# SENATE BILL NO. 181

# INTRODUCED BY HAFFEY

# BY REQUEST OF THE LIEUTENANT GOVERNOR

# IN THE SENATE

January 22, 1985	Introduced and referred to Committee on Local Government.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted.
February 9, 1985	Bill printed and placed on members' desks.
February 11, 1985	Second reading, do pass.
February 12, 1985	Considered correctly engrossed.
February 13, 1985	Third reading, passed. Ayes, 50; Noes, 0.
	Transmitted to House.
IN	THE HOUSE
February 27, 1985	Introduced and referred to Committee on Local Government.
March 25, 1985	Committee recommend bill be concurred in. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in.
	Returned to Senate.
11	I THE SENATE
April 1, 1985	Received from House.
	Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 181 1 INTRODUCED BY A MAL 2 BY REQUEST OF THE LIEUTENANT GOVERNOR 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARIFY PROVISIONS RELATING TO LOCAL GOVERNMENT STUDY 6 7 COMMISSIONS: PROVIDING PROCEDURES FOR HANDLING TIE VOTES AND WRITE-IN CANDIDATES FOR ELECTION TO A STUDY COMMISSION; 8 PROVIDING FOR APPOINTMENT OF EX OFFICIO MEMBERS; CLARIFYING 9 PROVISIONS RELATING TO VACANCIES IN OFFICE; PROVIDING THAT 10 RECOMMENDATIONS FOR SERVICE CONSOLIDATIONS AND TRANSFERS MAY 11 BE MADE TO THE ELECTORATE; AMENDING SECTIONS 7-3-176 THROUGH 12 7-3-178, 7-3-185, AND 7-3-187, MCA; AND PROVIDING AN 13 14 IMMEDIATE EFFECTIVE DATE." 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16

Section 1. Section 7-3-176, MCA, is amended to read: 17 "7-3-176. Election of commission members. (1) If the 18 question of reviewing the local government and establishing 19 20 a study commission is approved, an election to fill the positions on the local government study commission shall be 21 held in conjunction with the 1984 general election date or 22 at the first regularly scheduled election of the local 23 government conducted after 90 days following the election 24 25 establishing the study commission. A primary election may



LC 0671/01

1 not be held.

(2) The names of study commission candidates who have 2 filed declarations of nomination not later than 60 days 3 before the date of the election shall be placed on the 4 5 ballot. There is no filing fee. The election is nonpartisan, and candidates shall be listed without party or other 6 7 designation or slogan. The secretary of state shall 8 prescribe the ballot form for study commissions 9 commissioners.

10 (3) Candidates for study commission positions shall be
11 electors of the local government for which the study
12 commission has been established. The candidates may not be
13 elected officials of the local government.

14 (4) The number of candidates, equal to the number of 15 study commission positions to be elected, receiving the 16 highest number of votes, which includes votes cast for candidates who have officially filed nominations and votes 17 for write-in candidates, shall be declared elected. If there 18 19 is a tie vote among candidates, the governing body shall 20 decide by lot which candidate will fill the position. 21 (5) If the number of study commissioners elected is 22 not equal to the number required to be selected, the chairman of the governing body, with the confirmation of the 23 governing body, shall appoint the additional study 24 25 commissioners within 20 days of the election. No elected

-2-

INTRODUCED BILL S3 181

1	official of the local government may be appointed."
2	Section 2. Section 7-3-177, MCA, is amended to read:
3	"7-3-177. Composition of study commission. (1) The
4	number of positions, which must be an odd number of not less
5	than three, on the study commission shall be set out in the
6	resolution or petition calling for the election on the
7	question of reviewing the local government or local
8	governments and establishing a study commission. If the
9	election is called under the provisions of 7-3-173(1)(c),
10	the study commission shall consist of three members unloss
11	the local governing body by resolution declares that a
12	larger number shall be elected.
13	(2) Every study commission shall include as an ex
14	official populating member a member of the governing body or

14 officio nonvoting member a member of the governing body or 15 an elected official or employee of the local government 16 appointed by the governing body. <u>The ex officio member must</u> 17 <u>be appointed prior to the organization of the study</u> 18 commission provided for in 7-3-179."

19 Section 3. Section 7-3-178, MCA, is amended to read: 20 "7-3-178. Term of office -- vacancies -- compensation. 21 (1) The term of office of study commission members begins on 22 the day their election to the study commission is declared 23 or certified under 13-15-405 or on the day of their 24 appointment and ends on the day of the vote on the 25 alternative plan. If the alternative plan is adopted, the 1 term continues for 90 days after the day of the vote on the 2 alternative plan. If the commission recommends no 3 alternative plan, the term ends 30 days after submission of 4 the final report in accordance with 7-3-187.

(2) A vacancy on a study commission, including an ex

offico member vacancy, shall be determined in the same 6 7 manner as a vacancy in municipal office as provided in 8 7-4-4111. Vacancies A vacancy on a study commission shall be 9 filled by appointment by the governing body of the local 10 government being studied by the commission. The appointment 11 shall be made within 30 days of the date the vacancy occurs. 12 (3) Members of the study commission may receive no compensation other than for actual and necessary expenses 13 14 incurred in their official capacity."

15 Section 4. Section 7-3-185, MCA, is amended to read:

"7-3-185. Scope of study commission recommendations.

17 (1) (a) A study commission elected-to-examine examining the 18 government of a county may:

19 (a)(<u>i</u>) recommend amendments to the existing plan of 20 government;

21 (b)(ii) recommend any plan of government authorized by 22 Title 7, chapter 3, parts 1 through 6;

5

16

24 (d)(iv) recommend municipal-county consolidation or 25 amendments to an existing consolidation;

1	<pre>te;(v) in cooperation with a study commission in an</pre>
2	adjoining county, recommend county merger; or
3	<pre>ff(vi) submit no recommendation.</pre>
4	(b) In addition to one of the items in subsection
5	(1)(a), a county study commission may recommend service
6	consolidation or transfer in cooperation with a study
7	commission of another county or with a study commission of
8	one or more municipalities.
9	(2) (a) A study commission electedtoexamine
10	examining the government of a municipality may:
11	<pre>(a)(i) recommend amendments to the existing plan of</pre>
12	government;
13	<pre>(b)(ii) recommend any plan of government authorized by</pre>
14	Title 7, chapter 3, parts 1 through 6;
14 15	Title 7, chapter 3, parts 1 through 6; <del>{e;<u>(iii)</u> draft a charter;</del>
15	<pre>(iii) draft a charter;</pre>
15 16	<pre>(te;(iii) draft a charter; (d;(iv) recommend municipal-county consolidation;</pre>
15 16 17	<pre>(te;(iii) draft a charter; (d;(iv) recommend municipal-county consolidation; (e;(v) recommend disincorporation; or</pre>
15 16 17 18	<pre>(e;(iii) draft a charter; (d;(iv) recommend municipal-county consolidation; (e;(v) recommend disincorporation; or (f;(vi) submit no recommendation.</pre>
15 16 17 18 19	<pre>(e;(iii) draft a charter; (d;(iv) recommend municipal-county consolidation; (e;(v) recommend disincorporation; or (f;(vi) submit no recommendation. (b) In addition to one of the items in subsection</pre>
15 16 17 18 19 20	<pre>(e;(iii) draft a charter; (d;(iv) recommend municipal-county consolidation; (e;(v) recommend disincorporation; or (f;(vi) submit no recommendation. (b) In addition to one of the items in subsection (2)(a), a municipal study commission may recommend service</pre>
15 16 17 18 19 20 21	<pre>(e;(iii) draft a charter; (d;(iv) recommend municipal-county consolidation; (e;(v) recommend disincorporation; or (f;(vi) submit no recommendation. (b) In addition to one of the items in subsection (2)(a), a municipal study commission may recommend service consolidation or transfer in cooperation with:</pre>
15 16 17 18 19 20 21 21	<pre>(e;(iii) draft a charter; (d;(iv) recommend municipal-county consolidation; (e;(v) recommend disincorporation; or (f;(vi) submit no recommendation. (b) In addition to one of the items in subsection (2)(a), a municipal study commission may recommend service consolidation or transfer in cooperation with: (i) a county study commission;</pre>

1 Section 5. Section 7-3-187, MCA, is amended to read: 2 "7-3-187. Final report. (1) Every study commission shall adopt a final report. If the study commission 3 4 recommends an alternative form of government, the final 5 report shall contain the following materials and documents, 6 each signed by a majority of the study commission members: 7 (a) those materials and documents required of a 8 petition proposing an alteration of an existing form of 9 government in 7-3-142; (b) a certificate establishing the date of the special 10 11 election, which may be held in conjunction with a regularly scheduled election, at which the alternative form of 12 government shall be presented to the electors and a 13 14 certificate establishing the form of the ballot question or 15 questions; and (c) a certificate establishing the dates of the first 16 17 primary and general elections for officers of a new government if the proposal is approved and establishing the 18 effective date of the proposal if approved. 19 20 (2) The final report shall contain any minority report signed by members of the commission who do not support the 21 22 majority proposal. (3) If the study commission is not recommending any 23 changes, its final report shall so indicate. 24 (4) The study commission shall file one copy of the

-6-

25

final report with the department of administration commerce.
 A copy of the final report shall be certified by the study
 commission to the municipal or county records administrator
 within 30 days after the adoption of the final report.

5 (5) Sufficient copies of the final report are to be 6 prepared for public distribution. The final report must be 7 available to the electors not later than 30 days prior to 8 the election on the issue of adopting the alternative plan. 9 Copies of the final report may be distributed to electors or residents of the local government or governments affected. 10 11 (6) After submission of the final report, the 12 commission shall deposit copies of its minutes and other

13 records with the county clerk and recorder."

14 <u>NEW SECTION.</u> Section 6. Effective date. This act is
15 effective on passage and approval.

-End-

-7-

APPROVED BY COMM. Dn Local Government

 1
 SENATE BILL NO. 181

 2
 INTRODUCED BY HAFFEY

 3
 BY REQUEST OF THE LIEUTENANT GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 6 CLARIFY PROVISIONS RELATING TO LOCAL GOVERNMENT STUDY COMMISSIONS: PROVIDING PROCEDURES FOR HANDLING TIE VOTES AND 7 WRITE-IN CANDIDATES FOR ELECTION TO A STUDY COMMISSION: 8 PROVIDING FOR APPOINTMENT OF EX OFFICIO MEMBERS; CLARIFYING 9 PROVISIONS RELATING TO VACANCIES IN OFFICE; PROVIDING THAT 10 RECOMMENDATIONS FOR SERVICE CONSOLIDATIONS AND TRANSFERS MAY 11 12 BE MADE TO THE ELECTORATE: AMENDING SECTIONS 7-3-176 THROUGH 7-3-178, 7-3-185, AND 7-3-187, AND 7-3-190, MCA; 13 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 14

15

4

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

17 Section 1. Section 7-3-176, MCA, is amended to read: 18 "7-3-176. Election of commission members. (1) If the question of reviewing the local government and establishing 19 a study commission is approved, an election to fill the 20 positions on the local government study commission shall be 21 held in conjunction with the 1984 general election date or 22 23 at the first regularly scheduled election of the local 24 government conducted after 90 days following the election establishing the study commission. A primary election may 25

Montana Legislative Counci

1 not be held.

(2) The names of study commission candidates who have 2 3 filed declarations of nomination not later than 60 days 4 before the date of the election shall be placed on the 5 ballot. There is no filing fee. The election is nonpartisan, and candidates shall be listed without party or other 6 7 designation or slogan. The secretary of state shall 8 prescribe the ballot form for study commissions 9 commissioners.

10 (3) Candidates for study commission positions shall be 11 electors of the local government for which the study 12 commission has been established. The candidates may not be 13 elected officials of the local government.

14 (4) The number of candidates, equal to the number of
15 study commission positions to be elected, receiving the
16 highest number of votes, which includes votes cast for
17 candidates who have officially filed nominations and votes
18 for write-in candidates, shall be declared elected. If there
19 is a tie vote among candidates, the governing body shall
20 decide by lot which candidate will fill the position.

21 (5) If the number of study commissioners elected is 22 not equal to the number required to be selected, the 23 chairman of the governing body, with the confirmation of the 24 governing body, shall appoint the additional study 25 commissioners within 20 days of the election. No elected

SB 181 -2-SECOND READING

1	official of the local government may be appointed."
2	Section 2. Section 7-3-177, MCA, is amended to read:
3	"7-3-177. Composition of study commission. (1) The
4	number of positions, which must be an odd number of not less
5	than three, on the study commission shall be set out in the
6	resolution or petition calling for the election on the
7	question of reviewing the local government or local
8	governments and establishing a study commission. If the
9	election is called under the provisions of $7-3-173(1)(c)$ ,
10	the study commission shall consist of three members unless
11	the local governing body by resolution declares that a
12	larger number shall be elected.

(2) Every study commission shall include as an ex
officio nonvoting member a member of the governing body or
an elected official or employee of the local government
appointed by the governing body. The ex officio member must
be appointed prior to the organization of the study
commission provided for in 7-3-179."

19 Section 3. Section 7-3-178, MCA, is amended to read: 20 "7-3-178. Term of office -- vacancies -- compensation. 21 (1) The term of office of study commission members begins on 22 the day their election to the study commission is declared 23 or certified under 13-15-405 or on the day of their 24 appointment and ends on the day of the vote on the 25 alternative plan. If the alternative plan is adopted, the

term continues for 90 days after the day of the vote on the 1 2 alternative plan. If the commission recommends no alternative plan, the term ends 30 days after submission of 3 the final report in accordance with 7-3-187. 4 (2) A vacancy on a study commission, including an ex 5 offico member vacancy, shall be determined in the same б 7 manner as a vacancy in municipal office as provided in 7-4-4111. Vacancies A vacancy on a study commission shall be 8 9 filled by appointment by the governing body of the local government being studied by the commission. The appointment 10 shall be made within 30 days of the date the vacancy occurs. 11 12 (3) Members of the study commission may receive no 13 compensation other than for actual and necessary expenses incurred in their official capacity." 14 15 Section 4. Section 7-3-185, MCA, is amended to read: 16 "7-3-185. Scope of study commission recommendations. 17 (1) (a) A study commission elected-to-examine examining the 18 government of a county may: 19 tat(i) recommend amendments to the existing plan of 20 government; (ii) recommend any plan of government authorized by 21 22 Title 7, chapter 3, parts 1 through 6; (te)(iii) draft a charter; 23 (d)(iv) recommend municipal-county consolidation or 24

-3-

25

-4-

amendments to an existing consolidation;

<pre>tet(v) in cooperation with a study commission in an</pre>
adjoining county, recommend county merger; or
<pre>(ti) submit no recommendation.</pre>
(b) In addition to one of the items in subsection
(1)(a), a county study commission may recommend service
consolidation or transfer in cooperation with a study
commission of another county or with a study commission of
one or more municipalities.
(2) (a) A study commission electedtoexamine
examining the government of a municipality may:
<pre>fa)(i) recommend amendments to the existing plan of</pre>
government;
<pre>(ii) recommend any plan of government authorized by</pre>
Title 7, chapter 3, parts 1 through 6;
<pre>(c)(iii) draft a charter;</pre>
<pre>(d)(iv) recommend municipal-county consolidation;</pre>
<pre>(e)(v) recommend disincorporation; or</pre>
<pre>(f)(vi) submit no recommendation.</pre>
(b) In addition to one of the items in subsection
(2)(a), a municipal study commission may recommend service
consolidation or transfer in cooperation with:
(i) a county study commission;
(ii) a county study commission and one or more
municipal study commissions; or

25 (iii) one or more municipal study commissions."

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

-5-

Section 5. Section 7-3-187, MCA, is amended to read: 1 "7-3-187. Final report. (1) Every study commission 2 shall adopt a final report. If the study commission 3 recommends an alternative form of government, the final 4 report shall contain the following materials and documents, 5 each signed by a majority of the study commission members: 6 (a) those materials and documents required of a 7 petition proposing an alteration of an existing form of 8 9 government in 7-3-142; (b) a certificate establishing the date of the special 10 election, which may be held in conjunction with a regularly 11 scheduled election, at which the alternative form of 12 government shall be presented to the electors and a 13 certificate establishing the form of the ballot question or 14 15 questions: and (c) a certificate establishing the dates of the first 16 primary and general elections for officers of a new 17 government if the proposal is approved and establishing the 18 effective date of the proposal if approved. 19 (2) The final report shall contain any minority report 20 signed by members of the commission who do not support the 21 majority proposal. 22 (3) If the study commission is not recommending any 23 changes, its final report shall so indicate. 24 (4) The study commission shall file one-copy TWO 25

-6-

1 <u>COPIES</u> of the final report with the department of 2 administration <u>commerce</u>, <u>ONE OF WHICH THE DEPARTMENT SHALL</u> 3 <u>FORWARD TO THE STATE LIBRARY</u>. A copy of the final report 4 shall be certified by the study commission to the municipal 5 or county records administrator within 30 days after the 6 adoption of the final report.

(5) Sufficient copies of the final report are to be 7 prepared for public distribution. The final report must be 8 available to the electors not later than 30 days prior to 9 the election on the issue of adopting the alternative plan. 10 Copies of the final report may be distributed to electors or 11 residents of the local government or governments affected. 12 (6) After submission of the final report, the 13 commission shall deposit copies of its minutes and other 14 records with the county clerk and recorder." 15 SECTION 6. SECTION 7-3-190, MCA, IS AMENDED TO READ: 16 "7-3-190. Supplementary reports. A study commission 17 may prepare separate reports in addition to its final 18 report. These reports may recommend consolidation of 19 services and functions and indicate potential areas for 20 21 interlocal agreements. Such reports shall be submitted to all appropriate governing bodies for reaction within 1 22 23 year." NEW SECTION. Section 7. Effective date. This act is 24 effective on passage and approval. 25 -End-

-Ena

-7-

1	SENATE BILL NO. 181
2	INTRODUCED BY HAFFEY
3	BY REQUEST OF THE LIEUTENANT GOVERNOR

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 6 CLARIFY PROVISIONS RELATING TO LOCAL GOVERNMENT STUDY COMMISSIONS: PROVIDING PROCEDURES FOR HANDLING TIE VOTES AND 7 WRITE-IN CANDIDATES FOR ELECTION TO A STUDY COMMISSION; 8 9 PROVIDING FOR APPOINTMENT OF EX OFFICIO MEMBERS: CLARIFYING 10 PROVISIONS RELATING TO VACANCIES IN OFFICE; PROVIDING THAT RECOMMENDATIONS FOR SERVICE CONSOLIDATIONS AND TRANSFERS MAY 11 BE MADE TO THE ELECTORATE; AMENDING SECTIONS 7-3-176 THROUGH 12 7-3-178, 7-3-185, AND 7-3-187, AND 7-3-190, MCA; AND 13 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 14

15

4

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16

Section 1. Section 7-3-176, MCA, is amended to read: 17 "7-3-176. Election of commission members. (1) If the 18 question of reviewing the local government and establishing 19 a study commission is approved, an election to fill the 20 positions on the local government study commission shall be 21 held in conjunction with the 1984 general election date or 22 at the first regularly scheduled election of the local 23 government conducted after 90 days following the election 24 establishing the study commission. A primary election may 25

Montana Legislative Council

1 not be held.

2 (2) The names of study commission candidates who have 3 filed declarations of nomination not later than 60 days 4 before the date of the election shall be placed on the 5 ballot. There is no filing fee. The election is nonpartisan. 6 and Candidates shall be listed without party or other 7 designation or slogan. The secretary of state shall 8 prescribe the ballot form for study commissions 9 commissioners.

10 (3) Candidates for study commission positions shall be 11 electors of the local government for which the study 12 commission has been established. The candidates may not be 13 elected officials of the local government.

(4) The number of candidates, equal to the number of 14 15 study commission positions to be elected, receiving the 16 highest number of votes, which includes votes cast for 17 candidates who have officially filed nominations and votes 18 for write-in candidates, shall be declared elected. If there is a tie vote among candidates, the governing body shall 19 20 decide by lot which candidate will fill the position. 21 (5) If the number of study commissioners elected is not equal to the number required to be selected, the 22 chairman of the governing body, with the confirmation of the 23

24 governing body, shall appoint the additional study commissioners within 20 days of the election. No elected 25

-2-

THIRD READING

official of the local government may be appointed." 1 2 Section 2. Section 7-3-177, MCA, is amended to read: "7-3-177. Composition of study commission. (1) The 3 number of positions, which must be an odd number of not less 4 5 than three, on the study commission shall be set out in the б resolution or petition calling for the election on the question of reviewing the local government or local 7 8 governments and establishing a study commission. If the election is called under the provisions of 7-3-173(1)(c). 9 the study commission shall consist of three members unless 10 11 the local governing body by resolution declares that a larger number shall be elected. 12

(2) Every study commission shall include as an ex
officio nonvoting member a member of the governing body or
an elected official or employee of the local government
appointed by the governing body. The ex officio member must
be appointed prior to the organization of the study
commission provided for in 7-3-179."

19 Section 3. Section 7-3-178, MCA, is amended to read: 20 "7-3-178. Term of office -- vacancies -- compensation. 21 (1) The term of office of study commission members begins on 22 the day their election to the study commission is declared 23 or certified under 13-15-405 or on the day of their 24 appointment and ends on the day of the vote on the 25 alternative plan. If the alternative plan is adopted, the term continues for 90 days after the day of the vote on the alternative plan. If the commission recommends no alternative plan, the term ends 30 days after submission of the final report in accordance with 7-3-187.
(2) <u>A vacancy on a study commission, including an ex</u>

6 offico member vacancy, shall be determined in the same manner as a vacancy in municipal office as provided in 7 R 7-4-4111. Vacancies A vacancy on a study commission shall be filled by appointment by the governing body of the local 9 government being studied by the commission. The appointment 10 11 shall be made within 30 days of the date the vacancy occurs. (3) Members of the study commission may receive no 12 compensation other than for actual and necessary expenses 13 14 incurred in their official capacity."

15 Section 4. Section 7-3-185, MCA, is amended to read:

16 "7-3-185. Scope of study commission recommendations.

17 (1) (a) A study commission elected-to-examine examining the
18 government of a county may:

21 (b)(ii) recommend any plan of government authorized by

22 Title 7, chapter 3, parts 1 through 6;

23 tc)(iii) draft a charter;

24 (d)(iv) recommend municipal-county consolidation or 25 amendments to an existing consolidation;

-3-

SB 181

-4-

SB 181

1 (e)(v) in cooperation with a study commission in an 2 adjoining county, recommend county merger; or 3 (ff)(vi) submit no recommendation. (b) In addition to one of the items in subsection 4 5 (1)(a), a county study commission may recommend service 6 consolidation or transfer in cooperation with a study commission of another county or with a study commission of 7 8 one or more municipalities. 9 (2) (a) A study commission elected---to---examine examining the government of a municipality may: 10 11 (i) recommend amendments to the existing plan of 12 government; (ii) recommend any plan of government authorized by 13 14 Title 7, chapter 3, parts 1 through 6; (iii) draft a charter; 15 (iv) recommend municipal-county consolidation; 16 tet(v) recommend disincorporation; or 17 ff(vi) submit no recommendation. 18 (b) In addition to one of the items in subsection 19 (2)(a), a municipal study commission may recommend service 20 consolidation or transfer in cooperation with: 21 22 (i) a county study commission; 23 (ii) a county study commission and one or more 24 municipal study commissions; or 25 (iii) one or more municipal study commissions."

-5-

Section 5. Section 7-3-187, MCA, is amended to read: 1 2 "7-3-187. Final report. (1) Every study commission shall adopt a final report. If the study commission 3 recommends an alternative form of government, the final 4 report shall contain the following materials and documents, S each signed by a majority of the study commission members: 6 (a) those materials and documents required of a 7 8 petition proposing an alteration of an existing form of government in 7-3-142; q (b) a certificate establishing the date of the special 10 election, which may be held in conjunction with a regularly 11 scheduled election, at which the alternative form of 12 government shall be presented to the electors and a 13 certificate establishing the form of the ballot question or 14 questions; and 15 (c) a certificate establishing the dates of the first 16 primary and general elections for officers of a new 17 government if the proposal is approved and establishing the 18 effective date of the proposal if approved. 19 20 (2) The final report shall contain any minority report signed by members of the commission who do not support the 21 majority proposal. 22 (3) If the study commission is not recommending any 23 changes, its final report shall so indicate. 24 (4) The study commission shall file one-copy TWO 25

SB 0181/02

-6-

<u>COPIES</u> of the final report with the department of
 administration <u>commerce</u>, <u>ONE OF WHICH THE DEPARTMENT SHALL</u>
 <u>FORWARD TO THE STATE LIBRARY</u>. A copy of the final report
 shall be certified by the study commission to the municipal
 or county records administrator within 30 days after the
 adoption of the final report.

7 (5) Sufficient copies of the final report are to be 8 prepared for public distribution. The final report must be 9 available to the electors not later than 30 days prior to 10 the election on the issue of adopting the alternative plan. Copies of the final report may be distributed to electors or 11 residents of the local government or governments affected. 12 (6) After submission of the final report, the 13 14 commission shall deposit copies of its minutes and other 15 records with the county clerk and recorder." SECTION 6. SECTION 7-3-190, MCA, IS AMENDED TO READ: 16 "7-3-190. Supplementary reports. A study commission 17 may prepare separate reports in addition to its final 18 report. These reports may recommend consolidation of 19 20 services and functions and indicate potential areas for 21 interlocal agreements. Such reports shall be submitted to 22 all appropriate governing bodies for reaction within 1 year." 23 NEW SECTION. Section 7. Effective date. This act is 24

25 effective on passage and approval.

-End-

-7-

1	SENATE BILL NO. 181
2	INTRODUCED BY HAFFEY
3	BY REQUEST OF THE LIEUTENANT GOVERNOR
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6	CLARIFY PROVISIONS RELATING TO LOCAL GOVERNMENT STUDY
7	COMMISSIONS; PROVIDING PROCEDURES FOR HANDLING TIE VOTES AND
8	WRITE-IN CANDIDATES FOR ELECTION TO A STUDY COMMISSION;
9	PROVIDING FOR APPOINTMENT OF EX OFFICIO MEMBERS; CLARIFYING
10	PROVISIONS RELATING TO VACANCIES IN OFFICE; PROVIDING THAT
11	RECOMMENDATIONS FOR SERVICE CONSOLIDATIONS AND TRANSFERS MAY
12	BE MADE TO THE ELECTORATE; AMENDING SECTIONS 7-3-176 THROUGH
13	7-3-178, 7-3-185, AND 7-3-187, AND 7-3-190, MCA; AND
14	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
15	

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

Section 1. Section 7-3-176, MCA, is amended to read: 17 "7-3-176. Election of commission members. (1) If the 18 question of reviewing the local government and establishing 19 a study commission is approved, an election to fill the 20 positions on the local government study commission shall be 21 held in conjunction with the 1984 general election date or 22 at the first regularly scheduled election of the local 23 government conducted after 90 days following the election 24 establishing the study commission. A primary election may 25

1 not be held.

(2) The names of study commission candidates who have 2 3 filed declarations of nomination not later than 60 days 4 before the date of the election shall be placed on the 5 ballot. There is no filing fee. The election is nonpartisan, 6 and candidates shall be listed without party or other 7 designation or slogan. The secretary of state shall 8 prescribe the ballot form for study commissions 9 commissioners.

10 (3) Candidates for study commission positions shall be
11 electors of the local government for which the study
12 commission has been established. The candidates may not be
13 elected officials of the local government.

14 (4) The number of candidates, equal to the number of 15 study commission positions to be elected, receiving the 16 highest number of votes, which includes votes cast for 17 candidates who have officially filed nominations and votes 18 for write-in candidates, shall be declared elected. If there 19 is a tie vote among candidates, the governing body shall 20 decide by lot which candidate will fill the position.

(5) If the number of study commissioners elected is not equal to the number required to be selected, the chairman of the governing body, with the confirmation of the governing body, shall appoint the additional study commissioners within 20 days of the election. No elected

-2-



REFERENCE BILL

2	Section 2. Section 7-3-177, MCA, is amended to read:
3	"7-3-177. Composition of study commission. (1) The
4	number of positions, which must be an odd number of not less
5	than three, on the study commission shall be set out in the
6	resolution or petition calling for the election on the
7	question of reviewing the local government or local
8	governments and establishing a study commission. If the
9	election is called under the provisions of 7-3-173(1)(c),
10	the study commission shall consist of three members unless
11	the local governing body by resolution declares that a
12	larger number shall be elected.

official of the local government may be appointed."

1

(2) Every study commission shall include as an ex
officio nonvoting member a member of the governing body or
an elected official or employee of the local government
appointed by the governing body. The ex officio member must
be appointed prior to the organization of the study
commission provided for in 7-3-179."

19 Section 3. Section 7-3-178, MCA, is amended to read: 20 "7-3-178. Term of office -- vacancies -- compensation. 21 (1) The term of office of study commission members begins on 22 the day their election to the study commission is declared 23 or certified under 13-15-405 or on the day of their 24 appointment and ends on the day of the vote on the 25 alternative plan. If the alternative plan is adopted, the term continues for 90 days after the day of the vote on the
 alternative plan. If the commission recommends no
 alternative plan, the term ends 30 days after submission of
 the final report in accordance with 7-3-187.

5 (2) A vacancy on a study commission, including an ex-6 offico member vacancy, shall be determined in the same 7 manner as a vacancy in municipal office as provided in 8 7-4-4111. Vacancies A vacancy on a study commission shall be filled by appointment by the governing body of the local 9 government being studied by the commission. The appointment 10 shall be made within 30 days of the date the vacancy occurs. 11 12 (3) Members of the study commission may receive no 13 compensation other than for actual and necessary expenses incurred in their official capacity." 14 15 Section 4. Section 7-3-185, MCA, is amended to read:

16 "7-3-185. Scope of study commission recommendations.

17 (1) (a) A study commission elected-to-examine examining the

18 government of a county may:

19 (a)(i) recommend amendments to the existing plan of 20 government;

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

23 te;(iii) draft a charter;

24 (d)(iv) recommend municipal-county consolidation or 25 amendments to an existing consolidation;

-3-

SB 181

-4-

+e+(v) in cooperation with a study commission in an 1 adjoining county, recommend county merger; or 2 (vi) submit no recommendation. 3 (b) In addition to one of the items in subsection 4 (1)(a), a county study commission may recommend service 5 consolidation or transfer in cooperation with a study 6 commission of another county or with a study commission of . 7 8 one or more municipalities. (2) (a) A study commission elected---to---examine 9 examining the government of a municipality may: 10 fat(i) recommend amendments to the existing plan of 11 12 government; (ii) recommend any plan of government authorized by 13 14 Title 7, chapter 3, parts 1 through 6; (iii) draft a charter; 15 fd+(iv) recommend municipal-county consolidation; 16 17 tet(v) recommend disincorporation; or (ff)(v1) submit no recommendation. 18 (b) In addition to one of the items in subsection 19 (2)(a), a municipal study commission may recommend service 20 consolidation or transfer in cooperation with: 21 22 (i) a county study commission; (ii) a county study commission and one or more 23 24 municipal study commissions; or (iii) one or more municipal study commissions." 25

1 Section 5. Section 7-3-187, MCA, is amended to read: 2 "7-3-187. Final report. (1) Every study commission 3 shall adopt a final report. If the study commission recommends an alternative form of government, the final 4 5 report shall contain the following materials and documents, Б each signed by a majority of the study commission members: 7 (a) those materials and documents required of a 8 petition proposing an alteration of an existing form of 9 government in 7-3-142; 10 (b) a certificate establishing the date of the special 11 election, which may be held in conjunction with a regularly 12 scheduled election, at which the alternative form of 13 governm at shall be presented to the electors and a certificate establishing the form of the ballot question or 14 15 questions; and 16 (c) a certificate establishing the dates of the first 17 primary and general elections for officers of a new 18 government if the proposal is approved and establishing the 19 effective date of the proposal if approved. (2) The final report shall contain any minority report 20 21 signed by members of the commission who do not support the 22 majority proposal. 23 (3) If the study commission is not recommending any

changes, its final report shall so indicate. 25

(4) The study commission shall file one--copy TWO

-6-

-5-

SB 181

24

COPIES of the final report with the department of 1 2 administration commerce, ONE OF WHICH THE DEPARTMENT SHALL 3 FORWARD TO THE STATE LIBRARY. A copy of the final report shall be certified by the study commission to the municipal 4 or county records administrator within 30 days after the 5 adoption of the final report. 6

7 (5) Sufficient copies of the final report are to be 8 prepared for public distribution. The final report must be 9 available to the electors not later than 30 days prior to the election on the issue of adopting the alternative plan. 10 Copies of the final report may be distributed to electors or 11 residents of the local government or governments affected. 12 (6) After submission of the final report, the 13 14 commission shall deposit copies of its minutes and other 15 records with the county clerk and recorder." SECTION 6. SECTION 7-3-190, MCA, IS AMENDED TO READ: 16 "7-3-190. Supplementary reports. A study commission 17 18 may prepare separate reports in addition to its final report. These reports may recommend consolidation of 19

services and functions and indicate potential areas for 21 interlocal agreements. Such reports shall be submitted to all appropriate governing bodies for reaction within 1 22

year." 23

20

NEW SECTION. Section 7. Effective date. This act is 24 effective on passage and approval. 25 -End-

-7-

SB 181

٤.