

SENATE BILL 243

Introduced by Harding, et al.

1/25	Introduced
1/25	Referred to Local Government
1/25	First Reading
1/25	Fiscal Note Requested
1/28	Fiscal Note Received
2/01	Fiscal Note Printed
2/02	Hearing
2/10	Committee Report--Bill Not Passed
2/10	Adverse Committee Report Adopted
2/11	Reconsidered Adoption of Adverse Committee Report
2/12	2nd Reading Do Pass Motion Failed
2/12	2nd Reading Passed

1 ~~Senate~~ BILL NO. **243**
 2 INTRODUCED BY H. Ring, Christi Thompson, Burnett
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF
 5 CONSOLIDATING COUNTY OFFICES; PROVIDING FOR AN ELECTION ON
 6 THE CONSOLIDATION OF OFFICES; AMENDING SECTIONS 7-4-2301,
 7 7-4-2302, 7-4-2305, 7-4-2309, 7-4-2310, AND 7-4-2311, MCA;
 8 AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

11 **Section 1.** Section 7-4-2301, MCA, is amended to read:

12 "7-4-2301. Authorization to consolidate county offices.
 13 (1) Except as provided in subsection (2), the--board--of
 14 county--commissioners--of--any--county--may--in--its--discretion
 15 consolidate any two or more of the offices named in 7-4-2203
 16 may be consolidated and combine the powers and the duties of
 17 the consolidated offices combined upon approval by the
 18 electorate of the county.

19 (2) The office of the justice of the peace may not be
 20 combined or consolidated with any other office other than
 21 another justice of the peace office."

22 **Section 2.** Section 7-4-2302, MCA, is amended to read:

23 "7-4-2302. Petition for consolidation of county
 24 offices. (1) ~~At any time not later than 45 days before the~~
 25 ~~date on which declarations for nomination may first be filed~~

1 ~~for any county office,~~ a petition in writing may be filed
 2 with the board of county commissioners of a county asking
 3 for the consolidation of any two or more ~~of said~~ offices by
 4 the board of ~~such~~ the county.

5 (2) The petition ~~shall~~ must be signed by not less than
 6 15% of the registered electors of ~~such~~ the county."

7 **Section 3.** Section 7-4-2305, MCA, is amended to read:

8 "7-4-2305. Initiation of consolidation by county
 9 commissioners. ~~(1)~~ The board or boards of county
 10 commissioners may initiate the consolidation of county
 11 offices under the procedure set forth in this part. Any
 12 board or boards desiring to consolidate any two or more
 13 offices or any two or more offices among several counties
 14 under the provisions of this part shall first pass a
 15 resolution stating the intent of the board or boards to
 16 consider consolidation.

17 ~~(2) Nothing contained herein shall be deemed as~~
 18 ~~limiting in any manner the discretion of the county~~
 19 ~~commissioners to consolidate the several offices without the~~
 20 ~~filing of the petition provided for in this part."~~

21 **Section 4.** Section 7-4-2309, MCA, is amended to read:

22 "7-4-2309. Conduct of hearing -- decision. (1) At the
 23 time designated in ~~said~~ the notice, the county commissioners
 24 shall proceed to hear ~~said~~ the petition and the evidence for
 25 or against the ~~same~~ petition. Any registered elector of the

county affected ~~shall--have~~ has the right to appear and be heard upon ~~said~~ the petition, subject, however, to the right of the county commissioners to limit cumulative testimony and to prevent the undue prolonging of ~~said~~ the hearing.

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

(3) The election on the consolidation of county offices must be held at the general election 2 years preceding the expiration of the term of the offices to be consolidated."

Section 5. Section 7-4-2310, MCA, is amended to read:

"7-4-2310. Order for consolidation of offices. (1) In consolidating county offices, the board of county commissioners shall, ~~not--less--than--7--days--before--the--date--on--which--declarations--for--nomination--may--first--be--filed--for--any--office--to--be--consolidated--or--not--less--than--6~~ 3 months prior to the appointment-to-the-offices-to-be--consolidated, ~~make and--enter--an--order--combining--any--two--or--more--of--the within--named--offices~~ general election, publish an order calling for the election.

(2) Whenever an order consolidating two or more offices

is made, the order ~~shall~~ must be entered in full on the board's minutes of proceedings. The order must contain the date and time of the election and the offices to be consolidated.

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

Section 6. Section 7-4-2311, MCA, is amended to read:

"7-4-2311. Implementation of consolidation order. (1) Whenever ~~any--such--order--is--made--consolidating~~ the electorate approves the consolidation of two or more of--such offices, it ~~shall--be~~ is the duty of the officers holding and occupying ~~such~~ the offices, at the end of their terms of office, to deliver and transfer to their successor or successors all of the books, files, papers, documents, maps, plats, and records of ~~such~~ the offices.

(2) The officer or officers receiving the ~~same~~ material shall make and deliver proper receipts therefor for the material and ~~shall--thereafter:~~

(a) must be the custodian or custodians of ~~such~~ the books, files, papers, documents, maps, plats, and records;

(b) shall perform all of the duties and acts imposed on ~~such~~ the consolidated offices as required of them by law; and

1 (c) shall make and execute, with full legal force and
2 effect, all certificates, official statements, official
3 reports, affidavits, and other instruments required to be
4 made by the laws of this state by either or any of the
5 officers whose offices have been so consolidated.

6 (3) If the laws of this state or the rules,
7 regulations, orders, or directions of any officer or
8 department of the state ~~shall~~ require each of two offices
9 which that are consolidated to keep duplicate or similar
10 records, books, or accounts, after such consolidation, such
11 the consolidated office shall keep but only one set of such
12 records, books, or accounts."

13 NEW SECTION. Section 7. Effective date. If Senate Bill
14 No. 112 is passed and approved by the electorate, then [this
15 act] is effective January 1, 1995. If Senate Bill No. 112 is
16 not passed and approved, then [this act] is void.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0243, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act revising the method of consolidating county offices; providing for an election on the consolidation of offices.

FISCAL IMPACT: None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Insignificant increase in county election expenses. This bill removes county commissioners' discretion to initiate the consolidation of county offices and requires consolidation to be approved by the electorate at a general election.

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


ETHEL HARDING, PRIMARY SPONSOR DATE

Fiscal Note for SB0243, as introduced

SB 243

COMM.
ON LOCAL GOVERNMENT 1403/01
ADVERSE COMMITTEE REPORT
ON MOTION, PRINTED AND
PLACED ON SECOND READING

1 ~~Senate~~ BILL NO. 243
2 INTRODUCED BY Harding O'Neill Burnett
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF
5 CONSOLIDATING COUNTY OFFICES; PROVIDING FOR AN ELECTION ON
6 THE CONSOLIDATION OF OFFICES; AMENDING SECTIONS 7-4-2301,
7 7-4-2302, 7-4-2305, 7-4-2309, 7-4-2310, AND 7-4-2311, MCA;
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14 county--commissioners--of--any--county--may--in--its--discretion
15 consolidate any two or more of the offices named in 7-4-2203
16 may be consolidated and combine the powers and the duties of
17 the consolidated offices combined upon approval by the
18 electorate of the county.

19 (2) The office of the justice of the peace may not be
20 combined or consolidated with any other office other than
21 another justice of the peace office."

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24 offices. (1) ~~At any time not later than 45 days before the~~
25 ~~date on which declarations for nomination may first be filed~~

1 ~~for any county officer--a~~ A petition in writing may be filed
2 with the board of county commissioners of a county asking
3 for the consolidation of any two or more ~~of said~~ offices by
4 the board of such the county.

5 (2) The petition ~~shall~~ must be signed by not less than
6 15% of the registered electors of such the county."

7 **Section 3.** Section 7-4-2305, MCA, is amended to read:

8 "7-4-2305. Initiation of consolidation by county
9 commissioners. ~~††~~ The board or boards of county
10 commissioners may initiate the consolidation of county
11 offices under the procedure set forth in this part. Any
12 board or boards desiring to consolidate any two or more
13 offices or any two or more offices among several counties
14 under the provisions of this part shall first pass a
15 resolution stating the intent of the board or boards to
16 consider consolidation.

17 ~~†2) Nothing contained herein shall be deemed as~~
18 ~~limiting in any manner the discretion of the county~~
19 ~~commissioners to consolidate the several offices without the~~
20 ~~filing of the petition provided for in this part."~~

21 **Section 4.** Section 7-4-2309, MCA, is amended to read:

22 "7-4-2309. Conduct of hearing -- decision. (1) At the
23 time designated in said the notice, the county commissioners
24 shall proceed to hear said the petition and the evidence for
25 or against the same petition. Any registered elector of the

county affected ~~shall~~ has the right to appear and be heard upon ~~said~~ the petition, subject, however, to the right of the county commissioners to limit cumulative testimony and to prevent the undue prolonging of ~~said~~ the hearing.

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

(3) The election on the consolidation of county offices must be held at the general election 2 years preceding the expiration of the term of the offices to be consolidated."

Section 5. Section 7-4-2310, MCA, is amended to read:

"7-4-2310. Order for consolidation of offices. (1) In consolidating county offices, the board of county commissioners shall, ~~not--less--than--7--days--before--the--date--on--which--declarations--for--nomination--may--first--be--filed--for--any--office--to--be--consolidated--or--not--less--than--6~~ 3 months prior to the ~~appointment--to--the--offices--to--be--consolidated,~~ make and--enter--an--order--combining--any--two--or--more--of--the within--named--offices general election, publish an order calling for the election.

(2) Whenever an order consolidating two or more offices

is made, the order ~~shall~~ must be entered in full on the board's minutes of proceedings. The order must contain the date and time of the election and the offices to be consolidated.

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

Section 6. Section 7-4-2311, MCA, is amended to read:

"7-4-2311. Implementation of consolidation order. (1) ~~Whenever any such order is made consolidating the electorate approves the consolidation of two or more of such offices, it shall--be~~ is the duty of the officers holding and occupying ~~such~~ the offices, at the end of their terms of office, to deliver and transfer to their successor or successors all of the books, files, papers, documents, maps, plats, and records of ~~such~~ the offices.

(2) The officer or officers receiving the ~~same~~ material shall make and deliver proper receipts therefor ~~for the material~~ and ~~shall--thereafter:~~

(a) must be the custodian or custodians of ~~such~~ the books, files, papers, documents, maps, plats, and records;

(b) shall perform all of the duties and acts imposed on ~~such~~ the consolidated offices as required of them by law; and

1 (c) shall make and execute, with full legal force and
2 effect, all certificates, official statements, official
3 reports, affidavits, and other instruments required to be
4 made by the laws of this state by either or any of the
5 officers whose offices have been so consolidated.

6 (3) If the laws of this state or the rules,
7 regulations, orders, or directions of any officer or
8 department of the state ~~shall~~ require each of two offices
9 which that are consolidated to keep duplicate or similar
10 records, books, or accounts, after such consolidation, such
11 the consolidated office shall keep but only one set of such
12 records, books, or accounts."

13 NEW SECTION. Section 7. Effective date. If Senate Bill
14 No. 112 is passed and approved by the electorate, then [this
15 act] is effective January 1, 1995. If Senate Bill No. 112 is
16 not passed and approved, then [this act] is void.

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