Vote for one:  
 11  FOR the review of the government of (insert name of  
 12 local government) and the establishment of a local  
 13 government study commission consisting of (insert  
 14 number of members) members to examine the government  
 15 of (insert name of local government) and submit  
 16 recommendations thereon.

17  AGAINST the review of the government of (insert name  
 18 of local government) and the establishment o  
 19 study commission.

20 (2) The question of conducting a local government  
 21 review and establishing a study commission requires an  
 22 affirmative vote of a majority of those voting on the  
 23 question for passage.

24 Section 7. Election of commission members. (1) If the  
 25 question of reviewing the local government and establishing

1 a study commission is approved, an election to fill the  
2 positions on the local government study commission shall be  
3 held at the first regularly scheduled election held after  
4 the election establishing the study commission. A primary  
5 election may not be held.

6 (2) The names of study commission candidates who have  
7 filed declarations of nomination shall be placed on the  
8 ballot. There is no filing fee. The election is  
9 nonpartisan, and candidates shall be listed without party or  
10 other designation or slogan. The secretary of state shall  
11 prescribe the ballot form for study commissions.

12 (3) Candidates for study commission positions shall be  
13 electors of the local government for which the study  
14 commission has been established.

15 (4) Those candidates receiving the highest number of  
16 votes shall be declared elected.

17 (5) If the number of study commissioners elected is  
18 not equal to the number required to be selected, the  
19 chairman of the governing body, with the confirmation of the  
20 governing body, shall appoint the additional study  
21 commissioners within 20 days of the election. Except as  
22 provided in [sections 8 and 9], no elected official of the  
23 local government may be appointed.

24 Section 8. Composition of study commission. The number  
25 of positions on the study commission shall be set out in the

1 resolution calling for the election on the question of  
2 reviewing the local government and establishing a study  
3 commission. The study commission shall consist of five  
4 members unless the local governing body by resolution  
5 declares that a larger number shall be elected. Every study  
6 commission shall include as ex officio voting members the  
7 chairman of the governing body and one other elected  
8 official appointed by the governing body.

9 Section 9. Appointment of local government member.  
10 Within 20 days after the election of members of the study  
11 commission, the governing body shall appoint one elected  
12 official of the local government to the study commission as  
13 a voting ex officio member.

14 Section 10. Term of office. The term of study  
15 commission members shall be set out in the resolution or  
16 petition calling for the election on the question of  
17 reviewing the local government and establishing a study  
18 commission.

19 Section 11. Vacancies. Vacancies on a study commission  
20 shall be filled by appointment by the governing body of the  
21 local government being studied by the commission.

22 Section 12. Compensation. Members of the study  
23 commission may receive no compensation other than for actual  
24 and necessary expenses incurred in their official capacity.

25 Section 13. Organization of commission. (1) Not later

1 than 10 days after all members of the study commission have  
2 been elected or appointed, the study commission shall meet  
3 and organize at a time set by the chairman of the governing  
4 body of the local government which the study commission is  
5 to examine.

6 (2) At the first meeting of the study commission, the  
7 study commission may elect a temporary chairman who will  
8 serve until a permanent chairman is selected.

9 Section 14. Conduct of business. (1) Meetings of the  
10 study commission shall be held upon the call of the  
11 chairman, the vice-chairman in the absence or inability of  
12 the chairman, or a majority of the members. The chairman  
13 shall announce the time and place of the meetings of the  
14 study commission.

15 (2) The study commission shall maintain a written  
16 record of its proceedings and its finances. This record is  
17 open to inspection by any person at the office of the study  
18 commission during regular office hours.

19 (3) A majority of the members of the study commission  
20 constitutes a quorum for the transaction of business, but no  
21 recommendation of a study commission may have any legal  
22 effect unless adopted by a majority of the whole number of  
23 members of the study commission.

24 (4) The study commission may adopt rules for its own  
25 organization and procedure.

1 Section 15. Open meetings and public involvement. All  
2 meetings of the study commission are open to the public. The  
3 study commission shall hold public hearings and community  
4 forums and may use other suitable means to disseminate  
5 information and stimulate public discussion of its purpose,  
6 progress, conclusions, and recommendations.

7 Section 16. Commission powers. (1) A study commission  
8 may employ and fix the compensation and duties of necessary  
9 staff. State, municipal, and county officers and employees,  
10 at the request of the study commission and with the consent  
11 of the employing agency, may be granted leave with or  
12 without pay from their agency to serve as consultants to the  
13 study commission. If leave with pay is granted, they shall  
14 receive no other compensation except mileage and per diem  
15 from the study commission.

16 (2) A study commission may contract and cooperate with  
17 other agencies, public or private, as it considers necessary  
18 for assistance in carrying out the purposes for which the  
19 commission was established. Upon request of the chairman of  
20 the study commission, state agencies, counties, other local  
21 governments, and the officers and employees thereof shall  
22 furnish the commission with such information as may be  
23 necessary for carrying out the commission's function and  
24 which is available to the agencies or units of government.

25 (3) A study commission may:

1 (a) establish advisory boards and committees,  
2 including on them persons who are not members of the study  
3 commission;

4 (b) retain consultants; and

5 (c, do any other act consistent with and reasonably  
6 required to perform its function under [this act].

7 Section 17. Financial administration. (1) A study  
8 commission shall prepare a budget for each fiscal year it is  
9 in existence and submit it to the local governing body for  
10 approval.

11 (2) For the support of the study commission, for each  
12 fiscal year the study commission is in existence, the local  
13 government shall appropriate the equivalent of at least 1  
14 mill. The local government may, in its discretion, provide  
15 additional funds and other assistance.

16 (3) The study commission may apply for and accept  
17 available private, state, and federal money and may accept  
18 donations from any source.

19 (4) All money received by the study commission shall  
20 be deposited with the local government finance  
21 administrator. The finance administrator is authorized to  
22 disburse appropriated money of the study commission on the  
23 study commission's order after approval of the budget by the  
24 governing body. Unexpended money of the study commission  
25 does not revert to the general fund of the local government

1 at the end of the fiscal year but carries over to the study  
2 commission's appropriation for the following fiscal year.  
3 Upon termination of the study commission, unexpended money  
4 reverts to the general fund of the local government.

5 Section 18. Study commission timetable -- final  
6 report. (1) Each local study commission or combination of  
7 local study commissions shall:

8 (a) conduct one or more public hearings within 50 days  
9 of its organization for the purpose of gathering information  
10 regarding the current form, functions, and problems of local  
11 government;

12 (b) formulate, reproduce, and distribute within 100  
13 days of its organization a tentative report, containing the  
14 same categories of information required to be included in  
15 the final report;

16 (c) conduct, no sooner than 30 days after the  
17 tentative report is distributed, one or more public hearings  
18 on the tentative report;

19 (d) adopt within 150 days of its organization the  
20 final report of the commission and set the date for a  
21 special election on the question of adopting a new plan of  
22 government or if the study commission is not recommending  
23 any changes, publish and distribute the final report as  
24 provided in [sections 25 through 27] within 60 days after  
25 the final report is adopted.

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1 (2) The final report and each document required to be  
 2 filed with it must be signed by a majority of the commission  
 3 members. The final report must contain any minority report  
 4 signed by members of the commission who do not support the  
 5 majority proposal. If the study commission is not  
 6 recommending any changes, the final report shall so  
 7 indicate.

8 Section 19. Supplementary reports. A study commission  
 9 may prepare separate reports in addition to its final  
 10 report. These reports may recommend consolidation of  
 11 services and functions and indicate potential areas for  
 12 interlocal agreements.

13 Section 20. Permissible recommendations. (1) A study  
 14 commission elected to examine the government of a county  
 15 may:

16 (a) recommend amendments to the existing plan of  
 17 government;

18 (b) recommend any plan of government authorized by  
 19 Title 7, chapter 3, parts 1 through 6;

20 (c) draft a charter;

21 (d) recommend municipal-county consolidation or  
 22 amendments to an existing consolidation;

23 (e) in cooperation with a study commission in an  
 24 adjoining county, recommend county merger; or

25 (f) submit no recommendation.

1 (2) A study commission elected to examine the  
 2 government of a municipality may:

3 (a) recommend amendments to the existing plan of  
 4 government;

5 (b) recommend any plan of government authorized by  
 6 Title 7, chapter 3, parts 1 through 7;

7 (c) draft a charter;

8 (d) recommend disincorporation; or

9 (e) submit no recommendation.

10 Section 21. Requirements for final report. A final  
 11 report of a study commission must contain:

12 (1) a certificate containing the "plan of government"  
 13 of the existing form of local government;

14 (2) a certificate containing the "plan of government"  
 15 of the proposed new form of local government or amendments  
 16 to the existing plan;

17 (3) a certificate containing the "plan  
 18 apportionment" of commissioner districts if districts are  
 19 contained in the "plan of government";

20 (4) a certificate establishing the date of the special  
 21 election at which the alternative form of government shall  
 22 be presented to the electors and a certificate establishing  
 23 the form of the ballot question or questions;

24 (5) a certificate establishing the dates of the first  
 25 primary and general elections if the proposal is approved

1 and establishing the effective date of the proposal if  
2 approved; and

3 (6) a comparison of the existing plan and proposed  
4 plan of local government, including, if desired, a statement  
5 of the strengths and weaknesses of the existing and proposed  
6 plans of local government, information that supports the  
7 adoption of the proposed plan, and information that supports  
8 retention of the present plan.

9 Section 22. Special requirements if consolidation  
10 recommended. (1) Whenever county-municipal consolidation is  
11 recommended, a final report, in addition to the material  
12 required in [section 21], must contain a consolidation plan  
13 which:

14 (a) provides for adjustment of existing bonded  
15 indebtedness and other obligations in a manner which assures  
16 a fair and equitable burden of taxation for debt service;

17 (b) provides for establishment of subordinate service  
18 districts;

19 (c) provides for the transfer or other disposition of  
20 property and other rights, claims, assets, and franchises of  
21 the local governments consolidated under its proposal;

22 (d) provides the official name of the consolidated  
23 local government; and

24 (e) (i) provides for the transfer, reorganization,  
25 abolition, adjustment of boundaries, or absorption of

1 existing boards, subordinate service districts, local  
2 improvement districts, agencies, and political subdivisions  
3 of the consolidated governments, excluding school districts,  
4 authorities, and nonconsolidated municipalities; or

5 (ii) grants the legislative body of the consolidated  
6 government the authority to transfer, reorganize, abolish,  
7 adjust boundaries, or absorb existing boards, subordinate  
8 service districts, local improvement districts, agencies,  
9 and political subdivisions of the consolidated governments,  
10 excluding school districts, authorities, and nonconsolidated  
11 municipalities, with or without referendum requirements.

12 (2) The consolidation plan may include other  
13 provisions that are consistent with state law.

14 (3) Whenever amendments to an existing consolidation  
15 plan are recommended, a final report must contain a  
16 certificate containing amendments to the consolidation plan.

17 Section 23. Special requirements if county merger  
18 recommended. (1) Whenever county merger is recommended, a  
19 final report, in addition to the material required by  
20 [section 21], must contain a consolidation plan which:

21 (a) provides for adjustment of existing bonded  
22 indebtedness and other obligations in a manner which assures  
23 a fair and equitable burden of taxation for debt service;

24 (b) provides for establishment of subordinate service  
25 districts;

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1 (c) provides for the transfer or other disposition of  
2 property and other rights, claims, assets, and franchises of  
3 local governments consolidated under the alternative plan;

4 (d) provides the official name of the consolidated  
5 local government; and

6 (e) (i) provides for the transfer, reorganization,  
7 abolition, adjustment of boundaries, or absorption of  
8 existing boards, subordinate service districts, local  
9 improvement districts, agencies, and political subdivisions  
10 of the consolidated governments, excluding school districts,  
11 authorities, and incorporated municipalities; or

12 (ii) grants the legislative body of the consolidated  
13 government the authority to transfer, reorganize, abolish,  
14 adjust boundaries, or absorb existing boards, subordinate  
15 service districts, local improvement districts, agencies,  
16 and political subdivisions of the consolidated governments,  
17 excluding school districts, authorities, and incorporated  
18 municipalities, with or without referendum requirements.

19 (2) The consolidation plan may include other  
20 provisions that are consistent with state law.

21 Section 24. Special requirements if municipal  
22 disincorporation recommended. Whenever municipal  
23 disincorporation is recommended, a final report, in addition  
24 to the material required by [section 21], must contain:

25 (1) a certificate of disincorporation instead of a

1 plan of government; and

2 (2) a recommended plan of disincorporation.

3 Section 25. Filing of reports. (1) Two copies of a  
4 final report of a study commission shall be filed with the  
5 department of community affairs.

6 (2) One copy of a final report shall be filed with the  
7 local government records administrator.

8 (3) The filings required by this section shall be done  
9 within 30 days of adoption of a final report.

10 Section 26. Availability of reports. (1) Sufficient  
11 copies of a final report of a study commission must be made  
12 available to the public for inspection at convenient  
13 locations and at reasonable hours to provide all interested  
14 persons an opportunity to review the recommendations and  
15 documents. The copies must be available no later than 30  
16 days prior to an election on the recommendations if such an  
17 election is to be held. The local government may distribute  
18 copies of a final report to the electors or residents of the  
19 local government.

20 (2) The cost of preparing the copies needed to meet  
21 the requirements of this section shall be borne by the  
22 affected local government.

23 Section 27. Publication of summary and comparison. (1)  
24 A summary of the recommendations contained in a final report  
25 of a study commission must be published at least twice in a

1 newspaper of general circulation in the local government.  
2 Whenever an election on the recommendations is to be held,  
3 publication must be made during the 2 weeks preceding the  
4 election.

5 (2) The summary must contain a description of the  
6 recommendations, a comparison of the existing and proposed  
7 forms of government, and a list of locations where the full  
8 proposal may be seen or obtained.

9 (3) The cost of publication required by this section  
10 shall be borne by the affected local government.

11 Section 25. Election on alternative form. (1) The  
12 governing body shall call a special election on the question  
13 of an alternative form of government to be held within 120  
14 days of the date of filing with the records administrator  
15 under [section 25]. The special election may be held in  
16 conjunction with any other election. The records  
17 administrator shall prepare and print notices of the special  
18 election.

19 (2) The cost of the election shall be paid for by the  
20 local government.

21 (3) (a) The affirmative vote of a simple majority of  
22 those voting on the question is required for adoption.

23 (b) In any election involving the question of  
24 consolidation, each question shall be submitted to the  
25 electors in the county and requires an affirmative vote of a

1 simple majority of the votes cast in the county on the  
2 question for adoption. There is no requirement for separate  
3 majorities in local governments voting on consolidation.

4 (c) In any election involving the question of county  
5 merger, the questions shall be submitted to the electors in  
6 the counties affected and requires a majority of the votes  
7 cast on the questions in each affected county for adoption.

8 (d) If the electors disapprove the proposed new form  
9 of local government, amendments, or consolidation plan, the  
10 local government retains its existing form.

11 Section 29. General ballot requirements. (1) The  
12 question of adopting the form of government proposed by the  
13 study commission shall be submitted to the electors in  
14 substantially the following form:

15 Vote for one:

16  FOR adoption of the (self-government charter or plan  
17 of government) proposed in the report of the (insert  
18 name of local government) local government study  
19 commission.

20  FOR the existing form of government.

21 (2) The whole number of ballots shall be divided into  
22 two equal sets. No more than one set may be used in  
23 printing the ballot for use in any one precinct and all  
24 ballots furnished for use in one precinct shall be  
25 identical. The existing plan of government shall be printed

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1 as the first item and the proposed plan as the second item  
2 on half of the ballots and the proposed form as the first  
3 item and the existing form as the second item on the other  
4 half of the ballots. If the local government consists of  
5 only one precinct, the existing plan shall be listed first  
6 on the ballot.

7 Section 30. Treatment of suboptions for alternative  
8 forms. (1) No study commission recommendation may involve  
9 more than three separate suboptions, and no suboption may  
10 contain more than two alternatives. If a suboption is  
11 submitted to the voters, only the ballot alternatives within  
12 that suboption receiving the highest number of affirmative  
13 votes are considered approved and included in the  
14 alternative form of government.

15 (2) A proposed plan shall be submitted to the voters  
16 as a single question, except that the suboptions within the  
17 alternative plan of local government authorized in Title 7,  
18 chapter 3, parts 1 through 7, and the suboptions authorized  
19 in a charter may be submitted to the electors as separate  
20 questions. The question of adopting a suboption shall be  
21 submitted to the electors in substantially the following  
22 form:

23 Vote for one:

24 A legal officer (who may be called the "county  
25 attorney"):

- 1  Shall be elected for a term of 4 years.
- 2  Shall be appointed for a term of 4 years by the
- 3 chairman of the local governing body.

4 Section 31. Effect of adoption of new form of  
5 government. The adoption of a new plan of government does  
6 not affect the validity of any bonds, debt, contracts,  
7 obligation, or cause of action accrued or established under  
8 the prior form of government.

9 Section 32. Filing of approved plan. (1) A copy of the  
10 existing or proposed plan of government ratified by the  
11 voters and any apportionment plan or consolidation or merger  
12 plan shall be certified by the chairman of the governing  
13 body and filed with the department of community affairs, the  
14 county records administrator, and the municipal records  
15 administrator if it is a municipal plan.

16 (2) The approved plan filed with the department of  
17 community affairs is the official plan and is a public  
18 record open to inspection by the public and judicially  
19 noticeable by all courts.

20 Section 33. Judicial review. Judicial review to  
21 determine the validity of the procedures whereby any charter  
22 or alternative plan of government is adopted may be  
23 initiated by petition in district court of 10 or more  
24 registered voters of the local government brought within 60  
25 days after the election at which the charter or plan of

1 government, revision, or amendment is approved. If no  
 2 petition is filed within that period, compliance with all  
 3 the procedures required by [this act] and the validity of  
 4 the manner in which the charter or plan of government was  
 5 approved is conclusively presumed. It is presumed that  
 6 proper procedure was followed and all procedural  
 7 requirements were met. The adoption of a charter or plan of  
 8 government may not be considered invalid because of any  
 9 procedural error or omission unless it is shown that the  
 10 error or omission materially and substantially affected its  
 11 adoption.

12 Section 34. Three-year moratorium. Unless the  
 13 constitution requires otherwise, the electors of any unit of  
 14 local government which has adopted a new alternative form of  
 15 local government, charter, or consolidation plan may not  
 16 vote on the question of changing the form of local  
 17 government until 3 years after the new local government  
 18 becomes effective, but the electors may vote on amendments  
 19 to the alternative form, charter, or consolidation plan.

20 Section 35. Effective date of alternative plan or  
 21 amendment. (1) An alternative plan of local government  
 22 approved by the electors takes effect when the new officers  
 23 take office, except as otherwise provided in any charter or  
 24 consolidation plan. A consolidation or merger plan adopted  
 25 by the electors takes effect in the same manner.

1 (2) Provisions creating offices and establishing  
 2 qualifications for office under any apportionment plan  
 3 become effective immediately for the purpose of electing  
 4 officials.

5 (3) An amendment to an existing plan of government  
 6 becomes effective at the beginning of the local government's  
 7 fiscal year commencing after the election results are  
 8 officially declared.

9 Section 36. General transition provisions. (1) The  
 10 study commission shall prepare an advisory plan for orderly  
 11 transition to a new plan of local government. The transition  
 12 plan may propose necessary ordinances, plans for  
 13 consolidation of services and functions, and a plan for  
 14 reorganizing boards, departments, and agencies.

15 (2) The governing body of a local government may enact  
 16 and enforce ordinances to bring about an orderly transition  
 17 to the new plan of government, including transfer of powers,  
 18 records, documents, properties, assets, funds, liabilities,  
 19 or personnel. These ordinances are to be consistent with the  
 20 approved plan and necessary or convenient to place it into  
 21 full effect. Whenever a question arises concerning  
 22 transition which is not provided for, the governing body may  
 23 provide for the transition by ordinance, rule, or resolution  
 24 not inconsistent with law.

25 Section 37. Transition provisions affecting personnel.

1 (1) The members of the governing body holding office on the  
 2 date the new plan of government is adopted by the electors  
 3 of the local government continue in office and in the  
 4 performance of their duties until the governing body  
 5 authorized by the plan has been elected and qualified,  
 6 whereupon the prior governing body is abolished.

7 (2) All other employees holding offices or positions,  
 8 whether elective or appointive, under the government of the  
 9 county or municipality continue in the performance of the  
 10 duties of their respective offices and positions until  
 11 provisions are made for the performance or discontinuance of  
 12 the duties or the discontinuance of the offices or  
 13 positions.

14 (3) A charter or a final report of a study commission  
 15 may provide that existing elected officers shall continue in  
 16 office until the end of the term for which they were elected  
 17 or may provide that existing elected officers shall be  
 18 retained as local government employees until the end of the  
 19 term for which they were elected and their salaries may not  
 20 be reduced.

21 Section 38. Treatment of existing ordinances and  
 22 resolutions. (1) All ordinances and resolutions in effect at  
 23 the time the new form of government becomes effective  
 24 continue in effect until repealed or amended in the manner  
 25 provided by law.

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

12 Section 39. Election of new officials. (1) Within 20  
 13 days after an election at which the new plan of government  
 14 is approved by the electors, the governing body of the local  
 15 government shall meet and order a special primary and  
 16 general election for the purpose of electing the officials  
 17 required by the new form of government. The elections for  
 18 officials may be held in conjunction with any other  
 19 election.

20 (2) The order shall specify a date for the primary  
 21 election not more than 120 days or less than 20 days after  
 22 the election approving the new form and a date for the  
 23 general election 60 days after the primary.

24 Section 40. Organization of new governing body. (1)  
 25 The first meeting of a new governing body for a new plan of

1 government shall be held at 10 a.m., 60 days after the  
2 election of the new officers. At that time, newly elected  
3 members shall take the oath of office prior to assuming the  
4 duties of office.

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

8 Section 41. Codification. It is intended that sections  
9 1 through 40 be codified as an integral part of Title 7,  
10 chapter 3, part 1, and the provisions of Title 7, chapter 3,  
11 apply to sections 1 through 40.

12 Section 42. Severability. If a part of this act is  
13 invalid, all valid parts that are severable from the invalid  
14 part remain in effect. If a part of this act is invalid in  
15 one or more of its applications, the part remains in effect  
16 in all valid applications that are severable from the  
17 invalid applications.

-End-

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