

SENATE BILL NO. 125

INTRODUCED BY HARDING, VAUGHN

IN THE SENATE

JANUARY 16, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

JANUARY 20, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

JANUARY 21, 1987                   PRINTING REPORT.

JANUARY 23, 1987                   SECOND READING, DO PASS.

JANUARY 24, 1987                   ENGROSSING REPORT.

JANUARY 26, 1987                   THIRD READING, PASSED.  
  
TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON LOCAL GOVERNMENT.

MARCH 4, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 6, 1987                    SECOND READING, CONCURRED IN.

MARCH 7, 1987                    THIRD READING, CONCURRED IN.  
AYES, 88; NOES, 1.  
  
RETURNED TO SENATE.

IN THE SENATE

MARCH 9, 1987                    RECEIVED FROM HOUSE.  
  
SENT TO ENROLLING.

1 Senate BILL NO. 125  
2 INTRODUCED BY Harding  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROCEDURES  
5 RELATING TO ACTIONS ON CONSOLIDATION OF COUNTY OFFICES TO  
6 CONFORM TO STATE ELECTION LAWS; AMENDING SECTIONS 7-4-2302  
7 THROUGH 7-4-2304, 7-4-2306, 7-4-2309, AND 7-4-2310, MCA; AND  
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-4-2302, MCA, is amended to read:

12 "7-4-2302. Petition for consolidation of county  
13 offices. (1) At any time not later than ~~7-months-before-the~~  
14 ~~date-of-any-general-election-at-which--any--county--officers~~  
15 ~~are--to--be--elected~~ 45 days before the date on which  
16 declarations for nomination may first be filed for any  
17 county office, a petition in writing may be filed with the  
18 board of county commissioners of a county asking for the  
19 consolidation of any two or more of said offices by the  
20 board of such county.

21 (2) The petition shall be signed by not less than 15%  
22 of the qualified registered electors of such county whose  
23 ~~names-appear-on-the-registration-records-thereof.~~

24 Section 2. Section 7-4-2303, MCA, is amended to read:

25 "7-4-2303. Petition for intercounty consolidation of

1 offices. (1) A written petition may also be filed with the  
2 boards of county commissioners of counties asking for  
3 consolidation of any two or more offices among several  
4 counties.

5 (2) In the case of consolidation of offices among  
6 several counties, the petition shall be signed by not less  
7 than 15% of the qualified registered electors in each of the  
8 counties affected."

9 Section 3. Section 7-4-2304, MCA, is amended to read:

10 "7-4-2304. Petition details. (1) Said petition shall  
11 be addressed to the board or boards of county commissioners  
12 of the counties affected and shall set forth and state the  
13 reasons why such consolidation is believed by the  
14 petitioners to be necessary or desirable or for the best  
15 interests of the county taxpayers.

16 (2) Each person signing such petition shall place his  
17 printed last name, post-office address, and voting precinct  
18 after his name signature.

19 (3) For purposes of determining the number of  
20 signatures needed on a petition to meet the percentage  
21 requirements of this part, the number of electors must be  
22 the number of individuals registered to vote at the  
23 preceding general election for the county."

24 Section 4. Section 7-4-2306, MCA, is amended to read:

25 "7-4-2306. Processing of petition -- resolution of



1 intent and hearing. (1) Upon the filing of a petition for  
 2 consolidation, the board or boards of county commissioners  
 3 shall cause the county clerk or clerks to examine the  
 4 petition and the registration records of the county or  
 5 counties.

6 (2) If after such examination the county clerk or  
 7 clerks report to the board or boards of county commissioners  
 8 that the petition has been signed by not less than 15% of  
 9 the qualified registered electors of the county ~~whose names~~  
 10 ~~appear on the registration records~~, the board or boards  
 11 shall set a date for a hearing and pass a resolution of  
 12 intent to consider the consolidation. Upon passage of the  
 13 resolution of intent by the board or boards, proper notice  
 14 shall be given for the hearing. The date for the hearing may  
 15 not be more than 20 days after the filing of the petition or  
 16 the passage of the resolution of intent."

17 Section 5. Section 7-4-2309, MCA, is amended to read:

18 "7-4-2309. Conduct of hearing -- decision. (1) At the  
 19 time designated in said notice, the county commissioners  
 20 shall proceed to hear said petition and the evidence for or  
 21 against the same. Any qualified registered elector of the  
 22 county affected shall have the right to appear and be heard  
 23 upon said petition, subject, however, to the right of the  
 24 county commissioners to limit cumulative testimony and to  
 25 prevent the undue prolonging of said hearing.

1 (2) Within 5 days after the date set for said hearing,  
 2 the board or boards of county commissioners shall make such  
 3 order in relation to the consolidation of said offices as  
 4 they shall deem proper. Such order must be made at least 7  
 5 days before the date on which declarations for nomination  
 6 may first be filed for any county office."

7 Section 6. Section 7-4-2310, MCA, is amended to read:

8 "7-4-2310. Order for consolidation of offices. (1) In  
 9 consolidating county offices, the board of county  
 10 commissioners shall, ~~6 months prior to the general election~~  
 11 ~~held for the purpose of filling the offices to be~~  
 12 ~~consolidated~~ not less than 7 days before the date on which  
 13 declarations for nomination may first be filed for any  
 14 office to be consolidated or not less than 6 months prior to  
 15 the appointment to the offices to be consolidated, make and  
 16 enter an order combining any two or more of the within-named  
 17 offices.

18 (2) Whenever an order consolidating two or more  
 19 offices is made, the order shall be entered in full on the  
 20 board's minutes of proceedings.

21 (3) The order shall be published in a newspaper of  
 22 general circulation, printed and published in the county or  
 23 counties affected, for a period of 2 successive weeks  
 24 following the date of the making and entering of the order."

25 NEW SECTION. Section 7. Effective date. This act is

LC 0767/01

1 effective on passage and approval.

-End-

APPROVED BY COMMITTEE  
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15 ~~are--to--be--elected~~ 45 days before the date on which  
16 declarations for nomination may first be filed for any  
17 county office, a petition in writing may be filed with the  
18 board of county commissioners of a county asking for the  
19 consolidation of any two or more of said offices by the  
20 board of such county.

21 (2) The petition shall be signed by not less than 15%  
22 of the qualified registered electors of such county ~~whose~~  
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24 Section 2. Section 7-4-2303, MCA, is amended to read:

25 "7-4-2303. Petition for intercounty consolidation of

1 offices. (1) A written petition may also be filed with the  
2 boards of county commissioners of counties asking for  
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6 several counties, the petition shall be signed by not less  
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8 counties affected."

9 Section 3. Section 7-4-2304, MCA, is amended to read:

10 "7-4-2304. Petition details. (1) Said petition shall  
11 be addressed to the board or boards of county commissioners  
12 of the counties affected and shall set forth and state the  
13 reasons why such consolidation is believed by the  
14 petitioners to be necessary or desirable or for the best  
15 interests of the county taxpayers.

16 (2) Each person signing such petition shall place his  
17 printed last name, post-office address, and voting precinct  
18 after his name signature.

19 (3) For purposes of determining the number of  
20 signatures needed on a petition to meet the percentage  
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23 preceding general election for the county."

24 Section 4. Section 7-4-2306, MCA, is amended to read:

25 "7-4-2306. Processing of petition -- resolution of



1 intent and hearing. (1) Upon the filing of a petition for  
 2 consolidation, the board or boards of county commissioners  
 3 shall cause the county clerk or clerks to examine the  
 4 petition and the registration records of the county or  
 5 counties.

6 (2) If after such examination the county clerk or  
 7 clerks report to the board or boards of county commissioners  
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 9 the qualified registered electors of the county whose names  
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17 Section 5. Section 7-4-2309, MCA, is amended to read:

18 "7-4-2309. Conduct of hearing -- decision. (1) At the  
 19 time designated in said notice, the county commissioners  
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 22 county affected shall have the right to appear and be heard  
 23 upon said petition, subject, however, to the right of the  
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 25 prevent the undue prolonging of said hearing.

1 (2) Within 5 days after the date set for said hearing,  
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 3 order in relation to the consolidation of said offices as  
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 5 days before the date on which declarations for nomination  
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7 Section 6. Section 7-4-2310, MCA, is amended to read:

8 "7-4-2310. Order for consolidation of offices. (1) In  
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 11 ~~held for the purpose of fitting the offices to be~~  
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 17 offices.

18 (2) Whenever an order consolidating two or more  
 19 offices is made, the order shall be entered in full on the  
 20 board's minutes of proceedings.

21 (3) The order shall be published in a newspaper of  
 22 general circulation, printed and published in the county or  
 23 counties affected, for a period of 2 successive weeks  
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