

HOUSE BILL 198

IN THE HOUSE

January 16, 1979	Introduced and referred to Committee on Local Government.
January 30, 1979	Committee recommend bill, do not pass. Report adopted. Objection.
January 31, 1979	Printed and placed on members' desks.
February 1, 1979	Motion, pass consideration.
February 2, 1979	Second reading, do not pass.

1 *HOUSE* BILL NO. *198*
2 INTRODUCED BY *ANASTASIA LEGUIZAMO*

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SINGLE
4 MEMBER DISTRICTS FOR LOCAL GOVERNMENTS THAT HAVE ADOPTED THE
5 COMMISSION-MANAGER FORM OF GOVERNMENT AND TO REQUIRE THAT A
6 CANDIDATE MUST RESIDE IN THE DISTRICT; AMENDING SECTIONS
7 7-3-313; 7-3-317; AND 7-3-4301, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 7-3-313, MCA, is amended to read:

11 "7-3-313. Selection of commission members. The
12 commission shall be:

- 13 (1) ~~elect~~
- 14 (2) ~~elect~~ by districts in which candidates must
- 15 reside and which are apportioned by population;
- 16 (3) ~~elect~~ ~~at large~~ and ~~nominated~~ ~~by~~ ~~a~~ ~~pl~~ ~~en~~ ~~of~~
- 17 ~~nomination~~ ~~that~~ ~~may~~ ~~not~~ ~~preclude~~ ~~the~~ ~~possibility~~ ~~of~~ ~~the~~
- 18 ~~majority~~ ~~of~~ ~~the~~ ~~electors~~ ~~nominating~~ ~~candidates~~ ~~for~~ ~~the~~
- 19 ~~majority~~ ~~of~~ ~~the~~ ~~seats~~ ~~on~~ ~~the~~ ~~commission~~ ~~from~~ ~~persons~~
- 20 ~~residing~~ ~~in~~ ~~the~~ ~~district~~ ~~or~~ ~~districts~~ ~~where~~ ~~the~~ ~~majority~~ ~~of~~
- 21 ~~the~~ ~~electors~~ ~~reside~~; ~~or~~
- 22 (4) ~~elect~~ ~~by~~ ~~any~~ ~~combination~~ ~~of~~ ~~districts~~ ~~in~~ ~~which~~
- 23 ~~candidates~~ ~~must~~ ~~reside~~ ~~and~~ ~~which~~ ~~are~~ ~~apportioned~~ ~~by~~
- 24 ~~population~~ ~~and~~ ~~at~~ ~~large~~."
- 25

1 Section 2. Section 7-3-317, MCA, is amended to read:
2 "7-3-317. Size of commission and community councils.
3 The size of the commission, which shall be a number not less
4 than three, shall be established when the form is adopted by
5 the voters, and:

- 6 (1) community councils of at least three members shall
- 7 ~~may~~ be elected within each district to advise the
- 8 commissioner from that district, ~~local~~ ~~governments~~
- 9 ~~conducting~~ ~~elections~~ ~~at~~ ~~large~~ ~~shall~~ ~~district~~ ~~according~~ ~~to~~
- 10 ~~population~~ ~~for~~ ~~the~~ ~~purpose~~ ~~of~~ ~~electing~~ ~~community~~ ~~councils~~;
- 11 or
- 12 (2) community councils to advise commissioners may be
- 13 authorized by ordinance."

14 Section 3. Section 7-3-4301, MCA, is amended to read:

15 "7-3-4301. Authorization for commission-manager form
16 of municipal government. (1) Any municipality may abandon
17 its organization and reorganize under the provisions of this
18 part and part 44 by proceeding as hereinafter provided.
19 (2) The form of government provided for in this part
20 and part 44 shall be known as the commission-manager plan
21 and shall consist of a commission of citizens, who shall be
22 elected ~~at large~~ ~~in~~ ~~the~~ ~~manner~~ ~~hereinafter~~ ~~provided~~ ~~by~~
23 district, apportioned by population, in which candidates
24 must reside."

25 Section 4. Transition. (1) Persons who are serving as

1 commissioners who were elected at large prior to July 1,
2 1979, shall serve the remainder of their term and shall hold
3 their office until new successors are elected and qualified.

4 (2) In 1979 persons elected to office as commissioners
5 who are elected at large shall serve a term of 2 years.

6 (3) Beginning in 1981 commission members must be
7 elected by district as provided in 7-3-313 or 7-3-4301.

8 Section 5. Effective date. Sections 1 through 3 are
9 effective January 1, 1981.

-End-

Local Government

Objection Raised to Adverse Committee Report

1 *HOUSE* BILL NO. *198*
2 INTRODUCED BY *Patricia Tague - Manning*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SINGLE
5 MEMBER DISTRICTS FOR LOCAL GOVERNMENTS THAT HAVE ADOPTED THE
6 COMMISSION-MANAGER FORM OF GOVERNMENT AND TO REQUIRE THAT A
7 CANDIDATE MUST RESIDE IN THE DISTRICT; AMENDING SECTIONS
8 7-3-313; 7-3-317; AND 7-3-4301, MCA."

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

11 Section 1. Section 7-3-313, MCA, is amended to read:

12 "7-3-313. Selection of commission members. The
13 commission shall be:

- 14 ~~(1) elected at large~~
- 15 ~~(2) elected by districts in which candidates must~~
16 ~~reside and which are apportioned by population~~
- 17 ~~(3) elected at large and nominated by a plan of~~
18 ~~nomination that may not preclude the possibility of the~~
19 ~~majority of the electors nominating candidates for the~~
20 ~~majority of the seats on the commission from persons~~
21 ~~residing in the district or districts where the majority of~~
22 ~~the electors reside; or~~
- 23 ~~(4) elected by any combination of districts in which~~
24 ~~candidates must reside and which are apportioned by~~
25 ~~population and at large."~~

1 Section 2. Section 7-3-317, MCA, is amended to read:
2 "7-3-317. Size of commission and community councils.
3 The size of the commission, which shall be a number not less
4 than three, shall be established when the form is adopted by
5 the voters, and:

6 (1) community councils of at least three members ~~shall~~
7 ~~may~~ be elected within each district to advise the
8 commissioner from that district. ~~Local governments~~
9 ~~conducting elections at large shall district according to~~
10 ~~population for the purpose of electing community councils;~~
11 or

12 (2) community councils to advise commissioners may be
13 authorized by ordinance."

14 Section 3. Section 7-3-4301, MCA, is amended to read:

15 "7-3-4301. Authorization for commission-manager form
16 of municipal government. (1) Any municipality may abandon
17 its organization and reorganize under the provisions of this
18 part and part 44 by proceeding as hereinafter provided.

19 (2) The form of government provided for in this part
20 and part 44 shall be known as the commission-manager plan
21 and shall consist of a commission of citizens, who shall be
22 elected ~~at large in the manner hereinafter provided by~~
23 districts apportioned by population in which candidates
24 must reside."

25 Section 4. Transition. (1) Persons who are serving as

1 commissioners who were elected at large prior to July 1,
2 1979, shall serve the remainder of their term and shall hold
3 their office until new successors are elected and qualified.

4 (2) In 1979 persons elected to office as commissioners
5 who are elected at large shall serve a term of 2 years.

6 (3) Beginning in 1981 commission members must be
7 elected by district as provided in 7-3-313 or 7-3-4301.

8 Section 5. Effective date. Sections 1 through 3 are
9 effective January 1, 1981.

-End-