

HOUSE BILL NO. 189

Introduced: 01/12/83

Referred to Committee on Local Government: 01/12/83

Hearing: 1/20/83

Report: 02/08/83, Do Not Pass, As Amended

Objection: 2/8/83

Indefinitely Postponed: 2/10/83

Bill Killed

1 House BILL NO. 189
 2 INTRODUCED BY Beaumont Donalds Manuel Gray
Ray St. Holliday Curdiss
Rearn Beitzler Dave Brown Mueller
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE APPROVAL

5 OF ELECTORS RESIDING IN EACH MUNICIPALITY AND OF THOSE
 6 RESIDING IN THE REMAINDER OF THE COUNTY FOR ADOPTION OF A
 7 PLAN CONSOLIDATING OR TRANSFERRING SERVICES BETWEEN OR AMONG
 8 LOCAL GOVERNMENT UNITS; AND PROVIDING PROCEDURES FOR THE
 9 ELECTORS TO TERMINATE A SERVICE CONSOLIDATION OR TRANSFER
 10 PLAN; AMENDING SECTIONS 7-11-304 AND 7-11-308, MCA."

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

13 Section 1. Section 7-11-308, MCA, is amended to read:

14 "7-11-308. General ballot requirements. (1) The
 15 question of adopting a service consolidation or transfer
 16 shall be submitted to the electors of the local governments
 17 affected by the proposal in substantially the following
 18 form:

19 Shall the plan for (consolidation or transfer) of
 20 (insert name of service or function) services proposed in
 21 the (petition or recommendation of the interlocal
 22 cooperation commission) and service plan to the (insert the
 23 names of local government units) be adopted?

24 ☐ YES.

25 ☐ NO.

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

6 ☐ For adoption of (consolidation or transfer) of
 7 (insert name of service or function) proposed in the
 8 (petition or recommendation of the interlocal
 9 cooperation commission) and service plan to the
 10 (insert names of local government units) in which
 11 the office of (insert name of county office) is
 12 (insert description of changes in elective status).

13 ☐ For existing service delivery arrangements.

14 (3) ~~In Among those electors voting in~~ any election
 15 involving the question of service consolidation or transfer,
 16 an affirmative vote of a simple majority of those ~~voting on~~
 17 ~~the question residing in each of the municipalities and of~~
 18 ~~those residing in the remainder of the county~~ is required
 19 for adoption.

20 (4) If the electors disapprove the proposed service
 21 consolidation or transfer, each local government retains its
 22 existing service delivery method until changed or modified
 23 as provided by law.

24 (5) Except for nonsubstantive adjustments required to
 25 insure efficient and effective operations, a service

consolidation or transfer effected by the procedures contained in this part may be amended or otherwise changed only in the same manner as required for its adoption."

Section 2. Section 7-11-304, MCA, is amended to read:

"7-11-304. Service plan. (1) The petitioners or the interlocal cooperation commission shall prepare a service plan governing the service or activity proposed to be transferred or consolidated.

(2) The plan shall provide:

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

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

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

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

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

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

~~(g) the procedures to be used in terminating the plan including the method for disposing of property, if the plan is terminated as provided in [section 3]; and~~

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

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

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

NEW SECTION. Section 3. Petition for terminating service plan -- election. (1) A petition for terminating any consolidation or transfer of a service between one or more municipalities and a county may be presented to the governing bodies of the local governments included in the consolidation or transfer.

(2) The petition must be signed by at least 15% of the electors residing in any municipality included in the consolidation or transfer or by 15% of the electors residing in the remainder of the county.

1 (3) Upon determination of the sufficiency of the
2 petition, the governing body of each of the local
3 governments affected by the proposed termination shall call
4 an election on the termination in the manner provided in
5 7-11-307.

6 (4) Among those electors voting in the election on the
7 question of terminating a service consolidation or transfer
8 plan, an affirmative vote of a simple majority of those
9 residing in each of the municipalities and of those residing
10 in the remainder of the county is required for termination.

11 (5) If the electors approve the proposed termination
12 of the service consolidation or transfer, the service plan
13 must be terminated according to the provisions included in
14 the plan under 7-11-304(2)(g).

15 ~~NEW SECTION.~~ Section 4. Codification instruction.
16 Section 3 is intended to be codified as an integral part of
17 Title 7, chapter 11, part 3, and the provisions of Title 7,
18 chapter 11, part 3, apply to section 3.

-End-

HB 0189/02
Comm.
on Local Government
Recommend do not pass
Objection Raised to
Adverse Committee Report

HOUSE BILL NO. 189

INTRODUCED BY BENGTSON, DONALDSON, MANUEL,

ASAY, ROUSH, HOLLIDAY, CURTISS, STOBIE,

ERNST, KOEHNKE, SPAETH, REAM,

BERTELSEN, D. BROWN, MUELLER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE APPROVAL OF ELECTORS RESIDING IN EACH MUNICIPALITY AND OF THOSE RESIDING IN THE REMAINDER OF THE COUNTY FOR ADOPTION OF A PLAN CONSOLIDATING OR TRANSFERING SERVICES BETWEEN OR AMONG LOCAL GOVERNMENT UNITS; AND PROVIDING PROCEDURES FOR THE ELECTORS TO TERMINATE A SERVICE CONSOLIDATION OR TRANSFER PLAN; AMENDING SECTIONS 7-11-304 AND 7-11-308, MCA."

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

Section 1. Section 7-11-308, MCA, is amended to read:

"7-11-308. General ballot requirements. (1) The question of adopting a service consolidation or transfer shall be submitted to the electors of the local governments affected by the proposal in substantially the following form:

Shall the plan for (consolidation or transfer) of (insert name of service or function) services proposed in the (petition or recommendation of the interlocal cooperation commission) and service plan to the (insert the

names of local government units) be adopted?

☐ YES.☐ NO.

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

☐ For adoption of (consolidation or transfer) of (insert name of service or function) proposed in the (petition or recommendation of the interlocal cooperation commission) and service plan to the (insert names of local government units) in which the office of (insert name of county office) is (insert description of changes in elective status).

☐ For existing service delivery arrangements.

(3) ~~In among-those-electors-voting-in~~ IN any election involving the question of service consolidation or transfer, an affirmative vote of a simple majority of those ~~voting-on the-question~~ VOTING ON THE QUESTION ~~residing in each of the municipalities and a simple majority of those~~ residing in the remainder of the county ~~voting on the question~~ is required for adoption.

(4) If the electors disapprove the proposed service consolidation or transfer, each local government retains its

1 existing service delivery method until changed or modified
2 as provided by law.

3 (5) Except for nonsubstantive adjustments required to
4 insure efficient and effective operations, a service
5 consolidation or transfer effected by the procedures
6 contained in this part may be amended or otherwise changed
7 only in the same manner as required for its adoption."

8 Section 2. Section 7-11-304, MCA, is amended to read:

9 "7-11-304. Service plan. (1) The petitioners or the
10 interlocal cooperation commission shall prepare a service
11 plan governing the service or activity proposed to be
12 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) the procedures to be used in terminating the plan,~~
8 ~~including the method for disposing of property, if the plan~~
9 ~~is terminated as provided in [section 3]; and~~

10 ~~(g)(h)~~ other legal, financial, and administrative
11 arrangements necessary to effect the transfer in an orderly
12 and equitable manner.

13 (3) The service plan may include provisions for an
14 administrator or joint board responsible for administering
15 any joint or cooperative undertaking.

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

20 ~~NEW SECTION.~~ Section 3. Petition for terminating
21 service plan -- election. (1) A petition for terminating any
22 consolidation or transfer of a service between one or more
23 municipalities and a county may be presented to the
24 governing bodies of the local governments included in the
25 consolidation or transfer.

1 (2) The petition must be signed by at least 15% of the
2 electors residing in any municipality included in the
3 consolidation or transfer or by 15% of the electors residing
4 in the remainder of the county.

5 (3) Upon determination of the sufficiency of the
6 petition, the governing body of each of the local
7 governments affected by the proposed termination shall call
8 an election on the termination in the manner provided in
9 7-11-307.

10 (4) ~~Among--those-electors-voting-in~~ IN the election on
11 the question of terminating a service consolidation or
12 transfer plan, an affirmative vote of a simple majority of
13 those ~~VOTING ON THE QUESTION~~ residing in each of the
14 municipalities and ~~A SIMPLE MAJORITY~~ of those ~~VOTING ON THE~~
15 ~~QUESTION~~ residing in the remainder of the county is required
16 for termination.

17 (5) If the electors approve the proposed termination
18 of the service consolidation or transfer, the service plan
19 must be terminated according to the provisions included in
20 the plan under 7-11-304(2)(g).

21 ~~NEW SECTION.~~ Section 4. Codification instruction.
22 Section 3 is intended to be codified as an integral part of
23 Title 7, chapter 11, part 3, and the provisions of Title 7,
24 chapter 11, part 3, apply to section 3.

-End-