

Senate Bill 359

In The Senate

February 3, 1981

Introduced and referred
to Committee on Local
Government.

April 23, 1981

Died in Committee.

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Senate BILL NO. 359
Norman

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE GOVERNING BODY OF A FIRST-CLASS COUNTY TO PROPOSE BY RESOLUTION NO MORE THAN THREE ALTERNATIVE FORMS OF LOCAL GOVERNMENT; AMENDING SECTIONS 7-3-123, 7-3-141 THROUGH 7-3-144, AND 7-3-146 THROUGH 7-3-150, MCA."

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

Section 1. Section 7-3-123, MCA, is amended to read:

"7-3-123. Alteration of existing forms of local government. (1) An alteration of an existing form of local government may be proposed by a petition of the electors.

~~(2) An alteration of an existing form of county government in a first-class county may be proposed by resolution of the county governing body in the manner provided for in [section 2]."~~

NEW SECTION. Section 2. Resolution for county

alteration -- multiple options -- election. (1) The governing body of a first-class county may propose alteration of the existing form of government by resolution. The governing body may propose no more than three alternative forms of local government with such suboptions as may be considered appropriate for submission to the

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county electorate.

(2) If a single alternative form of local government is proposed by resolution, it shall appear as a ballot issue at the next regularly scheduled election.

(3) If more than one alternative form of local government is proposed by resolution they shall all appear as ballot issues at the next regularly scheduled primary election. The alternative form that receives the highest number of votes favoring its adoption shall appear on the ballot as a ballot issue at the next general election.

Section 3. Section 7-3-141, MCA, is amended to read:

"7-3-141. Permissible recommendations. (1) A petition ~~or resolution~~ proposing to alter an existing form of county government may:

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

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

(c) draft a charter;

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

(e) in cooperation with a similar petition ~~or resolution~~ calling for an election on county merger ~~circulated~~ in an adjoining county, recommend county merger.

(2) A petition proposing to alter an existing form of

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1 municipal government may:

- 2 (a) recommend amendments to the existing plan of
3 government;
- 4 (b) recommend any plan of government authorized by
5 Title 7, chapter 3, parts 1 through 7;
- 6 (c) draft a charter; or
- 7 (d) recommend disincorporation."

8 Section 4. Section 7-3-142, MCA, is amended to read:

9 "7-3-142. Requirements for petition or resolution. A
10 petition or resolution proposing an alteration of an
11 existing form of local government 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 of
18 apportionment" of commissioner districts if districts are
19 contained in the "plan of government"; and
- 20 (4) a comparison of the existing plan and proposed
21 plan of local government, including, if desired, a statement
22 of the strengths and weaknesses of the existing and proposed
23 plans of local government, information that supports the
24 adoption of the proposed plan, and information that supports
25 retention of the present plan."

1 Section 5. Section 7-3-143, MCA, is amended to read:
2 "7-3-143. Special requirements if consolidation
3 recommended. (1) Whenever county-municipal consolidation is
4 recommended, a petition or resolution, in addition to the
5 material required in 7-3-142, must contain a consolidation
6 plan which:

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

10 (b) provides for establishment of subordinate service
11 districts;

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

15 (d) provides the official name of the consolidated
16 local government; and

17 (e) (i) provides for the transfer, reorganization,
18 abolition, adjustment of boundaries, or absorption of
19 existing boards, subordinate service districts, local
20 improvement districts, agencies, and political subdivisions
21 of the consolidated governments, excluding school districts,
22 authorities, and nonconsolidated municipalities; or

23 (ii) grants the legislative body of the consolidated
24 government the authority to transfer, reorganize, abolish,
25 adjust boundaries, or absorb existing boards, subordinate

1 service districts, local improvement districts, agencies,
2 and political subdivisions of the consolidated governments,
3 excluding school districts, authorities, and nonconsolidated
4 municipalities, with or without referendum requirements.

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

7 (3) Whenever amendments to an existing consolidation
8 plan are recommended, a petition or resolution must contain
9 a certificate containing amendments to the consolidation
10 plan."

11 Section 6. Section 7-3-144, MCA, is amended to read:

12 "7-3-144. Special requirements if county merger
13 recommended. (1) Whenever county merger is recommended, a
14 petition or resolution, in addition to the material required
15 by 7-3-142, must contain a consolidation plan which:

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

19 (b) provides for establishment of subordinate service
20 districts;

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

24 (d) provides the official name of the consolidated
25 local government; and

1 (e) (i) provides for the transfer, reorganization,
2 abolition, adjustment of boundaries, or absorption of
3 existing boards, subordinate service districts, local
4 improvement districts, agencies, and political subdivisions
5 of the consolidated governments, excluding school districts,
6 authorities, and incorporated municipalities; or

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

14 (2) The consolidation plan may include other
15 provisions that are consistent with state law."

16 Section 7. Section 7-3-146, MCA, is amended to read:

17 "7-3-146. Filing of petitions or resolutions. (1) Two
18 copies of a petition or resolution shall be filed with the
19 department of community affairs.

20 (2) One copy of a petition or resolution shall be
21 filed with the local government records administrator.

22 (3) The filings required by this section shall be done
23 within 45 days of submission of the petition."

24 Section 8. Section 7-3-147, MCA, is amended to read:

25 "7-3-147. Availability of petitions and resolutions.

1 (1) Sufficient copies of a petition or resolution proposing
 2 alterations to an existing form of local government must be
 3 made available to the public for inspection at convenient
 4 locations and at reasonable hours to provide all interested
 5 persons an opportunity to review the recommendations and
 6 documents. The copies must be available no later than 30
 7 days prior to an election on the recommendations if such an
 8 election is to be held. The local government may distribute
 9 copies of a petition or resolution to the electors or
 10 residents of the local government.

11 (2) The cost of preparing the copies needed to meet
 12 the requirements of this section shall be borne by the
 13 affected local government."

14 Section 9. Section 7-3-148, MCA, is amended to read:

15 "7-3-148. Publication of summary and comparison. (1) A
 16 summary of the recommendations contained in a petition or
 17 resolution proposing alteration of an existing form of local
 18 government must be published at least twice in a newspaper
 19 of general circulation in the local government. Whenever an
 20 election on the recommendations is to be held, publication
 21 must be made during the 2 weeks preceding the election.

22 (2) The summary must contain a description of the
 23 recommendations, a comparison of the existing and proposed
 24 forms of government, and a list of locations where the full
 25 proposal may be seen or obtained.

1 (3) The cost of publication required by this section
 2 shall be borne by the affected local government."

3 Section 10. Section 7-3-149, MCA, is amended to read:

4 "7-3-149. Election on alternative form. (1) ~~The Except~~
 5 ~~as provided in [section 2],~~ the governing body shall call a
 6 special election on the question of an alternative form of
 7 government to be held within 120 days of the date of filing
 8 with the records administrator under 7-3-146. The special
 9 election may be held in conjunction with any other election.
 10 The records administrator shall prepare and print notices of
 11 the special election.

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

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

16 (b) In any election involving the question of
 17 consolidation, each question shall be submitted to the
 18 electors in the county and requires an affirmative vote of a
 19 simple majority of the votes cast in the county on the
 20 question for adoption. There is no requirement for separate
 21 majorities in local governments voting on consolidation.

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

1 (d) If the electors disapprove the proposed new form
2 of local government, amendments, or consolidation plan, the
3 local government retains its existing form."

4 Section 11. Section 7-3-150, MCA, is amended to read:
5 "7-3-150. General ballot requirements. (1) The
6 question of adopting an alteration of an existing form of
7 government proposed by petition or an alteration proposed by
8 resolution to be submitted at a general election as provided
9 in [section 2] shall be submitted to the electors in
10 substantially the following form:

11 Vote for one:

12 FOR adoption of the (self-government charter,
13 amendment to an existing charter, or plan of
14 government) proposed for (insert name of local
15 government) proposed by (petition of the people or
16 resolution of the county governing body).

17 FOR the existing form of government.

18 (2) The whole number of ballots shall be divided into
19 two equal sets. No more than one set may be used in printing
20 the ballot for use in any one precinct and all ballots
21 furnished for use in one precinct shall be identical. The
22 existing plan of government shall be printed as the first
23 item and the proposed plan as the second item on half of the
24 ballots and the proposed form as the first item and the
25 existing form as the second item on the other half of the

1 ballots. If the local government consists of only one
2 precinct, the existing plan shall be listed first on the
3 ballot."

4 Section 12. Coordination with Senate Bill 33. If
5 Senate Bill 33, introduced in the 47th legislature, is
6 passed and approved, section 25 or such other section of
7 that act that amends 7-3-158 deleting the words "or
8 resolution" from 7-3-158(3) is void and of no effect.

9 Section 13. Codification instruction. Section 2 is
10 intended to be codified as an integral part of Title 7,
11 chapter 3, part 1, and the provisions of Title 7, chapter 3,
12 part 1, apply to section 2.

-End-