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note BILL NO. 44/5 L INTRODUCED BY _____ 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR NUNPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF 5 SELF-GOVERNMENT CHARTERS, AND TO OTHERWISE REVISE AND 6 7 CLARIFY LOCAL GOVERNMENT LAWS.* 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Nonpartisan nomination. (1) Each candidate for a nonpartisan primary election shall send a declaration 11 12 of nomination, as prescribed in 23-3304, to the appropriate election official of the local government in which he seeks 13 office not later than 5 peme 40 days prior to the date of 14 15 the primary election. 16 (2) A candidate successfully completing the 17 requirements of this section shall have his name entered on the nonpartisan primary election ballot as provided in 18 19 [section 2].

20 Section 2. Nonpartisan primary ballot and election. 21 (1) Except as otherwise provided in this section, a 22 nonpartisan primary election shall be conducted, canvassed, 23 and its results returned in the same manner as a partisan 24 primary election.

25 (2) Ballots in a nonpartisan primary election shall

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INTRODUCED BILL

contain only the name of the candidate and the office to
 which the candidate seeks election.

3 (3) Electors voting at a nonpartisan primary election
4 may vote for the number of candidates to be elected to each
5 office.

(4) If the number of candidates to be entered on the 6 7 nonpartisan primary ballot for each office does not exceed Б twice the number of candidates to be elected for the 9 respective offices, a nonpartisan primary election shall not be held in that year and all candidates entered on the 10 11 nonpartisan primary ballot shall be considered nominated for 12 their respective offices and shall have their names placed 13 on the nonpartisan general election ballot. If the number of 14 candidates to be entered on the nonpartisan primary ballot 15 for any particular office does exceed twice the number of 16 persons to be elected to that office, a primary election 17 shall be held for all offices to be voted on at the general 18 election.

19 (5) Candidates for nomination, equal to twice the 20 number to be elected at the nonpartisan general election for 21 that office, who receive the highest number of votes cast at 22 the nonpartisan primary or nominees determined under 23 subsection (4) of this section are nominees for office and 24 shall have their names entered on the nonpartisan general 25 election ballot.

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1 (6) In municipalities with a population of 3,500 or 2 less, a primary election is not required and candidates 3 shall have their names entered on the general election 4 ballot by filing a declaration of nomination not later than 5 5 peme 40 days before the date of the election.

6 Section 3. Monpartisan general elections. A 7 nonpartisan general election shall be conducted, canvassed, 8 and its results returned in the same manner as a partisan 9 general election except that party designation may not 10 appear on the ballot.

11 Section 4. Amendment of self-government charters. (1) 12 An amendment to a self-government charter may only be made 13 by submitting the question of amendment to the electors of the local government. To be effective, a proposed amendment 14 15 must receive an affirmative vote of a majority of the 16 electors voting on the question. An amendment approved by 17 the electors becomes effective on the first day of the local government fiscal year following the fiscal year of approval 16 19 unless the question submitted to the electors provides **Z**0 otherwise.

21 (2) An amendment to a self-government charter may be 22 proposed by initiative by petition of 15% of the electors of 23 the local government or by ordinance enacted by the 24 governing body. The question on charter amendment shall be 25 submitted to the electors as soon as possible after the 1 submission of a petition or enactment of a resolution,

2 either at a regularly scheduled election or at a special

3 election.

4 (3) The local government, by ordinance, may provide
5 procedures for the submission and verification of initiative
6 petitions.

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Approved by Comm. on Local Government

1	SENATE BILL NO. 445
z	INTRUDUCED BY LOCKREM
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
>	NUNPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF
ь	SELF-GOVERNMENT CHARTERS <u>OR ADOPTED ALTERNATIVE FORMS OF</u>
7	LUCAL GOVERNMENT. TO PROVIDE FOR ENACTMENT OF ORDINANCES AND
8	RESOLUTIONS, TO PROVIDE FOR LOCAL GOVERNMENT INITIATIVE AND
9	KEFERENDUM, TO PROVIDE FOR THE OPERATION OF CONSOLIDATED
10	<u>UNITS OF LOCAL GOVERNMENT</u> , AND TO OTHERWISE REVISE AND
11	CLARIFY LOCAL GOVERNMENT LAWS <u>: AMENDING SECTION 23 OF</u>
12	CHAPTER 513 OF LAWS: 1975; AND PROVIDING AN EFFECTIVE DATE.
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Nonpartisan nomination. (1) Each candidate
16	for a nonpartisan primary election shall send a declaration
17	of nomination, as prescribed in 23-3304, to the appropriate
18	election official of the local government in which he seeks
19	office not later than 5 p.m. 40 days prior to the date of
20	the primary election. <u>IHE_DECLARATION_SHALL_BE_ACCOMPANIED</u>
21	BY A PETITION SIGNED BY AT LEAST 25 ELECTORS OF THE LOCAL
22	GUVERNMENT_REQUESTING_THE_CANDIDACY.
23	(2) A candidate successfully completing the
24	requirements of this section shall have his name entered on

the nonpartisan primary election ballot as provided in

1 [section 2].

Section 2. Nonpartisan primary ballot and election.
(1) Except as otherwise provided in this section. a
nonpartisan primary election shall be conducted. canvassed.
and its results returned in the same manner as a partisan
primary election.

7 (2) Ballots in a nonpartisan primary election shall
8 contain only the name of the candidate and the office to
9 which the candidate seeks election.

10 (3) Electors voting at a nonpartisan primary election
11 may vote for the number of candidates to be elected to each
12 office.

13 (4) If the number of candidates to be entered on the 14 nonpartisan primary ballot for each office does not exceed 15 twice the number of candidates to be elected for the 16 respective offices, a nonpartisan primary election shall not 17 be held in that year and all candidates entered on the 18 nonpartisan primary ballot shall be considered nominated for 19 their respective offices and shall have their names placed 20 on the nonpartisan general election ballot. If the number of 21 candidates to be entered on the nonpartisan primary ballot 22 for any particular office does exceed twice the number of 23 persons to be elected to that office, a primary election 24 shall be held for all offices to be voted on at the general 25 election.

SECOND READING

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1 (5) Candidates for nomination, equal to twice the 2 number to be elected at the nonpartisan general election for 3 that office, who receive the highest number of votes cast at 4 the nonpartisan primary or nominees determined under 5 subsection (4) of this section are nominees for office and 6 shall have their names entered on the nonpartisan general 7 election ballot.

8 (6) In municipalities with a population of 3,500 or
9 less, a primary election is not required and candidates
10 shall have their names entered on the general election
11 ballot by filing a declaration of nomination not later than
12 5 p.m. 40 days before the date of the election.

13 Section 3. Nonpartisan general elections. A
14 nonpartisan general election shall be conducted, canvassed,
15 and its results returned in the same manner as a partisan
16 general election except that party designation may not
17 appear on the ballot.

18 Section 4. Amendment of self-government charters OR 19 ADOPTED ALTERNATIVE FORMS OF GOVERNMENT. (1) An amendment to 20 a self-government charter OR AN ADOPTED ALTERNATIVE FORM OF 21 GOVERNMENI may only be made by submitting the question of amendment to the electors of the local government. To be 22 effective, a proposed amendment must receive an affirmative 23 24 vote of a majority of the electors voting on the question. 25 An amendment approved by the electors becomes effective on

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1	the first day of the local government fiscal year following
2	the fiscal year of approval unless the question submitted to
د	the electors provides otherwise.
4	(2) An amendment to a self-government charter <u>UR_AN</u>
5	ADUPTED_ALIERNAIIVE_FURM_DF_GOVERNMENI may be proposed by
6	initiative by petition of 15% of the electors of the local
7	government or by ordinance enacted by the governing body.
8	The question on chorter amendment <u>OF A CHARTER OR AN ADOPTED</u>
9	ALIERNATIVE FORM OF GOVERNMENI shall be submitted to the
10	electors as soon as possible after the submission of a
11	petition or enactment of a resolution, either at a regularly
12	scheduled election or at a special election.
13	(3) The local government, by ordinance, may provide
14	procedures for the submission and verification of initiative
15	petitions.
16	SECTION 5. ORVINANCE REQUIREMENTS. (1) ALL ORDINANCES
17	SHALL <u>HE SUBMITIED IN HRITING IN THE FORM PRESCRIBED BY</u>
18	RESOLUTION OF THE GOVERNING BODY.
19	(2) NO ORDINANCE PASSED SHALL CONTAIN MORE THAN ONE
#0	COMPREHENSIVE SUBJECT WHICH SHALL BE CLEARLY EXPRESSED IN
81	IIS_TITLE. EXCEPT_ORDINANCES_FOR_CODIFICATION_AND_REVISION
82	DE_JRDINANCES.
23	(3) AN ORDINANCE MUST BE READ AND ADDPIED BY A
24	MAJORITY VOLL OF DEMDERS PRESENT AL IND MEETINGS OF THE
45	GUYERNING BODY NOT LESS THAN 12 DAYS APARI. AFTER THE FIRST

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ì	ADDETION_AND_READINGII_MUSI_BE_POSIED_AND_COPIES_MADE
2	AVAILABLE TO THE PUBLIC.
3	141 IN THE EVENT OF AN EMERGENCY. THE GOVERNING BODY
4	MAY WAIVE THE SECOND BEADING. AN ORDINANCE PASSED IN
5	RESPONSE TO AN EMERGENCY SHALL RECITE THE FACTS GIVING RISE
ь	ID THE EMERGENCY AND REQUIRES A INO-THIRDS VOTE OF THE WHOLE
7	GOVERNING BODY FOR PASSAGE. AN EMERGENCY ORDINANCE SHALL BE
8	EFECTIVE ON PASSAGE AND APPROVAL AND SHALL REMAIN EFECTIVE
9	FOR NO MORE THAN 90 DAYS.
10	151 AFTER PASSAGE AND APPROVAL, ALL ORDINANCES SHALL
11	BE SIGNED BY THE CHAIRMAN OF THE GOVERNING BODY AND FILED
12	<u>WITH THE DEFICIAL OR EMPLOYEE DESIGNATED BY ORDINANCE TO</u>
13	KEEP_THE_REGISTER_OF_DRDINANCES.
14	(6) NO ORDINANCE DIHER THAN AN EMERGENCY ORDINANCE
15	SHALL BE EFFECTIVE UNTIL 30 DAYS AFTER SECOND AND FINAL
16	ADOPIION. THE ORDINANCE MAY PROVIDE FOR A DELAYED EFFECTIVE
17	DATE OR MAY PROVIDE FOR THE ORDINANCE TO BECOME EFFECTIVE
18	UPON THE FULFILLMENT OF AN INDICATED CONTINGENCY.
19	17) IF THE PLAN OF GOVERNMENT ALLOWS THE CHIEF
20	EXECUITVE_I0_VEIO_AN_ORDINANCE:_IHIS_POWER_MUST_BE_EXERCISED
21	IN WRITING PRIDE TO ITS NEXT REGULARLY SCHEDULED MEETING OF
22	INE _GUVERNING _BODY. WHENEVER THE CHIEF EXECUTIVE VETOES AN
23	URDINANCE. THE GOVERNING BODY MUST ACT AT THE NEXT REGULARLY
24	SCHEDULED MEETING TO EITHER OVERRIDE OR CONFIRM THE VETO.
25	HANNER THE VETO IS OVERRIDDEN OR THE EXECUTIVE FAILS TO

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L	ACT. THE ORDINANCE SHALL TAKE EFFECT.
2	(a)HERE_SHALL_BE_MAINTAINED_A_REGISTER_OF_ORDINANCES
3	IN WHICH ALL URDINANCES ARE ENTERED IN FULL AFTER PASSAGE
4	ANDAPPROVALEXCEPTWHEN_A_CODE_IS_ADOPTED_BY_REFERENCE.
5	WHEN A CODE 15 ADOPTED BY REFERENCE. THE DATE AND SOURCE DE
6	THE CUDE SHALL BE ENTERED.
7	19) 1A) NO LATER THAN 1980 AND AT 5-YEAR INTERVALS
8	INEREACTER_APPROPRIATE_ORDINANCES_SHALL_BE_COMPILEDINTOA
9	UNIFORM_CODE_AND_PUBLISHED.
10	(B) THE RECODIFICATION IS NOT EFFECTIVE UNTIL APPROVED
11	BY_THE_GOVERNING_BODY.
12	SECTION 6. ADDPTION AND AMENDMENT OF CODES BY
13	REEERENCE. (1) ANY LOCAL GOVERNMENT MAY ADOPT OR REPEAL AN
14	ORDINANCEWHICH_INCORPORATES_BY_REFERENCE_THE_PROVISIONS_OF
15	ANY_CODE_OR_POBLIONS_DE_ANY_CODE+_OR_ANY_AMENDMENTTHEREDE+
16	PROPERLYIDENTIFIEDAS_TO_DATE_AND_SOURCE. WITHOUT_SETTING
17	EORTH_THE PROVISIONS OF THE CODE IN FULLS NOTICE OF THE
18	INTENL TO ADOPT A CODE BY REFERENCE SHALL BE PUBLISHED AFTER
19	EIRST READING AND PRIOR TO FINAL ADOPTION OF THE CODE. AT
20	LEAST ONE COPY OF THE CODE, POBLION, OR AMENDMENT, WHICH IS
21	INCORPORATED OR ADOPTED BY REFERENCE SHALL BE FILED IN THE
22	DEFICE DE THE CLERK DE THE GOVERNING BODY AND THERE KEPI
23	AVAILABLE FOR PUBLIC USE. INSPECTION. AND EXAMINATION. THE
24	FILING_REQUIREMENTS_HEREIN_PRESCRIBED_SHALL_NOT_BE
25	CONSIDERED TO BE COMPLIED WITH UNLESS THE REQUIRED COPIES OF

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1	INE_CODESS_PORTIONS_AMENDMENTS OR PUBLIC RECORD ARE FILED
ž	NITH THE CLERK OF THE GUVERNING BODY FOR A PERIOD OF 30 DAYS
3	PRIOR TO FINAL ADOPTION OF THE ORDINANCE WHICH INCORPORATES
4	THE CODE. PORIION. OR AMENDMENT BY REFERENCE.
5	(2) THE GOVERNING BODY MAY ADOPT OR AMEND & CODE BY
6	REEERENCE_BY_AN_EMERGENCY_DRDINANCE_AND_WIIHOUI_NDIICEIHE
7	EHERGENCYORDINANCEISAUIOMATICALLY_REPEALED_90_DAYS
6	FULLOWINGIIS_ADOPTION_ANDCANNOTBEREENACTEDASAN
9	EMERGENCY_ORDINANCE.
10	(3) THE PROCESS EDR REPEALING AN ORDINANCE WHICH
11	ADOPIED OR AMENDED A CODE BY REFERENCE SHALL BE THE SAME AS
12	FOR REPEALING ANY OTHER ORDINANCE.
13	(4) THE FILING REQUIREMENT OF SUBSECTION (1) DF THIS
14	SECTION SHALL BE COMPLIED WITH IN ADOPTING AMENDMENTS TO
15	<u>CODES</u>
16	(5) ANY ORDINANCE ADOPTING A CODE, PORTION, OR
17	<u>AMENDMENT_BY_BEFERENCE_SHALL_STATE_THE_PENALTY_FOR_VIOLATING</u>
18	IHE CODE, PORTION, OR AMENDMENT, OR ANY PROVISION THEREOF
19	SEPAKATELY, AND NO PART OF ANY PENALTY SHALL BE INCORPORATED
20	BY_BEEERENCE
21	(6) EQB_PURPOSES DE THIS SECTION. CODE HEANS ANY
22	<u>PUBLISHED_COMPILATION_OF_RULES_WHICH_HASBEENPREPAREDBY</u>
23	VARIOUSTECHNICALTRADEASSOCIATIONSMODELCODE
24	QKGANIZATIONS, FEDERAL AGENCIES, OR THIS STATE OB ANY AGENCY
25	THEREOF: AND SHALL INCLUDE SPECIFICALLY BUT SHALL NOT BE

1	LIMITED TO: TRAFFIC CODES, BUILDING CODES, PLUMBING CODES,
2	ELECTRICAL WIRING CODES. HEALTH DR. SANIIATION. CODES. FIRE
3	PREVENTION CODES. INFLAMMABLE LIQUIDS CODES. TOGETHER WITH
4	ANY DIHER CODE WHICH EMBRACES BULES PERTINENT TO A SUBJECT
5	HHICH_IS_A_PROPER_LOCAL_GOVERNMENT_LEGISLATIVE_MATTER.
6	SECTION 7. PENALTY FOR VIOLATION OF ORDINANCE. A
7	LUCAL GOVERNMENT MAY FIX PENALTIES FOR THE VIOLATION OF AN
8	<u>URDINANCEWHICH_DONOT_EXCEED_A_FINE_DE_\$500_OR_6_MONTHS!</u>
9	IMPRISUMMENT OR BOTH THE FINE AND IMPRISONMENT.
10	SECTION 8. RESOLUTION REQUIREMENTS (1) ALL
11	RESOLUTIONS SHALL BE SUBMITTED IN THE FORM PRESCRIBED BY
12	RESOLUTION DE THE GOVERNING BODY.
13	(2) RESOLUTIONS MAY BE SUBMITTED AND ADDPIED AT A
14	SINGLE MEETING OF THE GOVERNING BODY.
15	(3) IF THE PLAN OF GOVERNMENT ALLOWS THE EXECUTIVE TO
16	YELD RESOLUTIONS + THIS POWER MUST BE IMMEDIATELY EXERCISED
17	IN WRITING AT THE SAME MEETING. IF THE EXECUTIVE FAILS TO
18	ACI. THE RESOLUTION SHALL BE APPROVED. IF THE EXECUTIVE
19	VETUES A RESOLUTION. THE GOVERNING BODY MUST ACT AT THE SAME
2 Ŭ	MEETING_OR_IIS_NEXT_REGULARLY_SCHEDULED_MEETING_IQ_EIIHER
21	OVERBIDE DR CONFIRM THE VETO.
22	(4)AETER_PASSAGE_AND_APPROVALALL_RESOLUTIONSSHALL
23	BE ENTERED INTO THE MINUTES AND SIGNED BY THE CHAIRPERSON OF
24	IHE_GDYERNING_BODY.
25	(>)ALLRESOLUTIONSSHALLBEIMMEDIATELY_EFFECTIVE

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1	UNLESS A DELAYED EFFECTIVE DATE IS SPECIFIED.
2	SECTION 9. INITIATIVE AND REFERENCUM. (1) THE POWERS
3	UE INITIATIVE AND REFERENCUM ARE RESERVED TO THE ELECTORS OF
4	EACH LOCAL GOVERNMENT . RESOLUTIONS AND OBDINANCES WITHIN THE
5	LEGISLATIVE JURISDICTION AND POWER OF THE GOVERNING BODY OF
б	THE LUCAL GOVERNMENT. EXCEPT THOSE SET OUT IN SUBSECTION (2)
7	OF THIS SECTION. MAY BE PROPOSED OR AMENDED AND PRIOR
8	RESULUTIONS AND ORDINANCES MAY BE REPEALED IN THE MANNER
9	PROVIDED IN THIS SECTION.
10	(2) THE POWERS OF INITIATIVE SHALL NOT EXTEND TO THE
11	EOLLOWING:
12	(A)THE_ANNUAL_BUDGET:
13	(B)PROPERTY_TAX_LEVIES:
14	(C) BOND PROCEEDINGS: EXCEPT FOR ORDINANCES
15	AUTHORIZING_BUNDS.
15	(D) THE ESTABLISHMENT AND COLLECTION DE CHARGES
17	PLEDGED_EOK_THE_PAYMENT_DE_PRINCIPAL_AND_INTEREST_ON_BONDS:
18	<u>OK</u>
19	(E) THE LEVY OF SPECIAL ASSESSMENTS PLEDGED FOR THE
20	PAYMENT UP PRINCIPAL AND INTEREST ON BONDS.
21	(3) THE ELECTORS MAY INITIATE AND AMEND ORDINANCES AND
22	<u>REQUIRE SUBMISSION OF EXISTING ORDINANCES TO A VOTE OF THE</u>
23	PEOPLE BY PETITION. IF SUBMITTED PRIOR ID. THE URDINANCE'S
24	EFFECTIVE DATE: A PETITION REQUESTING A REFERENDUM ON THE
25	ORDINANCE_SHALL_DELAY_THE_ORDINANCE'S_EFFECTIVEDATEUNIIL

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1	IHE ORDINANCE IS RATIFIED BY THE ELECTORS. A PETITION
2	REQUESTING A REFERENDUM ON AN EMERGENCY ORDINANCE FILED
3	HITHIN 30 DAYS DE IIS EFFECTIVE DATE SHALL SUSPEND THE
4	ORDINANCE_UNTIL_RATIFIED_BY_THE_ELECTORS.
5	(4)IHE_GOVERNING_BODY_MAY_REFER_EXISTING_ORPROPOSED
6	DEDINANCES TO A VOTE OF THE PEOPLE BY RESOLUTION.
7	(5) A PETITION OR RESOLUTION FOR INITIATIVE OR
8	REFERENDUM_SHALL:
9	(A)EMBRACE_ONLY_A_SINGLE_COMPREMENSIVE_SUBJECT:
10	(B) SET OUT FULLY THE ORDINANCE SOUGHT BY PETITIONERS.
11	OR_IN_INE_CASE_OF_AN_AMENDMENT: SET_OUT_FULLY_THEORDINANCE
12	SOUGHT_IQ_BE_AMENDED_AND_THE_PROPOSED_AMENDMENT+_DR_IN_THE
13	CASE OF REFERENDUM, SET OUT THE ORDINANCE SOUGHT TO BE
14	REPEALED: AND
15	(C) CONTAIN THE SIGNATURES OF 153 OF THE ELECTORS OF
16	IHE_LOCAL_GOVERNMENT.
17	(6) (A) THE GOVERNING BODY MAY. WITHIN 60 DAYS OF
18	RECEIVING_INE_PETITION:_IAKE_INE_ACTION_CALLED_FOR_IN_THE
19	PEIITION. IF THE ACTION IS TAKEN. THE QUESTION NEED NOT BE
20	SUBMITTED TO THE ELECTORS.
21	(3) IE THE GOVERNING BODY DOES NOT, WITHIN 60 DAYS,
22	TAKE THE PROPOSED ACTION: THEN THE QUESTION SHALL BE
23	SUBMITTED TO THE ELECTORS AT THE NEXT SCHOOL, PRIMARY, OR
24	GENERAL ELECTION OB A SPECIAL ELECTION CALLED FOR THAT
25	PUREUSE. BEFORE SUBMITTING THE QUESTION TO THE ELECTORS. THE

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1	GOVERNING BODY MAY DIRECT THAT A SUIT BE BROUGHT IN DISTRICT
2	COURT BY THE LOCAL SOVERNMENT TO DETERMINE WHETHER THE
3	PETITION IS REGULAR IN FORM+ HAS SUFFICIENT SIGNATURES+ AND
4	HEETHERIHEPROPOSEDACTIONWOULDBEVALIDAND
5	CONSILIUIIONAL.
6	(CLIHE_COMPLAINT_SHALL_NAME_ASDEFENDANTSNOTLESS
7	IHAN 10 OR MORE THAN 20 OF THE PETITIONERS. IN ADDITION TO
8	THE NAMES OF THE DEFENDANTS. TO THE CAPTION OF THE COMPLAINT
9	THERE SHALL BE ADDED THE WORDS: "AND ALL PETITIONERS WHOSE
10	NAMES_APPEAR_ON_THE_PETITION_FOR_AN_DRDINANCE_FILED_ON_THE
11	ARAAA DAY OF ARAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
12	DATE OF FILING, THE SUMMONS SHALL BE SIMILARLY DIRECTED AND
13	SHALL_BE_SERVED_ON_THE_DEFENDANTS_NAMED_THEREIN+_AND_IN
14	AQUITION_SHALL_BE_PUBLISHED.
15	(D) IE AN ORDINANCE IS REPEALED OR ENACTED PURSUANT TO
16	A PROPOSAL INITIATED BY THE ELECTORS DE A LOCAL GOVERNMENT.
17	THE GOVERNING BODY MAY NOT FOR 2 YEARS REENACT OR REPEAL THE
18	ORDINANCE. IF DURING THE 2-YEAR PERIOD THE GOVERNING BODY
19	ENALTS AN ORDINANCE SIMILAR TO THE ONE REPEALED PURSUANT TO
20	AREFERENDUM_OF_THE_ELECTORS; A_SUIT_MAY BE_BROUGHT_TO
21	DELERMINE WHETHER THE NEW ORDINANCE IS A REENACTMENT WITHOUT
22	MATERIAL CHANGE OF THE REPEALED ORDINANCE. THIS SECTION
23	SHALL NOT PREVENT EXERCISE OF THE INITIATIVE, AT ANY TIME.
24	IU PROCUBE A REENACTMENT OF AN ORDINANCE REPEALED PURSUANT
25	IU_RECERENDUM_OF_THE_ELECTORS.

1	(1)_(A) ANY OBDINANCE PROPOSED BY PETITION OB ANY
2	AMENDED_ORDINANCE_PROPOSED_BY_PETITION_OR_ANY_REFERENDUM_ON
3	AN URDINANCE HHICH IS ENTITLED TO BE SUBMITTED TO THE
4	ELECTORS SHALL BE VOTED ON AT THE NEXT REGULAR ELECTION. TO
5	BE HELD IN THE LOCAL GOVERNMENT UNLESS:
5	(1)THEPETITIONASKS_THAT_THE_QUESTION_BE_SUBMITTED
7	AT A SPECIAL ELECTION AND IS SIGNED BY AT LEAST 253 OF THE
8	ELECTORSOFTHE_LOCAL_GOVERNMENT+_IN_WHICH_CASE_THE
9	GOVERNING BODY SHALL CALL A SPECIAL ELECTION: OR
10	(II) THE GOVERNING BODY CALLS FOR A SPECIAL ELECTION ON
11	THE QUESTION.
12	(B)IE_THE_ADEQUACY_OF_THE_PETITION_ISDETERMINEDBY
13	THE ELECTIONS ADMINISTRATOR LESS THAN 45 DAYS PRIOR TO THE
14	NEXT_REGULAR_ELECTION: THE_ELECTION_SHALL_BEDELAYEDUNTIL
15	THE FOLLOWING REGULAR ELECTION. UNLESS A SPECIAL ELECTION IS
16	CALLED
17	(C)WHENEVERA_MEASURE_IS_READY_EOR_SUBMISSION_TO_THE
18	ELECTORS. THE APPROPRIATE ELECTION OFFICIAL SHALL. IN
19	WRITING. NOTIFY_THE_GOVERNING_BODY_AND_SHALL_PUBLISH_NOTICE
20	GE_THE_ELECTION_AND_THE_ORDINANCE_WHICH_IS_TO_BE_PROPOSED_OR
21	AMENDED. IN THE CASE OF BEFERENDUM. THE ORDINANCE SOUGHT TO
22	BE_REPEALED_SHALL_BE_PUBLISHED.
23	(9) THE QUESTION SHALL BE PLACED ON THE BALLOT GIVING
24	INE ELECTORS A CHOICE BEIWEEN ACCEPTING OR REJECTING THE
25	PROPUSAL

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1	(E) IF A MAJORITY OF THOSE VOTING FAVOR THE PROPOSAL.
2	II_BECOMES_EFFECTIVE_WHEN_IHE_ELECTION_RESULTS_ARE
3	GEEICIALLY DECLARED. UNLESS GTHERWISE STATED IN THE
4	PROPOSAL
5	<u>SECTION_10DETERMINATION_DE_THE_NUMBER_DESIGNATURES</u>
6	REQUIRED FOR A PETITION. IN ORDER TO DETERMINE THE NUMBER OF
7	SIGNATURES_NEEDED_ON_A_PETITION_TO_MEET_THE_PERCENTAGE
8	REQUIREMENTS OF THIS ACT. THE NUMBER OF ELECTORS SHALL BE
9	THE NUMBER OF INDIVIOUALS REGISTERED TO VOTE AT THE LAST
10	PRECEDING GENERAL ELECTION FOR THE LOCAL GOVERNMENT.
11	SECTION 11. OPERATION OF CONSOLIDATED UNITS. OF LOCAL
12	GOVERNMENI. (1) WHENEVER EXISTING LAW CONTAINS DIFFERENT
13	PROVISIONS AND PROCEDURES FOR THE FUNCTIONING OF COUNTIES
14	ANDMUNICIPALITIES. INCLUDING BUT NOT LIMITED TO SUCH AREAS
15	AS ELECTION PROCEDURES. ISSUANCE OF BONDS. ADOPTION OF
16	BUDGETS, CREATION DE SPECIAL DISTRICTS, LEVYING OF TAXES.
17	AND PROVISION OF SERVICES, THE GOVERNING BODY OF A
18	CONSOLIDATED_UNIT_OF_LOCAL_GOVERNMENT_WHICH_CONTAINS_AT
19	LEAST ONE COUNTY AND ONE MUNICIPALITY SHALL. BY ORDINANCE.
20	ADDEL_EITHER_THE_COUNTY_OR_MUNICIPALITY_PROVISIONS. THE
21	URDINANCE MAY PROVIDE FOR NECESSARY CHANGES IN THE STATUTES
22	10 ACCOMMODATE THE STRUCTURE OF THE CONSOLIDATED UNIT. THIS
23	SUBSECTION APPLIES ID SELE-GOVERNMENT CONSOLIDATED UNITS
24	GALY IN THOSE ABEAS WHERE SUCH UNITS ARE SUBJECT TO STATE
25	LAN UNDER 474-1-201 INROUGH 474-7-204.

1	(2) A COMBINATION OF COUNTY AND MUNICIPAL OFFICES IN A
2	CONSOLIDATED_UNIT_MAY_BE_ACCOMPLISHED_BY_ORDINANCEWHENEVER
3	SUCH_A_COMBINATION_IS_NECESSARY_EOR_CARRYING_OUT_A_DUTY
4	ASSIGNED BY STATE LAW TO THE LOCAL GOVERNMENT. WHENEVER
5	STATE LAN IMPOSES A DUTY UPON A SPECIFIC DEFICIAL OR
6	EMPLOYEE JE & LOCAL GOVERNMENT AND THE LOCAL GOVERNMENT
7	UNDERIIS_ADOPTED_ALLERNATIVE_FORM_OF_GOVERNMENT_DOES_NOT
8	HAVE SUCH AN OFFICIAL OR EMPLOYEE. THE GOVERNING BODY MAY BY
ų	ORDINANCE ASSIGN THAT DUTY TO THE APPROPRIATE OFFICIAL OR
10	EMPLOYEE OF THE LOCAL GOVERNMENT.
11	SECTION 12. SECTION 23 OF CHAPTER 513 OF LAWS, 1975.
12	IS_AMENDED_TO_READ_AS_EOLLOWS:
13	"Section 23. Automatic repealer. This act <u>. except_for</u>
14	sections 4. 6. 14. 15. 16. and 17. terminates on June 30.
15	1977."
16	SECTION 13. SCOPE OF ACT. WHENEVER THE PROVISIONS OF
17	THIS ACT CONFLICT WITH THE PROVISIONS OF OTHER LAWS RELATED
18	IU LOLAL GOVERNMENT. THE PROVISIONS OF THIS ACT PREVAIL.
19	SECTION 14. DEFINITION. AS USED IN THIS ACT. "CHIEF
20	EXECUTIVE"MEANSTHEELECTEDEXECUTIVEINA_GOVERNMENT
21	ADDPLING THE COMMISSION-MANAGER FORM. THE CHAIRMAN IN A
22	GOVERNMENT ADOPTING THE COMMISSION-CHAIRMAN FORM, THE TOWN
23	CHAIRMAN IN GOVERNMENT ADOPTING THE TOWN MEETING FORM: THE
24	CONMISSION ACTING AS A BODY IN A GOVERNMENT AUOPTING THE
25	COMMISSION_EORM+_OR_THE_GEFICER_OR_OFFICERS_SO_DESIGNATED_IN

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1 IHE CHARIER IN A GOVERNMENT ADOPTING A CHARIER.

2 SELIION 15. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY

3 1. 1977.

-End-

45th Legislature

SB 0445/04

Approved by Comm. on Local Government

SECOND READING Second Printing

1 SENATE BILL ND. 445 2 INTRODUCED BY LOCKREM 3 A BILL FUR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR 4 5 NUNPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF SELF-GOVERNMENT CHARTERS OR ADOPTED ALTERNATIVE FORMS OF 6 LOCAL GOVERNMENT, TO PROVIDE FOR ENACTMENT OF ORDINANCES AND 7 8 RESOLUTIONS. TO PROVIDE FOR LOCAL GOVERNMENT INITIATIVE AND 9 REFERENDUM+ TO PROVIDE FOR THE OPERATION OF CONSOLIDATED UNITS OF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND 10 CLARIFY LOCAL GOVERNMENT LAWS: AMENDING SECTION 23 DF 11 CHAPTER 513 OF LAWS+ 1975: AND PROVIDING AN EFFECTIVE DATE." 12 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 Section 1. Nonpartisan nomination. (1) Each candidate 16 for a nonpartisan primary election shall send a declaration 17 of nomination, as prescribed in 23-3304, to the appropriate 18 election official of the local government in which he seeks office not later than 5 p.m. 40 days prior to the date of 19 the primary election. THE DECLARATION SHALL BE ACCOMPANIED 20 BY A PETITION SIGNED BY AT LEAST 25 ELECTORS OF THE LOCAL 21 22 GOVERNMENT REQUESTING THE CANDIDACY. 23 (2) A candidate successfully completing the 24 requirements of this section shall have his name entered on 25 the nonpartisan primary election ballot as provided in

1 [section 2].

2 Section 2. Nonpartisan primary ballot and election. 3 (1) Except as otherwise provided in this section, a 4 nonpartisan primary election shall be conducted, canvassed, 5 and its results returned in the same manner as a partisan 6 primary election.

7 (2) Ballots in a nonpartisan primary election shall
8 contain only the name of the candidate and the office to
9 which the candidate seeks election.

10 (3) Electors voting at a nonpartisan primary election
11 may vote for the number of candidates to be elected to each
12 office.

13 (4) If the number of candidates to be entered on the 14 nonpartisan primary ballot for each office does not exceed twice the number of candidates to be elected for the 15 respective offices, a nonpartisan primary election shall not 16 17 be held in that year and all candidates entered on the 18 nonpartisan primary ballot shall be considered nominated for 19 their respective offices and shall have their names placed 20 on the nonpartisan general election ballot. If the number of 21 candidates to be entered on the nonpartisan primary ballot 22 for any particular office does exceed twice the number of 23 persons to be elected to that office, a primary election 24 shall be held for all offices to be voted on at the general 25 election.

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1 (5) Candidates for nomination, equal to twice the 2 number to be elected at the nonpartisan general election for 3 that office, who receive the highest number of votes cast at 4 the nonpartisan primary or nominees determined under 5 subsection (4) of this section are nominees for office and 6 shall have their names entered on the nonpartisan general 7 election ballot.

8 (6) In municipalities with a population of 3:500 or
9 less, a primary election is not required and candidates
10 shall have their names entered on the general election
11 ballot by filing a declaration of nomination not later than
12 5 p.m. 40 days before the date of the election.

13 Section 3. Nonpartisan general elections. A
14 nonpartisan general election shall be conducted, canvassed,
15 and its results returned in the same manner as a partisan
16 general election except that party designation may not
17 appear on the ballot.

18 Section 4. Amendment of self-coverament charters OR 19 ADDPTED ALTERNATIVE FORMS OF GOVERNMENT. (1) An amendment to a self-government charter OR_AN_ADOPIED_ALTERNATIVE_FORM_OF 20 **Z**1 GOVERNMENI may only be made by submitting the question of 22 amendment to the electors of the local government. To be effective, a proposed amendment must receive an affirmative 23 24 vote of a majority of the electors voting on the question. 25 An amendment approved by the electors becomes effective on

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the first day of the local government fiscal year following
 the fiscal year of approval unless the question submitted to
 the electors provides otherwise.

(2) An amendment to a self-government charter OR AN 4 5 ADOPTED. ALTERNATIVE _FORM _OF GOVERNMENT may be proposed by 6 initiative by petition of 15% of the electors of the local 7 government or by ordinance enacted by the governing body. The question on charter amendment OF A CHARTER OR AN ADOPTED 8 ALTERNATIVE FORM OF GOVERNMENT shall be submitted to the 9 electors as soon as possible after the submission of a 10 11 peti ion or enactment of a resolution, either at a regularly scheduled election or at a special election. 12 13 (3) The local government, by ordinance, may provide 14 procedures for the submission and verification of initiative 15 petitions. SECTION 5. ORDINANCE REQUIREMENTS. (1) ALL ORDINANCES 16

17 SHALL BE SUBMITTED IN WRITING IN THE FORM PRESCRIBED BY

18 RESOLUTION OF THE GOVERNING BODY.

19 <u>(2) NO ORDINANCE PASSED SHALL CONTAIN MORE THAN ONE</u> 20 COMPREHENSIVE SUBJECT WHICH SHALL BE CLEARLY EXPRESSED IN

21 ITS TILLES EXCEPT ORDINANCES FOR CODIFICATION AND REVISION

22 DE ORDINANCES.

 23
 131
 AN
 ORDINANCE
 MUST
 BE
 READ
 AND
 ADDPTED
 BY
 A

 24
 MAJORITY_VOTE OF
 MEMBERS
 PRESENT
 AT
 TWO
 MEETINGS
 OF
 THE

 25
 GOVERNING BODY_NOT_LESS
 THAN_12_DAYS
 APARTA
 AFTER THE FIRST

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1	ADOPTION AND READING. IT MUST BE POSTED AND COPIES MADE
2	AVAILABLE TO THE PUBLIC.
3	(4) IN THE EVENT OF AN EMERGENCY. THE GOVERNING BODY
4	MAY WAIVE THE SECOND READING. AN ORDINANCE PASSED IN
5	RESPONSE TO AN EMERGENCY SHALL RECITE THE FACTS GIVING RISE
6	TO THE EMERGENCY AND REQUIRES A INO-THIRDS VOTE OF THE WHOLE
7	GOVERNING BODY FOR PASSAGE. AN EMERGENCY ORDINANCE SHALL BE
8	EFFECTIVE ON PASSAGE AND APPROVAL AND SHALL REMAIN EFFECTIVE
9	EOR NO NORE THAN 90 DAYS.
10	15) AFTER PASSAGE AND APPROVAL, ALL ORDINANCES SHALL
11	BE SIGNED BY THE CHAIRMAN OF THE GOVERNING BODY AND FILED
12	WITH THE OFFICIAL OR EMPLOYEE DESIGNATED BY ORDINANCE TO
13	KEEP THE REGISTER OF ORDINANCES.
14	(6) NO ORDINANCE OTHER THAN AN EMERGENCY ORDINANCE
15	SHALL BE EFFECTIVE UNTIL 30 DAYS AFTER SECOND AND FINAL
16	ADOPTION. THE ORDINANCE MAY PROVIDE FOR A DELAYED EFFECTIVE
17	DATE OR MAY PROVIDE FOR THE ORDINANCE TO BECOME EFFECTIVE
18	UPON THE FULFILLMENT OF AN INDICATED CONTINGENCY.
19	(7) IF THE PLAN DF GOVERNMENT ALLOWS THE CHIEF
20	EXECUTIVE TO VETO AN ORDINANCE. THIS POWER MUST BE EXERCISED
21	IN WRITING PRIOR TO ITS NEXT REGULARLY SCHEDULED MEETING OF
22	THE GOVERNING BODY, WHENEVER THE CHIEF EXECUTIVE VETOES AN
23	ORDINANCE. THE GOVERNING BODY MUST ACT AT THE NEXT REGULARLY
24	SCHEDULED MEETING TU EITHER OVERRIDE OR CONFIRM THE VETO.
25	HHENEVER THE VETO IS OVERRIDDEN OR THE EXECUTIVE FAILS TO

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1	ACT::THE ORDINANCE SHALL TAKE EFFECT.
2	(8) THERE SHALL BE MAINTAINED A REGISTER OF ORDINANCES
3	IN WHICH ALL ORDINANCES ARE ENTERED IN FULL AFTER PASSAGE
4	AND APPROVAL. EXCEPT WHEN A CODE IS ADOPTED BY REFERENCE.
5	HHEN A CODE IS ADOPTED BY REFERENCE. THE DATE AND SOURCE OF
6	THE CODE SHALL BE ENTERED.
7	191 (A) NO LATER THAN 1980 AND AT 5-YEAR INTERVALS
8	THEREAFIER APPROPRIATE ORDINANCES SHALL BE COMPILED INTO A
9	UNIFORM CODE AND PUBLISHED.
10	(B) THE RECODIFICATION IS NOT EFFECTIVE UNTIL APPROVED
11	BY THE GOVERNING BODY.
12	(10) THIS SECTION MERELY PROVIDES A PROCEDURE FOR THE
13	ADOPTION OF ORDINANCES. AND SHALL NOT BE CONSTRUED AS
14	GRANTING AUTHORITY TO ADOPT ORDINANCES.
15	SECTION 6. ADOPTION AND AMENDMENT OF CODES BY
16	REFERENCE, (1) ANY LOCAL GOVERNMENT MAY ADOPT OR REPEAL AN
17	ORDINANCE WHICH INCORPORATES BY REFERENCE THE PROVISIONS OF
18	ANY CODE OR PORTIONS OF ANY CODE, OR ANY AMENDMENT THEREOF.
19	PROPERLY IDENTIFIED AS TO DATE AND SOURCE, WITHOUT SETTING
20	EORTH THE PROVISIONS OF THE CODE IN FULL. NOTICE OF THE
21	INTENT TO AUGPT A CODE BY REFERENCE SHALL BE PUBLISHED AFTER
22	EIRST READING AND PRIJE TO FINAL ADOPTION OF THE CODE. AT
23	LEAST ONE COPY OF THE CUDE. PORTION. OR AMENDMENT WHICH IS

- INCORPORATED OR ADOPTED BY REFERENCE SHALL BE FILED IN THE
- DEFICE OF THE CLERK OF THE GOVERNING BODY AND THERE KEPT

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1	AVAILABLE FOR PUBLIC USE, INSPECTION, AND EXAMINATION, THE
2	FILING_REQUIREMENTS_HEREIN_PRESCRIBED_SHALL_NOT_BE
3	CONSIDERED TO BE COMPLIED WITH UNLESS THE REQUIRED COPIES OF
4	THE CODES. PORTION. AMENDMENT, OR PUBLIC RECORD ARE FILED
5	NITH THE CLERK OF THE GOVERNING BODY FOR A PERIOD OF 30 DAYS
6	PRIOR ID FINAL ADOPTION OF THE ORDINANCE WHICH INCOMPORATES
7	THE CODE PORTION OR AMENDMENT BY REFERENCE.
8	(2) THE GOVERNING BODY MAY ADOPT UR AMEND A CUDE BY
9	REFERENCE BY AN EMERGENCY ORDINANCE AND WITHOUT NOTICE. THE
10	EMERGENCYORDINANCEISAUTOMATICALLY_REPEALED_90_DAYS
11	FOLLOHING_IIS_ADOPTION_AND_CANNOI_BE_REENACIED_AS_AN
12	EMERGENCY_OBDINANCE.
13	(3) THE PROCESS FOR REPEALING AN ORDINANCE WHICH
14	ADOPTED OR AMENDED A CODE BY REFERENCE SHALL BE THE SAME AS
15	FOR REPEALING ANY OTHER ORDINANCE.
16	(4) THE EILING REQUIREMENT OF SUBSECTION (1) OF THIS
17	SECTION_SHALL BE COMPLIED WITH IN ADOPTING AMENDMENTS TO
18	CODES.
19	(5) ANY ORDINANCE ADOPTING A CODE, PORTION, OR
20	AMENDMENT BY REFERENCE SHALL STATE THE PENALTY FOR VIOLATING
21	THE CODE. PORTION. OR AMENDMENT. OR ANY PROVISION THEREOF
22	SEPARATELY. AND NO PART OF ANY PENALTY SHALL BE INCORPORATED
23	BY_REFERENCE.
24	(6) FOR PURPOSES OF THIS SECTION. "CODE" HEANS ANY
25	PUBLISHED COMPILATION OF RULES WHICH HAS BEEN PREPARED BY

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1	VARIOUS TECHNICAL TRADE ASSOCIATIONS, MODEL CODE
2	ORGANIZATIONS: FEDERAL AGENCIES, OR THIS STATE OR ANY AGENCY
3	THEREOF: AND SHALL INCLUDE SPECIFICALLY BUT SHALL NOT BE
4	LIMITED TO: TRAFFIC CODES. BUILDING CODES. PLUNBING CODES.
5	ELECTRICAL WIRING CODES. HEALTH OR SANITATION CODES. FIRE
6	PREVENTION_ CODES. INFLAMMABLE LIQUIDS CODES. TOGETHER WITH
7	ANY OTHER CODE WHICH EMBRACES RULES PERTINENT TO A SUBJECT
8	WHICH IS A PROPER LOCAL GOVERNMENT LEGISLATIVE MATTER.
9	SECTION 7. PENALTY FOR VIOLATION OF ORDINANCE. A
10	LOCAL GOVERNMENT MAY FIX PENALTIES FUR THE VIOLATION OF AN
11	ORDINANCE WHICH DO NOT EXCEED A FINE OF \$500 DR 6 MONTHS!
12	IMPRISONMENT OR BOTH THE FINE AND IMPRISONMENT.
13	SECTION 8. RESOLUTION REQUIREMENTS. (1) ALL
14	RESOLUTIONS SHALL BE SUBMITTED IN THE FORM PRESCRIBED BY
15	RESOLUTION_OF_THE_GOVERNING_BODY.
16	(2) RESOLUTIONS MAY BE SUBMITTED AND ADOPTED AT A
17	SINGLE MEETING OF THE GOVERNING BODY.
18	(3) IF THE PLAN OF GOVERNMENT ALLOWS THE EXECUTIVE TO
19	YETO RESOLUTIONS. THIS POWER MUST BE IMMEDIATELY EXERCISED
20	IN WRITING AT THE SAME MEETING. IF THE EXECUTIVE FAILS TO
21	ACT, THE RESOLUTION SHALL BE APPROVED. IF. THE EXECUTIVE
22	VETOES A RESOLUTION: THE GOVERNING BODY BUST ACT AT THE SAME
23	MEETING OR ITS NEXT REGULARLY SCHEDULED MEETING TO EITHER
24	OVERRIDE OR CONFIRM THE VETO.
25	143_AFTER_PASSAGE_AND_APPROVAL+_ALL_RESOLUTIONSSHALL

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1 <u>BE ENTERED INTO THE MINUTES AND SIGNED BY THE CHAIRPERSON</u>	<u>OE</u>
2 IHE GOVERNING BODY.	
3 (5) ALL RESOLUTIONS SHALL BE IMMEDIATELY EFFECT	IVE
4 UNLESS A DELAYED EFFECTIVE DATE IS SPECIFIED.	
5 SECTION 2. INITIATIVE AND REFERENDUM. (1) THE POW	<u>ERS</u>
6 <u>CE INITIATIVE AND REFERENDUM ARE RESERVED TO THE ELECTORS</u>	OF
7 EACH LOCAL GOVERNMENT. RESOLUTIONS AND ORDINANCES WITHIN	<u>The</u>
8 LEGISLATIVE JURISDICTION AND POWER OF THE GOVERNING BODY	<u>0</u> E
9 THE LOCAL GOVERNMENT. EXCEPT THOSE SET OUT IN SUBSECTION	(2)
10 <u>OF THIS SECTION: MAY BE PROPOSED OR AMENDED AND PR</u>	IOR
11 RESOLUTIONS AND URDINANCES MAY BE REPEALED IN THE MAN	NER
12 PROVIDED IN THIS SECTION.	
13 (2) THE POWERS OF INITIATIVE SHALL NOT EXTEND TO	IHE
14 <u>FOLLOHING:</u>	
15 (A) THE ANNUAL BUDGET:	
16 (B) PROPERTY IAX LEVIES:	
17 (C) BOND PROCEEDINGS. EXCEPT FOR GRDINAN	CES
18 AUTHORIZING_BONDS.	
19 <u>(D) THE ESTABLISHMENT AND COLLECTION OF CHAR</u>	GES
20 PLEDGED. FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BON	<u>DS:</u>
21 <u>OR</u>	
22 (E) THE LEVY DE SPECIAL ASSESSMENTS PLEDGED FOR	THE
23 PAYMENT OF PRINCIPAL AND INTEREST ON BONDS.	
24 (3) THE ELECTORS MAY INITIATE AND AMEND ORDINANCES	AND
25 REQUIRE SUBMISSION OF EXISTING ORDINANCES TO A VOTE OF	IHE
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1	PEOPLE BY PETITION. IF SUBMITTED PRIOR TO THE ORDINANCE'S
2	EFFECTIVE DATE. A PETITION BEQUESTING A REFERENDUM ON THE
3	CROINANCE_SHALL_DELAY_THE_ORDINANCE'S_EFFECTIVEDATEUNTIL
4	THE ORDINANCE IS RATIFIED BY THE ELECTORS. A PETITION
5	REQUESTING A REFERENDUM ON AN EMERGENCY ORDINANCE FILED
6	WITHIN 30 DAYS OF ITS EFFECTIVE DATE SHALL SUSPEND THE
7	ORDINANCE UNTIL RATIFIED BY THE ELECTORS.
8	141 THE GOVERNING BODY MAY REFER EXISTING OR PROPOSED
9	ORDINANCES TO A VOTE OF THE PEOPLE BY RESOLUTION.
10	15) A PETITION OB RESOLUTION FOR INITIATIVE OR
11	REFERENCUM SHALL:
12	(A)EMBRACE_ONLY_A_SINGLE_COMPREHENSIVE_SUBJECT:
13	(B) SET OUT FULLY THE ORDINANCE SOUGHT BY PETITIONERS.
14	OR IN THE CASE OF AN AMENDMENT. SET OUT FULLY THE ORDINANCE
15	SOUGHT TO BE AMENDED AND THE PROPOSED AMENDMENT, OR IN THE
16	CASE OF REFERENDUM. SET OUT THE ORDINANCE SOUGHT TO BE
17	REPEALED: AND
18	ICI CONTAIN THE SIGNATURES OF 15% OF THE ELECTORS OF
19	THE LOCAL GOVERNMENT.
20	(6) (A) THE GOVERNING BODY MAY, NITHIN 60 DAYS OF
21	RECEIVING THE PETITION. TAKE THE ACTION CALLED FOR IN THE
22	PEILIION. IF THE ACTION IS TAKEN. THE QUESTION NEED NOT BE
23	SUBMITIED_TO_THE_ELECTORS.
24	(B)IFIHEGOVERNINGBODY_DOES_NOT. WITHIN 60 DAYS.
25	TAKE THE PROPOSED ACTION. THEN THE QUESTION SHALL BE

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1	SUBMITTED TO THE ELECTORS AT THE NEXT SCHOOL PRIMARY. DR
2	GENERAL ELECTION OR A SPECIAL ELECTION CALLED FOR THAT
3	PURPOSE. DEFORE SUBMITTING THE QUESTION TO THE ELECTORS. THE
4	GOVERNING RODY MAY DIRECT THAT A SUIT BE BROUGHT IN DISTRICT
5	COURT BY THE LOCAL GOVERNMENT TO DETERMINE WHETHER THE
6	PETITION IS REGULAR IN FORM. HAS SUFFICIENT SIGNATURES. AND
7	HHETHER THE PROPOSED ACTION WOULD BE VALID AND
3	CONSTITUTIONAL.
9	(C) THE COMPLAINT SHALL NAME AS DEFENDANTS NOT LESS
10	THAN 10 OR MORE THAN 20 OF THE PETITIONERS, IN ADDITION TO
11	THE NAMES OF THE DEFENDANTS. TO THE CAPTION OF THE COMPLAINT
12	THERE SHALL BE ADDED THE WORDS: "AND ALL PETITIONERS WHOSE
13	NAMES APPEAR ON THE PETITION FOR AN ORDINANCE FILED ON THE
14	DARRO DAY OF REFERENCE IN THE YEAR REPORTS STATING THE
15	DATE OF FILING. THE SUMMONS SHALL BE SIMILARLY DIRECTED AND
16	SHALL_BE_SERVED_ON_THE_DEFENDANTS_NAMED_IMEREIN+_AND_IN
17	ADDITION SHALL BE PUBLISHED.
18	10) IF AN ORDINANCE IS REPEALED OR ENACTED PURSUANT TO
19	A PROPOSAL INITIATED BY THE ELECTORS OF A LOCAL GOVERNMENT.
20	THE GOVERNING BODY MAY NOT FOR 2 YEARS REENACT OR REPEAL THE
21	DRDINANCE. IF DURING THE 2-YEAR PERIOD THE GOVERNING BODY
22	ENACTS AN ORDINANCE SIMILAR TO THE ONE REPEALED PURSUANT TO
. 23	A REFERENDUM OF THE ELECTORS. A SUIT MAY BE BROUGHT TO
24	DETERMINE WHETHER THE NEW ORDINANCE IS A REENACTMENT WITHOUT
25	MATERIAL CHANGE DE THE REPEALED DRDINANCE. THIS SECTION

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1	SHALL NOT PREVENT EXERCISE OF THE INITIATIVE. AT ANY TIME.
2	IQ_PROCURE_A_REENACIMENT_DE_AN_ORDINANCEREPEALEDPURSUANI
3	IO_REFERENDUN_OF_THE_ELECTORS.
4	(7)(A)_ANYORDINANCEPROPOSEDBYPETITIONOR_ANY
5	AMENDED_CROINANCE_PROPOSED_BY_PETITION_OR_ANY_REFERENDUMON
6	AN ORDINANCE WHICH IS ENTITLED TO BE SUBMITTED TO THE
7	ELECTORS SHALL BE VOTED ON AT THE NEXT REGULAR ELECTION TO
8	BE HELD IN THE LOCAL GOVERNMENT UNLESS:
9	111_THE_PETITION_ASKS_THAT_THE_QUESTION_BE_SUBMITTED
10	AT A SPECIAL ELECTION AND IS SIGNED BY AT LEAST 25% OF THE
11	ELECTORS OF THE LOCAL GOVERNMENT IN WHICH CASE THE
12	GOVERNING BODY SHALL CALL & SPECIAL ELECTION: OR
13	(III) THE GOVERNING BODY CALLS FOR A SPECIAL ELECTION ON
14	THE QUESTION.
15	(B) IF THE ADEQUACY OF THE PETITION IS DETERMINED BY
16	THE ELECTIONS ADMINISTRATOR LESS THAN 45 DAYS PRIOR TO THE
17	NEXT_REGULAR_ELECTION. THE ELECTION SHALL BE DELAYED_UNTIL
18	THE FOLLOWING REGULAR ELECTION. UNLESS A SPECIAL ELECTION IS
19	CALLED.
20	1C)WHENEVERA_MEASURE_IS_READY_FOR_SUBMISSION_TO_THE
21	ELECTORS. THE APPROPRIATE ELECTION OFFICIAL SHALL. IN
22	WRITING. NOTIEY THE GOVERNING BODY AND SHALL PUBLISH NOTICE
23	OF THE ELECTION AND THE ORDINANCE WHICH IS TO BE PROPOSED OR
24	AMENDED. IN THE CASE OF REFERENDUM. THE ORDINANCE SOUGHT 10
25	BE REPEALED SHALL BE PUBLISHED.

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1	(D) THE QUESTION SHALL BE PLACED ON THE BALLOT GIVING
2	THE ELECTORS A CHAICE BETHEEN ACCEPTING OR REJECTING THE
3	PROPOSAL
4	(E) IF A MAJORITY OF THOSE VOTING FAVOR THE PROPUSAL.
5	IT BECOMES EFFECTIVE WHEN THE ELECTION RESULTS ARE
6	OFFICIALLY DECLARED, UNLESS OTHERWISE STATED IN THE
7	PROPOSAL
8	SECTION 10. DETERMINATION OF THE NUMBER OF SIGNATURES
9	REQUIRED FOR A PETITION. IN ORDER TO DETERMINE THE NUMBER OF
10	SIGNATURES NEEDED ON A PETITION TO MEET THE PERCENTAGE
11	REQUIREMENTS OF THIS ACT. THE NUMBER OF ELECTORS SHALL BE
12	THE NUMBER OF INDIVIDUALS REGISTERED TO VOTE AT THE LAST
13	PRECEDING GENERAL ELECTION FOR THE LOCAL GOVERNMENT.
14	SECTION 11. GPERATION OF SELF-GOVERNMENT, CONSOLIDATED
14	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED
14 15	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED UNITS OF LOCAL GOVERNMENT. (1) WHENEVER EXISTING LAW
14 15 16	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED UNITS OF LOCAL GOVERNMENT. (1) WHENEVER EXISTING LAW CONTAINS DIFFERENT PROVISIONS AND PROCEOURES FOR THE
14 15 16 17	SECTION 11. GPERATION 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
14 15 16 17 18	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED UNITS OF LOCAL GOVERNMENT. (1) HHENEVER EXISTING LAH CONTAINS DIFFERENT PROVISIONS AND PROCEDURES FOR THE FUNCTIONING OF COUNTIES AND MUNICIPALITIES. INCLUDING BUT NOT LIMITED TO SUCH AREAS AS ELECTION PROCEDURES, ISSUANCE
14 15 16 17 10 19	SECTION 11. GPERATION 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
14 15 16 17 18 19 20	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED UNITS OF LOCAL GOVERNMENT. (1) HHENEVER EXISTING LAW CONTAINS DIFFERENT PROVISIONS AND PROCEOURES 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
14 15 16 17 18 19 20 21	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED UNITS OF LOCAL GOVERNMENT. 11) 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
14 15 16 17 10 19 20 21 22	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED UNITS OF LOCAL GOVERNMENT. (1) HHENEVER 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
14 15 16 17 18 19 20 21 22 23	SECTION 11. GPERATION OF SELF-GOVERNMENT CONSOLIDATED UNITS OF LOCAL GOVERNMENT. 11) 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

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1	STRUCTURE OF THE CONSOLIDATED UNIT, THIS SUBSECTION APPLIES
2	IO SELF-GOVERNMENT CONSOLIDATED UNITS ONLY IN THOSE AREAS
3	WHERE SUCH UNITS ARE SUBJECT TO STATE LAW UNDER 47A-7-201
4	IHRDUGH_474-7-204.
5	12) A COMBINATION OF COUNTY AND MUNICIPAL DEFICES IN A
6	SELE-GOVERNMENT CONSOLIDATED UNIT HAY BE ACCOMPLISHED BY
7	ORDINANCE WHENEVER SUCH A COMBINATION IS NECESSARY FOR
8	CARRYING DUT A DUTY ASSIGNED BY STATE LAW TO THE LOCAL
9	GOVERNMENT. WHENEVER STATE LAW IMPOSES A DUTY UPON A
10	SPECIFIC OFFICIAL OR ENPLOYEE OF A SELF-GOVERNMENT
11	CONSOLIDATED UNIT OF LOCAL GOVERNMENT AND THE LOCAL
12	GOVERNMENT_UNDER_ITS_ADOPTED_ALTERNATIVE_FORM_OFGOVERNMENT
13	DOES NOT HAVE SUCH AN OFFICIAL OR EMPLOYEE, THE GOVERNING
14	BODY MAY BY DROINANCE ASSIGN THAT DUTY TO THE APPROPRIATE
15	OFFICIAL OR EMPLOYEE OF THE LOCAL GOVERNMENT. THE GOVERNING
16	BODY OF ANY SELF-GOVERNMENT CONSOLIDATED UNIT OF LOCAL
17	GOVERNMENT MAY BY ORDINANCE ASSIGN RESPONSIBILITY TO CARRY
18	DUTANYFUNCTIONOR_PROVIDE_ANY_SERVICE_REQUIRED_BY_STATE
19	LAW TO ONE OR MORE DEPARTMENTS. DEFICERS. OR _ EMPLOYEES _ OF
20	THE LOCAL GOVERNMENT NOTWITHSTANDING THE FACT THAT THE STATE
21	LAN MAY ASSIGN THE FUNCTION OR SERVICE TO A SPECIFIC OFFICE.
22	SECTION 12. SECTION 23 OF CHAPTER 513 OF LAWS. 1975.
23	IS AMENDED TO READ AS FOLLOWS:
24	"Section 23. Automatic repealer. This act <u>r_except_for</u>
25	sections 4, 6, 14, 15, 16, and 17, terminates on June 30,

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1	1977."
2	SECTION 13. SCOPE OF ACT. WHENEVER THE PROVISIONS OF
3	THIS ACT CONFLICT WITH THE PROVISIONS OF OTHER LAWS RELATED
4	IO LOCAL GOVERNMENT. THE PROVISIONS OF THIS ACT PREVAIL.
5	SECTION 14. DEFINITION, AS USED IN THIS ACT. "CHIEF
6	EXECUTIVE"MEANSTHEELECTEDEXECUTIVEINA_GOVERNMENT
7	ADOPTING THE COMMISSION-MANAGEREORMATHECHAIRMANINA
8	GOVERNMENTADOPTINGTHE_COMMISSION-CHAIRMAN_FORM+_THE_TOWN
9	CHAIRMAN_IN_GOVERNMENT_ADOPIING_THE_TOWN_NEETING_FORM+THE
10	COMMISSION ACTING AS A BODY IN A GOVERNMENT ADOPTING THE
11	CONNISSION FORM. OR THE OFFICER OF OFFICERS SO DESIGNATED IN
12	THE CHARTER IN A GOVERNMENT ADOPTING A CHARTER.
13	SECTION 15. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY
14	<u>1. 1977.</u>

-End-

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SB 0445/05

1	SENATE BILL NO. 445
2	INTRODUCED BY LOCKREM
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
5	NONPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF
6	SELF-GOVERNMENT CHARTERS <u>OR ADOPTED ALTERNATIVE FORMS OF</u>
7	LOCAL GOVERNMENT. TO PROVIDE FOR ENACTMENT OF ORDINANCES AND
8	RESOLUTIONS. TO PROVIDE FOR LOCAL GOVERNMENT INITIATIVE AND
9	REFERENDUM. TO PROVIDE FOR THE OPERATION OF CONSOLIDATED
10	UNITS DF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND
11	CLARIFY LOCAL GOVERNMENT LAWS <u>; AMENDING SECTION 23 DF</u>
12	CHAPTER 513 OF LAWS. 1975: AND PROVIDING AN EFFECTIVE DATE."
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Nonpartisan nomination. (1) Each candidate
16	for a nonpartisan primary election shall send a declaration
17	of nomination, as prescribed in 23-3304, to the appropriate
18	election official of the local government in which he seeks
19	office not later than 5 p.m. 40 days prior to the date of
20	the primary election. <u>THE DECLARATION SHALL BE ACCOMPANIED</u>
21	3Y A PETITION SIGNED BY AT LEAST 25 ELECTORS OF THE LOCAL
22	GOVERNMENT REQUESTING THE CANDIDACY.
23	(2) A candidate successfully completing the
24	requirements of this section shall have his name entered on

the nonpartisan primary election ballot as provided in

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1 [section 2].

Section 2. Nonpartisan primary ballot and election.
(1) Except as otherwise provided in this section. a
nonpartisan primary election shall be conducted. canvassed.
and its results returned in the same manner as a partisan
primary election.

7 (2) Ballots in a nonpartisan primary election shall
8 contain only the name of the candidate and the office to
9 which the candidate seeks election.

10 (3) Electors voting at a nonpartisan primary election
11 may vote for the number of candidates to be elected to each
12 office.

13 (4) If the number of candidates to be entered on the nonpartisan primary ballot for each office does not exceed 14 15 twice the number of candidates to be elected for the respective offices, a nonpartisan primary election shall not 16 17 be held in that year and all candidates entered on the 18 nonpartisan primary ballot shall be considered nominated for their respective offices and shall have their names placed 19 20 on the nonpartisan general election ballot. If the number of candidates to be entered on the nonpartisan primary ballot 21 for any particular office does exceed twice the number of 22 23 persons to be elected to that office, a primary election shall be held for all offices to be voted on at the general 24 election. 25

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THIRD READING

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1 (5) Candidates for nomination, equal to twice the 2 number to be elected at the nonpartisan general election for 3 that office, who receive the highest number of votes cast at 4 the nonpartisan primary or nominees determined under 5 subsection (4) of this section are nominees for office and 6 shall have their names entered on the nonpartisan general 7 election ballot.

8 (6) In municipalities with a population of 3,500 or 9 less, a primary election is not required and candidates 10 shall have their names entered on the general election 11 ballot by filing a declaration of nomination not later than 12 5 p.m. 40 days before the date of the election.

Section 3. Nonpartisan general elections. A nonpartisan general election shall be conducted, canvassed, and its results returned in the same manner as a partisan general election except that party designation may not appear on the ballot.

18 Section 4. Amendment of self-government charters OR 19 ADOPIED ALTERNATIVE FORMS OF GOVERNMENT. (1) An amendment to 20 a self-government charter OR AN ADOPTED ALTERNATIVE FORM OF 21 GOVERNMENT may only be made by submitting the question of 22 amendment to the electors of the local government. To be 23 effective, a proposed amendment must receive an affirmative 24 vote of a majority of the electors voting on the question. 25 An amendment approved by the electors becomes effective on

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the first day of the local government fiscal year following
 the fiscal year of approval unless the question submitted to
 the electors provides otherwise.

4 (2) An amendment to a self-government charter DR_AN 5 ADOPLED ALTERNATIVE FORM OF GOVERNMENT may be proposed by 6 initiative by petition of 15% of the electors of the local 7 government or by ordinance enacted by the governing body. A The question on charter amendment <u>DF A CHARTER DR AN ADDPTED</u> ALIERNATIVE FORM OF GOVERNMENT shall be submitted to the 9 10 electors as soon as possible after the submission of a 11 petition or enactment of a resolution, either at a regularly 12 scheduled election or at a special election. 13 (3) The local government, by ordinance, may provide 14 procedures for the submission and verification of initiative 15 petitions. 16 SECTION 5. ORDINANCE REQUIREMENTS. (1) ALL ORDINANCES 17 SHALL BE SUBMITTED IN WRITING IN THE FORM PRESCRIBED BY 18 RESOLUTION OF THE GOVERNING BODY. 19 (2) NO ORDINANCE PASSED SHALL CONTAIN MORE THAN ONE

 20
 COMPREHENSIVE
 SUBJECT
 WHICH
 SHALL
 BE
 CLEARLY
 EXPRESSED
 IN

 21
 IIS_TITLE*
 EXCEPT ORDINANCES FOR CODIFICATION
 AND
 REVISION

 22
 OF
 ORDINANCES*
 23
 (3)
 AN
 ORDINANCE
 MUST
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 24
 MAJORITY
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 OF
 MEMBERS
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1	ADDPTION AND READING. IT HUST BE POSTED AND COPIES MADE	1	ACT. THE ORDINANCE SHALL TAKE EFFECT.
2	AVAILABLE TO THE PUBLIC.	2	(8) THERE SHALL BE MAINTAINED A REGISTER OF ORDINANCES
3	(4) IN THE EVENT OF AN ENERGENCY. THE GOVERNING BODY	3	IN WHICH ALL ORDINANCES ARE ENTERED IN FULL AFTER PASSAGE
4	MAY WAIVE THE SECOND READING. AN ORDINANCE PASSED IN	4	AND APPROVALS EXCEPT WHEN A CODE IS ADDPTED BY REFERENCE.
5	RESPONSE TO #N_EMERGENCY_SHALL_RECITE_THE_FACTS_GIVINGRISE	5	WHEN A CODE IS ADOPTED BY REFERENCE. THE DATE AND SOURCE OF
6	IO THE EMERGENCY AND REQUIRES A TWO-THIRDS VOTE OF THE WHOLE	6	THE CODE SHALL BE ENTERED.
٦	GOVERNING BODY FOR PASSAGE. AN EMERGENCY ORDINANCE SHALL BE	7	(9) (A) NO LATER THAN 1980 AND AT 5-YEAR INTERVALS
6	EFFECTIVE ON PASSAGE AND APPROVAL AND SHALL REMAIN EFFECTIVE	8	THEREAFTER APPROPRIATE ORDINANCES SHALL BE COMPILED INTO A
9	FOR NO MORE THAN 90 DAYS.	9	UNIFORM_CODE_AND_PUBLISHED.
10	151_AFTER PASSAGE AND APPROVAL. ALL ORDINANCES_SHALL	10	(B) THE RECODIFICATION IS NOT EFFECTIVE UNTIL APPROVED
11	BE SIGNED BY THE CHAIRMAN OF THE GOVERNING BODY AND FILED	11	BY_THE_GOVERNING BODY.
12	<u>WITH THE OFFICIAL OR EMPLOYEE DESIGNATED, BY ORDINANCE TO</u>	12	(10) THIS SECTION MERELY PROVIDES A PROCEDURE FOR THE
13	KEEP_THE_REGISTER_OF_ORDINANCES.	13	ADOPTION OF DRDINANCES, AND SHALL NOT BE CONSTRUED AS
14	(6) NO ORDINANCE OTHER THAN AN EMERGENCY ORDINANCE	14	GRANTING AUTHORITY TO ADOPT ORDINANCES.
16		15	SECTION 6. ADOPTION AND AMENDMENT OF CODES BY
15	<u>SHALL BE EFFECTIVE UNTIL 30 DAYS AFTER SECOND AND FINAL</u>		SECTION DE AVUPTION AND ARENDACHI UP CODES BI
16	SHALL BE EFFECTIVE UNTIL 30 DAYS AFTER SECOND AND FINAL ADOPTION. THE ORDINANCE MAY PROVIDE FOR A DELAYED EFFECTIVE	16	REFERENCE. (1) ANY LOCAL GOVERNMENT MAY ADOPT OR REPEAL AN
		_	
16	ADOPTION. THE ORDINANCE MAY PROVIDE FOR A DELAYED EFFECTIVE	16	REFERENCE. (1) ANY LOCAL GOVERNMENT MAY ADOPT OR REPEAL AN
16 17	ADOPTION. THE ORDINANCE MAY PROVIDE FOR A DELAYED EFFECTIVE Date or may provide for the ordinance to become effective	16 17	REFERENCE. (1) ANY LOCAL GOVERNMENT MAY ADOPT OR REPEAL AN ORDINANCE. WHICH INCORPORATES BY REFERENCE THE PROVISIONS OF
16 17 18	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.	16 17 18	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.
16 17 18 19	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. (7) IF THE PLAN OF GOVERNMENT ALLOWS THE CHIEF	16 17 18 19	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 AMENOMENT THEREOF. PROPERLY IDENTIFIED AS TO DATE AND SOURCE. WITHOUT SETTING
16 17 18 19 20	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. [7] IF THE PLAN OF GOVERNMENT ALLOWS THE CHIEF EXECUTIVE TO VETO AN ORDINANCE. THIS POWER MUST BE EXERCISED	16 17 18 19 20	REFERENCE. (1) ANY LOGAL 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
16 17 18 19 20 21	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. [7] IF THE PLAN OF GOVERNMENT ALLOWS THE CHIEF EXECUTIVE TO VETO AN ORDINANCE. THIS POWER MUST BE EXERCISED IN WRITING PRIOR TO ITS NEXT REGULARLY SCHEDULED MEETING OF	16 17 18 19 20 21	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 AMENOMENT 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
16 17 18 19 20 21 22	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. 17) IF THE PLAN OF GOVERNMENT ALLOWS THE CHIEF EXECUTIVE TO VETO AN ORDINANCE. THIS POWER MUST BE EXERCISED IN WRITING PRIOR TO ITS NEXT REGULARLY SCHEDULED MEETING OF THE GOVERNING BODY. WHENEVER THE CHIEF EXECUTIVE VETOES AN	16 17 18 19 20 21 22	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
16 17 18 19 20 21 22 23	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. [7] IF THE PLAN OF GOVERNMENT ALLOWS THE CHIEF EXECUTIVE TO VETO AN ORDINANCE. THIS POWER MUST BE EXERCISED IN WRITING PRIOR TO ITS NEXT REGULARLY SCHEDULED MEETING OF THE GOVERNING BODY. WHENEVER THE CHIEF EXECUTIVE VETOES AN ORDINANCE. THE GOVERNING BODY MUST ACT AT THE NEXT REGULARLY	16 17 18 19 20 21 22 23	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 AMENOMENT 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 COOE. AT LEAST ONE COPY OF THE CODE. PORTION. OR AMENOMENT WHICH IS

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1	AVAILABLE FOR PUBLIC USE. INSPECTION. AND EXAMINATION. THE
2	EILING REQUIREMENTS HEREIN PRESCRIBED SHALL NOT BE
3	CONSIDERED TO BE COMPLIED WITH UNLESS THE REQUIRED COPIES DE
4	THE CODES. PORTION, AMENDMENT, OR PUBLIC RECORD ARE FILED
5	WITH THE CLERK OF THE GOVERNING BODY FOR A PERIOD OF 30 DAYS
6	PRIOR TO FINAL ADOPTION OF THE ORDINANCE WHICH INCORPORATES
7	THE CODE. PORTION. OR AMENDMENT BY REFERENCE.
8	<u>(2) THE GOVERNING BODY MAY ADOPT OR AMEND A CODE BY</u>
9	REFERENCE BY AN EMERGENCY ORDINANCE AND WITHOUT NOTICE. THE
10	EMERGENCY ORDINANCE IS AUTOMATICALLY REPEALED 90 DAYS
11	FOLLOWING IIS ADOPTION AND CANNOT BE REENACTED AS AN
12	EMERGENCY_ORDINANCE_
13	<u>(3) THE PROCESS FOR REPEALING AN ORDINANCE WHICH</u>
14	ADOPTED OR AMENDED A CODE BY REFERENCE SHALL BE THE SAME AS
15	EOR REPEALING ANY OTHER ORDINANCE.
16	14) THE FILING REQUIREMENT OF SUBSECTION (1) OF THIS
17	SECTION SHALL BE COMPLIED WITH IN ADOPTING AMENDMENTS TO
18	CODESa
19	151 ANY ORDINANCE ADOPTING A CODE. PORTION. OB
20	AMENDMENT BY REFERENCE SHALL STATE THE PENALTY FOR VIOLATING
21	THE CODE. PORTION. OR AMENDMENT, OR ANY PROVISION THEREOF
22	SEPARATELY, AND NO PART OF ANY PENALTY SHALL BE INCORPORATED
23	BY_REFERENCE.
24	16) FOR PURPOSES OF THIS SECTION, "CODE" NEANS ANY
25	PUBLISHED COMPILATION OF RULES WHICH HAS BEEN PREPARED BY
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1	VARIOUS TECHNICAL TRADE ASSOCIATIONS. MODEL CODE
2	DRGANIZATIONS. FEDERAL AGENCIES. OR THIS STATE OR ANY AGENCY
3	THEREOF: AND SHALL INCLUDE SPECIFICALLY BUT SHALL NOT BE
4	LIMITED TO: TRAFFIC CODES, BUILDING CODES, PLUMBING CODES.
5	ELECTRICAL WIRING CODES, HEALTH OR SANITATION CODES, FIRE
6	PREVENTION CODES. INFLAMMABLE LIQUIDS CODES. TOGETHER WITH
7	ANY OTHER CODE WHICH EMBRACES RULES PERTINENT TO A SUBJECT
8	WHICH IS A PROPER LOCAL GOVERNMENT LEGISLATIVE MATTER.
9	SECTION 7. PENALTY FOR VIOLATION OF ORDINANCE. A
10	LOCAL GOVERNMENT MAY FIX PENALTIES FOR THE VIOLATION OF AN
11	ORDINANCE WHICH OD WIT EXCEED A FINE OF \$500 OR 6 MONTHS!
12	INFRISONMENT OR BOTH THE FINE AND IMPRISONMENT.
13	SECTION 8. RESOLUTION REQUIREMENTS. (1) ALL
14	RESOLUTIONS SHALL BE SUBMITTED IN THE FORM PRESCRIBED BY
15	RESOLUTION OF THE GOVERNING BODY.
16	(2) RESOLUTIONS MAY BE SUBMITTED AND ADOPTED AT A
17	SINGLE MEETING OF THE GOVERNING BODY.
18	(3) IF THE PLAN OF GOVERNMENT ALLOWS THE EXECUTIVE TO
19	VETO RESOLUTIONS. THIS POWER MUST BE IMMEDIATELY EXERCISED
20	IN WRITING AT THE SAME NEXT REGULAR MEETING. IF THE
21	EXECUTIVE FAILS TO ACT. THE RESOLUTION SHALL BE APPROVED. IF
22	THE EXECUTIVE VETOES A RESOLUTION. THE GOVERNING BODY HUST
23	ACT AT THE SAME MEETING OR ITS MEXT REGULARLY SCHEDULED
24	MEETING TO EITHER OVERRIDE OR CONFIRM THE VETO.
25	(4) AFTER PASSAGE AND APPROVAL. ALL RESOLUTIONS SHALL

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1	<u>BE ENTERED INTO THE BINUTES AND SIGNED BY THE CHAIRPERSON OF</u>				
2	THE GOVERNING BODY.				
3	(5) ALL RESOLUTIONS SHALL BE IMMEDIATELY EFFECTIVE				
4	UNLESS A DELAYED EFFECTIVE DATE IS SPECIFIED.				
5	SECTION 2. INITIATIVE AND REFERENDUM. (1) THE POWERS				
6	OF INITIATIVE AND REFERENDUM ARE RESERVED TO THE ELECTORS OF				
7	EACH LOCAL GOVERNMENT. RESOLUTIONS AND ORDINANCES WITHIN THE				
8	LEGISLATIVE JURISDICTION AND POKER OF THE GOVERNING BODY OF				
9	THE LOCAL GOVERNMENT. EXCEPT THOSE SET OUT IN SUBSECTION (2)				
10	OF THIS SECTION. HAY BE PROPOSED OR ABENDED AND PRIOR				
11	RESOLUTIONS AND ORDINANCES MAY BE REPEALED IN THE MANNER				
12	PROVIDED IN THIS SECTION.				
13	(2) THE POWERS OF INITIATIVE SHALL NOT EXTEND TO THE				
14	FOLLOWING:				
14 15	EDLLOWING: (A) THE ANNUAL BUDGET:				
15	(A) THE ANNUAL BUDGET:				
15 16	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES:				
15 16 17	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES: (C) BOND PROCEEDINGS. EXCEPT FOR ORDINANCES				
15 16 17 18	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES: (C) BOND PROCEEDINGS. EXCEPT FOR ORDINANCES AUTHORIZING BONDS.				
15 16 17 18 19	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES: (C) BOND PROCEEDINGS. EXCEPT FOR ORDINANCES AUTHORIZING BONDS. (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES				
15 16 17 18 19 20	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES: (C) BOND PROCEEDINGS. EXCEPT FOR ORDINANCES AUTHORIZING BONDS. (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES PLEOGED FOB THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS:				
15 16 17 18 19 20 21	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES: (C) BOND PROCEEDINGS. EXCEPT FOR ORDINANCES AUTHORIZING BONDS. (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES PLEOGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS: UB				
15 16 17 18 19 20 21 22	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES: (C) BOND PROCEEDINGS. EXCEPT FOR ORDINANCES AUTHORIZING BONDS. (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES PLEDGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS: OR (E) THE LEVY OF SPECIAL ASSESSMENTS PLEDGED FOR THE				
15 16 17 18 19 20 21 22 23	(A) THE ANNUAL BUDGET: (B) PROPERTY TAX LEVIES: (C) BOND PROCEEDINGS. EXCEPT FOR ORDINANCES AUTHORIZING BONDS. (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES PLEDGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS: OR (E) THE LEVY OF SPECIAL ASSESSMENTS PLEDGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS.				

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1	PEOPLE BY PETITION. IF SUBMITTED PRIOR TO THE ORDINANCE'S
2	EFFECTIVE DATE: A PETITION REQUESTING A REFERENDUM ON THE
3	ORDINANCE SHALL DELAY THE ORDINANCE'S EFFECTIVE DATE UNTIL
4	THE DRDINANCE IS RATIFIED BY THE ELECTORS. A PETITION
5	REQUESTING A REFERENDUM ON AN EMERGENCY ORDINANCE FILED
6	WITHIN 30 DAYS OF ITS EFFECTIVE DATE SHALL SUSPEND THE
7	ORDINANCE UNTIL RATIFIED BY THE ELECTORS.
8	14) THE GOVERNING BODY MAY REFER EXISTING OR PROPOSED
9	ORDINANCES TO A VOTE OF THE PEOPLE BY RESOLUTION.
10	(5) A PETITION OR RESOLUTION FOR INITIATIVE DB
11	REFERENDUM SHALL:
12	(A)A SINGLE COMPREHENSIVE SUBJECT:
13	(B) SET OUT FULLY THE ORDINANCE SOUGHT BY PETITIONERS.
14	OR IN THE CASE OF AN AMENOMENT. SET OUT FULLY THE DROINANCE
15	SOUGHT TO BE AMENDED AND THE PROPOSED AMENDMENT. OR IN THE
16	CASE OF REFERENDUM. SET OUT THE ORDINANCE SOUGHT TO BE
17	REPEALED:_AND
18	(C) CONTAIN THE SIGNATURES OF 15% OF THE ELECTORS OF
19	THE LOCAL GOVERNMENT.
20	(6) (A) THE GOVERNING BODY MAY. WITHIN 60 DAYS OF
21	RECEIVING THE PETITION, TAKE THE ACTION CALLED FOR IN THE
22	PETITION. IF THE ACTION IS TAKEN. THE QUESTION NEED NOT BE
23	SUBMITTED TO THE ELECTORS.
24	(B) IF THE GOVERNING BODY DOES NOT + WITHIN 60 DAYS +
25	IAKE THE PROPOSED ACTION. THEN THE QUESTION SHALL BE

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1	SUBMITTED TO THE ELECTORS AT THE NEXT SCHOOL, PRIMARY, OR					
2	GENERAL ELECTION OR A SPECIAL ELECTION CALLED FOR THAT					
3	PURPOSE. BEFORE SUBMITIING THE QUESTION TO THE ELECTORS. THE					
4	GOVERNING_BODY_MAY_DIRECT_IMAT_A_SUIT_BE_BROUGHT_IN_DISTRICI					
5	COURT BY THE LOCAL GOVERNMENT TO DETERMINE WHETHER THE					
6	PETITION IS REGULAR IN FORM. HAS SUFFICIENT SIGNATURES. AND					
7	WHETHER THE PROPOSED ACTION WOULD BE VALID AND					
8	CONSTITUTIONAL.					
9	(C) THE COMPLAINT SHALL NAME AS DEFENDANTS NOT LESS					
10	THAN 10 OR MORE THAN 20 OF THE PETITIONERS. IN ADDITION TO					
11	THE NAMES OF THE DEFENDANTS. TO THE CAPTION OF THE COMPLAINT					
12	THERE SHALL BE ADDED THE NORDS: "AND ALL PETITIONERS WHOSE					
13	NAMES APPEAR ON THE PETITION FOR AN ORDINANCE FILED ON THE					
14	SARAN DAY OF PROTAGORANT IN THE YEAR PROFESSION STATING THE					
15	DATE OF FILING. THE SUMMONS SHALL BE SIMILARLY DIRECTED AND					
16	SHALL BE SERVED ON THE DEFENDANTS NAMED THEREIN. AND IN					
17	ADDITION_SHALL_BE_PUBLISHED.					
18	(D)IF_AN_ORDINANCE_IS_REPEALED_DR_ENACTED_PURSUANT_TO					
19	A PROPOSAL INITIATED BY THE ELECTORS OF A LOCAL GOVERNMENT.					
20	THE GOVERNING BODY MAY NOT FOR 2 YEARS REENACT OR REPEAL THE					
21	ORDINANCE. IF DURING THE 2-YEAR PERIOD THE GOVERNING BODY					
22	ENACTS AN ORDINANCE SIMILAR TO THE ONE REPEALED PURSUANT TO					
23	A_REFERENDUM_OF_THE_ELECTORS. A_SUIT_MAY_BE_BROUGHT_TO					
24	DETERMINE_WHETHER_THE_NEW_ORDINANCE_IS_A_REENACTMENT_WITHOUT					
25	MATERIAL CHANGE OF THE REPEALED ORDINANCE. THIS SECTION					
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1	SHALL NOT PREVENT EXERCISE OF THE INITIATIVE. AT ANY TIME.
z	10 PROCURE A REENACTMENT OF AN ORDINANCE REPEALED PURSUANT
3	TO REFERENDUM OF THE ELECTORS.
4	7) (A) ANY DRDINANCE PROPOSED BY PETITION OR ANY
5	AMENDED ORDINANCE PROPOSED BY PETITION OR ANY REFERENDUM ON
6	AN ORDINANCE WHICH IS ENTITLED TO BE SUBMITTED TO THE
7	ELECTORS SHALL BE VOTED ON AT THE NEXT REGULAR ELECTION TO
8	BE HELD IN THE LOCAL GOVERNMENT UNLESS:
9	(1) THE PETITION ASKS THAT THE QUESTION BE SUBMITTED
10	AT A SPECIAL ELECTION AND IS SIGNED BY AT LEAST 25% OF THE
11	ELECTORS OF THE LOCV. GOVERNMENT. IN MHICH CASE THE
12	GLYERNING BODY SHALL CALL A SPECIAL ELECTION: OR
13	(11) THE GOVERNING BODY CALLS FOR A SPECIAL ELECTION ON
14	THE QUESTION.
15	(B) IF THE ADEQUACY OF THE PETITION IS DETERMINED BY
16	THE ELECTIONS ADMINISTRATOR LESS THAN 45 DAYS PRIOR TO THE
17	NEXT_REGULAR_ELECTION. THE ELECTION SHALL_BE_DELAYED_UNTIL
18	THE FOLLOWING REGULAR ELECTION, UNLESS A SPECIAL ELECTION IS
19	CALLED.
20	(C) WHENEVER A MEASURE IS READY FOR SUBMISSION TO THE
21	ELECTORS. THE APPROPRIATE ELECTION OFFICIAL SHALL, IN
22	WRITING, NOTIFY THE GOVERNING BODY AND SHALL PUBLISH NOTICE
23	OF THE ELECTION AND THE ORDINANCE WHICH IS TO BE PROPOSED OR
24	AMENDED. IN THE CASE OF REFERENCUM. THE ORDINANCE SOUGHT TO
25	BE REPEALED SHALL BE PUBLISHED.

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1	(D) THE QUESTION SHALL BE PLACED ON THE BALLOT GIVING
2	THE ELECTORS A CHOICE BETWEEN ACCEPTING OR REJECTING THE
3	PROPOSAL .
4	(E) IF A MAJORITY OF THOSE VOTING FAYOR THE PROPOSAL.
5	IT BECOMES EFFECTIVE WHEN THE ELECTION RESULTS ARE
6	OFFICIALLY DECLABED, UNLESS OTHERWISE STATED IN THE
7	PROPOSAL.
8	SECTION 10. DETERMINATION OF THE NUMBER OF SIGNATURES
9	REQUIRED FOR A PETITION. IN ORDER TO DETERMINE THE NUMBER OF
10	SIGNATURÊS NEEDED ON A PETITION TO HEET THE PERCENTAGE
11	REQUIREMENTS OF THIS ACT. THE NUMBER OF ELECTORS SHALL BE
12	THE NUMBER OF INDIVIDUALS REGISTERED TO VOTE AT THE LAST
13	PRECEDING GENERAL ELECTION FOR THE LOCAL GOVERNMENT.
14	SECTION 11. OPERATION OF SELE-GOVERNMENT CONSOLIDATED
15	UNITS OF LOCAL GOVERNMENT. (1) WHENEVER EXISTING LAW
16	CONTAINS DIFFERENT PROVISIONS AND PROCEDURES FOR THE
17	FUNCTIONING OF COUNTIES AND MUNICIPALITIES. INCLUDING BUT
18	NOT LINITED TO SUCH AREAS AS ELECTION PROCEDURES. ISSUANCE
19	OF BONDS. ADOPTION OF BUDGETS. CREATION OF SPECIAL
20	DISTRICTS, LEVYING OF TAXES, AND PROVISION OF SERVICES. THE
21	GOVERNING BODY OF A SELF-GOVERNMENT CONSOLIDATED UNIT OF
22	LOCAL GOVERNMENT WHICH CONTAINS AT LEAST ONE COUNTY AND DNE
23	MUNICIPALITY SHALL, BY ORDINANCE, ADOPT EITHER THE COUNTY OR
	AUNICIPALITI SHALLT OF UNDINANCET AUUPT ETTHER THE COUNTL ON
24	MUNICIPALITY PROVISIONS, THE ORDINANCE MAY PROVIDE FOR
24 25	

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1	STRUCTURE OF THE CONSOLIDATED UNIT. THIS SUBSECTION APPLIES
2	IO_SELF-GOVERNMENT_CONSOLIDATED_UNITS_ONLYINTHOSEAREAS
3	WHERE SUCH UNITS ARE SUBJECT TO STATE LAW UNDER 47A-7-201
4	IHROUGH 47A-7-204.
5	(2) A COMBINATION OF COUNTY AND MUNICIPAL OFFICES IN A
6	SELF-GOVERNMENT CONSOLIDATED.UNIT MAY BE ACCOMPLISHED BY
7	ORDINANCE WHENEVER SUCH A COMBINATION IS NECESSARY FOR
8	CARRYING OUT A DUTY ASSIGNED BY STATE LAW TO THE LOCAL
9	GOVERNMENT. WHENEVER STATE LAN IMPOSES A DUTY UPON A
10	SPECIFIC OFFICIAL OR ENPLOYEE OF A SELF-GOVERNMENT
11	CONSOLIDATED UNIT OF LOCAL GOVERNMENT AND THE LOCAL
12	GOVERNMENT UNDER ITS ADOPTED ALTERNATIVE FORM OF GOVERNMENT
13	DDES NOT HAVE SUCH AN DEFICIAL OR EMPLOYEE. THE GOVERNING
14	BODY MAY BY ORDINANCE ASSIGN THAT DUTY TO THE APPROPRIATE
15	OFFICIAL OR EMPLOYEE OF THE LOCAL GOVERNMENT. THE GOVERNING
16	BODY_OF_ANY_SELF-GOVERNMENT_CONSOLIDATED_UNIT_OF_LOCAL
17 -	GOVERNMENT MAY BY ORDINANCE ASSIGN RESPONSIBILITY TO CARRY
18	OUT ANY FUNCTION OF PROVIDE ANY SERVICE REQUIRED BY STATE
19	LAW TO ONE OR MORE DEPARTMENTS, DEFICERS, OR EMPLOYEES OF
20	IHE LOCAL GOVERNMENT NOTWITHSTANDING THE FACT THAT THE STATE
21	LAW MAY ASSIGN THE FUNCTION OR SERVICE TO A SPECIFIC OFFICE.
22	SECTION 12. SECTION 23 OF CHAPTER 513 DF LAWS. 1975.
23	IS AMENDED TO READ AS FOLLOWS:
24	"Section 23. Automatic repealer. This act <u>e except</u> for
25	sections 4. 6. 14. 15. 16. and 17. terminates on June 30.

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2	SECTION-13
3	THESACT-CONFLICT-NITH-THE-PROVISIONS-OF-OTHER-LAWS-RELATED
4	TO-LOCAL-GOVERNMENT,-THE-PROVISIONS_OF-THIS-ACT_PREVAIL.
5	SECTION 13. DEFINITION. AS USED IN THIS ACT, "CHIEF
6	EXECUTIVE MEANS THE ELECTED EXECUTIVE IN A GOVERNMENT
7	ADOPTING THE COMMISSION-MANAGER. FORM. THE CHAIRMAN IN A
8	GOVERNMENT ADDPTING THE COMMISSION-CHAIRMAN FORM. THE TOWN
9	CHAIRMAN IN GOVERNMENT ADOPTING THE TOWN MEETING FORM. THE
10	COMMISSION ACTING AS A BODY IN A GOVERNMENT ADOPTING THE
11	COMMISSION FORM, OR THE OFFICER OR OFFICERS SO DESIGNATED IN
12	THE CHARTER IN A GOVERNMENT ADDRIING A CHARTERA
13	SECTION 14. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY
14	1. 1977.

-End-

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HOUSE OF REPRESENTATIVES

APRIL 13, 1977

Committee of the Whole Amendment to Senate Bill no. 445, third reading copy, as follows:

1. Amend page 9, section 9, line 16. Following: line 15 Strike: line 16 in its entirety Renumber: subsequent subsections

AS AMEMDED BE CONCURRED IN

1 SENATE BILL NO. 445 INTRODUCED BY LOCKREM 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR 4 NONPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF 5 SELF-GOVERNMENT CHARTERS OR ADOPTED ALTERNATIVE FORMS OF 6 LOCAL GOVERNMENT. TO PROVIDE FOR ENACTMENT OF ORDINANCES AND 7 R RESOLUTIONS. TO PROVIDE FOR LOCAL GOVERNMENT INITIATIVE AND 9 REFERENCUM. TO PROVIDE FOR THE OPERATION OF CONSOLIDATED 10 UNITS OF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND CLARIFY LOCAL GOVERNMENT LAWS: AMENDING SECTION 23 OF 11 CHAPTER 513 OF LAWS. 1975: AND PROVIDING AN .EFFECTIVE DATE." 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 15 Section 1. Nonpartisan nomination. (1) Each candidate for a nonpartisan primary election shall send a declaration 16 17 of nomination, as prescribed in 23-3304, to the appropriate 18 election official of the local government in which he seeks office not later than 5 p.m. 40 days prior to the date of 19 the primary election. THE DECLARATION SHALL BE ACCOMPANIED 20 BY A PETITION SIGNED BY AT LEAST 25 ELECTORS OF THE LOCAL 21

22 GOVERNMENT REQUESTING THE CANDIDACY.

(2) A candidate successfully completing the
requirements of this section shall have his name entered on
the nonpartisan primary election ballot as provided in

REFERENCE BILL

1 [section 2]. 2 Section 2. Nonpartisan primary ballot and election. (1) Except as otherwise provided in this section, a 3 4 nonpartisan primary election shall be conducted, canvassed, 5 and its results returned in the same manner as a partisan 6 primary election. 7 (2) Ballots in a nonpartisan primary election shall 8 contain only the name of the candidate and the office to 9 which the candidate seeks election. 10 (3) Electors voting at a nonpartisan primary election 11 may vote for the number of candidates to be elected to each 12 office. (4) If the number of candidates to be entered on the 13 14 nonpartisan primary ballot for each office does not exceed 15 twice the number of candidates to be elected for the 16 respective offices, a nonpartisan primary election shall not 17 be held in that year and all candidates entered on the 18 nonpartisan primary ballot shall be considered nominated for 19 their respective offices and shall have their names placed 20 on the nonpartisan general election ballot. If the number of

- 21 candidates to be entered on the nonpartisan primary ballot 22 for any particular office does exceed twice the number of 23 persons to be elected to that office, a primary election 24 shall be held for all offices to be voted on at the general
- 25 election.

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1 (5) Candidates for nomination, equal to twice the 2 number to be elected at the nonpartisan general election for 3 that office, who receive the highest number of votes cast at 4 the nonpartisan primary or nominees determined under 5 subsection (4) of this section are nominees for office and 6 shall have their names entered on the nonpartisan general 7 election ballot.

8 (6) In municipalities with a population of 3,500 or
9 less, a primary election is not required and candidates
10 shall have their names entered on the general election
11 ballot by filing a declaration of nomination not later than
12 5 p.m. 40 days before the date of the election.

Section 3. Nonpartisan general elections. A nonpartisan general election shall be conducted, canvassed, and its results returned in the same manner as a partisan general election except that party designation may not appear on the ballot.

18 Section 4. Amendment of self-government charters OR 19 ADOPTED ALTERNATIVE FORMS OF GOVERNMENT. (1) An amendment to 20 a self-government charter <u>OR AN ADOPIED ALIERNATIVE FORM OF</u> 21 GOVERNMENT may only be made by submitting the question of 22 amendment to the electors of the local government. To be effective, a proposed amendment must receive an affirmative 23 24 vote of a majority of the electors voting on the question. 25 An amendment approved by the electors becomes effective on

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1 the first day of the local government fiscal year following 2 the fiscal year of approval unless the question submitted to 3 the electors provides otherwise. 4 (2) An amendment to a self-government charter OR_ AN ADOPTED ALTERNATIVE FORM OF GOVERNMENT may be proposed by 5 initiative by petition of 15% of the electors of the local 6 7 government or by ordinance enacted by the governing body. 8 The question on charter amendment DF A CHARTER OR AN ADOPTED 9 ALTERNATIVE FORM OF GOVERNMENT shall be submitted to the 10 electors as soon as possible after the submission of a 11 petition or enactment of a resolution, either at a regularly 12 scheduled election or at a special election. 13 (3) The local government, by ordinance, may provide 14 procedures for the submission and verification of initiative 15 petitions. 16 SECTION 5. ORDINANCE REQUIREMENTS. (1) ALL ORDINANCES 17 SHALL BE SUBMITTED IN WRITING IN THE FORM PRESCRIBED BY 18 RESOLUTION OF THE GOVERNING BODY. 19 (2) NO ORDINANCE PASSED SHALL CONTAIN MORE THAN ONE **Z**0 COMPREHENSIVE___SUBJECT___WHICH__SHALL_BE_CLEARLY_EXPRESSED_IN 21 ITS TITLE. EXCEPT ORDINANCES FOR CODIFICATION AND REVISION 22 OF ORDINANCES. 23 (3) AN ORDINANCE MUST BE READ AND ADOPTED BY A 24 MAJORITY VOTE OF MEMBERS PRESENT AT TWO MEETINGS OF THE

25 GOVERNING BODY NOT LESS THAN 12 DAYS APART. AFTER THE FIRST

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1 SENATE BILL NO. 445 INTRODUCED BY LOCKREM 2 з A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR 4 NONPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF 5 SELF-GOVERNMENT CHARTERS OR ADOPTED ALTERNATIVE FORMS OF 6 7 LOCAL_GOVERNMENT. TO PROVIDE FOR ENACTMENT OF ORDINANCES AND RESOLUTIONS, TO PROVIDE FOR LOCAL GOVERNMENT INITIATIVE AND 8 REFERENCUM. TO PROVIDE FOR THE OPERATION OF CONSOLIDATED 9 UNITS OF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND 10 CLARIFY LOCAL GOVERNMENT LAWS: AMENDING SECTION 23 OF 11 CHAPTER 513 OF LAWS+ 1975: AND PROVIDING AN .EFFECTIVE DATE+" 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 14 Section 1. Nonpartisan nomination. (1) Each candidate 15 for a nonpartisan primary election shall send a declaration 16 of nomination, as prescribed in 23-3304, to the appropriate 17 election official of the local government in which he seeks 18 office not later than 5 p.m. 40 days prior to the date of 19 the primary election. THE DECLARATION SHALL BE ACCOMPANIED 20 BY A PETITION SIGNED BY AT LEAST 25 ELECTORS OF THE LOCAL 21 GOVERNMENT REQUESTING THE CANDIDACY. 22 successfully completing the (2) A candidate 23 requirements of this section shall have his name entered on 24 the nonpartisan primary election ballot as provided in

RFFFRFNCE BILL

1 [section 2]. 2 Section 2. Nonpartisan primary ballot and election. 3 (1) Except as otherwise provided in this section, a nonpartisan primary election shall be conducted, canvassed, 4 5 and its results returned in the same manner as a partisan 6 primary election. 7 (2) Ballots in a nonpartisan primary election shall contain only the name of the candidate and the office to 8 9 which the candidate seeks election. (3) Electors voting at a nonpartisan primary election 10 may vote for the number of candidates to be elected to each 11 12 office. (4) If the number of candidates to be entered on the 13 nonpartisan primary ballot for each office does not exceed 14 twice the number of candidates to be elected for the 15 respective offices, a nonpartisan primary election shall not 16 17 be held in that year and all candidates entered on the nonpartisan primary ballot shall be considered nominated for 18 19 their respective offices and shall have their names placed 20 on the nonpartisan general election ballot. If the number of candidates to be entered on the nonpartisan primary ballot 21 22 for any particular office does exceed twice the number of 23 persons to be elected to that office, a primary election shall be held for all offices to be voted on at the general 24

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-3-

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the first day of the local government fiscal year following
 the fiscal year of approval unless the question submitted to
 the electors provides otherwise.

(2) An amendment to a self-government charter <u>OR_AN</u> 4 5 ADDPTED ALTERNATIVE FORM OF GOVERNMENI may be proposed by initiative by petition of 15% of the electors of the local 6 government or by ordinance enacted by the governing body. 7 я The question on charter amendment OF A CHARTER OR AN ADOPTED ALTERNATIVE FORM OF GOVERNMENT shall be submitted to the 9 electors as soon as possible after the submission of a 10 11 petition or enactment of a resolution, either at a regularly scheduled election or at a special election. 12 13 (3) The local government, by ordinance, may provide 14 procedures for the submission and verification of initiative petitions. 15 SECTION 5. ORDINANCE REQUIREMENTS. (1) ALL ORDINANCES 16 17 SHALL BE SUBMITTED IN WRITING IN THE FORM PRESCRIBED BY 18 RESOLUTION OF THE GOVERNING BODY. 19 (2) NO ORDINANCE PASSED SHALL CONTAIN MORE THAN ONE COMPREHENSIVE SUBJECT WHICH SHALL BE CLEARLY EXPRESSED IN 20 21 ITS TITLE, EXCEPT ORDINANCES FOR CODIFICATION AND REVISION 22 OF ORDINANCES. 23 (3) AN ORDINANCE MUST BE READ AND ADOPTED BY A 24 HAJORITY VOTE OF MEMBERS PRESENT AT TWO MEETINGS OF THE 25 GOVERNING BODY NOT LESS THAN 12 DAYS APART. AFTER THE FIRST

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1	ADOPTION AND READING. IT MUST BE POSTED AND COPIES MADE
2	AVAILABLE TO THE PUBLIC.
3	(4) IN THE EVENT OF AN ENERGENCY. THE GOVERNING BODY
4	MAY WAIVE THE SECOND READING. AN ORDINANCE PASSED IN
5	RESPONSE TO AN EMERGENCY SHALL RECITE THE FACTS GIVING RISE
6	IO THE EMERGENCY AND REQUIRES A TWO-THIRDS YOTE OF THE WHOLE
1	GOVERNING BODY FOR PASSAGE. AN EMERGENCY ORDINANCE SHALL BE
8	EFFECTIVE ON PASSAGE AND APPROVAL AND SHALL REMAIN EFFECTIVE
9	EDR. NO. MORE_THAN. 90 DAYS.
10	(5) AFTER PASSAGE AND APPROVAL, ALL DRDINANCES SHALL
11	BE SIGNED BY THE CHAIRMAN OF THE GOVERNING BODY AND EILED
12	WITH THE OFFICIAL OR EMPLOYEE DESIGNATED BY ORDINANCE TO
13	KEEP_THE_REGISTER_DF_ORDINANCES.
14	(6) NO ORDINANCE OTHER THAN AN EMERGENCY ORDINANCE
15	SHALL BE EFFECTIVE UNTIL 30 DAYS AFTER SECOND AND FINAL
16	ADOPTION. THE ORDINANCE MAY PROVIDE FOR A DELAYED EFFECTIVE
17	DATE OR MAY PROVIDE FOR THE ORDINANCE TO BECOME EFFECTIVE
18	UPON_THE_EULFILLMENT_OF_AN_INDICATED_CONTINGENCY.
19	(7) IF THE PLAN OF GOVERNMENT ALLOWS THE CHIEF
20	EXECUTIVE TO VETO AN ORDINANCE. THIS POWER MUST BE EXERCISED
21	IN WRITING PRIOR TO ITS NEXT REGULARLY SCHEDULED MEETING OF
22	THE GOVERNING BODY. WHENEVER THE CHIEF EXECUTIVE VETOES AN
23	ORDINANCE. THE GOVERNING BODY MUST ACT AT THE NEXT REGULARLY
24	SCHEDULED MEETING TO EITHER OVERRIDE OR CONFIRM THE VETO.
25	WHENEVER THE VETO IS OVERRIDDEN OR THE EXECUTIVE FAILS TO

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ACT. THE DRDINANCE SHALL TAKE EFFECT. 1 2 (B) THERE SHALL BE MAINTAINED A REGISTER OF ORDINANCES 3 IN WHICH ALL ORDINANCES ARE ENTERED IN FULL AFTER PASSAGE 4 AND APPROVAL. EXCEPT WHEN A CODE IS ADOPTED BY REFERENCE. 5 WHEN A CODE IS ADOPTED BY REFERENCE, THE DATE AND SOURCE OF 6 THE CODE SHALL BE ENTERED. 7 (9) (A) NO LATER THAN 1980 AND AT 5-YEAR INTERVALS 8 IHEREAFTER APPROPRIATE ORDINANCES SHALL BE COMPILED INTO A 9 UNIFORM CODE AND PUBLISHED. 10 (B) THE RECODIFICATION IS NOT EFFECTIVE UNTIL APPROVED 11 BY THE GOVERNING BODY. 12 (10) THIS SECTION MERELY PROVIDES A PROCEDURE FOR THE 13 ADOPTION OF ORDINANCES. AND SHALL NOT BE CONSTRUED AS 14 GRANTING AUTHORITY TO ADOPT ORDINANCES. 15 SECTION 6. ADOPTION AND AMENDMENT OF CODES BY 16 REFERENCE. (1) ANY LOCAL GOVERNMENT MAY ADOPT OR REPEAL AN 17 ORDINANCE WHICH INCORPORATES BY REFERENCE THE PROVISIONS OF 18 ANY CODE OR PORTIONS OF ANY CODE. OR ANY AMENDMENT THEREOF. 19 PROPERLY IDENTIFIED AS TO DATE AND SOURCE. WITHOUT SETTING 20 FORTH THE PROVISIONS OF THE CODE IN FULL, NOTICE OF THE 21 INTENT TO ADOPT A CODE BY REFERENCE SHALL BE PUBLISHED AFTER 22 FIRST READING AND PRIOR TO FINAL ADOPTION OF THE CODE. AT 23 LEAST ONE COPY OF THE CODE. PORTION. OR AMENDMENT WHICH IS 24 INCORPORATED OR ADOPTED BY REFERENCE SHALL BE FILED IN THE 25 OFFICE OF THE CLERK OF THE GOVERNING BODY AND THERE KEPT

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1	AVAILABLE FOR PUBLIC USE. INSPECTION. AND EXAMINATION. THE
z	FILING_REQUIREMENTS_HEREINPRESCRIBEDSHALL_NOTBE
3	CONSIDERED TO BE COMPLIED WITH UNLESS THE REQUIRED COPIES OF
4	THE CODES. PORTION. AMENDMENT. OR PUBLIC RECORD ARE FILED
5	WITH THE CLERK OF THE GOVERNING BODY FOR A PERIOD OF 30 DAYS
6	PRIOR ID FINAL ADOPTION OF THE ORDINANCE WHICH INCORPORATES
7	THE CODE. PORTION, OR AMENDMENT BY REFERENCE.
8	(2) THE GOVERNING BODY MAY ADOPT OR AMEND A CODE BY
9	REFERENCE BY AN ENERGENCY ORDINANCE AND WITHOUT NOTICE. THE
10	EMERGENCY ORDINANCE IS AUTOMATICALLY REPEALED 90 DAYS
11	FOLLOWING ITS ADOPTION AND CANNOT BE REENACTED AS AN
12	EMERGENCY_ORDINANCE.
13	(3) THE PROCESS FOR REPEALING AN ORDINANCE WHICH
14	ADOPTED OR AMENDED A CODE BY REFERENCE SHALL BE THE SAME AS
15	FOR REPEALING ANY OTHER ORDINANCE.
16	(4) THE FILING REQUIREMENT OF SUBSECTION (1) OF THIS
17	SECTION SHALL BE COMPLIED WITH IN ADOPTING AMENDMENTS TO
18	CODES_
19	151_ANYORDINANCEADDPTING_A_CODE. PORTION. OR
20	AMENDMENT BY REFERENCE SHALL STATE THE PENALTY FOR VIOLATING
21	THE CODE, PORTION, OR AMENDMENT, OR ANY PROVISION THEREOF
22	SEPARATELY. AND NO PART OF ANY PENALTY SHALL BE INCORPORATED
23	BY_REFERENCE.
24	16) FOR PURPOSES OF THIS SECTION. "CODE" MEANS ANY
25	PUBLISHED COMPILATION OF RULES WHICH HAS BEEN PREPARED BY
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1	VARIOUS TECHNICAL TRADE ASSOCIATIONS. MODEL CODE
z	ORGANIZATIONS, FEDERAL AGENCIES, OR THIS STATE OR ANY AGENCY
3	THEREOF: AND SHALL INCLUDE SPECIFICALLY BUT SHALL NOT BE
4	LIMITED TO: TRAFFIC CODES. BUILDING CODES. PLUMBING CODES.
5	ELECTRICAL WIRING CODES+ HEALTH OR SANITATION CODES+ FIRE
6	PREVENTION CODES. INFLAMMABLE LIQUIDS CODES. TOGETHER WITH
7	ANY OTHER CODE WHICH EMBRACES RULES PERTINENT TO A SUBJECT
8	WHICH IS A PROPER LOCAL GOVERNMENT LEGISLATIVE MATTER.
9	SECTION 7. PENALTY FOR VIOLATION OF ORDINANCE. A
10	LOCAL GOVERNMENT MAY FIX PENALTIES FOR THE VIOLATION OF AN
11	ORDINANCE WHICH DO NOT EXCEED A FINE OF \$500 OR 6 MONTHS.
12	IMPRISONMENT OR BOTH THE FINE AND IMPRISONMENT.
13	SECTION 8. RESOLUTION REQUIREMENTS. (1) ALL
14	RESOLUTIONS SHALL BE SUBMITTED IN THE FORM PRESCRIBED BY
15	RESOLUTION OF THE GOVERNING BODY.
16	(2) RESOLUTIONS MAY BE SUBMITTED AND ADOPTED AT A
17	SINGLE MEETING OF THE GOVERNING BODY.
18	(3) IE THE PLAN OF GOVERNMENT ALLOWS THE EXECUTIVE TO
19	YETO RESOLUTIONS. THIS POWER MUST BE IMMEDIATELY EXERCISED
20	IN_WRITING_AT_THE SAME NEXT_REGULAR MEETING. IE_THE
21	EXECUTIVE FAILS TO ACT. THE RESOLUTION SHALL BE APPROVED. IF
22	THE EXECUTIVE VETDES A RESOLUTION. THE GOVERNING BODY MUSI
23	ACT AT THE SAME MEETING OR ITS NEXT REGULARLY SCHEDULED
24	MEETING TO EITHER OVERRIDE OR CONFIRM THE VETO.
25	14) AFTER PASSAGE AND APPROVAL. ALL RESOLUTIONS SHALL

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1	BE ENTERED INTO THE MINUTES AND SIGNED BY THE CHAIRPERSON OF
z	IHE GOVERNING RODY.
3	15) ALL RESOLUTIONS SHALL BE IMMEDIATELY EFFECTIVE
4	UNLESS A GELAYED EFFECTIVE DATE IS SPECIFIED.
5	SECTION 9. INITIATIVE AND REFERENDUM. (1) THE POWERS
6	OF INITIATIVE AND REFERENDUM ARE RESERVED TO THE ELECTORS OF
7	EACH LOCAL GOVERNMENT. RESOLUTIONS AND ORDINANCES WITHIN THE
8	LEGISLATIVE JURISDICTION AND POWER OF THE GOVERNING BODY DE
9	THE LOCAL GOVERNMENT. EXCEPT THOSE SET OUT IN SUBSECTION (2)
10	OF THIS SECTION. MAY BE PROPOSED OR AMENDED AND PRIOR
11	RESOLUTIONS AND ORDINANCES MAY BE REPEALED IN THE MANNER
12	PROVIDED IN THIS SECTION.
13	12) THE POWERS OF INITIATIVE SHALL NOT EXTEND TO THE
14	EQLLOWING:
15	(A) THE ANNUAL BUDGET:
16	{ b}property-tax-leviest
17	tet(B) BOND PROCEEDINGS, EXCEPT FOR OBDINANCES
18	AUTHORIZING BONDS.
19	tation of charges
20	PLEDGED FOR THE PAYMENT DE PRINCIPAL AND INTEREST ON BONDS:
21	<u>DR</u>
22	tetid) THE LEVY OF SPECIAL ASSESSMENTS PLEDGED FOR THE
23	PAYMENT OF PRINCIPAL AND INTEREST ON BONDS.
24	(3) THE ELECTORS MAY INITIATE AND AMEND ORDINANCES AND
25	REQUIRE SUBMISSION OF EXISTING ORDINANCES TO A VOTE OF. THE

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1	PEOPLE BY PETITION. IF SUBMITTED PRIOR TO THE ORDINANCE'S
2	EFFECTIVE DATE. A PETITION REQUESTING A REFERENCUM ON THE
3	ORDINANCE SHALL DELAY THE ORDINANCE'S EFFECTIVE DATE UNTIL
4	THE OKDINANCE IS RATIFIED BY THE ELECTORS. A PETITION
5	REQUESTING A REFERENDUM ON AN EMERGENCY ORDINANCE FILED
6	WITHIN 30 DAYS OF ITS EFFECTIVE DATE SHALL SUSPEND THE
7	ORDINANCE UNTIL RATIFIED BY THE ELECTORS.
8	(4) THE GOVERNING BODY MAY REFER EXISTING OR PROPOSED
9	ORDINANCES TO A YOTE OF THE PEOPLE BY RESOLUTION.
10	15) A PETITION OR RESOLUTION FOR INITIATIVE OB
11	REFERENDUM SHALL:
12	(A)EMBRACE_ONLY_A_SINGLE_COMPREHENSIVE_SUBJECT:
13	(B) SET_OUT_EULLY_THE_ORDINANCE_SOUGHT_BY_PETITIONERS.
14	OR IN THE CASE OF AN AMENDMENT. SET OUT FULLY THE ORDINANCE
15	SOUGHT TO BE AMENDED AND THE PROPOSED AMENDMENT. OR. IN THE
16	CASE OF REFERENDUM. SET OUT THE ORDINANCE SOUGHT TO BE
17	REPEALED: AND
18	(C) CONTAIN THE SIGNATURES OF 15% OF THE ELECTORS OF
19	THE LOCAL GOVERNMENT.
20	(6) (A) THE GOVERNING BODY MAY. WITHIN 60 DAYS OF
21	BECEIVING THE PETITION. TAKE THE ACTION CALLED FOR IN THE
22	PETITION. IF THE ACTION IS TAKEN. THE QUESTION NEED NOT BE
23	SUBMIITED TO THE ELECTORS.
24	(8) IF THE GOVERNING BODY DOES NOT. WITHIN 60 DAYS.
25	TAKE THE PROPOSED ACTION. THEN THE OVESTION SHALL BE

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1	SUBMITTED TO THE ELECTORS AT THE NEXT SCHOOL. PRIMARY. DR
Z	GENERAL ELECTION OR A SPECIAL ELECTION CALLED FOR THAT
3	PURPOSE. BEFORE SUBMITTING THE QUESTION TO THE ELECTORS. THE
4	GOVERNING BODY MAY DIRECT THAT A SUIT BE BROUGHT IN DISTRICT
5	COURT BY THE LOCAL GOVERNMENT TO DETERMINE WHETHER THE
6	PETITION IS REGULAR IN FORM, HAS SUFFICIENT SIGNATURES, AND
7	WHETHERTHEPROPOSED ACTION WOULD BE VALID AND
8	CONSTITUTIONAL.
9	(C) THE COMPLAINT SHALL NAME AS DEFENDANTS NOT LESS
10	THAN 10 OR MORE THAN 20 OF THE PETITIONERS. IN ADDITION TO
11	THE NAMES OF THE DEFENDANTS, TO THE CAPTION OF THE COMPLAINT
12	INERE SHALL BE ADDED THE WORDS: "AND ALL PETITIONERS WHOSE
13	NAMES APPEAR ON THE PETITION FOR AN ORDINANCE FILED ON THE
14	ARRA DAY DE PRARABARES IN THE YEAR ARRANG THE
15	DATE OF FILING. THE SUMMONS SHALL BE SIMILARLY DIRECTED AND
16	SHALL BE SERVED ON THE DEFENDANTS NAMED THEREIN, AND IN
17	ADDITION SHALL BE PUBLISHED.
18	(D) IF AN ORDINANCE IS REPEALED OR ENACTED PURSUANT TO
19	A PROPOSAL INITIATED BY THE ELECTORS DE A LOCAL GOVERNMENT.
20	THE GOVERNING BODY MAY NOT FOR 2 YEARS REENACT OR REPEAL THE
21	ORDINANCE. IF DURING THE 2-YEAR PERIOD THE GOVERNING BODY
22	ENACTS AN ORDINANCE SIMILAR TO THE ONE REPEALED PURSUANT TO
23	A DESCREADING OF THE ELECTORE A CUTT MAY DE ADOUGUT TO
	A REFERENDUM OF THE ELECTORS. A SUIT MAY BE BROUGHT TO
24	DETERMINE WHETHER THE NEW ORDINANCE IS A REENACTMENT WITHOUT

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1	SHALL NOT PREVENT EXERCISE OF THE INITIATIVE. AT ANY TIME.
2	IOPROCUREA_REENACTMENT_OF_AN_ORDINANCE_REPEALED_PURSUANT
3	IO REFERENDUM DE THE ELECTORS.
4	[7](A)_ANY_ORDINANCEPROPOSEDBYPEIITIONORANY
5	AMENDEDORDINANCE_PROPOSED_BY_PETITION_OR_ANY_REFERENDUM_ON
6	AN DRDINANCE WHICH IS ENTITLED TO BE SUBMITTED TO THE
7	ELECTORS SHALL BE VOTED ON AT THE NEXT REGULAR ELECTION TO
8	BE HELD IN THE LOCAL GOVERNMENT UNLESS:
9	(1) THE PETITION ASKS THAT THE QUESTION BE SUBMITTED
10	AT A SPECIAL ELECTION AND IS SIGNED BY AT LEAST 25% OF THE
11	ELECTORS OF THE LOCAL GOVERNMENT, IN WHICH CASE THE
12	GOVERNING BODY SHALL CALL & SPECIAL ELECTION: DR
13	(11) THE GOVERNING BODY CALLS FOR A SPECIAL ELECTION ON
14	THE QUESTION.
15	(B) IF THE ADEQUACY OF THE PETITION IS DETERMINED BY
16	THE ELECTIONS ADMINISTRATOR LESS THAN 45 DAYS PRIOR ID. THE
17	NEXT REGULAR ELECTION. THE ELECTION SHALL BE DELAYED UNTIL
18	THE FOLLOWING REGULAR ELECTION, UNLESS A SPECIAL ELECTION IS
19	CALLED.
20	(C) WHENEVER A MEASURE IS READY FOR SUBMISSION TO THE
21	ELECTORS. THE APPROPRIATE ELECTION DEFICIAL SHALL. IN
22	WRITING, NOTIEY THE GOVERNING BODY AND SHALL PUBLISH NOTICE
23	OF THE ELECTION AND THE ORDINANCE WHICH IS TO BE PROPOSED OR
24	AMENDED. IN THE CASE OF A REFERENDUM. THE ORDINANCE SOUGHT

25 TO BE REPEALED SHALL BE PUBLISHED.

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1	(D) THE QUESTION SHALL BE PLACED ON THE BALLOT GIVING
2	THE ELECTORS A CHOICE BETWEEN ACCEPTING OR REJECTING THE
3	PROPOSAL
4	(E) IF A MAJORITY OF THOSE VOTING FAVOR THE PROPOSAL.
5	IT BECOMES EFFECTIVE WHEN THE ELECTION RESULTS ARE
6	DEFICIALLY DECLARED, UNLESS OTHERWISE STATED IN THE
1	PROPOSAL
8	SECTION 10. DETERMINATION OF THE NUMBER OF SIGNATURES
9	REQUIRED FOR A PETITION. IN ORDER TO DETERMINE THE NUMBER OF
10	SIGNATURES NEEDED ON A PETITION TO MEET THE PERCENTAGE
11	REQUIREMENTS OF THIS ACT, THE NUMBER OF ELECTORS SHALL BE
12	THE NUMBER OF INDIVIDUALS REGISTERED TO VOTE AT THE LAST
13	PRECEDING GENERAL ELECTION FOR THE LOCAL GOVERNMENT.
14	SECTION 11. OPERATION OF SELE-GOVERNMENT CONSOLIDATED
15	UNITS OF LOCAL GOVERNMENT. (1) WHENEVER EXISTING LAW
16	CONTAINS DIFFERENT PROVISIONS AND PROCEDURES FOR THE
17	FUNCTIONING OF COUNTIES AND MUNICIPALITIES. INCLUDING BUT
18	NOT_LIMITED_TO_SUCH_AREAS_AS_ELECTION_PROCEDURES, ISSUANCE
19	OF BONDS: ADOPTION OF BUDGETS: CREATION OF SPECIAL
20	DISTRICTS. LEVYING OF TAXES. AND PROVISION OF SERVICES. THE
21	GOVERNING BODY OF A SELF-GOVERNMENT CONSOLIDATED UNIT OF
22	LOCAL GOVERNMENT WHICH CONTAINS AT LEAST ONE COUNTY AND ONE
23	MUNICIPALITY SHALL, BY ORDINANCE, ADOPT FITHER THE COUNTY OR
24	MUNICIPALITY PROVISIONS. THE ORDINANCE MAY PROVIDE FOR

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1	STRUCTURE OF THE CONSOLIDATED UNIT. THIS SUBSECTION APPLIES
2	IO SELF-GOVERNMENT CONSOLIDATED UNITS ONLY IN THOSE AREAS
3	WHERE SUCH UNITS ARE SUBJECT TO STATE LAW UNDER 474-7-201
4	<u>THROUGH_47A-7-204.</u>
5	(2) A COMBINATION OF COUNTY AND MUNICIPAL OFFICES IN A
6	SELE-GOVERNMENT CONSOLIDATED UNIT MAY BE ACCOMPLISHED BY
7	ORDINANCE WHENEVER SUCH A COMBINATION IS NECESSARY FOR
8	CARRYING OUT A DUTY ASSIGNED BY STATE LAW TO THE LOCAL
9	GOVERNMENT. WHENEVER STATE LAN IMPOSES A DUTY UPON A
10	SPECIFICOFFICIALOREMPLOYEEOFA_SELF-GOVERNMENT
11	CONSOLIDATED UNIT OF LOCAL GOVERNMENT AND THE LOCAL
12	<u>GOVERNMENT_UNDER_ITS_ADOPTED_ALTERNATIVE_FORM_OF_GOVERNMENT</u>
13	DOES NOT HAVE SUCH AN DEFICIAL OR EMPLOYEE. THE GOVERNING
14	BODY MAY BY ORDINANCE ASSIGN THAT DUTY TO THE APPROPRIATE
15	OFFICIAL DR EMPLOYEE OF THE LOCAL GOVERNMENT. THE GOVERNING
16	BODY OF ANY SELF-GOVERNMENT CONSOLIDATED UNIT OF LOCAL
17	<u>GOVERNMENT. MAY BY ORDINANCE ASSIGN RESPONSIBILITY TO CARRY</u>
18	QUT ANY FUNCTION OR PROVIDE ANY SERVICE REQUIRED BY STATE
19	LAW TO ONE OR MORE DEPARTMENTS, OFFICERS, OR EMPLOYEES OF
20	THE LOCAL GOVERNMENT NOTWITHSTANDING THE EACT THAT THE STATE
21	LAW MAY ASSIGN THE FUNCTION OR SERVICE TO A SPECIFIC DEFICE.
22	SECTION 12. SECTION 23 DE CHAPTER 513 DE LAWS. 1975.
23	IS AMENDED TO READ AS FOLLOWS:
24	"Section 23. Automatic repealer. This act <u>e except for</u>
25	sections 4, 6, 14, 15, 16, and 17, terminates on June 30,

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1 1977."

2	<u>\$ECTION-13+\$COPEOF-ACT+WHENEYER-THC-PROVISIONS-OF</u>
3	IHIS-ACI-CONFLICT-WITH-THE-PROVISIONS-OF-OTHER-LAWSRELATED
4	TO-LOCAL-GOVERNMENTs-THE-PROVISIONS-OF-THIS-ACT-PREVAILs
5	SECTION 13. DEFINITION. AS USED IN THIS ACT. "CHIEF
6	EXECUTIVE"_MEANSTHEELECTEDEXECUTIVEINAGOVERNMENT
7	ADOPTING_THE_COMMISSION_MANAGER_FORM+_THE_CHAIRMAN_IN_A
8	GOVERNMENT ADOPTING THE COMMISSION-CHAIRMAN FORM. THE TOWN
9	CHAIRMAN IN A GOVERNMENT ADOPTING THE TOWN NEETING FORM. THE
10	COMMISSION ACTING AS A BODY IN A GOVERNMENT ADOPTING THE
11	COMMISSION FORM. OR THE OFFICER OR OFFICERS SO DESIGNATED IN
12	THE CHARTER IN A GOVERNMENT ADOPTING A CHARTER.
13	SECTION 14. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY

14 1. 1977.

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-End-

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