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SENATE BILL NO. 305

INTRODUCED BY WATT

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

| January 31, 1979 | Introduced and referred to Committee on Local Government. |
|-------------------|--|
| February 8, 1979 | Committee recommend bill do pass. Report adopted. |
| February 9, 1979 | Printed and placed on members' desks. |
| February 10, 1979 | Second reading, do pass. |
| February 12, 1979 | Considered correctly engrossed |
| February 13, 1979 | Third reading, passed. Transmitted to second house. |

IN THE HOUSE

| February 14, 1979 | Introduced and referred to Committee on Local Government. |
|-------------------|--|
| March 6, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 8, 1979 | Second reading, concurred in. |
| March 12, 1979 | Third reading, concurred in as amended. |

IN THE SENATE

| March 13, | 1979 | Returned from second house. Concurred in as amended. |
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| March 14, | 1979 | Second reading, pass consideration. |

March 15, 1979

March 16, 1979

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Second reading, amendments adopted.

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Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

Ante BILL NO. 305 1 INTRODUCED BY Watt 2 3 BY REQUEST OF THE CODE COMMISSIONER 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL 6 7 OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND TO THE ACQUISITION, TRANSFER, AND MANAGEMENT OF PROPERTY AND 8 9 BUILDINGS BY LOCAL GOVERNMENTS; REPEALING SECTION 7-5-2124, MCA. 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 7-5-122. MCA, is amended to read: *7-5-122. Resolution veto procedure. If the plan of 14 15 government allows the chief executive to veto resolutions, this power must be exercised in writing at the next regular 16 meeting. If the chief executive fails to act, the resolution 17 18 shall--be is approved. If the chief executive vetoes a 19 resolution, the governing body must act at the same meeting 20 or its next regularly scheduled meeting to either override or confirm the veto." 21

22 Section 2. Section 7-5-2145, MCA, is amended to read: 23 #7-5-2145. Attendance at meetings and conventions by 24 county officers and employees. (1) No <u>Unless_otherwise</u> 25 <u>provided by law, no</u> county officer or employee shall may

1 receive payment from any public funds for traveling expenses 2 or other expenses of any sort or-kind for attendance upon at 3 any convention, meeting, or other gathering of public officers except for attendance upon at such convention, 4 5 meeting, or other gathering as sold the officer or employee may by virtue of his office find it necessary to attend. 6 7 (2) Three members of the board of county commissioners may be allowed actual transportation expenses and per diem 8 9 for attendance upon at any general meeting of county 10 commissioners or assessors held within the state not more 11 often than once a year, and the proportionate expenses and 12 charges against each county as a member of such association 13 shall also be paid. 14 (3) County attorneys, sheriffs, and justices of the

15 peace ere-hereby-suthorized-to may attend their respective 16 meetings or conventions held within the state and are 17 allowed actual traveling expenses, not more often than once 18 a year, for attending the same."

19 Section 3. Section 7-5-2501, MCA, is amended to read: 20 "7-5-2501. Vacation of plats in abandoned townsites. 21 (1) When there shall-have-been is filed in the office of the 22 county clerk of any county of this state a plat of any 23 village or townsite or a plat of any vineyard tracts. 24 acreage tracts, suburban tracts, or community tracts 25 designated-in-former-11-614y-R+6+Hw-1947, and it is desired

> -2- SB 305 INTRODUCED BILL

by the owners of said-lands the land to vacate said the 1 2 plat, the county commissioners of the county in which such plat is filed shall, upon petition of the expers of all the 3 tends land described in said the plat and upon such 4 conditions as may be reasonable, cancel and-annul--said the 5 plat and shall vacate the lots, streets, alleys, parks, and 6 boulewards, if any, described in sold the plat. Thereafter 7 the designation of said the property shall be by metes and 8 bounds or by legal subdivisions if the circumstances may 9 require and the same shall be assessed accordingly. If any 10 post office, store, or other business establishment shall-be 11 is located within such the platted area, that fact shall not 12 prevent the cancellation and vacating of said the plat in 13 14 accordance with the terms of this section, but in all cases 15 where it shall be is necessary to designate the location of 16 any such post office, store, or other business property by 17 metes and bounds for purposes of identification, such this designation shall be made in the order to be entered by the 18 board of county commissioners. 19

20 (2) Petitions under the terms of this section shall be 21 signed by all the owners of the land in such the platted 22 area, shall distinctly refer to the original plat for 23 purposes of identification, and shall disclose that the 24 petitioners are the owners of all the lands described in 25 sold the plat and that no rights of any person have LC 0554/01

intervened since the filing of said the plat which would be
 adversely affected by the cancellation and annulment
 thercef."

Section 4. Section 7-5-4102. MCA. is amended to read:
"7-5-4102. Powers and duties of mayor related to
administration and executive function. (1) The mayor has
power to:

8 (a) communicate to the council, at the beginning of
9 every session and more often if deemed <u>considered</u> necessary,
10 a statement of the affairs of the city or town, with such
11 recommendations as the mayor may-deem <u>considers</u> proper;

12 (b) recommend to the council such measures connected 13 with the public health, cleanliness, and ornament of the 14 city or town and the improvement of the government and

- 15 finances as the mayor deems considers expedient;
- 16 (c) call special meetings of the council;

17 (d) cause to be presented; once in 3 months; a full
18 and-complete statement of the financial condition of the
19 city or town;

20 (e) bid in for the city or town on any property sold

21 at a tax or judicial sale where whenever the city or town is

22 a <u>an interested</u> party or-interested;

23 (f) procure and have in the-mayor*s his custody the 24 seal of the city or town;

25 (g) take and administer oaths;

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(h) perform such other duties as may be prescribed by
 law or by resolution or ordinance of the council.

3 (2) The mayor is the presiding officer of the council 4 and must sign the journals thereof and all warrants on the 5 city treasurer treasury and decide all ties by his vote. The 6 mayor has no other vote."

7 Section 5. Section 7-5-4141, MCA, is amended to read: 8 "7-5-4141. Membership in organizations of municipal 9 officers. (1) Nothing-in-7-5-4142-shall-be-construed-to 10 prevent-any-city-or-town-councily-commissiony-or-other 11 governing-body-from-paying The governing body of a city or 12 town may Day:

13 (a) the membership fees and dues in any organization 14 of city and town officials whose when the purpose of the 15 organization is improvement of laws relating to city and 16 town government and their better and more economical 17 administration; and

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

24 (?) Such The payment of membership fees, dues, and/or
 25 expenses is to be made from such fund of the city or town as

the councily--commissiony--or--other governing body shall
 direct by-such in the order, upon with the claim presented,
 audited, and allowed as are other claims against such the
 city or town."

Section 6. Section 7-5-4142, MCA, is amended to read: 5 #7-5-4142. Attendance at meetings and conventions by 6 7 municipal officers and employees. No Unless otherwise A provided by law. no city officer or employee shall may 9 receive payment from any public funds for traveling expenses 10 or other expenses of any sort or-kind for attendance upon at any convention, meeting, or other gathering of public 11 12 officers except for attendance upon such convention. 13 meeting, or other gathering as said the officer or employee may by virtue of his office find it necessary to attend." 14 15 Section 7. Section 7-5-4203, NCA, is amended to read: 16 #7-5-4203. Effective date ordinances of and 17 resolutions. fit No ordinance or resolution passed by the

18 council of any city or town shall may become effective until 19 30 days after its passage except:

totil general appropriation ordinances providing for
 the ordinary and current expenses of the city or town; and
 totil emergency measures.

23 +2+--Brdinnnes--take--effect--from--and--after---their

24 passage-except-as-otherwise-ordered."

25 Section 8. Section 7-5-4304. MCA. is amended to read:

-6- SB 305

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1 #7-5-4304. Certain contracts to be submitted to Z voters. No contract shall may be let extending over a period of 5 years or more without first submitting the question to 3 a vote of the taxpaving electors of said the city or town." 4 Section 9. Section 7-5-4321, MCA, is amended to read: 5 6 #7-5-4321. Grant of franchise -- election required. (1) The council must may not grant a franchise or special 7 8 privilege to any person except in the manner specified in subsection (2). The powers of the council are only those 9 10 expressly prescribed by law and those necessarily incident 11 thereto.

12 (2) No franchise for any purpose whatsoever-shall may 13 be granted by any city or town or by the mayor or city 14 council thereof to any person, association, or corporation 15 without first submitting the application therefor to the 16 resident-freeholders-whose-nomes-shall-appear-on electors of 17 the city or-county-tax-roll-preceding-such-election."

18 Section 10. Section 7-5-4402, NCA, is amended to read: 19 #7-5-4402. Biennial municipal election. (1) On the 20 first Tuesday of April of every second year, a municipal 21 election must be held.

(2) At this election the qualified electors of each
 town or city must elect the officers of the cityy as defined
 in-7-4-4101y-whose-terms-of-office-will--expire persons_to
 each office for which the current term is expiring. Aldermen

1 shall be voted for by the-words-they-respectively-represent
2 ward."

Section 11. Section 7-8-104, MCA, is amended to read: 3 #7-8-104. Who way make gift or devise to governmental 4 entities. (1) Any persony company, partnership, or 5 6 corporation, or other nonindividual entity may make to any a city or town organized under the laws of Montana any a 7 8 donation, gift, or grant of any property (real, personal, or 9 mixed); any improved or unimproved park or playground; any water, water right, water reservoir, or watershed; any 10 timberland or reserve; or any fish or game reserve in any 11 12 part of Montana, to be held for the use and benefit of said 13 the city or town.

14 (2) Any person over the age of 18 years and of sound mind and discretion may make to any a city or town organized 15 16 under the laws of Montana any a gift, grant, donation, or testamentary disposition of property (real, personal, c. 17 mixed); any improved or unimproved park or playground; any 18 19 water, water right, water reservoir, or watershed; any timberland or reserve; or any fish or game reserve in any zo 21 part of the state."

22 Section 12. Section 7-8-2704, HCA, is amended to read:

23 "7-8-2704. Nembership of land advisory board. (1) The
24 board of each county shall consist of five members.

25 {2}---The-membership-shall-be-as-follows+

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| 1 | {a}threeproperly-~qualified-taxpayers-and residents |
|------------|--|
| 2 | of the county to be appointed by the judge of the district |
| 3 | courtŧ |
| 4 | tb }the-state-senator-and-one-state-representative-who |
| 5 | shall-be-designated-by-the-judge-of-the-district-court." |
| 6 | Section 13. Section 7-8-2705, MCA, is amended to read: |
| 7 | ₩7-8-2705. Term of office of citizen-wembers-of board |
| 8 | members. (1) The citizen members first appointed pursuant to |
| 9 | 7-8-2784(2)(a)-shall <u>]-8-2704</u> serve the following terms: |
| 10 | (a) one <u>two</u> for a 2-ye ar te rm; |
| 11 | (b) one <u>two</u> for a 4-year term; and |
| 12 | (c) one for a 6-year term. |
| 13 | (2) On the expiration of the terms of the initial |
| 14 | appointees, the succeeding members shall be appointed for |
| 15 | the term of 6 years." |
| 16 | Section 14. Section 7-8-4201, MCA, is amended to read: |
| 17 | "7-8-4201. Disposal or lease of municipal property. |
| 18 | (1) Subject to the provisions of subsection (2), the city or |
| 19 | town council has-power-to <u>way</u> sell, dispose of, or lease any |
| zo | property belonging to a <u>the</u> city or town. |
| 21 | (Z) (a) Such lease or transfer shall be made by <u>an</u> |
| 2 2 | ordinance or resolution passed by a two-thirds vote of all |

23 the members of the council.

(b) If such the property is held in trust for a
specific purpose, such the sale or lease thereof must be

approved by a majority vote of texpayers the electors of
 such the municipality voting at an election called for that
 purpose.

4 (3) Nothing contained herein shell may be construed to 5 abrogate the power of the board of park commissioners to 6 lease all lands owned by the city heretofore acquired for 7 parks within the limitations prescribed by 7-16-4223."

8 Section 15. Repeater. Section 7-5-2124. MCA, is 9 repeated.

-End-

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Approved by Comm. on Local Government

Ante BILL NO. 305 1 INTRODUCED BY Watt 2 BY REQUEST OF THE CODE COMMISSIONER 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL 6 OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND 7 TO THE ACQUISITION. TRANSFER. AND MANAGEMENT OF PROPERTY AND 8 BUILDINGS BY LOCAL GOVERNMENTS: REPEALING SECTION 7-5-2124+ 9 10 HCA."

11

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

Section 1. Section 7-5-122, MCA, is amended to read: 13 14 "7-5-122. Resolution veto procedure. If the plan of 15 government allows the chief executive to veto resolutions, this power must be exercised in writing at the next regular 16 meeting. If the chief executive fails to act, the resolution 17 shall--be is approved. If the chief executive vetoes a 18 resolution, the governing body must act at the same meeting 19 or its next regularly scheduled meeting to either override 20 or confirm the veto." 21

22 Section 2. Section 7-5-2145, MCA, is amended to read: 23 W7-5-2145. Attendance at meetings and conventions by 24 county officers and employees. (1) No <u>Unless_otherwise</u> 25 provided by law. no county officer or employee shall may

Z or other expenses of any sort or kind for attendance woon at 3 any convention, meeting, or other gathering of public officers except for attendance upon at such convention, 4 5 meeting, or other gathering as said the officer or employee ٨ may by virtue of his office find it necessary to attend. 7 (2) Three members of the board of county commissioners may be allowed actual transportation expenses and per diem A 9 for attendance upon at any general meeting of county 10 commissioners or assessors held within the state not more 11 often than once a year, and the proportionate expenses and 12 charges against each county as a member of such association 13 shall also be paid. (3) County attorneys, sheriffs, and justices of the 14 15 peace are--hereby-suthorized-to may attend their respective

receive payment from any public funds for traveling expenses

15 peace are--hereby-authorized-to may attend their respective 16 meetings or conventions held within the state and are 17 allowed actual traveling expenses, not more often than once 18 a year, for attending the same."

19 Section 3. Section 7-5-2501. MCA, is amended to read: 20 *7-5-2501. Vacation of plats in abandoned townsites. 21 (1) When there shall-have-been is filed in the office of the 22 county clerk of any county of this state a plat of any 23 village or townsite or a plat of any vineyard tracts. 24 acreage tracts, suburban tracts, or community tracts 25 designated--in-former-11-614y-RwEwHw-1967, and it is desired

> -2- SB 305 SECOND READING

1 by the owners of said-lands the land to vacate said the plat, the county commissioners of the county in which such 2 plat is filed shall, upon petition of the owners of all the 3 lands land described in said the plat and upon such 4 conditions as may be reasonable, cancel and-annul--said the 5 plat and shall vacate the lots, streets, alleys, parks, and 6 boulevards, if any, described in said the plat. Thereafter 7 8 the designation of said the property shall be by metes and 9 bounds or by legal subdivisions if the circumstances way 10 require and the same shall be assessed accordingly. If any 11 post office, store, or other business establishment shall-be is located within such the platted area, that fact shall not 12 13 prevent the cancellation and vacating of said the plat in accordance with the terms of this section, but in all cases 14 where it shall-be is necessary to designate the location of 15 any such post office, store, or other business property by 16 metes and bounds for purposes of identification, such this 17 18 designation shall be made in the order to be entered by the board of county commissioners. 19

20 (2) Petitions under the terms of this section shall be 21 signed by all the owners of the land in such the platted 22 area, shall distinctly refer to the original plat for 23 purposes of identification, and shall disclose that the 24 petitioners are the owners of all the lands described in 25 soid the plat and that no rights of any person have intervened since the filing of soid the plat which would be
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9 every session and more often if deemed considered necessary.
10 a statement of the affairs of the city or town, with such
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12 (b) recommend to the council such measures connected 13 with the public health, cleanliness, and ornament of the 14 city or town and the improvement of the government and 15 finances as the mayor deems considers expedient;

16 (c) call special meetings of the council;

17 (d) cause to be presented, once in 3 months, a full
18 and-complete statement of the financial condition of the
19 city or town;
20 (e) bid in for the city or town on any property sold

21 at a tax or judicial sale where whenever the city or town is 22 an interested party or interested;

(f) procure and have in the mayor*s his custody the
 seal of the city or town;

25 (q) take and administer oaths;

(h) perform such other duties as may be prescribed by 1 law or by resolution or ordinance of the council. 2

(2) The mayor is the presiding officer of the council 3 and must sign the journals thereof and all warrants on the 4 city treasurer treasury and decide all ties by his vote. The 5 mayor has no other vote." 6

Section 5. Section 7-5-4141, MCA, is amended to read: 7 #7-5-4141. Membership in organizations of municipal 8 officers. (I) Nothing-in-7-5-4142-shall-be-construed-to 9 prevent--any--city--or--town--councily--commissiony-or-other 10 governing-body-from-paying The governing body of a city or 11 12 town may pay:

(a) the membership fees and dues in any organization 13 of city and town officials whose when the purpose of the 14 organization is improvement of laws relating to city and 15 town government and their better and more economical 16 administration: and 17

(b) the necessary expenses of any regular officer or 18 employee of such the city or town in attending anv 19 convention or meeting of such organization upon the 20 direction of such--councily--commissiony--or--other the 21 governing body by order upon its minutes, stating that the 22 public interest requires such attendance. 23

(2) Such The payment of membership fees, dues, and/or 24 expenses is to be made from such fund of the city or town as 25

1 the councily--commissiony--or-other governing body shall 2 direct by-such in the order, upon with the claim presented, 3 audited, and allowed as are other claims against such the city or town."

5 Section 6. Section 7-5-4142. MCA. is amended to read: "7-5-4142. Attendance at meetings and conventions by 6 7 municipal officers and employees. No Unless....otherwise provided by laws no city officer or employee shall gay A receive payment from any public funds for traveling expenses 9 or other expenses of any sort or kind for attendance upon at 10 any convention, meeting, or other gathering of public 11 12 officers except for attendance upon such convention. 13 meeting, or other gathering as said the officer or employee may by virtue of his office find it necessary to attend." 14

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23 +2)--Ordinances--take--effect--from--and--after---their

Z4 passage-except-as-otherwise-ordered."

Section 8. Section 7-5-4304, MCA, is amended to read: 25

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"7-5-4304. Certain contracts to be submitted to 1 2 voters. No contract shall may be let extending over a period of 5 years or more without first submitting the question to 3 a vote of the taxoaving electors of said the city or town-" 4 Section 9. Section 7-5-4321, MCA, is amended to read: 5 #7-5-4321. Grant of franchise -- election required. 6 (1) The council must may not grant a franchise or special 7 privilege to any person except in the manner specified in 8 subsection (2). The powers of the council are only those 9 expressly prescribed by law and those necessarily incident 10 11 thereto.

12 (2) No franchise for any purpose whatsoever-shall may 13 be granted by any city or town or by the mayor or city 14 council thereof to any person, association, or corporation 15 without first submitting the application therefor to the 16 resident-freeholders-whose-names-shall-appear-on electors of 17 the city or-county-tax-roll-preceding-such-election.*

18 Section 10. Section 7-5-4402, MCA, is amended to read: 19 "7-5-4402. Biennial municipal election. (1) On the 20 first Tuesday of April of every second year, a municipal 21 election must be held.

(2) At this election the qualified electors of each
 town or city must elect the officers of the city of defined
 in-7-4-4101y-whose-terms-of-office-will--expire persons to
 each office for which the current term is expiring. Aldermen

1 shall be voted for by the-wards-they-respectively-represent
2 ward."

3 Section 11. Section 7-8-104, MCA, is amended to read: "7-8-104. Who may make gift or devise to governmental 4 entities. (1) Any persony company, partnership, or 5 corporation, or other nonindividual entity may make to any a 6 city or town organized under the laws of Montana any a 7 donation, gift, or grant of any property (real, personal, or 8 mixed); any improved or unimproved park or playground; any Q. water, water right, water reservoir, or watershed; any 10 timberland or reserve; or any fish or game reserve in any 11 part of Montana, to be held for the use and benefit of soid 12 13 the city or town.

(2) Any person over the age of 18 years and of sound 14 mind and discretion may make to env a city or town organized 15 under the laws of Montana ony a gift, grant, donation, or 16 17 testamentary disposition of property (real, personal, or 18 mixed); any improved or unimproved park or playground; and water, water right, water reservoir, or watershed; any 19 timberland or reserve; or any fish or game reserve in any **Z**0 part of the state." 21

22 Section 12. Section 7-8-2704, MCA, is amended to read:

23 *7-8-2704. Kembership of land advisory board. (1) The

24 board of each county shall consist of five members*

25 t2)--The-membership-shall-be-os-follows+

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to)--three--properly--qualified-taxpayers-and residents 1 2 of the county to be appointed by the judge of the district court+ 3 tb}--the-state-senator-and-one-state-representative-who 4 shall-be-designated-by-the-judge-of-the-district-court." 5 Section 13. Section 7-8-2705, MCA, is amended to read: 6 #7-8-2705. Term of office of citizen-members-of board 7 members. (1) The citizen members first appointed pursuant to 8 7-8-2764(2)(e)-shall 7-8-2704 serve the following terms: 9 10 (a) one two for a 2-year term; 11 (b) one two for a 4-year term; and

12 (c) one for a 6-year term.

(2) On the expiration of the terms of the initial
appointees, the succeeding members shall be appointed for
the term of 6 years.**

Section 14. Section 7-8-4201, MCA, is amended to read: "7-8-4201. Disposal or lease of municipal property. (1) Subject to the provisions of subsection (2), the city or town council has-power-to may sell, dispose of, or lease any property belonging to a the city or town.

(2) (a) Such lease or transfer shall be made by an
ordinance or resolution passed by a two-thirds vote of all
the members of the council.

(b) If such the property is held in trust for a
 specific purpose, such the sale or lease thereof must be

approved by a majority vote of texpayers the electors of
 such the municipality voting at an election called for that

3 purpose.

4 (3) Nothing contained herein shell may be construed to
5 abrogate the power of the board of park commissioners to
6 lease all lands owned by the city heretofore acquired for
7 parks within the limitations prescribed by 7-16-4223.*

8 Section 15. Repeater. Section 7-5-2124, MCA, is 9 .repeated.

-End-

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Ante BILL NO. 305 1 INTRODUCED BY Watt 2 BY REQUEST OF THE CODE COMMISSIONER 3 -4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL 6 OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND 7 TO THE ACQUISITION, TRANSFER, AND MANAGEMENT OF PROPERTY AND 8 BUILDINGS BY LOCAL GOVERNMENTS; REPEALING SECTION 7-5-2124+ 9 HCA. 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 7-5-122, MCA, is amended to read: 13 #7-5-122. Resolution veto procedure. If the plan of 14 dovernment allows the chief executive to veto resolutions, 15 this power must be exercised in writing at the next regular 16 meeting. If the chief executive fails to act, the resolution 17 shall--be is approved. If the chief executive vetoes a 18 resolution, the governing body must act at the same meeting 19 or its next regularly scheduled meeting to either override **Z**0 or confirm the veto." 21 Section 2. Section 7-5-2145, MCA, is amended to read: 22 #7-5-2145. Attendance at meetings and conventions by 23

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-2- SB305 THIRD READING

by the owners of said-lands the land to vacate said the 1 plat. the county commissioners of the county in which such Z 3 plat is filed shall, upon petition of the owners of all the lends land described in soid the plat and upon such 4 5 conditions as may be reasonable, cancel and-annut--said the plat and shall vacate the lots, streets, alleys, parks, and 6 7 boulevards, if any, described in said the plat. Thereafter the designation of sold the property shall be by metes and 8 9 bounds or by legal subdivisions if the circumstances may require and the same shall be assessed accordingly. If any 10 post office, store, or other business establishment shall-be 11 is located within such the platted area, that fact shall not 12 13 prevent the cancellation and vacating of said the plat in accordance with the terms of this section, but in all cases 14 where it shall-be is necessary to designate the location of 15 16 any such post office, store, or other business property by metes and bounds for purposes of identification, such this 17 18 designation shall be made in the order to be entered by the 19 board of county commissioners.

20 (2) Petitions under the terms of this section shall be 21 signed by all the owners of the land in such the platted 22 area, shall distinctly refer to the original plat for 23 purposes of identification, and shall disclose that the 24 petitioners are the owners of all the lands described in 25 sold the plat and that no rights of any person have LC 0554/01

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"7-5-4102. Powers and duties of mayor related to
administration and executive function. (1) The mayor has
power to:

6 (a) communicate to the council, at the beginning of
 9 every session and more often if deemed considered necessary,
 10 a statement of the affairs of the city or town, with such
 11 recommendations as the mayor may-deem considers proper;

12 (b) recommend to the council such measures connected 13 with the public health, cleanliness, and ornament of the 14 city or town and the improvement of the government and

15 finances as the mayor deems considers expedient;

16 (c) call special meetings of the council;

17 (d) cause to be presented, once in 3 months, a full
18 and-complete statement of the financial condition of the
19 city or town;

20 (e) bid in for the city or town on any property sold
21 at a tax or judicial sale where whenever the city or town is
22 an interested party or-interested;

23 (f) procure and have in the-mayor*s his custody the
24 seal of the city or town;

25 (g) take and administer oaths;

(h) perform such other duties as may be prescribed by
 law or by resolution or ordinance of the council.

3 (2) The mayor is the presiding officer of the council 4 and must sign the journals thereof and all warrants on the 5 city treesurer treasury and decide all ties by his vote. The 6 mayor has no other vote."

7 Section 5. Section 7-5-4141. MCA, is amended to read: 8 "7-5-4141. Membership in organizations of municipal 9 officers. (1) Nothing-in-7-5-4142--shall--be--construed--to 10 prevent--any--city--or--town--councily--commissiony-or-other 11 governing-body-from-paying The governing body of a _city_or 12 town may pay:

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

18 (b) the necessary expenses of any regular officer or 19 employee of such the city or town in attending any 20 convention or meeting of such organization upon the 21 direction of such--councily--commissiony--or--other the 22 governing body by order upon its minutes, stating that the 23 public interest requires such attendance.

24 (2) Such The payment of membership fees, dues, and/or
 25 expenses is to be made from such fund of the city or town as

the councily--commissiony--or--other governing body shall
 direct by-such in the order, upon with the claim presented,
 audited, and allowed as are other claims against such the
 city or town."

Section 6. Section 7-5-4142, MCA, is amended to read: 5 #7-5-4142. Attendance at meetings and conventions by ٨ 7 municipal officers and employees. No Unless... otherwise provided by law. no city officer or employee shall may 8 9 receive payment from any public funds for traveling expenses 10 or other expenses of any sort or wind for attendance upon at 11 any convention, meeting, or other gathering of public 12 officers except for attendance upon such convention, 13 meeting, or other gathering as said the officer or employee may by virtue of his office find it necessary to attend." 14

15 Section 7. Section 7-5-4203, HCA, is amended to read: 16 "7-5-4203. Effective date of ordinances and 17 resolutions. (1) No ordinance or resolution passed by the 18 council of any city or town shell may become effective until 19 30 days after its passage except:

20 tot11 general appropriation ordinances providing for

- 21 the ordinary and current expenses of the city or town; and
- 22 (b)(2) emergency measures.
- 23 (2)--Ordinonces--take--effect--from--and--after---their
- 24 passage-except-os-otherwise-ordered."
- 25 Section 8. Section 7-5-4304. MCA. is amended to read:

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1 #7-5-4304. Certain contracts to be submitted to voters. No contract shall may be let extending over a period 7 of 5 years or more without first submitting the question to 3 a wote of the texpeying electors of seid the city or town." 4 5 Section 9. Section 7-5-4321, MCA, is amended to read: *7-5-4321. Grant of franchise -- election required. 6 7 (1) The council wust may not grant a franchise or special privilege to any person except in the manner specified in 8 subsection (2). The powers of the council are only those 9 10 expressly prescribed by law and those necessarily incident 11 therato.

12 (2) No franchise for any purpose whatsoever-shell may 13 be granted by any city or town or by the mayor or city 14 council thereof to any person, association, or corporation 15 without first submitting the application therefor to the 16 resident-freeholders-whose-newes-shell-appear-on electors of 17 the city er-county-tax-roll-preceding-such-election."

18 Section 10. Section 7-5-4402, MCA, is amended to read: 19 **7-5-4402. Biennial municipal election. (1) On the 20 first Tuesday of April of every second year, a municipal 21 election must be held.

22 (2) At this election the qualified electors of each
 23 town or city must elect the officers of the city of each defined
 24 in 7-4-4102 v whose terms of office will expire persons to
 25 each office for which the current term is expiring. Aldermen

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1 shall be voted for by the-words-they-respectively-represent
2 ward."

3 Section 11. Section 7-8-104, MCA, is amended to read: 4 "7-8-104. Who may make gift or devise to governmental 5 entities. (1) Any persony company, partnership, or 6 corporations or other nonindividual entity may make to ony a 7 city or town organized under the laws of Montana env a 8 donation, gift, or grant of any property (real, personal, or 9 mixed): any improved or unimproved park or playaround: any water, water right, water reservoir, or watershed; any 10 11 timberland or reserve; or any fish or game reserve in app 12 part of Montana, to be held for the use and benefit of said 13 the city or town.

14 (2) Any person over the age of 18 years and of sound 15 mind and discretion may make to any a city or town organized 16 under the laws of Montana any a gift, grant, donation, or 17 testamentary disposition of property (real, personal, or 18 mixed); any improved or unimproved park or playground; an 19 water, water right, water reservoir, or watershed; any 20 timberland or reserve; or any fish or game reserve in any 21 part of the state."

Section 12. Section 7-8-2704, MCA, is amended to read:
 "7-8-2704. Membership of land advisory board. (1) The
 board of each county shall consist of five members.

25 t2t--The-membership-shall-be-as-follows+

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| 1 | {a}threeproperlyqualified-texpayers-and residents |
|----|--|
| 2 | <u>of the county</u> to be appointed by the judge of the district |
| 3 | court : |
| 4 | {b}the-state-senator-and-one-state-representative-who |
| 5 | shall-be-designated-by-the-judge-of-the-district-court ." |
| 6 | Section 13. Section 7-8-2705, MCA, is amended to read: |
| ٦ | #7-8-2705。 Term of office of citizen-members of board |
| 8 | members. (1) The citizen members first appointed pursuant to |
| 9 | 7-8-2704(2)(a)-shall <u>7-8-2704</u> serve the following terms: |
| 10 | (a) one <u>two</u> for a 2-year term; |
| 11 | (b) one <u>two</u> for a 4-year term; and |
| 12 | (c) one for a 6-year term. |
| 13 | (2) On the expiration of the terms of the initial |
| 14 | appointees, the succeeding members shall be appointed for |
| 15 | the term of 6 years." |
| 16 | Section 14. Section 7-8-4201, MCA, is amended to read: |
| 17 | ₩7-8-4201. Disposal or lease of municipal property. |
| 18 | Subject to the provisions of subsection (2), the city or |
| 19 | town council has-power-to may sell, dispose of, or lease any |
| ZO | property belonging to a <u>the</u> city or town. |
| 21 | (2) (a) Such lease or transfer shall be made by <u>an</u> |
| 22 | ordinance or resolution passed by a two-thirds vote of all |
| 23 | the members of the council. |
| 24 | (b) If such <u>the</u> property is held in trust for a |
| 25 | specific purpose, such <u>the</u> sale or lease thereof must be |
| | |

approved by a majority vote of texpeyers the electors of
 such the municipality voting at an election called for that
 purpose.
 (3) Nothing contained herein shell may be construed to
 abrogate the power of the board of park commissioners to

6 lease all lands owned by the city heretofore acquired for 7 parks within the limitations prescribed by 7-16-4223." 8 Section 15: Repeaters Section 7-5-2124: MfAs is

8 Section 15. Repeater. Section 7-5-2124, MCA, is 9 . repeated.

-End-

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58 0305/02

1 SENATE BILL NO. 305 INTRODUCED BY WATT z 3 BY REQUEST OF THE CODE COMMISSIONER. 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL 6 OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND 7 TO THE ACQUISITION, TRANSFER, AND MANAGEMENT OF PROPERTY AND 8 9 BUILDINGS BY LOCAL GOVERNMENTS; REPEALING SECTION 16-1008. 10 R.C.M. 1947. AND SECTION 7-5-2124. MCA." 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 7-5-122, MCA, is amended to read: 14 "7-5-122. Resolution veto procedure. If the plan of 15 qovernment allows the chief executive to veto resolutions. 16 this power must be exercised in writing at the next regular meeting. If the chief executive fails to act, the resolution 17 shall--be is approved. If the chief executive vetoes a 18 19 resolution, the governing body must act at the same meeting 20 or its next regularly scheduled meeting to either override 21 or confirm the veto." 22 Section 2. Section 7-5-2145, MCA, is amended to read: 23 "7-5-2145. Attendance at meetings and conventions by 24 county officers and employees. (1) No Unless otherwise

provided by laws no county officer or employee shall may

receive payment from any public funds for traveling expenses 1 or other expenses of any sort or-kind for attendance upon at 2 any convention, meeting, or other gathering of public 3 officers except for attendance upon at such convention. 4 meeting, or other gathering as said the officer or employee 5 may by wirtue of his office find it necessary to attend. 7 (2) Three members of the board of county commissioners may be allowed actual transportation expenses and per diem А 9 for attendance upon at any general meeting of county 10 commissioners or assessors held within the state not more often than once a year, and the proportionate expenses and 11 12 charges against each county as a member of such association 13 shall also be paid. (3) County attorneys, sheriffs, and justices of the 14 15 peace are--hereby-authorized-to may attend their respective 16 meetings or conventions held within the state and are 17 allowed actual traveling expenses, not more often than once a year, for attending the same." 18

19 Section 3. Section 7-5-2501. MCA, is amended to read: 20 **7-5-2501. Vacation of plats in abandoned townsites. 21 (1) when there small-have-been is filed in the office of the 22 county clerk of any county of this state a plat of any 23 village or townsite or a plat of any vineyard tracts. 24 acreage tracts, suburban tracts, or community tracts 25 designated--in-former-li-614v-R*E**+:1947v and it is desired

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REFERENCE BILL

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by the owners of said-lands the land to vacate said the 1 2 plat, the county commissioners of the county in which such plat is filed shall, upon petition of the owners of all the 3 tends land described in said the plat and upon such 4 conditions as may be reasonable, cancel and-annul--said the 5 plat and shall vacate the lots, streets, alleys, parks, and 6 boulevards, if any, described in sold the plat. Thereafter 7 8 the designation of said the property shall be by metes and bounds or by legal subdivisions if the circumstances may 9 require and the same shall be assessed accordingly. If any 10 post office, store, or other business establishment shall-be 11 12 is located within such the platted area, that fact shall not 13 prevent the cancellation and vacating of said the plat in 14 accordance with the terms of this section, but in all cases 15 where it shall-be is necessary to designate the location of any such post office, store, or other business property by 16 metes and bounds for purposes of identification, such this 17 designation shall be made in the order to be entered by the 18 board of county commissioners. 19

(2) Petitions under the terms of this section shall be
signed by all the owners of the land in such the platted
area, shall distinctly refer to the original plat for
purposes of identification, and shall disclose that the
petitioners are the owners of all the lands described in
smid the plat and that no rights of any person have

intervened since the filing of sore the plat which would be
 adversely affected by the cancellation and annulment
 thereof."

Section 4. Section 7-5-4102, MCA, is amended to read:
"7-5-4102. Powers and duties of mayor related to
administration and executive function. (1) The mayor has
power to:

8 (a) communicate to the council, at the beginning of
9 every session and more often if deemed <u>considered</u> necessary,
10 a statement of the affairs of the city or town, with such
11 recommendations as the mayor may-deem <u>considers</u> proper;

12 (b) recommend to the council such measures connected 13 with the public health, cleanliness, and ornament of the 14 city or town and the improvement of the government and

15 finances as the mayor deems considers expedient;

16 (c) call special meetings of the council;

17 (d) cause to be presented, once in 3 months, a full
18 and-complete statement of the financial condition of the
19 city or town;

20 (e) bid in for the city or town on any property sold

21 at a tax or judicial sale where whenever the city or town is

22 a <u>an interested</u> party or-interested;

23 (f) procure and have in the-mayor*s his custody the
24 seal of the city or town;

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25 (q) take and administer oaths;

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(h) perform such other duties as may be prescribed by 1 law or by resolution or ordinance of the council. 2 (2) The mayor is the presiding officer of the council 3 and must sign the journals thereof and all warrants on the 4 city treasurer treasury and decide all ties by his vote. The 5 mayor has no other vote." 6 Section 5. Section 7-5-4141, MCA, is amended to read: 7 8 "7-5-4141. Membership in organizations of municipal officers. (1) Nothing-in--7-5-4142--sholl--be--construed--to 9 prevent--ony--eity--or--town--councily--commissiony-or-other 10 governing-body-from-paying The governing body of a city or 11 12 town_may_pay: (a) the membership fees and dues in any organization 13 of city and town officials whose when the purpose of the 14 organization is improvement of laws relating to city and 15 town government and their better and more economical 16 17 administration; and

18 (b) the necessary expenses of any regular officer or 19 employee of such the city or town in attending any 20 convention or meeting of such organization upon the 21 direction of such--councily--commissiony--or--other the 22 governing body by order upon its minutes, stating that the 23 public interest requires such attendance.

24 (2) Such <u>The</u> payment of membership fees, dues, and/or
 25 expenses is to be made from such fund of the city or town as

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the councily--commissiony--or-other governing body shall
 direct by-such in_the order, upon with the claim presented;
 audited; and allowed as are other claims against such the
 city or town."

5 Section 6. Section 7-5-4142: MCA: is amended to read: 6 "7-5-4142. Attendance at meetings and conventions by 7 municipal officers and employees. No Unless...otberwise provided by laws no city officer or employee shall may 8 9 receive payment from any public funds for traveling expenses 10 or other expenses of any sort or-kind for attendance upon at 11 any convention, meeting, or other gathering of public officers except for attendance upon such convention. 12 13 meeting, or other bathering as said the officer or employee may by virtue of his office find it necessary to attend." 14 15 Section 7. Section 7-5-4203. MCA. is amended to read: 16 *7-5-4203. Effective date of ordinances and 17 resolutions. (1) No ordinance or resolution passed by the 18 council of any city or town shall may become effective until 19 30 days after its passage except: 20 to;[1] general appropriation ordinances providing for 21 the ordinary and current expenses of the city or town; and 22 tb1[2] emergency measures. 23 t2)--Ordinances--take--effect--from--and--after---their

24 passage-except-as-otherwise-ordered**

25 Section 8. Section 7-5-4304, MCA, is amended to read:

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#7-5-4304. Certain contracts to be submitted to 1 voters. No contract shell may be let extending over a period 2 3 of 5 years or more without first submitting the question to a vote of the taxpaving electors of said the city or town." 4 Section 9. Section 7-5-4321, MCA, is amended to read: 5 *7-5-4321. Grant of franchise -- election required. 6 (1) The council must may not grant a franchise or special 7 privilege to any person except in the manner specified in 8 9 subsection (2). The powers of the council are only those expressly prescribed by law and those necessarily incident 10 11 thereto.

12 (2) No franchise for any purpose whatsoever-shall may 13 be granted by any city or town or by the mayor or city 14 council thereof to any person+ association+ or corporation 15 without first submitting the application therefor to the 16 resident-freeholders-whose-nomes-shall-appear-on electors of 17 the city or-county-tox-roll-preceding-such-election."

18 Section 10. Section 7-5-4402; NCA, is amended to read: 19 #7-5-4402. Biennial municipal election. (1) On the 20 first Tuesday of April of every second year; a municipal 21 election must be held.

(2) At this election the qualified electors of each
 town or city must elect the officers of the citys os defined
 in-7-4-4401, whose terms of office will - expire persons_to
 each office for which the current term is expiring. Aldermen

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t shall be voted for by the-wards-they-respectively-represent
2 ward+"

Section 11. Section 7-8-104. MCA, is amended to read: 3 "7-8-104. Who may make gift or devise to governmental 4 entities. (1) Any persony company, partnership, or 5 corporation prother nonindividual entity may make to any a 6 city or town organized under the laws of Montana any a 7 donation, gift, or grant of any property (real, personal, or 8 mixed); any improved or unimproved park or playground; any 9 water, water right, water reservoir, or watershed; any 10 11 timberland or reserve; or any fish or game reserve in any part of Montana; to be held for the use and benefit of said 12 13 the city or town. (2) Any person over the age of 18 years and of sound 14

15 mind and discretion may make to any a city or town organized 16 under the laws of Montana any a gift, grant, donation, or 17 testamentary disposition of property (real, personal, or 18 mixed); any improved or unimproved park or playground; any 19 water, water right, water reservoir, or watershed; any 20 timberland or reserve; or any fish or game reserve in any 21 part of the state."

Section 12. Section 7-8-2704, MCA, is amended to read:
#7-8-2704. Membership of land advisory board. (1) The
board of each county shall consist of five members.

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| 1 | tajthreepropertyqualified-taxpayers-and residents |
|----|---|
| 2 | <u>of the county</u> to be appointed by the judge of the district |
| 3 | court+ |
| 4 | (bjthe-state-senator-ond-one-state-representative-who |
| 5 | shall-be-designoted-by-the-judge-of-the-district-court." |
| 6 | Section 13. Section 7-8-2705, MCA, is amended to read: |
| 7 | ¶7-8-2705. Term of office of citizen-members-of board |
| 8 | members. (1) The citizen members first appointed pursuant to |
| 9 | 7-8-2784 (2)(s)-shell <u>Z-8-2704</u> serve the following terms: |
| 10 | (a) one <u>two</u> for a 2-year term; |
| 11 | (b) one <u>two</u> for a 4-year term; and |
| 12 | {c} one for a 6-year term. |
| 13 | (2) On the expiration of the terms of the initial |
| 14 | appointees, the succeeding members shall be appointed for |
| 15 | the term of 6 years." |
| 16 | Section 14. Section 7-8-4201, MCA, is amended to read: |
| 17 | "7-8-4201. Disposal or lease of municipal property. |
| 18 | (1) Subject to the provisions of subsection (2), the city or |
| 19 | town council has-power-to may sell, dispose of, or lease any |
| 20 | property belonging to a <u>the</u> city or town. |
| 21 | (2) (a) Such lease or transfer shall be made by <u>an</u> |
| 22 | ordinance or resolution passed by a two-thirds vote of all |
| 23 | the members of the council. |
| 24 | (b) If such the property is held in trust for a |
| 25 | specific purpose, such <u>the</u> sale or lease thereof must be |

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approved by a majority vote of texpayers the electors of
 such the municipality voting at an election called for that
 purpose.

- 4 (3) Nothing contained herein shall may be construed to
- 5 abrogate the power of the board of park commissioners to
- 6 lease all lands owned by the city heretofore acquired for
- 7 parks within the limitations prescribed by 7-16-4223."
- 8 Section 15. Repeater. Section 16-1008, ReCotte 1947;
- 9 AND SECTION 7-5-2124. MCA. is ARE repeated.

-End-

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