

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.
March 14, 1979	Second reading, pass consideration.

March 15, 1979

Second reading, amendments
adopted.

March 16, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. *305*
 2 INTRODUCED BY Watt
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL
 7 OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND
 8 TO THE ACQUISITION, TRANSFER, AND MANAGEMENT OF PROPERTY AND
 9 BUILDINGS BY LOCAL GOVERNMENTS; REPEALING SECTION 7-5-2124,
 10 MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-5-122, MCA, is amended to read:

14 "7-5-122. Resolution veto procedure. If the plan of
 15 government allows the chief executive to veto resolutions,
 16 this power must be exercised in writing at the next regular
 17 meeting. If the chief executive fails to act, the resolution
 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
 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
 25 provided by law, no 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
 4 officers ~~except for attendance upon at~~ such convention,
 5 meeting, or other gathering as ~~said the~~ officer or employee
 6 may by virtue of his office find it necessary to attend.

7 (2) Three members of the board of county commissioners
 8 may be allowed actual transportation expenses and per diem
 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 ~~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-11-614-R=C=M-1947,~~ and it is desired

1 by the owners of ~~said lands~~ the land to vacate ~~said the~~
 2 plat, the county commissioners of the county in which such
 3 plat is filed shall, upon petition of the owners of ~~all~~ the
 4 ~~lands land~~ described in ~~said the~~ plat and upon such
 5 conditions as may be reasonable, cancel ~~and annul~~ ~~said the~~
 6 plat and shall vacate the lots, streets, alleys, parks, and
 7 boulevards, if any, described in ~~said the~~ plat. Thereafter
 8 the designation of ~~said the~~ property shall be by metes and
 9 bounds or by legal subdivisions if the circumstances may
 10 require and the same shall be assessed accordingly. If any
 11 post office, store, or other business establishment ~~shall be~~
 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
 16 any such post office, store, or other business property by
 17 metes and bounds for purposes of identification, ~~such this~~
 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 ~~said the~~ plat and that no rights of any person have

1 intervened since the filing of ~~said the~~ plat which would be
 2 adversely affected by the cancellation and annulment
 3 thereof."

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

8 (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 ~~a~~ 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;

1 (h) perform such other duties as may be prescribed by
2 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 council, commission or other~~
11 ~~governing body from paying~~ The governing body of a city or
12 town may pay:

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

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 council, commission 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

1 the ~~council, commission 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~~
4 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 otherwise
8 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
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
14 may by virtue of his office find it necessary to attend."

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

22 ~~(b)(2)~~ emergency measures.

23 ~~(2) 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:

1 "7-5-4304. Certain contracts to be submitted to
2 voters. No contract ~~shall~~ may be let extending over a period
3 of 5 years or more without first submitting the question to
4 a vote of the ~~taxpaying~~ electors of said ~~the~~ city or town."

5 Section 9. Section 7-5-4321, MCA, is amended to read:

6 "7-5-4321. Grant of franchise -- election required.

7 (1) The council ~~must~~ may not grant a franchise or special
8 privilege to any person except in the manner specified in
9 subsection (2). The powers of the council are only those
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-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.

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

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~~ may make gift or devise to governmental
5 entities. (1) Any ~~person~~ person, company, partnership, or
6 corporation, ~~or other nonindividual entity~~ may make to ~~any~~ a
7 city or town organized under the laws of Montana ~~any~~ a
8 donation, gift, or grant of any property (real, personal, or
9 mixed); any improved or unimproved park or playground; any
10 water, water right, water reservoir, or watershed; any
11 timberland or reserve; or any fish or game reserve in any
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~~ 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."

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

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

25 ~~(2) The membership shall be as follows:~~

1 ~~(a) three property-qualified taxpayers and~~ residents
2 ~~of the county~~ 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:

7 "7-8-2705. Term of office of ~~citizen members of~~ board
8 ~~members.~~ (1) The citizen members first appointed pursuant to
9 ~~7-8-2704(2)(a) shall~~ 7-8-2704 serve the following terms:

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.

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~~ the city or town.

21 (2) (a) Such lease or transfer shall be made by an
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 the sale or lease thereof must be

1 approved by a majority vote of ~~taxpayers~~ the electors of
2 ~~such the~~ municipality voting at an election called for that
3 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. Repealer. Section 7-5-2124, MCA, is
9 repealed.

-End-

SB 305

Approved by Comm.
on Local Government

1 State BILL NO. 305
2 INTRODUCED BY Watt
3 BY REQUEST OF THE CODE COMMISSIONER

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
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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
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22 "7-5-2145. Attendance at meetings and conventions by
23 county officers and employees. (1) No Unless otherwise
24 provided by law, no county officer or employee ~~shall~~ may
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4 officers except for attendance ~~upon~~ at such convention,
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25 ~~designated--in-former-11-614-Rev-Hv-1947,~~ and it is desired

1 by the owners of ~~said lands~~ the land to vacate ~~said the~~
 2 plat, the county commissioners of the county in which such
 3 plat is filed shall, upon petition of the owners of ~~it~~ the
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 11 post office, store, or other business establishment ~~shall be~~
 12 is located within ~~such the~~ platted area, that fact shall not
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 14 accordance with the terms of this section, but in all cases
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 16 any such post office, store, or other business property by
 17 metes and bounds for purposes of identification, ~~such this~~
 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
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 22 ~~an interested party or~~ interested;

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12 town may pay:

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16 town government and their better and more economical
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 council, commission, or other~~ the
22 governing body by order upon its minutes, stating that the
23 public interest requires such attendance.

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22 (b) (2) emergency measures.

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1 shall be voted for by ~~the wards they respectively represent~~
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7 city or town organized under the laws of Montana any a
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12 part of Montana, to be held for the use and benefit of said
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24 board of each county shall consist of five ~~members~~

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25 specific purpose, ~~such~~ the sale or lease thereof must be

1 approved by a majority vote of ~~taxpayers~~ the electors of
2 ~~such~~ the municipality voting at an election called for that
3 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. Repealer. Section 7-5-2124, MCA, is
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7 (2) Three members of the board of county commissioners
 8 may be allowed actual transportation expenses and per diem
 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 ~~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~~ 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 11-614, R.C.M. 1947,~~ and it is desired

1 by the owners of ~~said lands~~ the land to vacate ~~said the~~
 2 plat, the county commissioners of the county in which such
 3 plat is filed shall, upon petition of the owners of ~~all~~ the
 4 ~~lands~~ land described in ~~said the~~ plat and upon such
 5 conditions as may be reasonable, cancel ~~and annul~~ ~~said the~~
 6 plat and shall vacate the lots, streets, alleys, parks, and
 7 boulevards, if any, described in ~~said the~~ plat. Thereafter
 8 the designation of ~~said the~~ property shall be by metes and
 9 bounds or by legal subdivisions if the circumstances may
 10 require and the same shall be assessed accordingly. If any
 11 post office, store, or other business establishment ~~shall be~~
 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
 16 any such post office, store, or other business property by
 17 metes and bounds for purposes of identification, ~~such this~~
 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 ~~said the~~ plat and that no rights of any person have

1 intervened since the filing of ~~said the~~ plat which would be
 2 adversely affected by the cancellation and annulment
 3 thereof."

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

8 (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 ~~a~~ 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;

1 (h) perform such other duties as may be prescribed by
2 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 council, commission or other~~
11 ~~governing body from paying~~ The governing body of a city or
12 town may pay:

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

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 ~~council, commission 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

1 the ~~council, commission 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~~
4 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 otherwise
8 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
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
14 may by virtue of his office find it necessary to attend."

15 Section 7. Section 7-5-4203, MCA, is amended to read:

16 "7-5-4203. Effective date of ordinances and
17 resolutions. ~~It~~ 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 ~~(a)~~ (1) general appropriation ordinances providing for
21 the ordinary and current expenses of the city or town; and
22 ~~(b)~~ (2) emergency measures.

23 ~~(2) Ordinance take effect from and after their~~
24 ~~passage except as otherwise ordered."~~

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

1 "7-5-4304. Certain contracts to be submitted to
2 voters. No contract ~~shall~~ may be let extending over a period
3 of 5 years or more without first submitting the question to
4 a vote of the ~~taxpaying~~ electors of ~~said~~ the city or town."

5 Section 9. Section 7-5-4321, MCA, is amended to read:

6 "7-5-4321. Grant of franchise — election required.
7 (1) The council ~~must~~ may not grant a franchise or special
8 privilege to any person except in the manner specified in
9 subsection (2). The powers of the council are only those
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-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.

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

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 ~~person, company, partnership, or~~
6 ~~corporation, or other nonindividual entity~~ may make to ~~any a~~
7 city or town organized under the laws of Montana ~~any a~~
8 donation, gift, or grant of any property (real, personal, or
9 mixed); any improved or unimproved park or playground; any
10 water, water right, water reservoir, or watershed; any
11 timberland or reserve; or any fish or game reserve in any
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."

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

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

25 ~~(2) The membership shall be as follows:~~

1 ~~{a}--three--property--qualified--taxpayers--and~~ residents
2 ~~of the county~~ 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:

7 "7-8-2705. Term of office of ~~citizen--members--of~~ board
8 ~~members.~~ (1) The citizen members first appointed pursuant to
9 7-8-2704(2)~~{a}~~ shall 7-8-2704 serve the following terms:

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.

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~~ the city or town.

21 (2) (a) Such lease or transfer shall be made by an
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~~ the sale or lease thereof must be

1 approved by a majority vote of taxpayers the electors of
2 ~~such~~ the municipality voting at an election called for that
3 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. Repealer. Section 7-5-2124, MCA, is
9 . repealed.

-End-

1 SENATE BILL NO. 305

2 INTRODUCED BY WATT

3 BY REQUEST OF THE CODE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL
7 OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND
8 TO THE ACQUISITION, TRANSFER, AND MANAGEMENT OF PROPERTY AND
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 Section 1. Section 7-5-122, MCA, is amended to read:

13 "7-5-122. Resolution veto procedure. If the plan of
14 government 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
20 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 county officers and employees. (1) No Unless otherwise
24 provided by law, no county officer or employee shall may
25

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
4 officers except for attendance ~~upon at~~ such convention,
5 meeting, or other gathering as ~~said the~~ officer or employee
6 may by virtue of his office find it necessary to attend.

7 (2) Three members of the board of county commissioners
8 may be allowed actual transportation expenses and per diem
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 ~~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-11-614-R+6-M-1947~~ and it is desired

1 by the owners of ~~said lands~~ the land to vacate ~~said the~~
 2 plat, the county commissioners of the county in which such
 3 plat is filed shall, upon petition of the owners of ~~all~~ the
 4 ~~lands~~ land described in ~~said the~~ plat and upon such
 5 conditions as may be reasonable, cancel ~~and annul--said the~~
 6 plat and shall vacate the lots, streets, alleys, parks, and
 7 boulevards, if any, described in ~~said the~~ plat. Thereafter
 8 the designation of ~~said the~~ property shall be by metes and
 9 bounds or by legal subdivisions if the circumstances may
 10 require and the same shall be assessed accordingly. If any
 11 post office, store, or other business establishment ~~shall be~~
 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
 16 any such post office, store, or other business property by
 17 ~~metes and bounds for purposes of identification, such this~~
 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 ~~said the~~ plat and that no rights of any person have

1 intervened since the filing of ~~said the~~ plat which would be
 2 adversely affected by the cancellation and annulment
 3 thereof."

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

8 (a) communicate to the council, at the beginning of
 9 every session and more often if deemed ~~considered~~
 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~~
 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;

1 (h) perform such other duties as may be prescribed by
2 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 council, commission, or other~~
11 ~~governing body from paying~~ The governing body of a city or
12 town may pay:

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

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 council, commission, 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

1 the ~~council, commission, 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~~
4 city or town."

5 Section 6. Section 7-5-4142, MCA, is amended to read:

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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
12 officers except for attendance upon such convention,
13 meeting, or other gathering as ~~said the~~ officer or employee
14 may by virtue of his office find it necessary to attend."

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 (a) ~~(1)~~ general appropriation ordinances providing for
21 the ordinary and current expenses of the city or town; and
22 (b) ~~(2)~~ emergency measures.

23 (2) ~~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:

1 "7-5-4304. Certain contracts to be submitted to
2 voters. No contract shall ~~may~~ be let extending over a period
3 of 5 years or more without first submitting the question to
4 a vote of the taxpaying electors of said ~~the~~ city or town."

5 Section 9. Section 7-5-4321, MCA, is amended to read:

6 "7-5-4321. Grant of franchise -- election required.
7 (1) The council ~~must~~ ~~may~~ not grant a franchise or special
8 privilege to any person except in the manner specified in
9 subsection (2). The powers of the council are only those
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-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:

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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 as defined~~
24 ~~in 7-4-4101, whose terms of office will expire~~ ~~persons to~~
25 ~~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:

4 "7-8-104. Who may make gift or devise to governmental
5 entities. (1) Any ~~person~~ company, partnership, or
6 corporation, ~~or other nonindividual entity~~ may make to any a
7 city or town organized under the laws of Montana any a
8 donation, gift, or grant of any property (real, personal, or
9 mixed); any improved or unimproved park or playground; any
10 water, water right, water reservoir, or watershed; any
11 timberland or reserve; or any fish or game reserve in any
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; 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."

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

23 "7-8-2704. Membership of land advisory board. (1) The
24 board of each county shall consist of five members.
25 ~~(2) The membership shall be as follows:~~

1 ~~(a) three property-qualified taxpayers and~~ residents
2 ~~of the county~~ 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:

7 "7-8-2705. Term of office of ~~citizen-members of~~ board
8 ~~members.~~ (1) The citizen members first appointed pursuant to
9 ~~7-8-2704(2)(a) shall~~ ~~7-8-2704~~ serve the following terms:

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.

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~~ ~~the~~ city or town.

21 (2) (a) Such lease or transfer shall be made by ~~an~~
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 the~~ sale or lease thereof must be

1 approved by a majority vote of ~~taxpayers the electors~~ of
2 ~~such the~~ municipality voting at an election called for that
3 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. Repealer. Section ~~16-1008, 9-C.M.S. 1947,~~
9 ~~AND SECTION~~ 7-5-2124, MCA, ~~is~~ ~~ARE~~ repealed.

-end-