

1 HOUSE BILL NO. 647
 2 INTRODUCED BY Libby, Alby, Danica, Stella, Jourd'heuil
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A
 5 MUNICIPALITY TO ASSUME RESPONSIBILITY FOR CERTAIN COUNTY
 6 SERVICES PERFORMED WITHIN THE MUNICIPALITY AND TO PROHIBIT
 7 THE COUNTY FROM PROVIDING THAT SERVICE WITHIN THE
 8 MUNICIPALITY."

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

11 Section 1. Municipal performance of county services.

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

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

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

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

21 (d) delivering a copy of the resolution to the county
22 governing body at least 90 days prior to the beginning of
23 the ensuing fiscal year unless the time requirement is
24 waived by the governing bodies of the municipality and the
25 county.

1 (2) A municipality may assume exclusive responsibility
2 to provide services within its corporate limits for law
3 enforcement, except jails, and for bridges, library,
4 planning, noxious weed control, animal control, parks and
5 recreation, open space planning, and operating a special
6 improvement district revolving fund and in so doing may
7 exempt its residents and property owners from being taxed by
8 the county for these services.

9 (3) (a) After a municipality assumes responsibility
10 for providing a service listed in subsection (2), the county
11 may provide the same service only in that portion of the
12 county which excludes the exempted municipality, unless the
13 county is authorized by interlocal agreement with the
14 municipality to provide the service countywide.

15 (b) The county may finance the service through a
16 general tax only upon the taxable property in that portion
17 of the county which excludes the exempted municipality, or
18 the county may use other funds at its disposal.

19 Section 2. Effective date of service changes. Unless
20 an interlocal agreement provides otherwise, the effective
21 date for a change in responsibility for delivering a service
22 must be the first day of the fiscal year following the
23 adoption of a resolution pursuant to [section 1].

24 Section 3. Allocation of assets and liabilities. When
25 the responsibility for the delivery of a service is assumed

1 by a municipality, the governing bodies of the municipality
2 and the county may provide for the reallocations between the
3 units of local government of property rights, assets, and
4 liabilities related to the service.

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

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