

House Bill 352

In The House

January 19, 1981

Introduced and referred  
to Committee on Local  
Government.

February 10, 1981

Committee recommend bill  
do not pass.

1 HOUSE BILL NO. 352  
2 INTRODUCED BY Hessler

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A  
5 MUNICIPALITY TO ASSUME ADMINISTRATIVE AND FINANCIAL  
6 RESPONSIBILITY FOR SERVICES PERFORMED BY A COUNTY IN WHICH  
7 THE MUNICIPALITY IS LOCATED AND PROHIBITING A COUNTY FROM  
8 PROVIDING THE SERVICE WITHIN THE CORPORATE LIMITS OF A  
9 MUNICIPALITY ASSUMING A COUNTY SERVICE."

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

12 Section 1. Municipal performance of county services.

13 (1) The governing body of a municipality choosing to provide  
14 a service listed in subsection (2) may do so by:

15 (a) giving notice of intent to adopt a resolution  
16 providing for the assumption of county services by the  
17 municipality;

18 (b) conducting a joint public hearing on the matter  
19 with the county governing body;

20 (c) adopting a resolution providing for the assumption  
21 of the service by the municipality; and

22 (d) except as provided in subsection (4), delivering a  
23 copy of the resolution to the county governing body at least  
24 90 days prior to the beginning of the fiscal year.

25 (2) A municipality may assume exclusive responsibility

1 for law enforcement, bridges, planning, noxious weed  
2 control, soil conservation, and library services within its  
3 corporate limits and exempt itself from receiving such  
4 services from the county.

5 (3) (a) After a municipality assumes responsibility  
6 for providing a service listed in subsection (2), the county  
7 may provide the same service only in that portion of the  
8 county which excludes the exempted municipality.

9 (b) The county may finance the service through a  
10 general tax only upon the taxable property in that portion  
11 of the county which excludes the exempted municipality or  
12 the county may use other funds at its disposal.

13 (4) The governing bodies of a municipality and a  
14 county may waive the requirements of subsection (1)(d).

15 Section 2. Effective date of service changes. Unless  
16 an interlocal agreement provides otherwise, the effective  
17 date for a change in responsibility for delivering a service  
18 shall be the first day of the next fiscal year subsequent to  
19 adoption of a resolution pursuant to [section 1].

20 Section 3. Allocation of assets and liabilities. When  
21 the responsibility for the delivery of a service is assumed  
22 by a municipality, the governing bodies of the municipality  
23 and the county may provide for the reallocations of property  
24 rights, assets, and liabilities related to the service  
25 between the units of local government.

LC 1063/01

1           Section 4. Severability. If a part of this act is  
2   invalid, all valid parts that are severable from the invalid  
3   part remain in effect. If a part of this act is invalid in  
4   one or more of its applications, the part remains in effect  
5   in all valid applications that are severable from the  
6   invalid applications.

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