

LOCAL GOVERNMENT COMMITTEE MEETING
February 19, 1981

The Local Government Committee met Thursday, February 19, 1981 at 7:30 a.m. in room 103 of the Capitol. CHARIMAN BERTELSEN called the meeting to order. All committee members were present except REPRESENTATIVE PISTORIA and SALES. Staff Researcher LEE HEIMAN also attended the meeting.

HOUSE BILL 769 - sponsored by REPRESENTATIVE BURT HURWITZ of District 45.

REPRESENTATIVE HURWITZ said House Bill 769 is a bill that addresses a problem that some counties have with their sheriff. It is an act to provide for an election in a county with a commission form of government on a proposition for filling the position of county sheriff by appointment by a sheriff's commission and to allow creation of a Sheriff Commission to appoint the sheriff.

This is permissive legislation. The first section provides that the electors of a county with a commission form of government may propose by petition that a vote of the people be taken to provide for appointment of the county sheriff in counties other than those with a charter. REPRESENTATIVE HURWITZ presented two amendments which he asked be included in the bill. He went through the bill section by section explaining each section. The reason for the bill is we are having an increasing amount of crimes even in the little towns. Many times when you elect a sheriff (and frequently not many people run for sheriff), you elect someone who doesn't prove to be a very good sheriff. He doesn't do many things wrong, but he doesn't do anything. He would be a difficult person to recall. The intent of this bill is that if you have such a sheriff you could, by petition, provide for an appointed sheriff who would follow policies prepared by the commission. The Mayor of White Sulphur Springs is here. He is more familiar with this problem than I am and I would like to introduce him at this time.

PROPOSERS FOR HOUSE BILL 769

ELMER SCHYE, Mayor of White Sulphur Springs, said he didn't think he could add much to what REPRESENTATIVE HURWITZ has already said. A charter form of government can appoint a sheriff. We feel that the counties which are by themselves and don't have it, should have that privilege. I don't know how many counties are interested in this, but I know that Chinook is interested, Roundup, Townsend, Boulder. But these are people I contacted some time ago. I think we are entitled to have this right. I urge that you pass this legislation because it isn't directive or mandatory.

DEWEY RICHARDSON, Mayor of Boulder, said he would like to go on record in support of House Bill 769.

OPPONENTS TO HOUSE BILL 769

JOHN SCULLY said he is representing the Peace Officers' Association. I am sure there is a problem since this bill was introduced. I believe it was constructed somewhat after the Police Commission approach we now have in our cities with the idea that you wind up with a Sheriff Commission much like the Police Commission. As I read the constitution, I don't believe that HB 769 is constitutional unless you enact self-governing powers under your charter form of government which would allow you to have such an election. We are opposed to this bill and don't think it will solve any problem. How are you going to solve the different conflicts that arise. I don't think it is through statute but through the election process unless you change your form of government.

I don't understand how the bill will work. If you'll look at page 4, it won't work in terms of what is trying to be approached here. The cities of Boulder and White Sulphur Springs are suggesting that those cities are interested in changing the sheriff process to an appointed sheriff. But the bill talks about establishing a commission. I don't think it will work. Unless you change to a charter form of government, I sincerely hope that the bill DOES NOT PASS. I guess my only solution would be that you vote the people out who you think are not doing a good job in their office.

JOHN ONSTAD, said he is sheriff of Gallatin County and President of the Montana Sheriff's and Peace Officers Association. He said he'd like to direct attention to a couple of spots on the bill. The first thing I see is that the petition only requires 5% of the electors' signatures, and I feel even in my county there would always be 5% of the people who might sign the petition. If you are seriously considering this bill, I hope that you would look at that percentage. I believe the people have the right to elect their sheriff. As I understand it, the County Commission would appoint one Sheriff Commission member, the City Commission of Bozeman being the county seat would appoint one Sheriff Commission member and then the City Commission of Bozeman in effect would appoint the third commission member. Because we have a 5-member City Commission in Bozeman and 3-member County Commission, the vote is stacked. I also have a concern about Manhattan, Three Forks and West Yellowstone, other incorporated communities that don't have a representative on this Sheriff's Commission. In section 10 it talks about the Sheriff's Commission meeting at least one day per month but not more than 3 meetings. I presume this is to tell this appointed sheriff what to do. I think this again is the politics we are talking about when appointing an officer rather than electing him. Another reason for addressing this bill is that there be some special qualifications for sheriff and the bill doesn't address this at all. In closing, unless you want complete government reorganization, the sheriff should remain an elected official.

CHUCK O'REILLY, Sheriff of Lewis and Clark County and a member of the Board of Directors of the Peace Officers Association, said he agrees with this. He pointed out one more error in the bill. I believe there is a built in conflict under Section 14, Article III, it says an appointed county sheriff serves at the pleasure of the Sheriff Commission. On term of office on page 9, it says "A sheriff appointed pursuant to (section 14) and persons elected to the different offices named in 7-4-2203 shall hold their respective offices for the term of 4 years and until their successors are appointed or elected and qualified." That appears to be a conflict. I also agree it should not be up to the cities to appoint a sheriff. It should be up to the general elective and they do have an opportunity to change that around with current law and get an appointed position, if that is what they want. But there should be a majority vote on a county wide operation.

CHAIRMAN BERTELSEN asked if there were any further opponents. As there were none, he asked REPRESENTATIVE HURWITZ to close.

REPRESENTATIVE HURWITZ said he is not surprised to see the sheriffs here to oppose this bill. If I were a sheriff, I'd oppose it too as I'd worry about losing my job, but I'd like to point out that this is permissive legislation. It isn't designed for every county. It isn't required of any county. Our particular county has a joint police force. It is a big county. This thing is addressed to that type of arrangement. I don't see any reason why it can't be made to work. None of these little towns have trained policemen, but you can appoint somebody that has good character, isn't lazy and is willing to learn and can become a good sheriff. I can remember how many times we discussed whether judges should be elected or appointed. I think that question is really debatable. This bill is addressed to counties that have a joint city-county police force and I would ask you to pass this bill.

QUESTIONS FROM COMMITTEE MEMBERS

REPRESENTATIVE AZZARA said he doesn't find anything in the constitution such as JOHN SCULLY suggested, so since it isn't in there, it would be possible to delegate elective authority to a non-charter county. I'd like to ask REPRESENTATIVE HURWITZ, if that is the case and if we were able to delegate elective authority, why would we have to go through an election which determined a board to appoint the sheriff? Wouldn't it be possible to conduct another election to elect a sheriff?

REPRESENTATIVE HURWITZ said with an elected sheriff, he really doesn't have a boss. If the commissioners counsel him or try to direct him,

he can always say "well, I'm elected just the same as you are and I don't have to listen to you." Under this proposed commission plan, he would be responsible to a commission.

REPRESENTATIVE AZZARA asked John Scully to answer the same question regarding the constitutional point.

JOHN SCULLY said "look at Article II, Section 2, Subsection 2 where it starts talking about forms of government." It says the optional form of government includes but limits the election of 3 county commissioners, the clerk and recorder, the clerk of the District Court, the county attorney and the sheriff. It goes through their general powers and then switches to the self-government charters. As I read that it says "the election of those officials."

REPRESENTATIVE AZZARA said code elsewhere provides for the transfer of power in this case without a charter.

JOHN SCULLY said the code provides for a consolidation of districts, but it still remains an elective position. The code will allow the consolidation of two counties getting together under one sheriff, but that sheriff would still be elected.

REPRESENTATIVE AZZARA said it is his impression that it would be possible to allow a non-charter county to appoint a sheriff without having to go through this mechanism, but it is not unconstitutional. I assume that is why this law has been drafted the way it is.

JOHN SCULLY responded that if that was true you wouldn't need the bill; and secondly, I don't believe it is true. I think it is an elective position unless you go through your local government review and choose to change.

REPRESENTATIVE SWITZER asked MR. SCULLY if there is a recall procedure?

MR. SCULLY said there is a definite recall procedure for a sheriff. It would recall the sheriff on the election of another.

REPRESENTATIVE SWITZER: Does it have some glaring fault?

MR. SCULLY said a few years ago it did, but I think it works fine if the people want to use it. At one point following the passage of an initiative the level was really low in terms of the number of signatures necessary but that was raised by the legislature in 1975 or 1977. But if they wish to do so, recall is the only way to go.

REPRESENTATIVE KITSELMAN commented to MR. SCULLY that you are saying it worked well. In Billings there is an incident where they have

appealed, and I believe this is the third time, and they still are not successful in that recall. Can you elaborate on that?

JOHN SCULLY said he didn't know if he could elaborate on the Billings situation. To my knowledge there hasn't been anyone recalled under the new law. As I understand it the initial engagement of recall is the setting forth of the original petition form being properly approved in terms of the reasons why you recall. In other words if I say you have an ugly tie on and besides that you didn't say hello to me today, you should be recalled, or I don't like REPRESENTATIVE KITSELMAN and he is to be recalled, you run into trouble. When you have a recall petition, you are supposed to apply viable reasons. As I recall from articles I've read, the reason some recall petitions were denied was for the reason of the recall. The reasons must include failure to do your duties, failure to enforce the law and functional things rather than personality problems.

REPRESENTATIVE HURWITZ commented to MR. SCULLY that he knows it is a messy procedure to recall and there are seldom people who want to get involved.

JOHN SCULLY said the only reason he didn't suggest recall is because it is one of the methods available, as opposed to local government changes. The other option available is the official misconduct statute. I personally used that against a head of Warm Springs for turning loose individuals back into the community as a result of psychiatric examinations.

CHAIRMAN BERTELSEN asked if there were any further questions. As there were none, he closed the hearing on HOUSE BILL 769.

HOUSE BILL 770 - sponsored by REPRESENTATIVE LORY.

This bill has been introduced at the request of the City of Missoula. I am not an attorney so I am going to call on MAE NAN ELLINGSEN, the City Attorney of Missoula, to explain the bill.

PROPOSERS FOR HOUSE BILL 770

MAE NAN ELLINGSEN, City Attorney for Missoula, said because this bill seems to be a little complicated, I'm passing out copies of my testimony, as well as the existing state law that is the problem. The intent of Senate Bill 770 is basically to clear up some inconsistencies that exist in a local government code. The problem that currently exists in local government law is that these two parts govern local government initiatives, referendums and resolutions, yet they are

inconsistent. As you'll note from the material handouts, there is no sure guide as to which one of these parts local government should follow. We asked DR. LORY if he would introduce a bill that would attempt to reconcile these two inconsistencies in state law. So what House Bill 770 does is this. It basically provides that Part 42 will govern the way cities adopt ordinances unless state law provides another method such as in the SID law or the zoning law. It also gives you the option of saying if something isn't covered in Part 42, you can decide to adopt part I, or it gives you the option to use Part I for everything. Since we have to work with this every day, we are really confused by the inconsistency of the state law. We hope you will pass House Bill 770 just to clarify. The reason it is creating a problem is this. Now that cities are doing SIDs and Industrial Development Revenue bonds, we are dealing a lot with out of state bond council and attorneys and they are always calling and asking, "when are ordinances effective or when are resolutions effective, or did you go through three readings as in one section or did you go through the other, and which is correct? We simply must say "we don't know." Both of the laws are on the books and we've always gone by Part 42, but that is not to say that somebody couldn't sue us and say you should have gone by Part I. We're really asking you to say "cities can choose by Part I or by Part 42" and rely on their decision.

CHAIRMAN BERTELSEN asked if there were any other proponents. As there were none, he asked for opponents and there were none. He then asked Dr. Lory if he'd like to close.

DR. LORY said in closing that he read the bill three times when it was given to him and then got on the phone and said, "If you want the bill, you'd better be here to explain it." I do feel it is a problem and I hope you will give it serious consideration and Do Pass consideration.

QUESTIONS FROM COMMITTEE MEMBERS

REP. ANDREASON commented that Part 42 is going to govern generally, but if Part 42 doesn't govern it, then you can use Part I, if it is covered there. But if they choose to do so, they can use Part I anyway.

MAE NAN ELLINGSEN said, "Right." I think it will clear up the situation because what we will do when we pass an ordinance or a resolution is put in the preamble of that ordinance or resolution that this resolution is adopted pursuant to Part 42 in the Local Government Code, so it is clearly stated under what procedure we operated.

REP. GOULD said it seemed to me this only pertains to the charter for government. Why can't we just say that that section only applies to the charter forms of government? Wouldn't that be simple?

MAE NAN ELLINGSEN said it would be simple but something happened in

the meantime. The Legislature last session repealed part of 42 that had to do with local government initiatives and referendums. So currently the only provision for initiatives and referendums is in Part I which was passed upon charter government. So if you said Part I just applies to charter government, then cities like Missoula wouldn't have any provision for local government for initiatives and referendums.

CHAIRMAN BERTELSEN asked if there were any further questions. As there were not, he closed the hearing on House Bill 770.

HOUSE BILL 771 - sponsored by Rep. John Shontz

REP. SHONTZ said this bill authorizes municipal regulation of public utilities owned by municipalities, removing the authority of the Public Service Commission over utilities owner, operated and regulated by municipalities. Small towns don't have the power to change the membership of the Public Service Commission. But they do have the power to change the mayor and people on the city council. That in my mind is the crux of this whole issue.

PROPOSERS FOR HOUSE BILL 771

Alex Hanson said he represents the Montana League of Cities and Towns. Earlier today the committee heard testimony from members of the cities and towns across the state. Both House Bill 765 and 771 are acceptable to the League of Cities and Towns, as practical and fair methods for resolving a serious local government problem.

DAVE GOSS represented the Billings Chamber of Commerce. He wants to go on record as supporting this bill. We feel that local control is where the rate setting procedure should be. He was contacted by the Executive Director of the Great Falls Chamber of Commerce and he too wants to be put into the record that the Great Falls Chamber supports this bill.

LARRY HERMAN, Mayor of Laurel, said his concern is over the functional bureaucracy that has been created which is time consuming and costly to the cities. I feel that this bill, as well as HB 765 would help eliminate these problems.

JOHN FLODEN represented the city of Columbia Falls. We, as well as Whitefish and Kalispell, support House Bill 771. Our major feeling is this will put the rate making process and the budgeting process together, where they are separated under the present system. He worked for a city in another state where this is under council control and we got more public input and public goodwill when they knew and understood what those rates were for, because they were services they wanted heard during the budget process.

NORM DONAHUE of Kalispell said he appreciated the good word from his sister city of Columbia Falls. He stated he was here on behalf of the citizens of the City of Kalispell more so than government of the city. His purpose is that he would imagine most of the members of this committee ran for election on the campaign promise they'd get government off the people's back. We feel that because the City of Kalispell has to go through another layer of government, namely the Public Service Commission, to carry out its business, this has been an imposition of another layer of government. We'd like to get that removed. We ask for your assistance in doing this and ask you to carry out the campaign promises you made. We feel the elected officials in our towns have as much right to confidence in us, as they have confidence in the legislature. In fact, they should have more because they can walk into our office every day and tell us what is wrong with the city, the streets, the garbage, the water and the sewer. But, you meet once every two years and you don't have to listen to these people. This is government of the people and for the people. These utilities are not profit making organizations. There isn't a stockholder in Kalispell that doesn't live in Kalispell. The stockholders of Montana Power live all over the U. S. and maybe all over the world. Mountain Bell lives all over the universe. They have a reason to come before the Public Service Commission because they are required to make a profit for their stockholders. We just want to break even and run our city. Last year we lost \$40,000 in running our water department. The reason is because it is too much trouble to go to the PSC and get a rate change. It may cost from \$5,000 to \$10,000 to go to the PSC and present a case, and then possibly get turned down. The large companies can do this because they can build the costs into their rate structures. We ask you to be sympathetic to this bill and get another layer of government off our back.

GEORGE CHRISTIANSEN, Mayor of Boulder said one of the reasons he stood in favor of this bill is because it is bad enough to get cussed out for the problems that you can do something about, but have to stand and take criticism for something like this gets a little far fetched. We agree with what has already been said and hope you'll recommend a do pass for House Bill 771.

JAN DOLAN from Great Falls said the city of Great Falls is very much on record as being in support of HB 771. We have five very competent, dedicated elected officials who should be making the decisions for the citizens of Great Falls in the most efficient way, and this bill would give them the authority to do that.

OPPONENTS TO HOUSE BILL 771

JAMES PAINE said he represented the Consumer Council of Montana. He is concerned with only one issue and that is the adverse fiscal impact on his office. Bill Dudley has the role of representing the consumers in this particular municipality. He said he will

not be able to handle all of the complaints with the four member staff. The bill does not allow us to give adequate representation to the subscribers the way it is now written. I do not wish to discuss the substitute merits of the bill. That is for the committee to decide, but I will be glad to answer questions in regard to that.

DENNIS BURR said he is representing the Montana Taxpayers' Association. The main reason he was here is because the Taxpayers' Association conducted a poll of the members of their 1200 member organization and got about a 500 member response just before the legislative session. One of the questions asked was, "Should sewer and water rates set by local government be regulated by the Public Service Commission as they are today?" It may be surprising to you that 61% of those responding answered "yes"; 39% answered "no". That is the basic reason I am opposing this bill. The membership of the Taxpayers' Association feels that the regulation of municipal water and sewerage systems should stay as it is with the Public Service Commission.

MR. BURR spoke of a couple problems with HB 771. In section 3, subsection (3), it states the hearing shall be held before the municipal governing body and is not required to be governed by common law or statutory requirements. That allows people to say a lot of things at the hearing that they want to say and I can understand the reason for a provision like that, but I also know from experience before the State Tax Appeal Board that if you don't have rules involving a hearing that you create quite an imperfect record if someone wants to appeal the decision that is reached by the ruling body. The hearing can be continued from time to time in sub section 6 which again Mr. Burr thinks will result in a record that is less than adequate for appeal. You might consider tightening that up a little bit if you are considering giving favorable recommendation to this legislation. The only other thing he had to comment on regarding this particular bill was temporary approval in section 5 which allows the municipal governing body to approve a rate increase temporarily pending a hearing on a final decision. That seems to indicate that a temporary rate increase could be granted and possibly rescinded at a later time. There is some language that indicates that if the increase that has been granted is rescinded for some reason, the increase will be repaid in some way by the municipality. There has been a lot of discussion in the Senate recently about a similar bill which would allow private utilities to possibly borrow money against the account but that bill was defeated. Mr. Burr stated he didn't understand why a public utility owned by a municipality should be afforded greater grace than a privately owned utility.

For those reasons I think that in response to the Taxpayers' Association survey, they would oppose the bill. Mr. Burr feels they should at least look at tightening up some of the hearing provisions at a temporary rate increase provision.

JIM JENSEN said he is here to represent the Low Income Senior Citizens Advocate. He stated that he had the same problem with this bill that he had this afternoon, but in a little worse way. The Consumer Council doesn't have the staff to attend all of the hearings. I don't know who at the local level could bring the expertise that the Montana Consumer Council can bring in to even discuss certain items that bring efficiency into utilities. There may be glaring voids created by ignorance not necessarily intentional at the local level that the Consumer Council or similar groups could present. Some rates could be increased unnecessarily.

BILL OPITZ said he is the Executive Director for the Public Service Commission. They are neutral on HB 771. He has listened to a lot of accusations against his agency, but he would like this committee to know that they have tried to do the best job they could with the money the legislature has seen appropriate to give us to regulate municipal and industrial utilities in Montana.

CHAIRMAN BERTELSEN asked if there were further opponents. As there were none, he asked Rep. Shontz if he'd like to close.

REP. SHONTZ said the question, as far as he was concerned, is still a philosophical one. He could sympathize with the dollar problem that the Consumer Council has and he thinks that both the Consumer Council and Public Service Commission have tried to do their very best under the restraints placed on them. We should pass this legislation to better fund both of these agencies to enable them to hear every single case that comes before them regarding water and sewer rates. If we don't, we will not be doing our job. Rep. Shontz also feels that whether it be a low income individual or a high income individual, that person has the equalizing right at the ballot box to choose local government officials who will make the decisions for them.

In closing, Rep. Shontz stated that HB 771 does offer a choice. House Bill 768 loosens the control of the regulatory body. House Bill 771 loosens the regulatory body.

QUESTIONS FROM COMMITTEE MEMBERS

REP. AZZARA asked either Mr. Paine or Mr. Opitz the following question. Can you show me where in the bill the presence of the Consumer Council is mandated?

Mr. Paine said it is not mandated. From his standpoint he is assuming I would take the same posture that I currently am taking. When I get a call from a consumer, whether it is a consumer of a private nature or a public municipal utility that is complaining about a potential rate increase, we cannot handle all of them with a four-member staff.

REP. AZZARA asked Mr. Paine if he is obligated to respond to a citizen's complaint in such a way that your presence here could become mandatory?

MR. PAINE said only in the sense that the statute which governs us said I should represent all members of the transportation and utilities consuming public of the State of Montana. If you don't show up at any of these hearings, that is not representation.

REP. AZZARA: I support the concept in the bill. It sounds to me like you are saying that your objections to it are based on assessment of your responsibility that the law really doesn't prescribe clearly. Why can't these hearings be held without your presence and why do you feel an obligation to do so? Why do you anticipate that you are going to be called in to every local governing body's decision? I don't understand the case you are making.

MR. PAINE said at least 50% of the municipal requests that are currently passed on by the PSC are handled by what we call a default order, in other words, no one objects. We analyze each and every one of them. If they appear to be proper and correct, we do not object. There are a number of default orders. The situation does exist in the remaining 50% where there is a question when a consumer does have a gripe and is concerned about whether or not the city is doing something proper as far as rate making treatment is concerned. We do participate in those instances. That is how I see the role of the Consumer Council.

REP. VINGER asked Mr. Paine if he has 4½ people on his staff.

MR. PAINE said they have 4.

REP. VINGER asked Mr. Paine if he hires outside consultants in municipal case proceedings.

MR. PAINE replied that only in major utility cases, but not in municipal cases. In the last 3 or 4 years there has been only one time and that was in connection with the City of Billings where an outside consultant was utilized.

REP. VINGER asked Bill Opitz if he handles municipal proceedings pretty much like private proceedings? Do they have to present you with testimony exhibits for historical costs and you have nine months to act on them?

MR. OPITZ said to a point. The statutes are the same for industrial owned or publicly owned utilities. I would make this point. In 1979 there were 61 rate increases that came from municipalities. 39 of them were handled by a default order. Two thirds of them were handled where the city came in and made an application. A legal notice was put into the paper giving the Consumer Council's address and telephone number for appeals if people wanted to have hearings. No requests for a hearing were received, so the commission issued a default order granting 100% of the requested increase. In 1980 there were 64 requests. 35 of those went by default order. That is why the commission is neutral. But we did try to institute some rules that would allow municipal utilities to project ahead five years revenues and expenses. Billings just received a rate increase with three years projected revenues and expenses. Hopefully they won't be back for three years.

REP. WALDRON asked Jim Paine if he would have to attend all the municipalities' hearings if this bill passes.

JIM PAINE answered yes.

REP. WALDRON asked, "How would it be if we insert some language in the appropriations bill that says you do not have to attend them?" That should take care of your problem.

JIM PAINE said that he would then assume that the language with regard to the presence of the Consumer Council in the current bill would be redundant.

CHAIRMAN BERTELSEN asked if there were further questions. As there were none, the hearing was closed on House Bill 771.

The meeting adjourned at 9:00 p.m.


VERNER L. BERTELSEN, Chairman

hbm

- VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

ROLL HOUSE BILL 769

Date 2/19/81 7:30 p.m.

✓ SPONSOR REP. HURWITZ

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

BILL HOUSE BILL 770

Date 7:30 p.m. - 2/10/81

ONSOR REP. LORY

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

TO: MEMBERS OF HOUSE LOCAL GOVERNMENT COMMITTEE

FROM: MAE ~~NAN~~ ELLINGSON, MISSOULA DEPUTY CITY ATTORNEY

RE: HOUSE BILL NO. 770

DATE: FEBRUARY 18, 1981

Dear Legislators:

The City of Missoula requested that Representatives Lory and Eudaily introduce a bill to clear up some inconsistencies that exist in the local government statutes. The inconsistencies are quite obvious ones and cause people dealing with local government laws a fair amount of consternation.

By way of illustration, I have attached for each of you a copy of the two code parts that are inconsistent. If you will look at Section 7-5-123, M.C.A., you will see that resolutions are effective immediately; if you look at Section 7-5-4203, you will see that ordinances and resolutions do not become effective until 30 days after passage. This type of inconsistency is found throughout the parts.

Most of Part 42 has been in existence since 1895 and 1907 and the provisions contained therein are the ones under which cities with general government powers have conducted their affairs. In 1977, Senator Lockrem introduced a bill containing the provisions now codified as Part 1, Title 7, Chapter 5. The bill was introduced after observing that House Bill No. 22, the Local Government Code bill, was not going to be adopted. The intent of the bill was to establish some procedures for the conduct of business by local governments that adopted alternative forms of government in 1976.

Since recodification, the legislative history of Part 1 has disappeared and no reference is contained anywhere within the statutes to indicate whether cities should conform to Part 1 or Part 42 of the Code. Several conflicting opinions have been issued by different agencies because of the existence of Part 1 and Part 42.

Two years ago, the Missoula County Attorney's Office issued an opinion to the effect that the Part 1 provisions concerning local initiatives and referendums did not apply to the City of Missoula since Missoula had not adopted an alternative form of government. The opinion further concluded that since the 1979 Legislature inadvertently repealed the initiative and referendum sections contained in Part 42, there were no initiative and referendum procedures for general government cities like Missoula.

An Attorney General's Opinion, No. 37, in 1979 held that the initiative and referendum provisions of Part 1 applied to all local governments but did not attempt to reconcile the conflicts between Part 1 and Part 42. After the Opinion was released, I spoke with the Attorney General's Office about the Opinion and discovered that they were essentially unaware of Part 42.

There are undoubtedly several ways of resolving this conflict, and House Bill 770 represents a reasonable approach.

The bill basically provides that Part 42 will govern the conduct of City business, unless there are specific provisions contained elsewhere in local government law, such as the S.I.D. or zoning law, or unless Part 42 does not address the procedure, or unless the City chooses to adopt provisions of Part 1 that conflict with Part 42.

Very truly yours,

Mae Nan Ellingson

(a) the membership fees and dues in any organization of city and town officials when the purpose of the organization is improvement of laws relating to city and town government and their better and more economical administration; and

(b) the necessary expenses of any regular officer or employee of the city or town in attending any convention or meeting of such organization upon the direction of the governing body by order upon its minutes, stating that the public interest requires such attendance.

(2) The payment of membership fees, dues, and/or expenses is to be made from such fund of the city or town as the governing body shall direct in the order, with the claim presented, audited, and allowed as are other claims against the city or town.

History: En. Sec. 1, Ch. 241, L. 1921; re-en. Sec. 443, R.C.M. 1921; amd. Sec. 1, Ch. 124, L. 1923; amd. Sec. 1, Ch. 48, L. 1927; amd. Sec. 1, Ch. 86, L. 1931; amd. Sec. 1, Ch. 130, L. 1933; re-en. Sec. 443, R.C.M. 1935; amd. Sec. 1, Ch. 119, L. 1943; amd. Sec. 1, Ch. 58, L. 1949; amd. Sec. 1, Ch. 184, L. 1957; amd. Sec. 11, Ch. 80, L. 1961; amd. Sec. 1, Ch. 85, L. 1963; amd. Sec. 1, Ch. 79, L. 1965; amd. Sec. 1, Ch. 66, L. 1967; amd. Sec. 1, Ch. 174, L. 1967; amd. Sec. 1, Ch. 182, L. 1973; R.C.M. 1947, 25-508(3); amd. Sec. 5, Ch. 311, L. 1979.

7-5-4142. Attendance at meetings and conventions by municipal officers and employees. Unless otherwise provided by law, no city officer or employee may receive payment from any public funds for traveling expenses or other expenses of any sort for attendance at any convention, meeting, or other gathering of public officers except for attendance upon such convention, meeting, or other gathering as the officer or employee may by virtue of his office find it necessary to attend.

History: En. Sec. 1, Ch. 241, L. 1921; re-en. Sec. 443, R.C.M. 1921; amd. Sec. 1, Ch. 124, L. 1923; amd. Sec. 1, Ch. 48, L. 1927; amd. Sec. 1, Ch. 86, L. 1931; amd. Sec. 1, Ch. 130, L. 1933; re-en. Sec. 443, R.C.M. 1935; amd. Sec. 1, Ch. 119, L. 1943; amd. Sec. 1, Ch. 58, L. 1949; amd. Sec. 1, Ch. 184, L. 1957; amd. Sec. 11, Ch. 80, L. 1961; amd. Sec. 1, Ch. 85, L. 1963; amd. Sec. 1, Ch. 79, L. 1965; amd. Sec. 1, Ch. 66, L. 1967; amd. Sec. 1, Ch. 174, L. 1967; amd. Sec. 1, Ch. 182, L. 1973; R.C.M. 1947, 25-508(part); amd. Sec. 6, Ch. 311, L. 1979.

Part 42

Ordinances, Resolutions, and Municipal Initiative and Referendum

7-5-4201. Municipal ordinances. (1) The style of ordinances may be as follows: "Be it ordained by the council of the city of (or town of)", and all ordinances may be published or posted as prescribed by the council.

(2) All ordinances, bylaws, and resolutions must be passed by the council and approved by the mayor or the person acting in his stead and must be recorded in a book kept by the clerk, called "The Ordinance Book", and numbered by numerical decimal system in the order in which they are passed or codified.

(3) No ordinance shall be passed containing more than one subject, which shall be clearly expressed in its title, except ordinances for the codification and revision of ordinances.

History: (1)En. Sec. 4804, Pol. C. 1895; re-en. Sec. 3264, Rev. C. 1907; re-en. Sec. 5055, R.C.M. 1921; re-en. Sec. 5055, R.C.M. 1935; Sec. 11-1101, R.C.M. 1947; (2), (3)En. Sec. 4805, Pol. C. 1895; re-en. Sec. 3265, Rev. C. 1907; re-en. Sec. 5056, R.C.M. 1921; re-en. Sec. 5056, R.C.M. 1935; amd.

Sec. 1, Ch. 38, L. 1967; amd. Sec. 1, Ch. 231, L. 1969; amd. Sec. 1, Ch. 111, L. 1975; Sec. 11-1102, R.C.M. 1947; R.C.M. 1947, 11-1101, 11-1102(part).

7-5-4202. Incorporation of technical codes by reference. (1) The governing body of an incorporated city or town may adopt technical building, zoning, health, electrical, fire, and plumbing codes in whole or in part by reference.

(2) At least 15 days prior to final action by a governing body of the city or town, notice of intent to adopt a technical code in whole or in part by reference shall be published in a newspaper of general circulation in the city or town. Three copies of the code or part to be adopted shall be filed with the clerk of the city or town for inspection by the public.

(3) If a technical code or part of a code is adopted by reference, a record in "The Ordinance Book" may be made by recording the ordinance without setting forth the provisions of the code or part of a code adopted.

History: En. Sec. 4805, Pol. C. 1895; re-en. Sec. 3265, Rev. C. 1907; re-en. Sec. 5056, R.C.M. 1921; re-en. Sec. 5056, R.C.M. 1935; amd. Sec. 1, Ch. 38, L. 1967; amd. Sec. 1, Ch. 231, L. 1969; amd. Sec. 1, Ch. 111, L. 1975; R.C.M. 1947, 11-1102(2), (3).

7 **7-5-4203. Effective date of ordinances and resolutions.** No ordinance or resolution passed by the council of any city or town may become effective until 30 days after its passage except:

(1) general appropriation ordinances providing for the ordinary and current expenses of the city or town; and

(2) emergency measures.

History: (1) En. Ch. 167, L. 1907; Sec. 3268, Rev. C. 1907; re-en. Sec. 5060, R.C.M. 1921; re-en. Sec. 5060, R.C.M. 1935; Sec. 11-1106, R.C.M. 1947; (2) En. Sec. 4805, Pol. C. 1895; re-en. Sec. 3265, Rev. C. 1907; re-en. Sec. 5056, R.C.M. 1921; re-en. Sec. 5056, R.C.M. 1935; amd. Sec. 1, Ch. 38, L. 1967; amd. Sec. 1, Ch. 231, L. 1969; amd. Sec. 1, Ch. 111, L. 1975; Sec. 11-1102, R.C.M. 1947; R.C.M. 1947, 11-1102(part), 11-1106(part); amd. Sec. 7, Ch. 311, L. 1979.

7-5-4204. Details relating to emergency measures. In the case of emergency measures, the emergency must be expressed in the preamble or in the body of the measure and the measure must receive a two-thirds vote of all the members elected. In emergency ordinances, the resolutions shall include only such measures as are immediately necessary for the preservation of peace, health, and safety and shall not include:

(1) a franchise or license to a corporation or individual;

(2) any provisions for the sale of real estate;

(3) any lease or letting of any property for a period exceeding 1 year; or

(4) the purchase or sale of personal property exceeding \$5,000 in value.

History: En. Ch. 167, L. 1907; Sec. 3268, Rev. C. 1907; re-en. Sec. 5060, R.C.M. 1921; re-en. Sec. 5060, R.C.M. 1935; R.C.M. 1947, 11-1106(part).

7-5-4205. Powers of mayor related to ordinances and resolutions. The mayor has power to:

(1) cause the ordinances of the city or town to be executed;

(2) approve all ordinances and resolutions of the council adopted by it;

(3) veto any objectionable part of a resolution or ordinance and approve the other parts.

History: En. Sec. 367, 5th Div. Comp. Stat. 1887; amd. Sec. 13, p. 126, L. 1893; amd. Sec. 4781, Pol. C. 1895; re-en. Sec. 3250, Rev. C. 1907; re-en. Sec. 5030, R.C.M. 1921; Cal. Pol. C. Sec. 4386; re-en. Sec. 5030, R.C.M. 1935; amd. Sec. 1, Ch. 535, L. 1975; R.C.M. 1947, 11-802(part).

7-5-4142. Attendance at meetings and conventions by municipal officers and employees.

**Part 42 — Ordinances, Resolutions,
and Municipal Initiative and Referendum**

- 7-5-4201. Municipal ordinances.
- 7-5-4202. Incorporation of technical codes by reference.
- 7-5-4203. Effective date of ordinances and resolutions.
- 7-5-4204. Details relating to emergency measures.
- 7-5-4205. Powers of mayor related to ordinances and resolutions.
- 7-5-4206. Procedure to veto ordinance or resolution.
- 7-5-4207. Penalties for violation of municipal ordinances.
Sections 7-5-4208 through 7-5-4210 reserved.
- 7-5-4211 through 7-5-4225. Repealed. Sec. 407, Ch. 571, L. 1979.

Part 43 — Municipal Contracts and Franchises

- 7-5-4301. Power to enter and execute contracts.
- 7-5-4302. Competitive, advertised bidding required for certain purchase and construction contracts.
- 7-5-4303. Exemptions from bidding or advertising requirements for certain contracts.
- 7-5-4304. Certain contracts to be submitted to voters.
- 7-5-4305. Prohibition on division of contracts to circumvent bidding requirements.
- 7-5-4306. Use of installment purchase contract.
- 7-5-4307. Sale or trade-in of old supplies or equipment.
- 7-5-4308. Procedure to modify contract.
- 7-5-4309. Oath of contractor required for payment.
Sections 7-5-4310 through 7-5-4320 reserved.
- 7-5-4321. Grant of franchise — election required.
- 7-5-4322. Election on question of granting franchise.

Part 44 — Municipal Elections

- 7-5-4401. Division of municipalities into wards.
- 7-5-4402 through 7-5-4409. Repealed. Sec. 407, Ch. 571, L. 1979.

Part 1

**Local Government Ordinances, Resolutions,
and Initiatives and Referendum**

7-5-101. Definition. As used in this part, "chief executive" means the elected executive in a government adopting the commission-manager form, the chairman in a government adopting the commission-chairman form, the town chairman in a government adopting the town meeting form, the commission acting as a body in a government adopting the commission form, or the officer or officers so designated in the charter in a government adopting a charter.

History: En. 47A-3-101 by Sec. 13, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-101.

7-5-102. Construction of certain sections. Sections 7-5-103 through 7-5-107 merely provide a procedure for the adoption of ordinances and shall not be construed as granting authority to adopt ordinances.

History: En. 47A-3-102 by Sec. 5, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-102(10).

7-5-103. Ordinance requirements. (1) All ordinances shall be submitted in writing in the form prescribed by resolution of the governing body.

(2) No ordinance passed shall contain more than one comprehensive subject, which shall be clearly expressed in its title, except ordinances for codification and revision of ordinances.

(3) An ordinance must be read and adopted by a majority vote of members present at two meetings of the governing body not less than 12 days apart. After the first adoption and reading, it must be posted and copies made available to the public.

(4) After passage and approval, all ordinances shall be signed by the chairman of the governing body and filed with the official or employee designated by ordinance to keep the register of ordinances.

History: En. 47A-3-102 by Sec. 5, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-102(1) thru (3), (5).

7-5-104. Emergency ordinance. In the event of an emergency, the governing body may waive the second reading. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a two-thirds vote of the whole governing body for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days.

History: En. 47A-3-102 by Sec. 5, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-102(4).

7-5-105. Effective date of ordinance. No ordinance other than an emergency ordinance shall be effective until 30 days after second and final adoption. The ordinance may provide for a delayed effective date or may provide for the ordinance to become effective upon the fulfillment of an indicated contingency.

History: En. 47A-3-102 by Sec. 5, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-102(6).

7-5-106. Ordinance veto procedure. If the plan of government allows the chief executive to veto an ordinance, this power must be exercised in writing prior to the next regularly scheduled meeting of the governing body. Whenever the chief executive vetoes an ordinance, the governing body must act at the next regularly scheduled meeting to either override or confirm the veto. Whenever the veto is overridden or the executive fails to act, the ordinance shall take effect.

History: En. 47A-3-102 by Sec. 5, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-102(7).

7-5-107. Register of ordinances and codification. (1) There shall be maintained a register of ordinances in which all ordinances are entered in full after passage and approval, except when a code is adopted by reference. When a code is adopted by reference, the date and source of the code shall be entered.

(2) (a) No later than 1980 and at 5-year intervals thereafter, appropriate ordinances shall be compiled into a uniform code and published.

(b) The recodification is not effective until approved by the governing body.

History: En. 47A-3-102 by Sec. 5, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-102(8), (9).

7-5-108. Adoption and amendment of codes by reference. (1) Any local government may adopt or repeal an ordinance which incorporates

by reference the provisions of any code or portions of any code or any amendment thereof, properly identified as to date and source, without setting forth the provisions of the code in full. Notice of the intent to adopt a code by reference shall be published after first reading and prior to final adoption of the code. At least one copy of the code, portion, or amendment which is incorporated or adopted by reference shall be filed in the office of the clerk of the governing body and kept there, available for public use, inspection, and examination. The filing requirements prescribed in this section shall not be considered to be complied with unless the required copies of the codes, portion, amendment, or public record are filed with the clerk of the governing body for a period of 30 days prior to final adoption of the ordinance which incorporates the code, portion, or amendment by reference.

(2) The governing body may adopt or amend a code by reference by an emergency ordinance and without notice. The emergency ordinance is automatically repealed 90 days following its adoption and cannot be reenacted as an emergency ordinance.

(3) The process for repealing an ordinance which adopted or amended a code by reference shall be the same as for repealing any other ordinance.

(4) The filing requirement of subsection (1) shall be complied with in adopting amendments to codes.

(5) Any ordinance adopting a code, portion, or amendment by reference shall state the penalty for violating the code, portion, or amendment or any provision thereof separately, and no part of any penalty shall be incorporated by reference.

(6) For purposes of this section, "code" means any published compilation of rules which has been prepared by various technical trade associations, model code organizations, federal agencies, or this state or any agency thereof and shall include specifically but shall not be limited to: traffic codes, building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, and inflammable liquids codes, together with any other code which embraces rules pertinent to a subject which is a proper local government legislative matter.

History: En. 47A-3-103 by Sec. 6, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-103.

7-5-109. Penalty for violation of ordinance. A local government may fix penalties for the violation of an ordinance which do not exceed a fine of \$500 or 6 months' imprisonment or both the fine and imprisonment.

History: En. 47A-3-104 by Sec. 7, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-104.

7-5-110 through 7-5-120 reserved.

7-5-121. Resolution requirements. (1) All resolutions shall be submitted in the form prescribed by resolution of the governing body.

(2) Resolutions may be submitted and adopted at a single meeting of the governing body.

(3) After passage and approval, all resolutions shall be entered into the minutes and signed by the chairperson of the governing body.

History: En. 47A-3-105 by Sec. 8, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-105(1), (2), (4).

7-5-122. Resolution veto procedure. If the plan of government allows the chief executive to veto resolutions, this power must be exercised in writing at the next regular meeting. If the chief executive fails to act, the resolution is approved. If the chief executive vetoes a resolution, the governing body must act at the same meeting or its next regularly scheduled meeting to either override or confirm the veto.

History: En. 47A-3-105 by Sec. 8, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-105(3); amd. Sec. 1, Ch. 311, L. 1979.

7-5-123. Effective date of resolutions. All resolutions shall be immediately effective unless a delayed effective date is specified.

History: En. 47A-3-105 by Sec. 8, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-105(5).

7-5-124 through 7-5-130 reserved.

7-5-131. Right of initiative and referendum. (1) The powers of initiative and referendum are reserved to the electors of each local government. Resolutions and ordinances within the legislative jurisdiction and power of the governing body of the local government, except those set out in subsection (2), may be proposed or amended and prior resolutions and ordinances may be repealed in the manner provided in 7-5-132 through 7-5-137.

(2) The powers of initiative shall not extend to the following:

- (a) the annual budget;
- (b) bond proceedings, except for ordinances authorizing bonds;
- (c) the establishment and collection of charges pledged for the payment of principal and interest on bonds; or
- (d) the levy of special assessments pledged for the payment of principal and interest on bonds.

History: En. 47A-3-106 by Sec. 9, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-106(1), (2).

7-5-132. Procedure to exercise right of initiative or referendum. (1) The electors may initiate and amend ordinances and require submission of existing ordinances to a vote of the people by petition. If submitted prior to the ordinance's effective date, a petition requesting a referendum on the ordinance shall delay the ordinance's effective date until the ordinance is ratified by the electors. A petition requesting a referendum on an emergency ordinance filed within 30 days of its effective date shall suspend the ordinance until ratified by the electors.

(2) The governing body may refer existing or proposed ordinances to a vote of the people by resolution.

(3) A petition or resolution for initiative or referendum shall:

- (a) embrace only a single comprehensive subject;
- (b) set out fully the ordinance sought by petitioners or, in the case of an amendment, set out fully the ordinance sought to be amended and the proposed amendment or, in the case of referendum, set out the ordinance sought to be repealed;
- (c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and

(d) contain the signatures of 15% of the registered electors of the local government.

History: En. 47A-3-106 by Sec. 9, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-106(3) thru (5); amd. Sec. 299, Ch. 571, L. 1979.

Compiler's Comments

Transition. Sec. 404, Ch. 571, L. 1979, is a transition section, the text of which may be found in the compiler's comment to 13-1-101.

7-5-133. Processing of petition. (1) The governing body may, within 60 days of receiving the petition, take the action called for in the petition. If the action is taken, the question need not be submitted to the electors.

(2) If the governing body does not within 60 days take the proposed action, then the question shall be submitted to the electors at the next school, primary, or general election or a special election called for that purpose.

History: En. 47A-3-106 by Sec. 9, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-106(part).

7-5-134. Determination of number of signatures required for petition. In order to determine the number of signatures needed on a petition to meet the percentage requirements of this part, the number of electors shall be the number of individuals registered to vote at the preceding general election for the local government.

History: En. 47A-3-107 by Sec. 10, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-107.

7-5-135. Suit to determine validity and constitutionality of petition and proposed action. (1) Before submitting the question to the electors, the governing body may direct that a suit be brought in district court by the local government to determine whether the petition is regular in form and has sufficient signatures and whether the proposed action would be valid and constitutional.

(2) The complaint shall name as defendants not less than 10 or more than 20 of the petitioners. In addition to the names of the defendants, to the caption of the complaint there shall be added the words: "And all petitioners whose names appear on the petition for an ordinance filed on the ... day of, in the year ...", stating the date of filing. The summons shall be similarly directed and shall be served on the defendants named therein and in addition shall be published.

History: En. 47A-3-106 by Sec. 9, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-106(part).

7-5-136. Submission of question to electors. (1) Any ordinance proposed by petition or any amended ordinance proposed by petition or any referendum on an ordinance which is entitled to be submitted to the electors shall be voted on at the next regular election to be held in the local government unless:

(a) the petition asks that the question be submitted at a special election and is signed by at least 25% of the electors of the local government, in which case the governing body shall call a special election; or

(b) the governing body calls for a special election on the question.

(2) A special election may not be held sooner than 60 days after the adequacy of the petition is determined by the election administrator or the governing body orders a special election.

(3) If the adequacy of the petition is determined by the election administrator less than 45 days prior to the next regular election, the election shall be delayed until the following regular election unless a special election is called.

(4) Whenever a measure is ready for submission to the electors, the appropriate election administrator shall in writing notify the governing body and shall publish notice of the election and the ordinance which is to be proposed or amended. In the case of a referendum, the ordinance sought to be repealed shall be published.

(5) The question shall be placed on the ballot, giving the electors a choice between accepting or rejecting the proposal.

(6) If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared unless otherwise stated in the proposal.

History: En. 47A-3-106 by Sec. 9, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-106(7); amd. Sec. 300, Ch. 571, L. 1979.

7-5-137. Effect of repeal or enactment of ordinance by initiative or referendum. If an ordinance is repealed or enacted pursuant to a proposal initiated by the electors of a local government, the governing body may not for 2 years reenact or repeal the ordinance. If during the 2-year period the governing body enacts an ordinance similar to the one repealed pursuant to a referendum of the electors, a suit may be brought to determine whether the new ordinance is a reenactment without material change of the repealed ordinance. This section shall not prevent exercise of the initiative at any time to procure a reenactment of an ordinance repealed pursuant to referendum of the electors.

History: En. 47A-3-106 by Sec. 9, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-106(6rd).

Part 2

Operation of Consolidated Units of Local Government

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

VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

ROLL HOUSE BILL 771

Date 2/19/81 7:30 p.m.

SPONSOR REP. SHONTZ

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPO
John R. Eden	Columbia Falls	City of Col. Falls	✓	
Kenneth W. Dutton	Boulder Mt	Town of Boulder	✓	
George J. [unclear]	✓	✓	✓	
Janet M. Dor	Green Falls	City of	✓	
Nade Weahley	"	"	✓	
John H. [unclear]	Forest Mt	City of [unclear]	✓	
Thos. McKenzie	Laurel Mt	City of Laure	✓	
James Nybe	Helena	City of Helena	✓	
Bill [unclear]	Bill [unclear]	City of [unclear]	✓	
Richard [unclear]	Laurel Mt	City of Laurel	✓	
Bill [unclear]	Helena	PSC		
H. F. Donahue	Kalispell	City of Kal.	✓	
Lesley Nelson	League of Entrepreneurs	Helena	✓	
Janet C. Olin	Mountain Comm. Council	Helena		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

February 23,

1912

MR. ~~SENECA~~.....

We, your committee on LOCAL GOVERNMENT.....

having had under consideration HOUSE..... Bill No. 769.....

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR AN ELECTION IN A COUNTY WITH A COMMISSION FORM OF GOVERNMENT ON A PROPOSITION FOR FILLING THE POSITION OF COUNTY SHERIFF THROUGH APPOINTMENT BY A SHERIFF COMMISSION; TO ALLOW THE CHAIRMAN OF A SHERIFF COMMISSION TO APPOINT SUCH SHERIFF; AMENDING SECTIONS 7-4-2203, 7-4-2205, 7-4-2206, AND 7-4-2207, MCA."

Respectfully report as follows: That HOUSE..... Bill No. 769.....

DO NOT PASS
DO PASS

Vernor L. Hartman..... Chairman.

STANDING COMMITTEE REPORT

February 11, 1951

MR. SPEAKER

LOCAL GOVERNMENT

We, your committee on

HOUSE

770

having had under consideration Bill No.

A BILL FOR AN ACT ENTITLED: "AN ACT TO RECONCILE CONFLICTS REGARDING MUNICIPAL ORDINANCE, RESOLUTION, AND INITIATIVE AND REFERENDUM PROCEDURES BY SPECIFYING THE APPLICABILITY OF TITLE 7, CHAPTER 5, PART 42."

HOUSE

770

Respectfully report as follows: That Bill No.

DO PASS

STANDING COMMITTEE REPORT

February 11, 1960

MR. SPENCER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 781

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A LOCAL GOVERNING BODY TO CONTRACT WITH A FINANCIAL INSTITUTION FOR A REPURCHASE AGREEMENT; PROVIDING FOR BID PROCEDURES; AMENDING SECTIONS 7-6-201 AND 7-6-206, MCA; PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE

781

Respectfully report as follows: That Bill No.

House Bill 781, introduced copy, as follows:

1. Page 1, lines 20 through 24.

Following: "terms"

Strike: remainder of subsection (2) in its entirety.

Insert: "."

2. Page 2, line 10.

Following: "bids"

Insert: "as provided in 7-6-206"

3. Page 2, lines 14 through 16.

Following: "shall"

Strike: remainder of line 14 through "shall" on line 16.

DO PASS