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INTRODUCED BY Gay Ann Masolo ^{House BILL NO. 101}

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S TASK FORCE ON RENEWING GOVERNMENT TO ALLOW SELF-GOVERNING LOCAL GOVERNMENTS TO ESTABLISH ALTERNATIVE METHODS FOR CARRYING OUT FUNCTIONS AND PROVIDING SERVICES REQUIRED BY THE STATE; AND AMENDING SECTIONS 7-1-114 AND 7-5-201, MCA."

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

Section 1. Section 7-1-114, MCA, is amended to read:

"7-1-114. Mandatory provisions. (1) A local government with self-government powers is subject to the following provisions:

(a) ~~All~~ all state laws providing for the incorporation or disincorporation of cities and towns; for the annexation, disannexation, or exclusion of territory from a city or town; for the creation, abandonment, or boundary alteration of counties; and for city-county consolidation;

(b) ~~Sections~~ 7-3-104 through 7-3-106, 7-3-111 through 7-3-114, and 7-3-1101 through 7-3-1105;

(c) ~~All~~ all laws establishing legislative procedures or requirements for units of local government;

(d) ~~All~~ all laws regulating the election of local officials;

(e) ~~All~~ all laws ~~which~~ that require or regulate planning or zoning;

(f) ~~Any~~ any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service unless the local government in its charter or by ordinance specifically provides an alternative method for carrying out the function or providing the service;

(g) ~~Any~~ any law regulating the budget, finance, or borrowing procedures and powers of local governments, except that the mill levy limits established by state law ~~shall~~ do not apply;

(h) Title 70, chapters 30 and 31.

(2) These provisions are a prohibition on the self-government unit acting other than as provided."

Section 2. Section 7-5-201, MCA, is amended to read:

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INTRODUCED BY Gay Ann Masolo House BILL NO. 101

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S TASK FORCE ON RENEWING GOVERNMENT TO ALLOW SELF-GOVERNING LOCAL GOVERNMENTS TO ESTABLISH ALTERNATIVE METHODS FOR CARRYING OUT FUNCTIONS AND PROVIDING SERVICES REQUIRED BY THE STATE; AND AMENDING SECTIONS 7-1-114 AND 7-5-201, MCA."

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

Section 1. Section 7-1-114, MCA, is amended to read:

"7-1-114. Mandatory provisions. (1) A local government with self-government powers is subject to the following provisions:

(a) ~~All~~ all state laws providing for the incorporation or disincorporation of cities and towns; for the annexation, disannexation, or exclusion of territory from a city or town; for the creation, abandonment, or boundary alteration of counties; and for city-county consolidation;

(b) ~~Sections~~ 7-3-104 through 7-3-106, 7-3-111 through 7-3-114, and 7-3-1101 through 7-3-1105;

(c) ~~All~~ all laws establishing legislative procedures or requirements for units of local government;

(d) ~~All~~ all laws regulating the election of local officials;

(e) ~~All~~ all laws ~~which~~ that require or regulate planning or zoning;

(f) ~~Any~~ any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service unless the local government in its charter or by ordinance specifically provides an alternative method for carrying out the function or providing the service;

(g) ~~Any~~ any law regulating the budget, finance, or borrowing procedures and powers of local governments, except that the mill levy limits established by state law ~~shall~~ do not apply;

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(2) These provisions are a prohibition on the self-government unit acting other than as provided."

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

Section 1. Section 7-1-114, MCA, is amended to read:

"7-1-114. Mandatory provisions. (1) A local government with self-government powers is subject to the following provisions:

(a) ~~All~~ all state laws providing for the incorporation or disincorporation of cities and towns; for the annexation, disannexation, or exclusion of territory from a city or town; for the creation, abandonment, or boundary alteration of counties; and for city-county consolidation;

(b) ~~Sections~~ 7-3-104 through 7-3-106, 7-3-111 through 7-3-114, and 7-3-1101 through 7-3-1105;

(c) ~~All~~ all laws establishing legislative procedures or requirements for units of local government;

(d) ~~All~~ all laws regulating the election of local officials;

(e) ~~All~~ all laws ~~which that~~ require or regulate planning or zoning;

(f) ~~Any~~ any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service unless the local government in its charter or by ordinance specifically provides an alternative method for carrying out the function or providing the service;

(g) ~~Any~~ any law regulating the budget, finance, or borrowing procedures and powers of local governments, except that the mill levy limits established by state law ~~shall~~ do not apply;

(h) Title 70, chapters 30 and 31.

(2) These provisions are a prohibition on the self-government unit acting other than as provided."

Section 2. Section 7-5-201, MCA, is amended to read:

1 **"7-5-201. Operation of self-government consolidated units of local government.** (1) Whenever
2 existing law contains different provisions and procedures for the functioning of counties and municipalities,
3 including but not limited to ~~such areas as~~ election procedures, issuance of bonds, adoption of budgets,
4 creation of special districts, levying of taxes, and provision of services, the governing body of a
5 self-government consolidated unit of local government ~~which contains~~ containing at least one county and
6 one municipality shall by ordinance adopt either the county or municipality provisions. The ordinance may
7 provide for necessary changes in the statutes to accommodate the structure of the consolidated unit. This
8 subsection applies to self-government consolidated units only in those areas ~~where such~~ in which the units
9 are subject to state law under 7-1-111 through 7-1-114.

10 (2) A combination of county and municipal offices in a self-government consolidated unit may be
11 accomplished by ordinance whenever ~~such~~ a combination is necessary for carrying out a duty assigned by
12 state law to the local government. Whenever state law imposes a duty upon a specific official or employee
13 of a self-government consolidated unit of local government and the local government under its adopted
14 alternative form of government does not have such an official or employee, the governing body may by
15 ordinance assign that duty to the appropriate official or employee of the local government. The governing
16 body of any self-government consolidated unit of local government may by ordinance assign responsibility
17 to carry out any function or provide any service required by state law to one or more departments, officers,
18 or employees of the local government ~~notwithstanding the fact that the state law may assign the function~~
19 ~~or service to a specific office~~ or may provide an alternative method for carrying out the function or
20 providing the service pursuant to 7-1-114(1)(f)."

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-END-