

1 Senate BILL NO. 445
 2 INTRODUCED BY LOCKRIM

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, AND TO OTHERWISE REVISE AND
 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
 11 for a nonpartisan primary election shall send a declaration
 12 of nomination, as prescribed in 23-3304, to the appropriate
 13 election official of the local government in which he seeks
 14 office not later than 5 p.m. 40 days prior to the date of
 15 the primary election.

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

1 contain only the name of the candidate and the office to
 2 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.

6 (4) If the number of candidates to be entered on the
 7 nonpartisan primary ballot for each office does not exceed
 8 twice the number of candidates to be elected for the
 9 respective offices, a nonpartisan primary election shall not
 10 be held in that year and all candidates entered on the
 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.

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 p.m. 40 days before the date of the election.

6 Section 3. Nonpartisan 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
 14 the local government. To be effective, a proposed amendment
 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
 18 government fiscal year following the fiscal year of approval
 19 unless the question submitted to the electors provides
 20 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.

-End-

Approved by Comm.
on Local Government

SENATE BILL NO. 445
INTRODUCED BY LOCKREM

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
NONPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF
SELF-GOVERNMENT CHARTERS OR ADOPTED ALTERNATIVE FORMS OF
LOCAL GOVERNMENT, TO PROVIDE FOR ENACTMENT OF ORDINANCES AND
RESOLUTIONS, TO PROVIDE FOR LOCAL GOVERNMENT INITIATIVE AND
REFERENDUM, TO PROVIDE FOR THE OPERATION OF CONSOLIDATED
UNITS OF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND
CLARIFY LOCAL GOVERNMENT LAWS; AMENDING SECTION 23 OF
CHAPTER 513 OF LAWS, 1975; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Nonpartisan nomination. (1) Each candidate
for a nonpartisan primary election shall send a declaration
of nomination, as prescribed in 23-3304, to the appropriate
election official of the local government in which he seeks
office not later than 5 p.m. 40 days prior to the date of
the primary election. THE DECLARATION SHALL BE ACCOMPANIED
BY A PETITION SIGNED BY AT LEAST 25 ELECTORS OF THE LOCAL
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

[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.

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

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

(4) If the number of candidates to be entered on the
nonpartisan primary ballot for each office does not exceed
twice the number of candidates to be elected for the
respective offices, a nonpartisan primary election shall not
be held in that year and all candidates entered on the
nonpartisan primary ballot shall be considered nominated for
their respective offices and shall have their names placed
on the nonpartisan general election ballot. If the number of
candidates to be entered on the nonpartisan primary ballot
for any particular office does exceed twice the number of
persons to be elected to that office, a primary election
shall be held for all offices to be voted on at the general
election.

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 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

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
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.
8 The question on charter amendment OF 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
20 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 VOIE OF MEMBERS PRESENT AT TWO MEETINGS OF THE
25 GOVERNING BODY NOT LESS THAN 12 DAYS APART, AFTER THE FIRST

1 ADDITION 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 TWO-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 FOR NO MORE THAN 90 DAYS.

10 (5) 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 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

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 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 HEREAFTER 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 SECTION 6. ADOPTION AND AMENDMENT OF CODES BY
13 REFERENCE. (1) ANY LOCAL GOVERNMENT MAY ADOPT OR REPEAL AN
14 ORDINANCE WHICH INCORPORATES BY REFERENCE THE PROVISIONS OF
15 ANY CODE OR PORTIONS OF ANY CODE, OR ANY AMENDMENT THEREOF,
16 PROPERLY IDENTIFIED AS TO DATE AND SOURCE, WITHOUT SETTING
17 FORTH THE PROVISIONS OF THE CODE IN FULL. NOTICE OF THE
18 INTENT TO ADOPT A CODE BY REFERENCE SHALL BE PUBLISHED AFTER
19 FIRST READING AND PRIOR TO FINAL ADOPTION OF THE CODE. AT
20 LEAST ONE COPY OF THE CODE, PORTION, OR AMENDMENT WHICH IS
21 INCORPORATED OR ADOPTED BY REFERENCE SHALL BE FILED IN THE
22 OFFICE OF THE CLERK OF THE GOVERNING BODY AND THERE KEPT
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

1 THE CODES, PORTION, AMENDMENT, OR PUBLIC RECORD ARE FILED
 2 WITH THE CLERK OF THE GOVERNING BODY FOR A PERIOD OF 30 DAYS
 3 PRIOR TO FINAL ADOPTION OF THE ORDINANCE WHICH INCORPORATES
 4 THE CODE, PORTION, OR AMENDMENT BY REFERENCE.

5 (2) THE GOVERNING BODY MAY ADOPT OR AMEND A CODE BY
 6 REFERENCE BY AN EMERGENCY ORDINANCE AND WITHOUT NOTICE. THE
 7 EMERGENCY ORDINANCE IS AUTOMATICALLY REPEALED 90 DAYS
 8 FOLLOWING ITS ADOPTION AND CANNOT BE REENACTED AS AN
 9 EMERGENCY ORDINANCE.

10 (3) THE PROCESS FOR REPEALING AN ORDINANCE WHICH
 11 ADOPTED 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) OF THIS
 14 SECTION SHALL BE COMPLIED WITH IN ADOPTING AMENDMENTS TO
 15 CODES.

16 (5) ANY ORDINANCE ADOPTING A CODE, PORTION, OR
 17 AMENDMENT BY REFERENCE SHALL STATE THE PENALTY FOR VIOLATING
 18 THE CODE, PORTION, OR AMENDMENT, OR ANY PROVISION THEREOF
 19 SEPARATELY, AND NO PART OF ANY PENALTY SHALL BE INCORPORATED
 20 BY REFERENCE.

21 (6) FOR PURPOSES OF THIS SECTION, "CODE" MEANS ANY
 22 PUBLISHED COMPILATION OF RULES WHICH HAS BEEN PREPARED BY
 23 VARIOUS TECHNICAL TRADE ASSOCIATIONS, MODEL CODE
 24 ORGANIZATIONS, FEDERAL AGENCIES, OR THIS STATE OR 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 OR SANITATION CODES, FIRE
 3 PREVENTION CODES, INFLAMMABLE LIQUIDS CODES, TOGETHER WITH
 4 ANY OTHER CODE WHICH EMBRACES RULES PERTINENT TO A SUBJECT
 5 WHICH IS A PROPER LOCAL GOVERNMENT LEGISLATIVE MATTER.

6 SECTION 7. PENALTY FOR VIOLATION OF ORDINANCE. A
 7 LOCAL GOVERNMENT MAY FIX PENALTIES FOR THE VIOLATION OF AN
 8 ORDINANCE WHICH DO NOT EXCEED A FINE OF \$500 OR 6 MONTHS'
 9 IMPRISONMENT 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 OF THE GOVERNING BODY.

13 (2) RESOLUTIONS MAY BE SUBMITTED AND ADOPTED AT A
 14 SINGLE MEETING OF THE GOVERNING BODY.

15 (3) IF THE PLAN OF GOVERNMENT ALLOWS THE EXECUTIVE TO
 16 VETO RESOLUTIONS, THIS POWER MUST BE IMMEDIATELY EXERCISED
 17 IN WRITING AT THE SAME MEETING. IF THE EXECUTIVE FAILS TO
 18 ACT, THE RESOLUTION SHALL BE APPROVED. IF THE EXECUTIVE
 19 VEToes A RESOLUTION, THE GOVERNING BODY MUST ACT AT THE SAME
 20 MEETING OR ITS NEXT REGULARLY SCHEDULED MEETING TO EITHER
 21 OVERRIDE OR CONFIRM THE VETO.

22 (4) AFTER PASSAGE AND APPROVAL, ALL RESOLUTIONS SHALL
 23 BE ENTERED INTO THE MINUTES AND SIGNED BY THE CHAIRPERSON OF
 24 THE GOVERNING BODY.

25 (5) ALL RESOLUTIONS SHALL BE IMMEDIATELY EFFECTIVE

1 UNLESS A DELAYED EFFECTIVE DATE IS SPECIFIED.

2 SECTION 9. INITIATIVE AND REFERENDUM. (1) THE POWERS
 3 OF INITIATIVE AND REFERENDUM ARE RESERVED TO THE ELECTORS OF
 4 EACH LOCAL GOVERNMENT. RESOLUTIONS AND ORDINANCES WITHIN THE
 5 LEGISLATIVE JURISDICTION AND POWER OF THE GOVERNING BODY OF
 6 THE LOCAL GOVERNMENT, EXCEPT THOSE SET OUT IN SUBSECTION (2)
 7 OF THIS SECTION, MAY BE PROPOSED OR AMENDED AND PRIOR
 8 RESOLUTIONS 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 FOLLOWING:

12 (A) THE ANNUAL BUDGET;

13 (B) PROPERTY TAX LEVIES;

14 (C) BOND PROCEEDINGS, EXCEPT FOR ORDINANCES
 15 AUTHORIZING BONDS.

16 (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES
 17 PLEGGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS;
 18 OR

19 (E) THE LEVY OF SPECIAL ASSESSMENTS PLEDGED FOR THE
 20 PAYMENT OF PRINCIPAL AND INTEREST ON BONDS.

21 (3) THE ELECTORS MAY INITIATE AND AMEND ORDINANCES AND
 22 REQUIRE SUBMISSION OF EXISTING ORDINANCES TO A VOTE OF THE
 23 PEOPLE BY PETITION. IF SUBMITTED PRIOR TO THE ORDINANCE'S
 24 EFFECTIVE DATE, A PETITION REQUESTING A REFERENDUM ON THE
 25 ORDINANCE SHALL DELAY THE ORDINANCE'S EFFECTIVE DATE UNTIL

1 THE ORDINANCE IS RATIFIED BY THE ELECTORS. A PETITION
 2 REQUESTING A REFERENDUM ON AN EMERGENCY ORDINANCE FILED
 3 WITHIN 30 DAYS OF ITS EFFECTIVE DATE SHALL SUSPEND THE
 4 ORDINANCE UNTIL RATIFIED BY THE ELECTORS.

5 (4) THE GOVERNING BODY MAY REFER EXISTING OR PROPOSED
 6 ORDINANCES 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 COMPREHENSIVE SUBJECT;

10 (B) SET OUT FULLY THE ORDINANCE SOUGHT BY PETITIONERS,
 11 OR IN THE CASE OF AN AMENDMENT, SET OUT FULLY THE ORDINANCE
 12 SOUGHT TO BE AMENDED AND THE PROPOSED AMENDMENT, OR IN THE
 13 CASE OF REFERENDUM, SET OUT THE ORDINANCE SOUGHT TO BE
 14 REPEALED; AND

15 (C) CONTAIN THE SIGNATURES OF 15% OF THE ELECTORS OF
 16 THE LOCAL GOVERNMENT.

17 (6) (A) THE GOVERNING BODY MAY, WITHIN 60 DAYS OF
 18 RECEIVING THE PETITION, TAKE THE ACTION CALLED FOR IN THE
 19 PETITION. IF THE ACTION IS TAKEN, THE QUESTION NEED NOT BE
 20 SUBMITTED TO THE ELECTORS.

21 (B) IF 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 OR A SPECIAL ELECTION CALLED FOR THAT
 25 PURPOSE. BEFORE SUBMITTING THE QUESTION TO THE ELECTORS, THE

1 GOVERNING BODY MAY DIRECT THAT A SUIT BE BROUGHT IN DISTRICT
 2 COURT BY THE LOCAL GOVERNMENT TO DETERMINE WHETHER THE
 3 PETITION IS REGULAR IN FORM, HAS SUFFICIENT SIGNATURES, AND
 4 WHETHER THE PROPOSED ACTION WOULD BE VALID AND
 5 CONSTITUTIONAL.

6 (C) THE COMPLAINT SHALL NAME AS DEFENDANTS NOT LESS
 7 THAN 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 ORDINANCE FILED ON THE
 11 DAY OF IN THE YEAR, STATING THE
 12 DATE OF FILING, THE SUMMONS SHALL BE SIMILARLY DIRECTED AND
 13 SHALL BE SERVED ON THE DEFENDANTS NAMED THEREIN, AND IN
 14 ADDITION SHALL BE PUBLISHED.

15 (D) IF AN ORDINANCE IS REPEALED OR ENACTED PURSUANT TO
 16 A PROPOSAL INITIATED BY THE ELECTORS OF 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 ENACTS AN ORDINANCE SIMILAR TO THE ONE REPEALED PURSUANT TO
 20 A REFERENDUM OF THE ELECTORS, A SUIT MAY BE BROUGHT TO
 21 DETERMINE 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 TO PROCURE A REENACTMENT OF AN ORDINANCE REPEALED PURSUANT
 25 TO REFERENDUM OF THE ELECTORS.

1 (1) (A) ANY ORDINANCE PROPOSED BY PETITION OR ANY
 2 AMENDED ORDINANCE PROPOSED BY PETITION OR ANY REFERENDUM ON
 3 AN ORDINANCE WHICH 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:

6 (I) THE PETITION ASKS THAT THE QUESTION BE SUBMITTED
 7 AT A SPECIAL ELECTION AND IS SIGNED BY AT LEAST 25% OF THE
 8 ELECTORS OF THE 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) IF THE ADEQUACY OF THE PETITION IS DETERMINED BY
 13 THE ELECTIONS ADMINISTRATOR LESS THAN 45 DAYS PRIOR TO THE
 14 NEXT REGULAR ELECTION, THE ELECTION SHALL BE DELAYED UNTIL
 15 THE FOLLOWING REGULAR ELECTION, UNLESS A SPECIAL ELECTION IS
 16 CALLED.

17 (C) WHENEVER A MEASURE IS READY FOR SUBMISSION TO THE
 18 ELECTORS, THE APPROPRIATE ELECTION OFFICIAL SHALL, IN
 19 WRITING, NOTIFY THE GOVERNING BODY AND SHALL PUBLISH NOTICE
 20 OF THE ELECTION AND THE ORDINANCE WHICH IS TO BE PROPOSED OR
 21 AMENDED. IN THE CASE OF REFERENDUM, THE ORDINANCE SOUGHT TO
 22 BE REPEALED SHALL BE PUBLISHED.

23 (D) THE QUESTION SHALL BE PLACED ON THE BALLOT GIVING
 24 THE ELECTORS A CHOICE BETWEEN ACCEPTING OR REJECTING THE
 25 PROPOSAL.

1 (E) IF A MAJORITY OF THOSE VOTING FAVOR THE PROPOSAL,
 2 IT BECOMES EFFECTIVE WHEN THE ELECTION RESULTS ARE
 3 OFFICIALLY DECLARED, UNLESS OTHERWISE STATED IN THE
 4 PROPOSAL.

5 SECTION 10. DETERMINATION OF THE NUMBER OF SIGNATURES
 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 INDIVIDUALS REGISTERED TO VOTE AT THE LAST
 10 PRECEDING GENERAL ELECTION FOR THE LOCAL GOVERNMENT.

11 SECTION 11. OPERATION OF CONSOLIDATED UNITS OF LOCAL
 12 GOVERNMENT. (1) WHENEVER EXISTING LAW CONTAINS DIFFERENT
 13 PROVISIONS AND PROCEDURES FOR THE FUNCTIONING OF COUNTIES
 14 AND MUNICIPALITIES, INCLUDING BUT NOT LIMITED TO SUCH AREAS
 15 AS ELECTION PROCEDURES, ISSUANCE OF BONDS, ADOPTION OF
 16 BUDGETS, CREATION OF 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 ADOPT EITHER THE COUNTY OR MUNICIPALITY PROVISIONS. THE
 21 ORDINANCE MAY PROVIDE FOR NECESSARY CHANGES IN THE STATUTES
 22 TO ACCOMMODATE THE STRUCTURE OF THE CONSOLIDATED UNIT. THIS
 23 SUBSECTION APPLIES TO SELF-GOVERNMENT CONSOLIDATED UNITS
 24 ONLY IN THOSE AREAS WHERE SUCH UNITS ARE SUBJECT TO STATE
 25 LAW UNDER 47A-7-201 THROUGH 47A-7-204.

1 (2) A COMBINATION OF COUNTY AND MUNICIPAL OFFICES IN A
 2 CONSOLIDATED UNIT MAY BE ACCOMPLISHED BY ORDINANCE WHENEVER
 3 SUCH A COMBINATION IS NECESSARY FOR CARRYING OUT A DUTY
 4 ASSIGNED BY STATE LAW TO THE LOCAL GOVERNMENT. WHENEVER
 5 STATE LAW IMPOSES A DUTY UPON A SPECIFIC OFFICIAL OR
 6 EMPLOYEE OF A LOCAL GOVERNMENT AND THE LOCAL GOVERNMENT
 7 UNDER ITS ADOPTED ALTERNATIVE FORM OF GOVERNMENT DOES NOT
 8 HAVE SUCH AN OFFICIAL OR EMPLOYEE, THE GOVERNING BODY MAY BY
 9 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 FOLLOWS:

13 "Section 23. Automatic repealer. This act, except for
 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 TO LOCAL GOVERNMENT, THE PROVISIONS OF THIS ACT PREVAIL.

19 SECTION 14. DEFINITION. AS USED IN THIS ACT, "CHIEF
 20 EXECUTIVE" MEANS THE ELECTED EXECUTIVE IN A GOVERNMENT
 21 ADOPTING 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 COMMISSION ACTING AS A BODY IN A GOVERNMENT ADOPTING THE
 25 COMMISSION FORM, OR THE OFFICER OR OFFICERS SO DESIGNATED IN

SH 0445/03

1 THE CHARTER IN A GOVERNMENT ADOPTING A CHARTER.
2 SECTION 15. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY
3 1, 1977.

-End-

Approved by Comm.
on Local Government

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 2 INTRODUCED BY LOCKREM
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 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 OR ADOPTED ALTERNATIVE FORMS OF
 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 OF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND
 11 CLARIFY LOCAL GOVERNMENT LAWS; AMENDING SECTION 23 OF
 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. THE DECLARATION SHALL BE ACCOMPANIED
 21 BY 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
 25 the nonpartisan primary election ballot as provided in

SECOND READING
Second Printing

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
 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.

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 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

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
 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.
 8 The question on charter amendment OF 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
 20 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

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 TWO-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 FOR NO MORE THAN 90 DAYS.

10 (5) 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 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

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 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 THEREAFTER 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

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 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 (2) THE GOVERNING BODY MAY ADOPT OR AMEND A CODE BY
 9 REFERENCE BY AN EMERGENCY 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 (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" MEANS ANY
 25 PUBLISHED COMPILATION OF RULES WHICH HAS BEEN PREPARED BY

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, 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) IF THE PLAN OF GOVERNMENT ALLOWS THE EXECUTIVE TO
 19 VEIO 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 VEIOES A RESOLUTION, THE GOVERNING BODY MUST ACT AT THE SAME
 23 MEETING OR ITS NEXT REGULARLY SCHEDULED MEETING TO EITHER
 24 OVERRIDE OR CONFIRM THE VEIO.

25 (4) AFTER PASSAGE AND APPROVAL, ALL RESOLUTIONS SHALL

1 BE ENTERED INTO THE MINUTES AND SIGNED BY THE CHAIRPERSON OF
 2 THE GOVERNING BODY.

3 (5) ALL RESOLUTIONS SHALL BE IMMEDIATELY EFFECTIVE
 4 UNLESS A DELAYED 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 OF
 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 (2) THE POWERS OF INITIATIVE SHALL NOT EXTEND TO THE
 14 FOLLOWING:

15 (A) THE ANNUAL BUDGET;

16 (B) PROPERTY TAX LEVIES;

17 (C) BOND PROCEEDINGS, EXCEPT FOR ORDINANCES
 18 AUTHORIZING BONDS.

19 (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES
 20 PLEGGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS;
 21 OR

22 (E) THE LEVY OF SPECIAL ASSESSMENTS PLEGGED 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

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 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 (4) 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 OR
 11 REFERENDUM 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 (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 TAKE THE PROPOSED ACTION, THEN THE QUESTION SHALL BE

1 SUBMITTED TO THE ELECTORS AT THE NEXT SCHOOL, PRIMARY, OR
 2 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 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 WORDS: "AND ALL PETITIONERS WHOSE
 13 NAMES APPEAR ON THE PETITION FOR AN ORDINANCE FILED ON THE
 14 **** DAY OF ***** IN THE YEAR *****"; 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 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 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

1 SHALL NOT PREVENT EXERCISE OF THE INITIATIVE, AT ANY TIME,
 2 TO PROCURE A REENACTMENT OF AN ORDINANCE REPEALED PURSUANT
 3 TO REFERENDUM OF THE ELECTORS.

4 (7) (A) ANY ORDINANCE 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 (I) 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 A SPECIAL ELECTION; OR

13 (II) 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 REFERENDUM, THE ORDINANCE SOUGHT TO
 25 BE REPEALED SHALL BE PUBLISHED.

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 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. OPERATION OF SELF-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 EITHER THE COUNTY OR
 24 MUNICIPALITY PROVISIONS. THE ORDINANCE MAY PROVIDE FOR
 25 NECESSARY CHANGES IN THE STATUTES TO ACCOMMODATE THE

1 STRUCTURE OF THE CONSOLIDATED UNIT. THIS SUBSECTION APPLIES
 2 TO SELF-GOVERNMENT CONSOLIDATED UNITS ONLY IN THOSE AREAS
 3 WHERE SUCH UNITS ARE SUBJECT TO STATE LAW UNDER 47A-7-201
 4 THROUGH 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 LAW IMPOSES A DUTY UPON A
 10 SPECIFIC OFFICIAL OR EMPLOYEE OF A SELF-GOVERNMENT
 11 CONSOLIDATED UNIT OF LOCAL GOVERNMENT AND THE LOCAL
 12 GOVERNMENT UNDER ITS ADOPTED ALTERNATIVE FORM OF GOVERNMENT
 13 DOES NOT HAVE SUCH AN OFFICIAL 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 OR PROVIDE ANY SERVICE REQUIRED BY STATE
 19 LAW TO ONE OR MORE DEPARTMENTS, OFFICERS, OR EMPLOYEES OF
 20 THE 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 OF LAWS, 1975,
 23 IS AMENDED TO READ AS FOLLOWS:

24 "Section 23. Automatic repealer. This act, except for
 25 sections 4, 6, 14, 15, 16, and 17, terminates on June 30,

1 1977."

2 SECTION 13. SCOPE OF ACT. WHENEVER THE PROVISIONS OF
3 THIS ACT CONFLICT WITH THE PROVISIONS OF OTHER LAWS RELATED
4 TO LOCAL GOVERNMENT, THE PROVISIONS OF THIS ACT PREVAIL.

5 SECTION 14. 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 ADOPTING 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 ADOPTING A CHARTER.

13 SECTION 15. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY
14 1, 1977.

-End-

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 OR ADOPTED ALTERNATIVE FORMS OF
 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 OF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND
 11 CLARIFY LOCAL GOVERNMENT LAWS; AMENDING SECTION 23 OF
 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. THE DECLARATION SHALL BE ACCOMPANIED
 21 BY 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
 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
 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.

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 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

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
 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.
 8 The question on charter amendment OF 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
 20 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

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 TWO-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 FOR NO MORE THAN 90 DAYS.

10 (5) 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 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

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 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 THEREAFTER 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

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 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 (2) THE GOVERNING BODY MAY ADOPT OR AMEND A CODE BY
 9 REFERENCE BY AN EMERGENCY 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 (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" MEANS ANY
 25 PUBLISHED COMPILATION OF RULES WHICH HAS BEEN PREPARED BY

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, 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) IF THE PLAN OF GOVERNMENT ALLOWS THE EXECUTIVE TO
 19 VEIO 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 VETES A RESOLUTION, THE GOVERNING BODY MUST
 23 ACT AT THE SAME MEETING OR ITS NEXT REGULARLY SCHEDULED
 24 MEETING TO EITHER OVERRIDE OR CONFIRM THE VETO.

25 (4) AFTER PASSAGE AND APPROVAL, ALL RESOLUTIONS SHALL

1 BE ENTERED INTO THE MINUTES AND SIGNED BY THE CHAIRPERSON OF
2 THE GOVERNING BODY.

3 (5) ALL RESOLUTIONS SHALL BE IMMEDIATELY EFFECTIVE
4 UNLESS A DELAYED 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 OF
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 (2) THE POWERS OF INITIATIVE SHALL NOT EXTEND TO THE
14 FOLLOWING:

15 (A) THE ANNUAL BUDGET;

16 (B) PROPERTY TAX LEVIES;

17 (C) BOND PROCEEDINGS, EXCEPT FOR ORDINANCES
18 AUTHORIZING BONDS.

19 (D) THE ESTABLISHMENT AND COLLECTION OF CHARGES
20 PLEGGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS;
21 OR

22 (E) THE LEVY OF SPECIAL ASSESSMENTS PLEGGED 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

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 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 (4) 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 OR
11 REFERENDUM 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 (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 TAKE THE PROPOSED ACTION, THEN THE QUESTION SHALL BE

1 SUBMITTED TO THE ELECTORS AT THE NEXT SCHOOL, PRIMARY, OR
 2 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 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 WORDS: "AND ALL PETITIONERS WHOSE
 13 NAMES APPEAR ON THE PETITION FOR AN ORDINANCE FILED ON THE
 14 **** DAY OF ***** IN THE YEAR *****" 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 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 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

1 SHALL NOT PREVENT EXERCISE OF THE INITIATIVE, AT ANY TIME,
 2 TO PROCURE A REENACTMENT OF AN ORDINANCE REPEALED PURSUANT
 3 TO REFERENDUM OF THE ELECTORS.

4 (7) (A) ANY ORDINANCE 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 (I) 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 A SPECIAL ELECTION; OR

13 (II) 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 REFERENDUM, THE ORDINANCE SOUGHT TO
 25 BE REPEALED SHALL BE PUBLISHED.

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 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. OPERATION OF SELF-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 EITHER THE COUNTY OR
 24 MUNICIPALITY PROVISIONS. THE ORDINANCE MAY PROVIDE FOR
 25 NECESSARY CHANGES IN THE STATUTES TO ACCOMMODATE THE

1 STRUCTURE OF THE CONSOLIDATED UNIT. THIS SUBSECTION APPLIES
 2 TO SELF-GOVERNMENT CONSOLIDATED UNITS ONLY IN THOSE AREAS
 3 WHERE SUCH UNITS ARE SUBJECT TO STATE LAW UNDER 47A-7-201
 4 THROUGH 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 LAW IMPOSES A DUTY UPON A
 10 SPECIFIC OFFICIAL OR EMPLOYEE OF A SELF-GOVERNMENT
 11 CONSOLIDATED UNIT OF LOCAL GOVERNMENT AND THE LOCAL
 12 GOVERNMENT UNDER ITS ADOPTED ALTERNATIVE FORM OF GOVERNMENT
 13 DOES NOT HAVE SUCH AN OFFICIAL 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 OR PROVIDE ANY SERVICE REQUIRED BY STATE
 19 LAW TO ONE OR MORE DEPARTMENTS, OFFICERS, OR EMPLOYEES OF
 20 THE 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 OF LAWS, 1975,
 23 IS AMENDED TO READ AS FOLLOWS:

24 "Section 23. Automatic repealer. This act, except for
 25 sections 4, 6, 14, 15, 16, and 17, terminates on June 30,

1 1977."

2 ~~SECTION 13. SCOPE OF ACT. WHENEVER THE PROVISIONS OF~~
3 ~~THIS ACT CONFLICT WITH 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 ADOPTING 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 ADOPTING A CHARTER.

13 SECTION 14. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY
14 1, 1977.

-End-

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 AMENDED BE
CONCURRED IN

SENATE BILL NO. 445
INTRODUCED BY LOCKREM

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
NONPARTISAN ELECTIONS, TO PROVIDE FOR THE AMENDMENT OF
SELF-GOVERNMENT CHARTERS OR ADOPTED ALTERNATIVE FORMS OF
LOCAL GOVERNMENT, TO PROVIDE FOR ENACTMENT OF ORDINANCES AND
RESOLUTIONS, TO PROVIDE FOR LOCAL GOVERNMENT INITIATIVE AND
REFERENDUM, TO PROVIDE FOR THE OPERATION OF CONSOLIDATED
UNITS OF LOCAL GOVERNMENT, AND TO OTHERWISE REVISE AND
CLARIFY LOCAL GOVERNMENT LAWS; AMENDING SECTION 23 OF
CHAPTER 513 OF LAWS, 1975; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Nonpartisan nomination. (1) Each candidate
for a nonpartisan primary election shall send a declaration
of nomination, as prescribed in 23-3304, to the appropriate
election official of the local government in which he seeks
office not later than 5 p.m. 40 days prior to the date of
the primary election. THE DECLARATION SHALL BE ACCOMPANIED
BY A PETITION SIGNED BY AT LEAST 25 ELECTORS OF THE LOCAL
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

[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.

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

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

(4) If the number of candidates to be entered on the
nonpartisan primary ballot for each office does not exceed
twice the number of candidates to be elected for the
respective offices, a nonpartisan primary election shall not
be held in that year and all candidates entered on the
nonpartisan primary ballot shall be considered nominated for
their respective offices and shall have their names placed
on the nonpartisan general election ballot. If the number of
candidates to be entered on the nonpartisan primary ballot
for any particular office does exceed twice the number of
persons to be elected to that office, a primary election
shall be held for all offices to be voted on at the general
election.

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 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

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
 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.
 8 The question on charter amendment OF 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
 20 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

SENATE BILL NO. 445
INTRODUCED BY LOCKREM

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 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 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

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 TWO-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 FOR NO MORE THAN 90 DAYS.

10 (5) 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 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

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 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 THEREAFTER 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 FOORTH 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

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 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 (2) THE GOVERNING BODY MAY ADOPT OR AMEND A CODE BY
 9 REFERENCE BY AN EMERGENCY 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 (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" MEANS ANY
 25 PUBLISHED COMPILATION OF RULES WHICH HAS BEEN PREPARED BY

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, 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) 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 VETES A RESOLUTION, THE GOVERNING BODY MUST
 23 ACT AT THE SAME MEETING OR ITS NEXT REGULARLY SCHEDULED
 24 MEETING TO EITHER OVERRIDE OR CONFIRM THE VETO.

25 (4) AFTER PASSAGE AND APPROVAL, ALL RESOLUTIONS SHALL

1 BE ENTERED INTO THE MINUTES AND SIGNED BY THE CHAIRPERSON OF
 2 THE GOVERNING BODY.

3 (5) ALL RESOLUTIONS SHALL BE IMMEDIATELY EFFECTIVE
 4 UNLESS A DELAYED 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 OF
 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 (2) THE POWERS OF INITIATIVE SHALL NOT EXTEND TO THE
 14 FOLLOWING:

- 15 (A) THE ANNUAL BUDGET;
- 16 (b) ~~property tax levies~~
- 17 (c) (B) BOND PROCEEDINGS, EXCEPT FOR ORDINANCES
 18 AUTHORIZING BONDS.
- 19 (d) (C) THE ESTABLISHMENT AND COLLECTION OF CHARGES
 20 PLEGGED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS;
 21 OR
- 22 (e) (D) 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

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 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 (4) 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 OR
 11 REFERENDUM 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 (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 TAKE THE PROPOSED ACTION, THEN THE QUESTION SHALL BE

1 SUBMITTED TO THE ELECTORS AT THE NEXT SCHOOL, PRIMARY, OR
 2 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 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 WORDS: "AND ALL PETITIONERS WHOSE
 13 NAMES APPEAR ON THE PETITION FOR AN ORDINANCE FILED ON THE
 14 **** DAY OF ***** IN THE YEAR *****", 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 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 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

1 SHALL NOT PREVENT EXERCISE OF THE INITIATIVE, AT ANY TIME,
 2 TO PROCURE A REENACTMENT OF AN ORDINANCE REPEALED PURSUANT
 3 TO REFERENDUM OF THE ELECTORS.

4 (7) (A) ANY ORDINANCE 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 (I) 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 A SPECIAL ELECTION; OR

13 (II) 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 A REFERENDUM, THE ORDINANCE SOUGHT
 25 TO BE REPEALED SHALL BE PUBLISHED.

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 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. OPERATION OF SELF-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 EITHER THE COUNTY OR
 24 MUNICIPALITY PROVISIONS. THE ORDINANCE MAY PROVIDE FOR
 25 NECESSARY CHANGES IN THE STATUTES TO ACCOMMODATE THE

1 STRUCTURE OF THE CONSOLIDATED UNIT. THIS SUBSECTION APPLIES
 2 TO SELF-GOVERNMENT CONSOLIDATED UNITS ONLY IN THOSE AREAS
 3 WHERE SUCH UNITS ARE SUBJECT TO STATE LAW UNDER 47A-7-201
 4 THROUGH 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 LAW IMPOSES A DUTY UPON A
 10 SPECIFIC OFFICIAL OR EMPLOYEE OF A SELF-GOVERNMENT
 11 CONSOLIDATED UNIT OF LOCAL GOVERNMENT AND THE LOCAL
 12 GOVERNMENT UNDER ITS ADOPTED ALTERNATIVE FORM OF GOVERNMENT
 13 DOES NOT HAVE SUCH AN OFFICIAL 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 OR PROVIDE ANY SERVICE REQUIRED BY STATE
 19 LAW TO ONE OR MORE DEPARTMENTS, OFFICERS, OR EMPLOYEES OF
 20 THE 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 OF LAWS, 1975,
 23 IS AMENDED TO READ AS FOLLOWS:

24 "Section 23. Automatic repealer. This act, except for
 25 sections 4, 6, 14, 15, 16, and 17, terminates on June 30,

1 1977."

2 ~~SECTION 13. SCOPE OF ACT. WHENEVER THE PROVISIONS OF~~
3 ~~THIS ACT CONFLICT WITH 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 ADOPTING THE COMMISSION-CHAIRMAN FORM, THE TOWN
9 CHAIRMAN IN A 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 ADOPTING A CHARTER.

13 SECTION 14. EFFECTIVE DATE. THIS ACT IS EFFECTIVE MAY
14 1, 1977.

-End-