

SENATE BILL NO. 279

1/29 Introduced  
1/30 Referred to Local Government  
2/19 Hearing  
2/23 On Motion Printed/Placed on 2nd Reading  
2/25 2nd Reading Pass  
2/27 3rd Reading Pass

Transmitted to House

3/06 Referred to Local Government  
3/12 Hearing  
3/18 Committee Report - No Recommendation  
3/22 2nd Reading Not Concurred  
3/22 Bill Killed

1 *Senate* BILL NO. *279*  
 2 INTRODUCED BY *Beaumont Newhall*  
 3

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; 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."

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 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 any election involving the question of service  
 15 consolidation or transfer, an affirmative vote of a simple  
 16 majority of those voting on the question is residing in each  
 17 of the municipalities and a simple majority of those voting  
 18 on the question residing in the remainder of the county are  
 19 required 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



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

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

5 "7-11-304. Service plan. (1) The petitioners or the  
6 interlocal cooperation commission shall prepare a service  
7 plan governing the service or activity proposed to be  
8 transferred or consolidated.

9 (2) The plan shall provide:

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

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

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

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

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

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

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

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

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

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

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

22 (2) The petition must be signed by at least 15% of the  
23 electors residing in any municipality included in the  
24 consolidation or transfer or by 15% of the electors residing  
25 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) In the election on the question of terminating a  
7 service consolidation or transfer plan, an affirmative vote  
8 of a simple majority of those voting on the question  
9 residing in each of the municipalities and a simple majority  
10 of those voting on the question residing in the remainder of  
11 the county are required for termination.

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

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

-End-

COMM.  
ON LOCAL GOVERNMENT  
ON MOTION, PRINTED AND  
PLACED ON SECOND READING

*Senate* BILL NO. *279*  
*Beaumont Power*

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