

HOUSE BILL NO. 760

INTRODUCED BY WALDRON, HAGER, VAN VALKENBURG, J. O'HARA,  
AZZARA, D. O'HARA, KESSLER, MAZUREK, KEMMIS, WILLIAMS,  
VINGER, COZZENS, REGAN, FABREGA, CONOVER

IN THE HOUSE

February 13, 1981	Introduced and referred to Committee on Local Government.
February 21, 1981	Committee recommend bill do pass. Report adopted.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass as amended.  On motion rules suspended and bill placed on third reading this day.
February 25, 1981	Correctly engrossed.  Third reading, passed. Ayes, 84; Noes, 14. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Local Government.
March 26, 1981	Committee recommend bill be concurrent in. Report adopted.
March 30, 1981	Motion pass consideration.
March-31, 1981	Second reading, concurred in.  On motion rules suspended. Bill placed on calendar for third reading this day and allowed to be transmitted on 71st legislative day. Motion adopted.

March 31, 1981

Third reading, concurred in.  
Ayes, 48; Noes, 1.

IN THE HOUSE

April 1, 1981

Returned from Senate. Con-  
curred in. Sent to enrolling.

Reported correctly enrolled.



1 (4) Upon determination of the sufficiency of the  
 2 petition or upon receipt of a recommendation of the  
 3 interlocal cooperation commission, the governing body of  
 4 each of the local governments affected by the proposed  
 5 consolidation or transfer shall call an election on the  
 6 transfer or consolidation as provided in [section 7].

7 NEW SECTION. Section 4. Service plan. (1) The  
 8 petitioners or the interlocal cooperation commission shall  
 9 prepare a service plan governing the service or activity  
 10 proposed to be transferred or consolidated.

11 (2) The plan shall provide:

12 (a) the nature of service or function to be  
 13 consolidated or transferred;

14 (b) the effective date of the proposed consolidation  
 15 or transfer;

16 (c) the responsibility for administration of the  
 17 service to be consolidated or transferred, including the  
 18 succession of the performance of duties currently performed  
 19 by an elected officer if the elective status of an office is  
 20 affected;

21 (d) the manner in which affected employees currently  
 22 engaged in the performance of the function will be  
 23 transferred, reassigned, or otherwise treated;

24 (e) the manner in which real property, facilities,  
 25 equipment, or other personal property required in the

1 exercise of the function are to be transferred, sold, or  
 2 otherwise disposed of;

3 (f) the method of financing, establishing, and  
 4 maintaining a budget for the service; and

5 (g) other legal, financial, and administrative  
 6 arrangements necessary to effect the transfer in an orderly  
 7 and equitable manner.

8 (3) The service plan may include provisions for an  
 9 administrator or joint board responsible for administering  
 10 any joint or cooperative undertaking.

11 (4) The service plan shall be attached to the petition  
 12 or to the interlocal cooperation commission's recommendation  
 13 when it is submitted to the governing bodies affected by the  
 14 service consolidation or transfer.

15 NEW SECTION. Section 5. Availability of petition or  
 16 recommendation and service plan. (1) Sufficient copies of  
 17 the petition or recommendation of the interlocal cooperation  
 18 commission proposing a service consolidation or transfer and  
 19 the service plan must be made available to the public for  
 20 inspection at convenient locations and at reasonable hours  
 21 to provide all interested persons an opportunity to review  
 22 the recommendations and documents. The copies must be  
 23 available no later than 30 days prior to an election on the  
 24 proposal if such an election is to be held.

25 (2) Each local government affected by the proposal may

1 distribute copies of the service plan to its residents.

2 NEW SECTION. Section 6. Publication of summary and  
3 comparison. (1) A summary of the recommendations contained  
4 in a petition or recommendation and the service plan  
5 proposing the consolidation or transfer of a service or  
6 activity must be published at least twice in a newspaper of  
7 general circulation in each local government affected by the  
8 proposal. The publication must be made during the 2 weeks  
9 preceding the election.

10 (2) The summary must contain a description of the  
11 recommendations, a comparison of the existing and proposed  
12 methods of service delivery, and a list of locations where  
13 the full proposal may be seen or obtained.

14 (3) The cost of publication required by this section  
15 shall be shared by the affected local governments.

16 NEW SECTION. Section 7. Election on service  
17 consolidation or transfer. (1) The governing bodies of each  
18 local government affected by a proposed service  
19 consolidation or transfer shall jointly call a special  
20 election on the question of service consolidation or  
21 transfer, to be held within 120 days of the date of the  
22 filing of the petition under [section 3] or within 120 days  
23 of the receipt by the local government of the interlocal  
24 cooperation commission recommendation. The special election  
25 may be held in conjunction with any other election. The

1 county elections administrator shall prepare and print  
2 notices of the special election.

3 (2) The cost of the election shall be shared by the  
4 affected local governments in proportionate shares as agreed  
5 to by the governing bodies of the local governments.

6 NEW SECTION. Section 8. General ballot requirements.  
7 (1) The question of adopting a service consolidation or  
8 transfer shall be submitted to the electors of the local  
9 governments affected by the proposal in substantially the  
10 following form:

11 "Shall the plan for (consolidation or transfer) of  
12 (insert name of service or function) services proposed in  
13 the (petition or recommendation of the interlocal  
14 cooperation commission) and service plan to the (insert the  
15 names of local government units) be adopted?"

16  YES.

17  NO.

18 (2) If the question of adopting a service  
19 consolidation or transfer alters the elective status of any  
20 elected county official, it shall be submitted to the  
21 electors of the local governments affected by the proposal  
22 in substantially the following form:

23  "For adoption of (consolidation or transfer) of  
24 (insert name of service or function) proposed in the  
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1 cooperation commission) and service plan to the  
 2 (insert names of local government units) in which  
 3 the office of (insert name of county office) is  
 4 (insert description of changes in elective status)."

5  "For existing service delivery arrangements."

6 (3) In any election involving the question of service  
 7 consolidation or transfer, an affirmative vote of a simple  
 8 majority of those voting on the question is required for  
 9 adoption.

10 (4) If the electors disapprove the proposed service  
 11 consolidation or transfer, each local government retains its  
 12 existing service delivery method until changed or modified  
 13 as provided by law.

14 (5) Except for nonsubstantive adjustments required to  
 15 insure efficient and effective operations, a service  
 16 consolidation or transfer effected by the procedures  
 17 contained in [sections 1 through 10] may be amended or  
 18 otherwise changed only in the same manner as required for  
 19 its adoption.

20 **NEW SECTION.** Section 9. Effect of adoption of service  
 21 consolidation or transfer. The adoption of a service  
 22 consolidation or transfer does not affect the validity of  
 23 any bond, debt, contract, obligation, or cause of action  
 24 accrued or established by any affected local government  
 25 prior to the consolidation or transfer.

1 **NEW SECTION.** Section 10. Judicial review. (1)  
 2 Judicial review to determine the validity of the procedures  
 3 used in adopting any service consolidation or transfer may  
 4 be initiated by petition in district court of 10 or more  
 5 registered electors of each local government affected by the  
 6 consolidation or transfer brought within 60 days after the  
 7 election adopting the service consolidation or transfer. If  
 8 no petition is filed within that period, compliance with all  
 9 the procedures required by [sections 3 through 10] and the  
 10 validity of the manner in which the service consolidation or  
 11 transfer was approved is conclusively presumed.

12 (2) It is presumed that proper procedure was followed  
 13 and all procedural requirements were met. The adoption of a  
 14 service consolidation or transfer may not be considered  
 15 invalid because of any procedural error or omission unless  
 16 it is shown that the error or omission materially and  
 17 substantially affected its adoption.

18 Section 11. Section 7-11-230, MCA, is amended to read:  
 19 "7-11-230. Procedure for making recommendations. After  
 20 public hearing, the commission shall submit proposals  
 21 contained in its comprehensive program for action as  
 22 follows:

23 (1) If the comprehensive plan of the commission  
 24 includes the creation of or any change, alteration,  
 25 consolidation, dissolution, or annexation with respect to

1 any unit of local government or special district a procedure  
 2 for which is provided by law upon petition by the people and  
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5 ~~(2) If the comprehensive plan includes the~~  
 6 ~~consolidation or transfer of the administrative and~~  
 7 ~~financial responsibilities for services between or among~~  
 8 ~~municipalities and counties, the commission shall make~~  
 9 ~~public its recommendation to the electorate of the local~~  
 10 ~~governments for referenda as provided for in [section 2].~~

11 ~~(2)(2)~~ If the comprehensive plan includes any change,  
 12 alteration, interlocal agreement, consolidation,  
 13 dissolution, or annexation with respect to any unit of local  
 14 government or special district which can be carried into  
 15 effect under existing law by action of the governing bodies  
 16 of the units affected, the commission shall recommend the  
 17 necessary action to the governing body or bodies of the  
 18 units of government concerned.

19 ~~(3)(4)~~ If the comprehensive plan includes the creation  
 20 of or any change, alteration, consolidation, dissolution, or  
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 23 amendments to the general laws or constitution of Montana,  
 24 the commission shall make such recommendation or  
 25 recommendations to the ensuing legislature."

1 Section 12. 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.

-End-





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21 ~~(d)~~ (d) the manner in which affected employees currently  
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1 exercise of the function are to be transferred, sold, or  
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12 (insert name of service or function) services proposed in  
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15 names of local government units) be adopted?"

16  YES.

17  NO.

18 (2) If the question of adopting a service  
19 consolidation or transfer alters the elective status of any  
20 elected county official, it shall be submitted to the  
21 electors of the local governments affected by the proposal  
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 17 contained in [sections 1 through 10] may be amended or  
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 24 accrued or established by any affected local government  
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 5 registered electors of each local government affected by the  
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 7 election adopting the service consolidation or transfer. If  
 8 no petition is filed within that period, compliance with all  
 9 the procedures required by [sections 3 through 10] and the  
 10 validity of the manner in which the service consolidation or  
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 13 and all procedural requirements were met. The adoption of a  
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 15 invalid because of any procedural error or omission unless  
 16 it is shown that the error or omission materially and  
 17 substantially affected its adoption.

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19 "7-11-230. Procedure for making recommendations. After  
 20 public hearing, the commission shall submit proposals  
 21 contained in its comprehensive program for action as  
 22 follows:

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 24 includes the creation of or any change, alteration,  
 25 consolidation, dissolution, or annexation with respect to

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 2 for which is provided by law upon petition by the people and  
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 13 dissolution, or annexation with respect to any unit of local  
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 15 effect under existing law by action of the governing bodies  
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 17 necessary action to the governing body or bodies of the  
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 20 of or any change, alteration, consolidation, dissolution, or  
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 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  
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 6 invalid applications.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE PROCEDURES  
 FOR THE ELECTORS OF LOCAL GOVERNMENTS TO CONSOLIDATE OR  
 TRANSFER THE ADMINISTRATIVE AND FINANCIAL RESPONSIBILITY FOR  
 SERVICES BETWEEN OR AMONG MUNICIPALITIES AND COUNTIES;  
 AMENDING SECTION 7-11-230, MCA."

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

NEW SECTION. Section 1. Purpose. (1) The purpose of  
 [sections 1 through 10] is to provide procedures for the  
 electors of local governments to consolidate or transfer the  
 administrative and financial responsibility for services  
 between or among municipalities and counties.

(2) Nothing in [sections 1 through 10] is to be  
 construed as in any way affecting the authority of local  
 governments to enter into interlocal agreements or contracts  
 as provided by law.

NEW SECTION. Section 2. Consolidation and transfer of  
 services. (1) A consolidation or transfer of services  
 between or among municipalities may be proposed by a  
 petition of the electors or on a recommendation of an

interlocal cooperation commission as provided in 7-11-230.

(2) A petition or recommendation may propose to  
 consolidate or transfer the administrative or financial  
 responsibility or any administrative service, activity, or  
 undertaking that any of the local governments included in  
 the proposed consolidation or transfer are authorized by law  
 to perform.

(3) Notwithstanding the requirements of 7-32-101, a  
 petition or recommendation may propose to consolidate or  
 transfer any law enforcement administrative service,  
 activity, or undertaking between or among local governments.

NEW SECTION. Section 3. Petition for consolidation or  
 transfer of services. (1) A petition or recommendation for  
 the consolidation or transfer of the administrative and  
 financial responsibility for services between or among local  
 governments may be presented to the governing bodies of the  
 local governments affected by the consolidation or transfer.

(2) A petition must be signed by at least 15% of the  
 electors registered at the last general election of the  
 local governments affected by the proposed consolidation or  
 transfer.

(3) Whenever the consolidation or transfer of a  
 service between a county and municipality is proposed by  
 petition, the petition must be signed by at least 15% of the  
 electors residing in each municipality included in the

1 service consolidation or transfer and 15% of the electors  
 2 residing in the remainder of the county.

3 (4) Upon determination of the sufficiency of the  
 4 petition or upon receipt of a recommendation of the  
 5 interlocal cooperation commission, the governing body of  
 6 each of the local governments affected by the proposed  
 7 consolidation or transfer shall call an election on the  
 8 transfer or consolidation as provided in [section 7].

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 15 consolidated or transferred;

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 19 service to be consolidated or transferred, including the  
 20 succession of the performance of duties currently performed  
 21 by an elected officer if the elective status of an office is  
 22 affected;

23 (d) the manner in which affected employees currently  
 24 engaged in the performance of the function will be  
 25 transferred, reassigned, or otherwise treated;

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

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 6 maintaining a budget for the service; and

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 8 arrangements necessary to effect the transfer in an orderly  
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 11 administrator or joint board responsible for administering  
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14 (insert name of service or function) services proposed in  
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17 names of local government units) be adopted?"

18 YES.

19 NO.

20 (2) If the question of adopting a service  
21 consolidation or transfer alters the elective status of any  
22 elected county official, it shall be submitted to the  
23 electors of the local governments affected by the proposal  
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 23 of or any change, alteration, consolidation, dissolution, or  
 24 annexation with respect to any unit of local government or  
 25 special district which necessitates enabling legislation or

1 amendments to the general laws or constitution of Montana,  
 2 the commission shall make such recommendation or  
 3 recommendations to the ensuing legislature."

4 Section 12. Severability. If a part of this act is  
 5 invalid, all valid parts that are severable from the invalid  
 6 part remain in effect. If a part of this act is invalid in  
 7 one or more of its applications, the part remains in effect  
 8 in all valid applications that are severable from the  
 9 invalid applications.

-End-

HOUSE BILL NO. 760

INTRODUCED BY WALDRON, HAGER, VAN VALKENBURG, J. O'HARA,  
AZZARA, D. O'HARA, KESSLER, MAZUREK, KEMMIS, WILLIAMS,  
VINGER, COZZENS, REGAN, FABREGA, CONOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE PROCEDURES  
FOR THE ELECTORS OF LOCAL GOVERNMENTS TO CONSOLIDATE OR  
TRANSFER THE ADMINISTRATIVE AND FINANCIAL RESPONSIBILITY FOR  
SERVICES BETWEEN OR AMONG MUNICIPALITIES AND COUNTIES;  
AMENDING SECTION 7-11-230, MCA."

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

NEW SECTION. Section 1. Purpose. (1) The purpose of  
[sections 1 through 10] is to provide procedures for the  
electors of local governments to consolidate or transfer the  
administrative and financial responsibility for services  
between or among municipalities and counties.

(2) Nothing in [sections 1 through 10] is to be  
construed as in any way affecting the authority of local  
governments to enter into interlocal agreements or contracts  
as provided by law.

NEW SECTION. Section 2. Consolidation and transfer of  
services. (1) A consolidation or transfer of services  
between or among municipalities may be proposed by a  
petition of the electors or on a recommendation of an

interlocal cooperation commission as provided in 7-11-230.

(2) A petition or recommendation may propose to  
consolidate or transfer the administrative or financial  
responsibility or any administrative service, activity, or  
undertaking that any of the local governments included in  
the proposed consolidation or transfer are authorized by law  
to perform.

(3) Notwithstanding the requirements of 7-32-101, a  
petition or recommendation may propose to consolidate or  
transfer any law enforcement administrative service,  
activity, or undertaking between or among local governments.

NEW SECTION. Section 3. Petition for consolidation or  
transfer of services. (1) A petition or recommendation for  
the consolidation or transfer of the administrative and  
financial responsibility for services between or among local  
governments may be presented to the governing bodies of the  
local governments affected by the consolidation or transfer.

(2) A petition must be signed by at least 15% of the  
electors registered at the last general election of the  
local governments affected by the proposed consolidation or  
transfer.

(3) Whenever the consolidation or transfer of a  
service between a county and municipality is proposed by  
petition, the petition must be signed by at least 15% of the  
electors residing in each municipality included in the

1 service consolidation or transfer and 15% of the electors  
 2 residing in the remainder of the county.

3 (4) Upon determination of the sufficiency of the  
 4 petition or upon receipt of a recommendation of the  
 5 interlocal cooperation commission, the governing body of  
 6 each of the local governments affected by the proposed  
 7 consolidation or transfer shall call an election on the  
 8 transfer or consolidation as provided in [section 7].

9 NEW SECTION. Section 4. Service plan. (1) The  
 10 petitioners or the interlocal cooperation commission shall  
 11 prepare a service plan governing the service or activity  
 12 proposed to be transferred or consolidated.

13 (2) The plan shall provide:

14 (a) the nature of service or function to be  
 15 consolidated or transferred;

16 (b) the effective date of the proposed consolidation  
 17 or transfer;

18 (c) the responsibility for administration of the  
 19 service to be consolidated or transferred, including the  
 20 succession of the performance of duties currently performed  
 21 by an elected officer if the elective status of an office is  
 22 affected;

23 (d) the manner in which affected employees currently  
 24 engaged in the performance of the function will be  
 25 transferred, reassigned, or otherwise treated;

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

5 (f) the method of financing, establishing, and  
 6 maintaining a budget for the service; and

7 (g) other legal, financial, and administrative  
 8 arrangements necessary to effect the transfer in an orderly  
 9 and equitable manner.

10 (3) The service plan may include provisions for an  
 11 administrator or joint board responsible for administering  
 12 any joint or cooperative undertaking.

13 (4) The service plan shall be attached to the petition  
 14 or to the interlocal cooperation commission's recommendation  
 15 when it is submitted to the governing bodies affected by the  
 16 service consolidation or transfer.

17 NEW SECTION. Section 5. Availability of petition or  
 18 recommendation and service plan. (1) Sufficient copies of  
 19 the petition or recommendation of the interlocal cooperation  
 20 commission proposing a service consolidation or transfer and  
 21 the service plan must be made available to the public for  
 22 inspection at convenient locations and at reasonable hours  
 23 to provide all interested persons an opportunity to review  
 24 the recommendations and documents. The copies must be  
 25 available no later than 30 days prior to an election on the

1 proposal if such an election is to be held.

2 (2) Each local government affected by the proposal may  
3 distribute copies of the service plan to its residents.

4 NEW SECTION. Section 6. Publication of summary and  
5 comparison. (1) A summary of the recommendations contained  
6 in a petition or recommendation and the service plan  
7 proposing the consolidation or transfer of a service or  
8 activity must be published at least twice in a newspaper of  
9 general circulation in each local government affected by the  
10 proposal. The publication must be made during the 2 weeks  
11 preceding the election.

12 (2) The summary must contain a description of the  
13 recommendations, a comparison of the existing and proposed  
14 methods of service delivery, and a list of locations where  
15 the full proposal may be seen or obtained.

16 (3) The cost of publication required by this section  
17 shall be shared by the affected local governments.

18 NEW SECTION. Section 7. Election on service  
19 consolidation or transfer. (1) The governing bodies of each  
20 local government affected by a proposed service  
21 consolidation or transfer shall jointly call a special  
22 election on the question of service consolidation or  
23 transfer, to be held within 120 days of the date of the  
24 filing of the petition under [section 3] or within 120 days  
25 of the receipt by the local government of the interlocal

1 cooperation commission recommendation. The special election  
2 may be held in conjunction with any other election. The  
3 county elections administrator shall prepare and print  
4 notices of the special election.

5 (2) The cost of the election shall be shared by the  
6 affected local governments in proportionate shares as agreed  
7 to by the governing bodies of the local governments.

8 NEW SECTION. Section 8. General ballot requirements.  
9 (1) The question of adopting a service consolidation or  
10 transfer shall be submitted to the electors of the local  
11 governments affected by the proposal in substantially the  
12 following form:

13 "Shall the plan for (consolidation or transfer) of  
14 (insert name of service or function) services proposed in  
15 the (petition or recommendation of the interlocal  
16 cooperation commission) and service plan to the (insert the  
17 names of local government units) be adopted?"

18 YES.

19 NO.

20 (2) If the question of adopting a service  
21 consolidation or transfer alters the elective status of any  
22 elected county official, it shall be submitted to the  
23 electors of the local governments affected by the proposal  
24 in substantially the following form:

25 "For adoption of (consolidation or transfer) of

1 (insert name of service or function) proposed in the  
 2 (petition or recommendation of the interlocal  
 3 cooperation commission) and service plan to the  
 4 (insert names of local government units) in which  
 5 the office of (insert name of county office) is  
 6 (insert description of changes in elective status)."

7 "For existing service delivery arrangements."

8 (3) In any election involving the question of service  
 9 consolidation or transfer, an affirmative vote of a simple  
 10 majority of those voting on the question is required for  
 11 adoption.

12 (4) If the electors disapprove the proposed service  
 13 consolidation or transfer, each local government retains its  
 14 existing service delivery method until changed or modified  
 15 as provided by law.

16 (5) Except for nonsubstantive adjustments required to  
 17 insure efficient and effective operations, a service  
 18 consolidation or transfer effected by the procedures  
 19 contained in [sections 1 through 10] may be amended or  
 20 otherwise changed only in the same manner as required for  
 21 its adoption.

22 NEW SECTION. Section 9. Effect of adoption of service  
 23 consolidation or transfer. The adoption of a service  
 24 consolidation or transfer does not affect the validity of  
 25 any bond, debt, contract, COLLECTIVE BARGAINING AGREEMENT,

1 obligation, or cause of action accrued or established by any  
 2 affected local government prior to the consolidation or  
 3 transfer.

4 NEW SECTION. Section 10. Judicial review. (1)  
 5 Judicial review to determine the validity of the procedures  
 6 used in adopting any service consolidation or transfer may  
 7 be initiated by petition in district court of 10 or more  
 8 registered electors of each local government affected by the  
 9 consolidation or transfer brought within 60 days after the  
 10 election adopting the service consolidation or transfer. If  
 11 no petition is filed within that period, compliance with all  
 12 the procedures required by [sections 3 through 10] and the  
 13 validity of the manner in which the service consolidation or  
 14 transfer was approved is conclusively presumed.

15 (2) It is presumed that proper procedure was followed  
 16 and all procedural requirements were met. The adoption of a  
 17 service consolidation or transfer may not be considered  
 18 invalid because of any procedural error or omission unless  
 19 it is shown that the error or omission materially and  
 20 substantially affected its adoption.

21 Section 11. Section 7-11-230, MCA, is amended to read:

22 "7-11-230. Procedure for making recommendations. After  
 23 public hearing, the commission shall submit proposals  
 24 contained in its comprehensive program for action as  
 25 follows:

1 (1) If the comprehensive plan of the commission  
 2 includes the creation of or any change, alteration,  
 3 consolidation, dissolution, or annexation with respect to  
 4 any unit of local government or special district a procedure  
 5 for which is provided by law upon petition by the people and  
 6 an election, the commission shall make public its proposal  
 7 or proposals to the people in the area or areas affected.

8 (2) If the comprehensive plan includes the  
 9 consolidation or transfer of the administrative and  
 10 financial responsibilities for services between or among  
 11 municipalities and counties, the commission shall make  
 12 public its recommendation to the electorate of the local  
 13 governments for referenda as provided for in [section 2].

14 ~~(2)~~(3) If the comprehensive plan includes any change,  
 15 alteration, interlocal agreement, consolidation,  
 16 dissolution, or annexation with respect to any unit of local  
 17 government or special district which can be carried into  
 18 effect under existing law by action of the governing bodies  
 19 of the units affected, the commission shall recommend the  
 20 necessary action to the governing body or bodies of the  
 21 units of government concerned.

22 ~~(3)~~(4) If the comprehensive plan includes the creation  
 23 of or any change, alteration, consolidation, dissolution, or  
 24 annexation with respect to any unit of local government or  
 25 special district which necessitates enabling legislation or

1 amendments to the general laws or constitution of Montana,  
 2 the commission shall make such recommendation or  
 3 recommendations to the ensuing legislature."

4 Section 12. Severability. If a part of this act is  
 5 invalid, all valid parts that are severable from the invalid  
 6 part remain in effect. If a part of this act is invalid in  
 7 one or more of its applications, the part remains in effect  
 8 in all valid applications that are severable from the  
 9 invalid applications.

-End-