CHAPTER NO. 262 ...

# SENATE BILL NO. 333

## INTRODUCED BY WATT

# BY REQUEST OF THE CODE COMMISSIONER

# IN THE SENATE

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February 2, 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, do pass. Transmitted to second house.
	IN THE HOUS	E

February 14, 1979 Introduced and referred to Committee on Local Government.

March 6, 1979 Committee recommend bill be concurred in. Report adopted.

March 8, 1979 Second reading, concurred in.

March 12, 1979 Third reading, concurred in.

# IN THE SENATE

March 13, 1979

Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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denate BILL NO. 333 1 INTRODUCED BY THE 2

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO ALTERNATIVE 6 FORMS OF LOCAL GOVERNMENT; REPEALING SECTIONS 11-3221 7 THROUGH 11-3227 AND 11-3541 THROUGH 11-3547, R.C.M. 1947.\* 8 9

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

Section 1. Section 7-3-101. MCA. is amended to read: 11 \*7-3-101. Compliance with constitution. (1) The 12 purpose of parts 1 through 7 is to comply with Article XI. 13 section 3(1), of the Montana constitution, which provides: 14 "The legislature shall provide such optional or alternative 15 forms of government that each unit or combination of units 16 may adopt, amend, or abandon an optional or alternative form 17 by a majority of those voting on the question." 18

(2) Parts 1 through 7 establish the alternative forms 19 of government for cities, towns, counties, and consolidated 20 governments. These parts shall be liberally construed to 21 facilitate the adoption of a form of local government. The 22 23 procedure----------amendy---or---abandon---these--forms---fs 24 provided-in-this-port.

25 Section 2. Section 7-3-1101, MCA, is amended to read:

#7-3-1101. City-county consolidation authorized. (1) A 1 county and a city or town within the county may unite to 2 form a single unit of local government under the provisions 3 of this part. 4

(2) An alternative form of government, including a 5 charter form, for a consolidated unit of government may be 6 submitted to the voters only by those study commissions that 7 have cooperated under-section-6y-Chapter-R22y-Lows-of-1974 8 in the formulation of the plan. A sajority vote by each of 9 affected study commissions is required for the 10 +ha submission of an alternative form of government for a 11 12 consolidated unit of local government. The affected study 13 commissions submitting a consolidated form shall issue a 14 single joint report and proposal.

15 (3) An alternative form of government for a consolidated unit of local government does not need to 16 17 include more than one municipality. A municipality may not 18 be included unless the local government study commission of that municipality participates in the cooperative study and 19 unless its study commission by a majority vote approves the 20 21 proposed alternative plan for the consolidated government. 22 (4) This part shall not apply to excluded 23 municipalities, school districts, conservancy districts, 24 drainage districts, irrigation districts, soil and water conservation districts. or livestock districts." 25 58 333

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1 Section 3. Section 7-3-1204, MCA, is amended to read: 2 #7-3-1204. Petition for city-county consolidated government -- election required. (1) The question of the 3 4 abandonment and termination of the separate corporate existence and government of a county and of each end-every 5 6 city and town therein and the consolidation and merging of 7 the existence and government of such the county and each and 8 ett of the cities and towns therein into one municipal 9 corporation and government under the provisions of this part 10 and part 13 shall be submitted to the qualified electors of such the county if a petition is filed in the office of the 11 county clerk of such the county, signed by at least 20% of 12 the electors of said the county whose names appear on the 13 official register of voters of the county on the date of the 14 filing of such the petition, requesting that such question 15 be submitted to the qualified electors of the county. 16

17 (2) Such Iba patition shall be substantially in the 18 form and shall be signed, verified, and filed in the manner 19 prescribed in this part for initiative, and referendum, and 20 recall patitions and shall designate therein the name by 21 which such the consolidated government is to be known, which 22 must be either that of the county or of some one of the 23 cities or towns therein."

Section 4. Section 7-3-1209, MCA, is amended to read:
 #7-3-1209. Resolution declaring creation of

consolidated government. (1) At the first meeting of the 1 commission whose members are first elected under the 2 provisions of this part, such the commission shall adopt a з resolution reciting the filing of the petition provided for 4 in 7-3-1204, the ordering and holding of a special election 5 as requested in such the petition, the result of such the 6 election and the holding of the special election for and the 7 election of the members of the first commission, and the 8 name and designation of the consolidated municipality \_ 9 which This resolution must be in duplicate and signed by all 10 of the members of the commission and also entered at length 11 on the journal of the commission. One copy of such 12 commission the resolution must be filed in the office of the 13 clerk of the commission, and the other copy thereof must be 14 transmitted to and filed in the office of the secretary of 15 state. 16

17 (2) Immediately upon the adoption of such th 18 resolution by the commission, the separate corporate 19 existence of the county and of each and every city and town therein shall-be-deemed is considered to be consolidated and 20 merged into one municipal corporation under the name 21 selected, designated, and adopted as provided in this part, 22 and such the consolidated municipality shall-thereupon-be 23 24 dermed is considered to have succeeded to and to possess and 25 own all of the property and assets of every kind and

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description and shall, save except as herein otherwise
 provided, become responsible for all of the obligations and
 liabilities of the county, cities, and towns no consolidated
 and merged.<sup>#</sup>

5 Section 5. Section 7-3-1214, MCA, is amended to read: "7-3-1214. Consolidated municipality commission. (1) 6 Except as otherwise provided in this part or part 13, all 7 8 powers of the consolidated eunicipality shall be are vested 9 in a commission. For the purpose of determining the number of members composing such the commission, consolidated 10 11 municipalities organized under the provisions of this part 12 and part 13 shall be classified and all of the provisions of 7-1-2111 and 7-1-2112 governing-and-controlling govern and 13 control the classification of such the consolidated 14 15 municipalities.

16 (2) (a) In consolidated municipalities of the first
17 class such <u>the</u> commission shall consist of seven members.
13 (b) In consolidated municipalities of the second
19 class, third class, and <u>or</u> fourth class, such the commission
20 shall consist of five members.

(c) In consolidated municipalities of the fifth class,
 sixth class, <u>or</u> seventh class, <u>and-eighth-class</u>, such the
 commission shall consist of three members."

24Section 6. Section 7-3-1215, MCA, is amended to read:25#7-3-1215. Qualifications for commission. (1) Hembers

of the commission must be qualified electors of the
 consolidated municipality and--must--be-the-owners-of-real
 estate-situated-therein-to-the-value of-not-less-than-\$1,000
 and shell may not hold any other public office except that
 of notary public or member of the state militia.

6 (2) A member of the commission ceasing to possess any
 7 of the qualifications specified in this section shall
 8 immediately forfeit his office."

Section 7. Section 7-3-1218, MCA, is amended to read: q #7-3-1218. Meetings of commission. (1) (a) Except as 10 provided in subsection (1)(b), at 2 p.s. on dune-30 July 1 11 12 following a regular municipal election, the commission shall 13 meet at the courthouse in the consolidated municipality and 14 the newly elected members shall assume the duties of office. (b) The first meeting of such the commission after the 15 special election at which the first members of the 16 17 commission are elected shall be held at 2 page on the first 18 day of the third month following such the special election. 19 and at such this meeting the members of such the commission shall determine by lot the members whose terms will expire 20 21 on June 30 in the first year following such special election 22 and the members whose terms will expire on duly-1 June 30 in 23 the third year following such election.

24 (2) Thereafter the commission shall meet at such times
25 as may be prescribed by ordinance or resolution, but not

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L less frequently than once in each month. Special meetings shall be called by the clerk of the commission upon written request of the president, the manager, or a majority of the members of the commission. Any-such <u>A</u> notice <u>of a meeting</u> shall state the subject to be considered at the meeting, and no other subject shall be considered at <u>such the</u> meeting.

7 (3) All meetings of the commission and of committees
8 thereof shall be open to the public, and the rules of the
9 commission shall provide that citizens of the municipality
10 shall have a reasonable opportunity to be heard at any such
11 meeting in regard to any matter considered thereat."

12 Section 8. Section 7-3-1225, MCA, is amended to read: 13 "7-3-1225. Vote required on certain measures. No 14 measure making or amending a grant, renewal, or extension of 15 a franchise or other special privilege sholl-ever may be 16 passed without first submitting the application therefor to 17 the resident--freeholders gualified electors in the manner 18 provided by 7-5-4321 and 7-5-4322."

19Section 9. Section 7-3-1233. MCA, is amended to read:20"7-3-1233. Details relating to initiative and21referendum petitions. (1) The signatures to initiativev or22referendum-or-recall petitions need not all be appended to23one paper. but to each separate petition paper there shall24be attached an affidavit of the circulator thereof as25provided by this section. Each signer of any such petition

paper shall sign his name in Ink or indelible pencil and 1 shall indicate after his name his place of residence by 2 and number or other description sufficient to 3 street identify the place. There shall appear on each petition paper the names and addresses of five electors of the 5 municipality who, as a committee of the petitioners, shall 6 be regarded as responsible for the circulation and filing of 7 the petition. The affidavit attached to the petition paper 8 shall be as follows: Q State of Montana, city and county of ..... being 10 duly sworn, deposes and says that he is the circulator of 11 the foregoing paper and that the signatures appended thereto 12 13 were made in his presence and are the genuine signatures of 14 the persons whose names they purport to be-15 Signed ...... 16 Subscribed and sworn to before me this .... day of 17 .... 19 ... 18 19 Notary public for the state of 20 Montana 21 Residing at ..... Montana 22 My commission expires ......

23 {2} All petition papers comprising an initiative or
24 referendumy--or-recall petition shall be assembled and filed
25 with the clerk as one instrument. Within 10 days after a

petition is filed, the clerk shall determine whether it is signed by a sufficient number of electors and shall attach thereto a certificate showing the result of his examination. If he shall--certify certifies that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

(3) An initiativey or referendumy-or-recall petition а may be amended at any time within 10 days after the making 9 of a certificate of insufficiency by the clerk, by filing a 10 supplementary petition upon additional papers signed and 11 filed as provided in case of an original petition. The clerk 12 shall, within 5 days after such amendment is filed, make 13 examination of the amended petition, and if his certificate 14 shall-show shows the petition still to be insufficient, he 15 shall file it in his office and notify the committee of the 16 petitioners of his findings and no further action shall be 17 had on such insufficient petition. The finding of the 18 insufficiency of a petition shall not prejudice the filing 19 of a new petition for the same purpose." 20

21 Section 10. Section 7-3-1248, MCA, is amended to read: 22 "7-3-1248. Departments of consolidated municipality. 23 (1) (a) In consolidated municipalities of the first, second, 24 third, end or fourth classes class, there shall be a 25 department of finance, a police department, a department of public works, a department of health, a fire department, and
 such other departments and offices as may be established by
 ordinance.

(b) In consolidated municipalities of the fifth-4 sixthe or seventhe-and-eighth-closses class, there shall be 5 a department of finance, a police department, a department 6 of public works, a department of health, and such other 7 departments and offices as may be established by ordinance. 8 (2) The commission may change or abolish any 9 department or office established by ordinance and may 10 prescribe, combine, distribute, or discontinue the functions 11 and duties thereof. Additional functions and duties may be 12 13 by ordinance assigned to departments and offices created by 14 this part or part 13, but no function or duty assigned by this part or part 13 to any such department or office shall 15 be discontinued or assigned to any other department or 16 17 office. If the manager so recommends and the commission so 18 authorizes, the manager may appoint one person to act as the 19 head of two or more departments or offices, but the 20 department of law must may not thus be joined with any other 21 department, nor shall may the manager be authorized to act as head of the department of finance or of any office 22 23 therein other than of purchasing agent or assessor."

Section 11. Section 7-3-1272, MCA, is amended to read:
 #7-3-1272. Procedure for primary election. {1} A

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municipal primary election for the choice of members of the
 commission shall be held on the last Tuesday in April in
 each year in which members of the commission are to be
 elected.

5 (2) All candidates for the commission receiving a majority of the votes cast at the municipal primary election 6 shall be deemed considered and declared elected to the 7 8 commission. If candidates equal to the number of members of the commission to be elected do not receive a majority of 9 10 the votes cast at such primary election, a municipal primary general election shall be held on the first Tuesday in June 11 12 next following the election."

Section 12. Section 7-3-1331, MCA, is amended to read: 13 14 "7-3-1331. Department of public works. (1) The department of public works shall-be is in the charge of a 15 director, who shall manage and have charge of the 16 construction, repair, improvement, and maintenance of all 17 public buildings; of roads, streets, alleys, sidewalks, 18 bridges, viaducts, and other public ways; of sewers, drains, 19 ditches, culverts, streams, and watercourses; and of 20 boulevards, parks, playgrounds, cemeteries, and other public 21 22 places and grounds dedicated to public use. He shall manage and control all public cemeteries, crematories, market 23 24 places or houses, garbage and sewage disposaly plants and 25 farms, and all public utilities belonging to the

municipality or any subdivision thereof and shall have 1 charge of the enforcement of the obligations to the 2 cunicipality of all privately owned or operated public З utilities enforceable by the municipality. He shall have 4 charge of the cleaning, sprinkling, and lighting of the 5 streats and the collection and disposal of garbage and 6 waste. He shall also be responsible for the making and 7 preservation of all surveys, maps, plans, drawings, and я estimates for such public work and for the preservation of 9 contracts, papers, plans, tools, and appliances belonging to 10 the municipality and pertaining to the functions of the 11 12 department.

13 (2) The director of public works shall have the 14 qualifications prescribed by law for county surveyors, and 15 in addition to the duties required by this part or part 12 16 and by the ordinances of the municipality, he shall have the 17 powers and shall, either in person or by a deputy having the 18 qualifications prescribed by law for county surveyors, 19 perform the duties required of county surveyors by the laws 20 of the state."

Section 13. Section 7-3-1341, MCA, is amended to read: "7-3-1341. Department of law. (1) The department of law shall-be is in the charge of a director to be appointed by the commission without definite term, who shall be a resident and elector of the municipality and who shall

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possess all of the qualifications required of county

(2) He shall have all the powers and, either 3 4 personally or by such assistants as he may designate, shall 5 perform all the duties that now are or--hereafter--may--be prescribed for county attorneys, city attorneys, and public 6 administrators, and in addition thereto, he shall be chief 7 legal adviser of and attorney and counsel for the 8 9 municipality and of all departments and offices thereof and shall perform such other duties as may be required by the 10 11 commission.

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attorneys.

12 (3) He shall qualify by taking the oath of office prescribed by the constitution and giving a bond in the 13 amount required of a public administrator in a county of the 14 same class. He shall receive from the state as part of his 15 salary the same amount which is paid by the state to county 16 attorneys in counties of the same class, and the remainder 17 of his salary shall be paid by the municipality. For all 18 19 purposes in connection with criminal prosecutions he shall be known and designated as "county attorney of the city and 20 21 county of ....."."

22 Section 14. Section 7-3-1342, MCA, is amended to read: 23 W7-3-1342. City court. (1) A city court is hereby 24 established in and for each municipality, with the 25 jurisdiction, powers, and duties within the municipality

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and for justices of the peace. 2 (2) The-commission-shally-by-majority-vote-of-all--its 3 membersy--appoint-a-city-judge-or-judges-to-serve-during-the 4 pleasure-of-the-commissions-No--person--shall--be--appointed 5 city--judge--unless-st-least-25-years-of-age-and-adwitted-to prectice-tow-in-Montenew The commission shall by ordinance 7 determine the number of judges required for operation of the 8 9 city court. City court ludges are to be elected every 4 10 years in a nonpartisan election held in conjunction with the requiarly scheduled general election. The term of office for 11 12 city judge is 4 years. 13 (3). The gualifications to hold the office of city 14 judge shall be set by ordinance by the commission. The 15 ordinance shall be consistent with any rules adopted by the 16 Montana supreme court on city judge qualifications. 17 11 Whenever a vacancy occurs in the office of city 18 judges the coumission shall appoint a qualified individual 19 to serve for the remainder of the term. The compensation of 20 the city judge or judges shall be fixed by the commission." 21 Section 15. Section 7-3-1343, MCA, is amended to read: 22 \*7-3-1343. Police department. (1) The police 23 department shall-be is in the charge of a director, who shall be chief of the police force of the municipality. The 24 25 director shall have the powers and perform the duties

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provided by general law for city courts in cities and towns

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1	shall have no effect on the existence, rights, or duties of
2	any voluntary fire department or fire district created and
3	legally in existence pursuant to the provisions of parts 21
4	and 23 of chapter 33.

5 (b) Nothing in this part or part 12 shall be construed 6 to prohibit the creation of voluntary fire departments or 7 fire districts pursuant to the provisions of parts 21 and 23 8 of chapter 33 within consolidated county municipalities.

9 (c) Voluntary fire departments or fire districts 10 within consolidated county municipalities analy be 11 organized, created, supported, financed, dissolved, and 12 managed and their boundaries analy may only be changed 13 pursuant to the provisions of parts 21 and 23 of chapter 33. 14 These organizations may enter mutual aid agreements as 15 provided by 7-33-2108.\*

Section 17. Section 7-3-2104, MCA, is amended to read: "7-3-2104. Notice of election. It shall-be is the dut" of the board of county commissioners to publish a notice of the referendum in a daily poper newspaper twice a week for a period of 3 consecutive weeks or, in case there is no daily peper newspaper of wide circulation in the county, then in a weekly peper newspaper for 4 consecutive weeks."

23 Section 18. Section 7-3-2109, MCA, is amended to read:
 24 M7-3-2109. Provisions for board elected at large. (1)
 25 Under all optional forms of county government whereby the

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entire board of county commissioners is elected at large. 1 there shall be a board of county commissioners who shall 2 have the qualifications and shall be nominated and elected 3 as provided by general law except as otherwise provided for 4 in this section. 5

(2) If the electors of a county approve a proposition 6 to adopt an optional form of county government under this 7 part and thereby adopt a different size board, the change in 8 membership shall be effected as follows: 9

(a) Whenever the number of members of the board is 10 increased, there shall be elected at the next regular state 11 election following the adoption of such provision a 12 sufficient number of county commissioners to bring the total 13 membership of the board up to the number fixed. Ecunty 14 commissioners--shall--first--serve-a-tere-of-6-yearsy-except 15 the-condidates-first-elected-under-the--provisions--of--this 16 17 sectionv

(b) Whenever the number of members of the board is 18 decreased, the optional number of county commissioners 19 adopted under this part shall be effective as to the 20 commissioner with the least time left on his term on the 21 first Monday in January following the next regular state 22 election and, as to the other half of the decrease, on the 23 first Monday in January 2 years later. The latter decrease 24 in board size shall also be determined by the least time 25

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left on his term and, should two commissioners have the same 1 amount of term left to serve, then by lot. 2

(3) The term of office of county commissioners shell 3 be is 6 years except as provided in this subsection section. 4 If the optional form as adopted provides for no change in 5 size of the board of county commissioners, county 6 commissioners shall continue to be elected for 6-year terms. 7 H-the-aptional-fors-ss-adepted-provides--fer--en--increased 8 nembership--on--the--board--as--provided--in--this-party-the 9 additional-members-shall-be-elected--to--the--beard--at--the 10 first--regular--state-election-subsequent-to-the-adoption-of 11 12 the-alternetive-fore.

13 (4) If the first election under an optional form of county government provided for in this part occurs in a year 14 15 in which one county commissioner is to be elected under the 16 former law and the optional form as adopted provides for an 17 expansion of the board to five commissioners, there shall be 18 elected for a staggered term terms two commissioners for a 6-year term and one commissioner for a 4-year term as 19 20 provided in this part.

21 +5}--At--all--succeeding--elections--efter--the---first 22 regular-state-alection-subsequent-to-adoption-of-an-optional 23 formy-d}?~members-of-the-board-of-county-commissioners-shall 24 continue-to-be-elected-for-6-year-terms." 25

Section 19. Section 7-3-4224, MCA, is amended to read:

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L \*7-3-4224. Petition for initiative. (1) Any proposed 2 ordinance may be submitted to the council by petition signed 3 by electors of the city equal in number to the percentage hereinafter required. The----stancturey----verificationy 4 5 inspectiony-cortificationy-waendmenty-and-submission-of-such petition-shall-be-the-same-as-provided-for-optition--under 6 7 former-11-3132.

8 (2) If the petition accompanying the proposed 9 ordinance be is signed by electors-equal-in-number-to 25% or 10 more of the entire number of persons registered to vote at 11 the lest preceding general election and contains a request that the said ordinance be submitted to a vote of the people 12 if not passed by the council, such the council shall either: 13 (a) pass each the ordinance without alteration within 14 20 60 days after the attachment of the clock's certificate 15 to the accompanying receipt of the petition; or 16

(b) forthwith-ofter-the-clerk--shall--sttach--to--the 17 petition--accompanying--such--ordinance--his--certificate-of 18 sufficiency, call a special election, unless a general 19 municipal election is fixed by law within 30 days 20 21 thereafter, and at such the special or general municipal election, if one is so fixed, such the proposed ordinance 22 shall be submitted to the vote of the electors of such city. 23 (3) If the petition is signed by not--less--then at 24 25 least 10% or but not more than 25% of the electors, as above

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1	defined, then the council shall within <del>20 <u>60</u> days pass <del>said</del></del>
2	<u>the</u> ordinance without change or submit the same at the next
3	general city election occurring after theclerk*s
4	<del>certificate-of-sufficiency-is-attached-tosaid</del> <u>receipt</u> of
5	the petition."
6	Section 20. Section 7-3-4227, MCA, is amended to read:
7	#7-3-4227。 Abandonment of commission form。 (1) Any
8	city which <del>shall-have <u>has</u> op</del> erated for more than 1 year
9	under the provisions of this part may abandon such
10	organization hereunder and accept the provisions of the
11	general law of the state then applicable to cities of its
12	population.
13	{2} Upon the petition of not less than 10% of the
14	electors of such the city registered for the lest preceding
15	general election, the following proposition shall be placed
16	upon the ballot at the next regular city election, provided
17	the petition be is filed at least 60 days prior to the dara
18	of such the election:
19	<b>"Shall the city of (name</b> of city) abandon its
20	organization under chapter 57 of the acts of the twelfth
21	legislative assembly and become a city under the general law
22	governing cities of like population or, if formerly

- 23 organized under special charter, resume said the special
- 24 charter?"

25 (3) If the majority of the votes cast at such election

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be is in favor of such proposition, the officers elected at 1 the next succeeding biennial election shall be those then 2 prescribed by the general law of the state for cities of 3 like population, and upon the qualification of such these 4 5 officers, such the city shall become a city under such the general law of the state, but such this change shall may not 6 7 in any manner or degree affect the property, rights, or liabilities of any nature of such the city but shall merely 8 9 extend to each change in its form of government.

(4) The--sufficiency-of-such--petition---shall---be 10 11 determinedy -- the--election--ordered--and--conductedy-and-the 12 results-dectored-generally-as-provided-for-by-former-11-3132 insofar-as-the-provisions-thereof-are-applicables-or-if--now 13 orcanized---under---special--chartery--may-resume-suid-special 14 charters Whenever the form of government of any city is 15 determined by a vote of the people under the provision of 16 this section, the same question shall may not be submitted 17 again for a period of 2 years, and any ordinance adopted by 18 19 a vote of the people shall not be repealed or the same question submitted for a period of 2 years." 20

21 Section 21. Section 7-3-4233, MCA, is amended to read: 22 #7-3-4233. Statement and petition of candidacy. (1) 23 Any qualified elector of said the city who-is-the-owner-of 24 any-real--estate--situated--thereiny desiring to become a 25 candidate for mayor or councilman shall, at least 10 days prior to seid the primary election, file with the city clerk
a statement of such candidacy and shall at the same time
file therewith the petition of at least 25 qualified voters
requesting such candidacy. Each petition shall be verified
by one or more persons as to qualifications and residence.
with street number. of each of the persons so signing the
petition.
{2} The statement shall be in substantially the
following form:
 State of Montana}
 }ss.
County of ......)

13 In .... being first duly sworn, say that I reside at 14 \*\*\*\* street, city of \*\*\*\*\* county of \*\*\*\*\* state of 15 Montana; that I am a qualified voter therein; that I am a 16 candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be 17 18 held on the \*\*\*\* Honday of \*\*\*\*\* 19\*\*; and I hereby request that my name be printed upon the official primary ballot for 19 20 nomination by such primary election for such office. 21 (Signed)

(3) The petition shall be in substantially the

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(Signed) .....

following form: 1 Z The undersigned, duly qualified electors of the city of 3 .... and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of 4 5 candidate) be placed in the ballot as a candidate for nomination for (name of office) at the primary election to 6 be held in such city on the .... Honday of ...., 19... We 7 8 further state that we know him/her to be a qualified elector 9 of said city and a person of good moral character and gualified, in our judgment, for the duties of such office. 10 11 Names of qualifying electors Number Street 12 13 14 (4) Each signer of a nomination paper shall may sign 15 but one such nomination paper for the same office, except 16 where whenever more than one officer is to be elected to the same office. In which case he may sign as many nomination 17 papers as there are officers to be elected; and only one 18 19 candidate shall be petitioned for or nominated in the same 20 nomination paper." 21 Section 22. Section 7-3-4333, MCA, is amended to read: 22 "7-3-4333. Special provisions for election on question

24 is filed requiring that a measure passed by the commission
 25 providing for an expenditure of money, a bond issue, or a

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public improvement be submitted to a vote of the electors. 1 all steps preliminary to such expenditure, actual issuance 2 of the bonds, or actual execution of the contract for such 3 4 improvement may be taken prior to the election. At--such election--only-resident-texpayers-of-such-city-or-town-whose 5 6 nowesy-as-suchy-appear-upon-the-assessment-rall-and-wha--are 7 also Any qualified electors of said the city or town shall 8 be-entitled-to may vote at such election.

9 (2)<sup>-</sup>-At-any-and-all-elections-in-such-city-or--town--at which--questions-relating-to-bond-issuesy-tax-leviesy-or-the expenditure-of-money-shall-be-submittedy-no-person-shall--be entitled--to--vote--unless--qualified--as--provided--in-this sections\*

Section 23. Section 7~3-4352, HCA, is amended to read: 14 15 \*7-3-4352. Election and campaign practices. (1) Any 16 person who shall-agree agrees to perform any services in the 17 interest of any candidate for any office provided in this part or part 44, in consideration of any money or other 10 19 valuable thing for such services performed-in-the-interest 20 of-any-candidatev-shall-be-punished 1\_is\_punishable by a 21 fine not exceeding \$300 or be-imprisoned by imprisonment in 22 the county jail for a period not exceeding 30 days or by 23 both such fine and imprisonment.

24 (2) Any person offering to give a bribe, either in
25 money or other consideration, to any elector for the purpose

-23-

related to expenditures. (1) - In-case Whenever a petition be

-24-

of influencing his vote at any election provided in this 1 part or part 44 or any elector entitled to vote at any such 2 election receiving and accepting such bribe or other 3 consideration: any person who agrees, by promise or written 4 statement, that he will do or will not do any particular act 5 or-acts for the purpose of influencing the vote of any 6 elector or-electors at any election provided in this part or 7 part 44; any person making false answer to any of the Е provisions of this part or part 44 relative to his ç qualifications to vote at such election; any person 10 willfully voting or offering to vote at such election who 11 has not met the residency requirement of the state of 12 Montana or is not a citizen of the United States or knowing 13 knows himself not to be a qualified elector of such precinct 14 where he offers to vote; or any person knowingly procuring. 15 aiding, or abetting any violation hereof shall-be-deemed is 16 guilty of a misdemeanor and upon conviction shall-be-fined-a 17 sum is punishable by a fine of not less than \$100 or more 18 than \$500 or be-imprisoned by imprisonment in the county 19 jail for a period not less than 10 or more than 90 days or 20 by both such fine and imprisonment." 21

22 Section 24. Section 7-3-4365. MCA, is amended to read: 23 #7-3-4365. Investigations by commission. (1) The 24 commission or any committee thereof duly authorized by the 25 commission to do so may investigate the financial

transactions of any office or department of the municipal
 government and the official acts of any municipal official
 and by similar investigations may secure information upon
 any matter.

(2) In conducting such investigations, the commission 5 or any committee thereof may compel the attendance of 6 witnesses and the production of books, papers, and other 7 evidence and for that purpose may issue subpoenas or 8 attachments, which shall be signed by the presiding officer 9 of the commission or the chairman of such committee, as the 10 case may be, and which may be served and executed by any 11 officer authorized by law to serve subpoenas or other 12 process. If-any-witness-shall-refuse-to-testify-to-any-facts 13 14 within-his-knowledge-or-to-produce-any-papers--or--books--in 15 his-possession-or-under-his-control-relating-to-the-satter 16 under-inquiry-before-the-commission-or-ony--such--committeey 17 the--countssion-shall-have-the-power-to-couse-the-witness-to be-punished for contempts No witness shall may be excused 18 19 from testifying touching his knowledge of the matter under 20 investigation in any such inquiry, but such testimony shall 21 may not be used against him in any criminal prosecution 22 except for perjury committed upon such inquiry."

Section 25. Section 7-3-4366, MCA, is amended to read:
 #7-3-4366. Investigatory powers of city manager. The
 city manager may, without notice, cause the affairs of any

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1 department or the conduct of any officer or employee to be Z examined. Any person or--persons appointed by the city 3 manager to examine the affairs of any department or the 4 conduct of any officer or employee shell-have has the same power to compel the attendance of witnesses and the 5 6 production of books and papers and other evidence and-to 7 cause-witnesses-to-be-punished-for-contempt as is conferred A upon the commission by this part."

9 Section 26. Section 7-3-4445, MCA, is amended to read: 10 #7-3-4445. Survey--and--atets-of-subdivided Subdivided 11 12 cause-to-be--made--an--accurate--survey--and--plat--thereofy 13 conforming--in-all-things-to-the-provisions-of-former-11-601 14 to-11-614y-inclusivey-end-shall-elso-file-with-the-clerk-of 15 the--commission-a-duly-certified-copy-of-such-plat-or-platsu 16 121--The-mep-or-plat-recorded-under-the--provisions--of 17 18 the---foregaing---sections--shall--thereupon--be--sufficient conveyance-to-vest-in-the-municipality-the-fee-of-the-parcel 19 20 of-iond-designated-or-intended-for--streetsy---alleysy---waysy commonsy--or--other-public-usesy-to-be-heid-in-the-corporate 21 22 none-in-trust-to-and--for--the--uses--and--purposes--in--the 23 instrument--set--forthy--expressedy-designatedy-or-intendeda 24 Subdivisions in the municipality must conform to the 25 provisions of Title 76. chapter 3."

Section 27. Section 7-3-4448, NCA, is amended to read: 1 #7-3-4448. Vacating or changing name of street. (1) 2 The commission, in vacating any street or part of a street 3 or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of 5 more than one street, alley, or avenue. Before vacating any 6 street or part thereof or narrowing any street, the 7 commission shall first pass a resolution declaring its 8 intention to do so. 9 (2) The city manager shall couse serve notice of such 10

11 the resolution to-be-served, in the manner that service of 12 summons is required to be made in civil actions, upon all 13 persons whose property abuts upon the portion of the street 14 affected by the proposed vacation or narrowing and by 15 publication shall nublish notice once in one daily newspaper 16 of general circulation in the municipality if such there be 17 endy is one or if not, once in one weekly newspaper of life 18 circulationy-as-to-all--persons--who--cannot--be--personally 19 served. Said The notice shall state the time and place at 20 which objection objections will be heard. 21 (3) Unless at least 51% of the affected property

22 owners object to the proposed vacation or narrowing, the 23 commission may by ordinance declare such vacation or 24 narrowingt<u>a</u> end-such <u>The</u> order of the commission vacating or 25 narrowing a street or alley which has been dedicated to

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- public use by the proprietor shall, to the extent that it is vacated or narrowed, operate operates as a revocation of the acceptance thereof by the commission, but the right-of-way and easement therein of any lot owner shall is not be impaired thereby."
- 6 Section 28. Repealer. Sections 11-3221 through 11-3227
- 7 and 11-3541 through 11-3547, R.C.H. 1947, are repealed.

-End-

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# Montana Legislative Council

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LC 0552

1979 Legislature Code Commissioner Bill - Summary

find Bill No. 333

AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO ALTERNATIVE FORMS OF LOCAL GOVERNMENT.

((This summary does not include discussion of routine form or grammatical changes.)

Section 1. <u>7-3-101</u>. In subsection (2), the reference to procedure with respect to alteration of government form is deleted. The material is not found in the part, and in fact the reference had been placed there in anticipation of the passage of a local government code.

Section 2. <u>7-3-1101</u>. In subsection (2), a reference to section 6, chapter 222, Laws of 1974 is replaced by a general statement which reflects the thrust of the replaced language. Section 6, chapter 22, Laws of 1974, was repealed effective June 30, 1977.

Section 3. <u>7-3-1204</u>. In subsection (2), the reference to recall petitions is deleted. In section 28 of this bill, the recall provisions are recommended for repeal, having been superseded by the recall initiative of 1976.

Section 4. <u>7-3-1209</u>. In subsection (1), "such commission" is changed to "the resolution" to correct an obvious error in terminology. The intent is to file a copy of the resolution, clearly not the commission.

Section 5. 7-3-1214. In subsection (2)(c), a reference to the "eighth class" is deleted. Under 7-1-1211, the highest class for a county (and hence for a consolidated municipality) is seventh class.

Section 6. <u>7-3-1215</u>. In subsection (1), the requirement that a member of the commission in a consolidated municipality be the owner of at least \$1,000 worth of property is deleted. Such a requirement would be unconstitutional under the holding of the Montana Supreme Court in <u>Sadler v. Connolly</u>, 575 P 2d. 51 (1978). Section 7. 7-3-1218. In subsection (1)(a), "June 30" is changed to "July 1" and in subsection (1)(b), "July 1" is changed to "June 30" for consistency with 7-3-1216 which provides that the term of commission members begins on July 1 and ends on June 30. In subsection (2), "Any such notice" is changed to "A notice of a meeting" for clarity.

Section 8. <u>7-3-1225</u>. A requirement that certain questions be submitted to the vote of the resident freeholders is changed to the vote of the qualified electors. This section would appear to violate the United States constitution under the holdings of the United States Supreme Court (see the discussion in 35 L. Ed 2d 843 (1974)).

Section 9. 7-3-1233. Several references to recall petitions are deleted throughout the sections. The provisions dealing with recall are recommended for repeal in section 28 of this bill.

Section 10.  $\frac{7-3-1248}{1}$ . In subsection (1)(b), a reference to "eighth class" is deleted. See section 5.

Section 11. 7-3-1272. In subsection (2), "primary election" is changed to "general election" to correct an obvious error. Section 7-3-1272 deals with the primary election. The primary would be followed by a general election, not another primary.

Sections 12 and 13. 7-3-1331 and 7-3-1341. The first sentence of each section is rewritten for clarity. The director is in charge of the department and not vice-versa as the existing language seems to say.

Section 14. <u>7-3-1342</u>. This section is considerably revised for consistency with the general city court law found in Title 3, chapter 11, and in 7-3-4462. Some of the changes, such as deletion of the statement that the judge serves at the pleasure of the commission, are required by the doctrine of separation of powers; in particular see <u>State ex rel Morales v. City Commission</u>, 570 P 2d 887 (1977).

Sections 15 and 16. 7-3-1343 and 7-3-1345. The first sentence of each section is rewritten for clarity. The director is in charge of the department and vice-versa as the existing language seems to say.

Section 17. 7-3-2104. "Paper" is changed to "newspaper" for clarity.

Section 18. 7-3-2109. This section is rewritten for clarity. The deleted language in subsections (2)(a) and (5) is redundant with the language of subsection (3). The deleted language in subsection (3) is redundant with the language of subsection (2)(a).

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Section 19. <u>7-3-4224</u>. The section is rewritten for consistency with the initiative procedure found in Title 7, chapter 5, part 42. A reference to section 11-3132, R.C.M. 1947, is deleted inasmuch as that section has been repealed, and as a consequence references to the "clerk's certificate" have also been deleted. The various percentage requirements have been rewritten for clarity.

Section 20. 7-3-4227. In subsection (4), material relating to section 11-3132, R.C.M. 1947, is deleted. The referenced section has been repealed.

Section 21. 7-3-4233. In subsection (1), the requirement that a candidate for mayor or councilman be a freeholder is deleted. See section 6.

Section 22. 7-3-4333. In subsection (1), the requirement that a voter in certain elections be a taxpayer is deleted. See section 8. Because of the changes in subsection (1), subsection (2) is essentially redundant and hence deleted.

Section 23. 7-3-4352. The section is rewritten for clarity; especially the provisions which provide the penalty.

Sections 24 and 25. 7-3-4365 and 7-3-4366. In both sections, language granting power to punish for contempt is deleted. This type of grant of judicial power has been held to be an unconstitutional grant by the attorney general (8 Att. Gen. 184), violating the doctrine of separation of powers.

Section 26. <u>7-3-4445</u>. This section is totally rewritten. The section referred to sections 11-601 through 11-614, R.C.M. 1947, which were repealed. These sections dealt with plats and subdivided lands. In place of the former language is a reference to the laws governing local control of subdivisions, which are applicable in any case.

Section 27. 7-3-4448. The section is rewritten for clarity. Also, in subsection (3), attention should be paid to the protest provision. As originally enacted by Chapter 152, Laws of 1917, the phrase read "if 51% of the affected property objects". Allen-Smith added "[owners]" after property to provide meaning to the sentence. Under recodification, the brackets were removed. However, it is possible that the language was intended to mean "owners of 51% of the affected property". If the legislature wishes to use the latter interpretation, further amendment is needed. In similar sections, such as 7-14-4112 and 7-14-4114, the same language as is presently found in 7-3-4448 is employed.

Section 28. <u>Repealer</u>. The sections listed for repeal all have to do with recall petitions and have been superseded by the recall law enacted by the 1976 initiative and amended by the 1977 legislature. 46th Legislature

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Approved by Comm. on Local Government

INTRODUCED BY TA 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 ALTERNATIVE 6 FORMS OF LOCAL GOVERNMENT; REPEALING SECTIONS 11-3221 7 THROUGH 11-3227 AND 11-3541 THROUGH 11-3547, R.C.M. 1947." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 7-3-101. HCA. is amended to read: 11 #7-3-101. Compliance with constitution. (1) The 12 purpose of parts 1 through 7 is to comply with Article XI. 13 section 3(1), of the Montana constitution, which provides: 14 "The legislature shall provide such optional or alternative 15 forms of government that each unit or combination of units 16 may adopt, amend, or abandon an optional or alternative form 17 by a majority of those voting on the question." 18 (2) Parts 1 through 7 establish the alternative forms 19

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20 of government for cities, towns, counties, and consolidated 21 governments. These parts shall be liberally construed to 22 facilitate the adoption of a form of local government. The 23 procedure--to--adopty--amendy--er--abandon--these--forms--is 24 provided-in-this-part\*\*

25 Section 2. Section 7-3-1101, MCA, is amended to read:

There are no changes in  $\underline{SB.333}$  and due to length will not be rerun. Please refer to white copy for complete text.

\*7-3-1101. City-county consolidation authorized. (1) A
 county and a city or town within the county may unite to
 form a single unit of local government under the provisions
 of this part.

(2) An alternative form of government, including a 5 charter form, for a consolidated unit of government may be 6 submitted to the voters only by those study commissions that 7 have cooperated under-section-6y-Chapter-222y-Laws-of-1974 . in the formulation of the blas. A majority wote by each of affected study commissions is required for the 10 the submission of an alternative form of government for a 11 consolidated unit of local government. The affected study 12 13 commissions submitting a consolidated form shall issue a 14 single joint report and proposal.

15 (3) An alternative form of government for a 16 consolidated unit of local government does not need to 17 include more than one municipality. A municipality may not 18 be included unless the local government study commission of 19 that aunicipality participates in the cooperative study and 20 unless its study commission by a majority vote approves the proposed alternative plan for the consolidated government. 21 22 (4) This part shall not apply to excluded 23 municipalities, school districts, conservancy districts, 24 drainage districts, irrigation districts, soil and water conservation districts, or livestock districts." 25

SECOND READING

1 Section 3. Section 7-3-1204, MCA, is amended to read? 2 "7-3-1204. Petition for city-county consolidated government --- election required. (1) The question of the 3 4 abandonment and termination of the separate corporate existence and government of a county and of each ond-every -5 city and town therein and the consolidation and merging of 6 the existence and government of such the county and each end 7 ell of the cities and towns therein into one municipal 8 corporation and government under the provisions of this part 9 10 and part 13 shall be submitted to the qualified electors of 11 such the county if a petition is filed in the office of the county clerk of such the county, signed by at least 20% of 12 13 the electors of said the county whose names appear on the official register of voters of the county on the date of the 14 filing of such the petition, requesting that such question 15 be submitted to the qualified electors of the county-16

17 (2) Such The petition shall be substantially in the 18 form and shall be signed, verified, and filed in the manner 19 prescribed in this part for initiative, and referendum, and 20 receil petitions and shall designate therein the name by 21 which such the conselideted government is to be known, which 22 must be either that of the county or of some one of the 23 cities or towns therein."

24Section 4. Section 7-3-1209, MCA, is amended to read:25#7-3-1209. Resolutiondeclaringcreationof

consolidated government. (1) At the first meeting of the 1 commission whose members are first elected under the 2 provisions of this part, such the commission shall adopt a 3 resolution reciting the filing of the petition provided for . in 7-3-1204, the ordering and holding of a special election 5 as requested in such the petition, the result of such the 6 election and the holding of the special election for and the 7 election of the members of the first commission, and the 8 name and designation of the consolidated municipality . 9 which This resolution must be in duplicate and signed by all 10 of the members of the commission and also entered at length 11 on the journal of the commission. One copy of such 12 commission the resolution must be filed in the office of the 13 clerk of the commission, and the other copy thereof must be 14 transmitted to and filed in the office of the secretary of 15 16 state. (2) Immediately upon the adoption of such the 17 resolution by the coumission, the separate corporate 18 existence of the county and of each and every city and town 19 therein shall-be-deemed is considered to be consolidated and 20 merged into one municipal corporation under the name 21 selected, designated, and adopted as provided in this part. 22 and such the consolidated municipality shall-thereupon-be 23 decaded is considered to have succeeded to and to possess and 24

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own all of the property and assets of every kind and

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denet BILL NO. 333 1 INTRODUCED BY 2 BY REQUEST OF THE CODE COMMISSIONER 3

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO ALTERNATIVE 7 FORMS OF LOCAL GOVERNMENT; REPEALING SECTIONS 11-3221 8 THROUGH 11-3227 AND 11-3541 THROUGH 11-3547, R.C.M. 1947." 9

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

Section 1. Section 7-3-101, MCA, is amended to read: 11 "7-3-101. Compliance with constitution. (1) The 12 purpose of parts 1 through 7 is to comply with Article XI. 13 section 3(1), of the Montana constitution, which provides: 14 "The legislature shall provide such optional or alternative 15 forms of government that each unit or combination of units 16 may adopt, amend, or abandon an optional or alternative form 17 by a majority of those voting on the question." 18

19 (2) Parts 1 through 7 establish the alternative forms 20 of government for cities, towns, counties, and consolidated 21 governments. These parts shall be liberally construed to 22 facilitate the adoption of a form of local government. The 23 procedure-to-odopt,-amendy-or-abandon-these-forms-is 24 provided-in-this-part."

25 Section 2. Section 7-3-1101, MCA, is amended to read:

#7-3-1101. City-county consolidation authorized. (1) A
 county and a city or town within the county may unite to
 form a single unit of local government under the provisions
 of this part.

(2) An alternative form of government, including a 5 charter form, for a consolidated unit of government may be 6 submitted to the voters only by those study commissions that 7 have cooperated under-section-6y-Chapter-222y-Laws-of-1974 8 in the formulation of the plan. A majority vote by each of 9 affected study commissions is required for the 10 the submission of an alternative form of government for a 11 consolidated unit of local government. The affected study 12 commissions submitting a consolidated form shall issue a 13 14 single joint report and proposal.

15 (3) An alternative form of government for a consolidated unit of local government does not need to 16 17 include more than one municipality. A municipality may not be included unless the local government study commission of 13 19 that municipality participates in the cooperative study and 20 unless its study commission by a majority vote approves the 21 proposed alternative plan for the consolidated government. 22 (4) This part shall not apply to excluded 23 municipalities, school districts, conservancy districts, drainage districts, irrigation districts, soil and water 24 conservation districts, or livestock districts." 25

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1 Section 3. Section 7-3-1204. MCA, is amended to read: 2 "7-3-1204. Petition for city-county consolidated 3 government -- election required. (1) The question of the 4 abandonment and termination of the separate corporate 5 existence and government of a county and of each and every city and town therein and the consolidation and merging of 6 7 the existence and government of such the county and each and eff of the cities and towns therein into one municipal 8 corporation and government under the provisions of this part 9 and part 13 shall be submitted to the qualified electors of 10 11 such the county if a petition is filed in the office of the county clerk of such the county, signed by at least 20% of 12 13 the electors of said the county whose names appear on the official register of voters of the county on the date of the 14 filing of such the petition, requesting that such question 15 be submitted to the qualified electors of the county. 16

17 (2) Such The petition shall be substantially in the 18 form and shall be signed, verified, and filed in the manner 19 prescribed in this part for initiative, and referendum, and 20 recolf petitions and shall designate therein the name by 21 which such the consolidated government is to be known, which 22 must be either that of the county or of some one of the 23 cities or towns therein."

24Section 4. Section 7-3-1209. MCA, is amended to read:25"7-3-1209. Resolution declaring creation of

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consolidated government. (1) At the first meeting of the 1 commission whose members are first elected under the Z provisions of this part, such the commission shall adopt a З resolution reciting the filing of the petition provided for 4 in 7-3-1204, the ordering and holding of a special election 5 as requested in such the petition, the result of such the 6 election and the holding of the special election for and the 7 election of the members of the first commission, and the 8 name and designation of the consolidated municipality \_ 9 which This resolution must be in duplicate and signed by all 10 of the members of the commission and also entered at length 11 on the journal of the commission. One copy of such 12 commission the resolution must be filed in the office of the 13 clerk of the commission, and the other copy thereof must be 14 transmitted to and filed in the office of the secretary of 15 16 state.

17 (2) Immediately upon the adoption of such the 18 resolution by the commission, the separate corporate 19 existence of the county and of each end-every city and town 20 therein shall-be-deemed is considered to be consolidated and merged into one municipal corporation under the name 21 22 selected, designated, and adopted as provided in this part, 23 and such the consolidated municipality shall-thereupon-be deemed is considered to have succeeded to and to possess and 24 own all of the property and assets of every kind and 25

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1 description and shall, save except as herein otherwise z provided, become responsible for all of the obligations and 3 liabilities of the county, cities, and towns so consolidated and merged." 4

5 Section 5. Section 7-3-1214, MCA, is amended to read: "7-3-1214. Consolidated municipality commission. (1) 6 7 Except as otherwise provided in this part or part 13, all powers of the consolidated municipality shall-be are vested 8 9 in a commission. For the purpose of determining the number of members composing such the commission, consolidated 10 municipalities organized under the provisions of this part 11 12 and part 13 shall be classified and all of the provisions of 7+1-2111 and 7-1-2112 governing-and-controlling govern\_and 13 control the classification of such the consolidated 14 municipalities. 15

(2) (a) In consolidated municipalities of the first 16 class such a the commission shall consist of seven members. 17 (b) In consolidated municipalities of the second 18 class, third class, and or fourth class, such the commission 19 20 shall consist of five members.

(c) In consolidated municipalities of the fifth class, 21 22 sixth class, or seventh classy and-eighth-class, such the 23 commission shall consist of three members."

Section 6. Section 7-3-1215, MCA, is amended to read: 24 25 #7-3-1215. Qualifications for commission. (1) Members

of the commission must be qualified electors of the 2 consolidated municipality and--must--be-the-owners-of-rest estate-situated-therein-to-the-yalue-of-not-less-than-\$1,000 3 and shall may not hold any other public office except that 5 of notary public or member of the state militia. 6 (2) A member of the commission ceasing to possess any of the qualifications specified in this section shall 7 ß immediately forfeit his office." Section 7. Section 7-3-1218, MCA, is amended to read: 0 #7-3-1218. Meetings of commission. (1) (a) Except as 10 11 provided in subsection (1)(b), at 2 p.m. on dune-30 July 1 12 following a regular municipal election, the commission shall 13 meet at the courthouse in the consolidated municipality and 14 the newly elected members shall assume the duties of office. 15 (b) The first meeting of such the commission after the 16 special election at which the first members of the 17 commission are elected shall be held at 2 p+m+ on the first day of the third month following such the special election, 18 and at such this meeting the members of such the commission 19 20 shall determine by lot the members whose terms will expire 21 on June 30 in the first year following such special election 22 and the members whose terms will expire on duly-1 dune 30 in 23 the third year following such election.

24 (2) Thereafter the commission shall meet at such times 25 as may be prescribed by ordinance or resolution, but not

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less frequently than once in each month. Special meetings 1 2 shall be called by the clerk of the commission upon written 3 request of the president, the manager, or a majority of the members of the commission. Any-such A notice of a meeting 4 5 shall state the subject to be considered at the meeting, and no other subject shall be considered at such the meeting. 6

7 (3) All meetings of the commission and of committees thereof shall be open to the public, and the rules of the 8 commission shall provide that citizens of the municipality 9 shall have a reasonable opportunity to be heard at any such 10 11 meeting in regard to any matter considered thereat."

Section 8. Section 7-3-1225. MCA. is amended to read: 12 "7-3-1225. Vote required on certain measures. No 13 measure making or amending a grant, renewal, or extension of 14 a franchise or other special privilege shell-ever may be 15 passed without first submitting the application therefor to 16 the resident--freeholders qualified electors in the manner 17 provided by 7-5-4321 and 7-5-4322+\* 18

Section 9. Section 7-3-1233. MCA, is amended to read: 19 20 **\*7-3-1233**. Details relating to initiative and referendum petitions. (1) The signatures to initiativey or 21 22 referendumy--or-receil petitions need not all be appended to 23 one paper, but to each separate petition paper there shall 24 be attached an affidavit of the circulator thereof as 25 provided by this section. Each signer of any such petition

paper shall sign his name in ink or indelible pencil and 1 shall indicate after his name his place of residence by Z street and number or other description sufficient to 3 identify the place. There shall appear on each petition paper the names and addresses of five electors of the s municipality who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of 7 the petition. The affidavit attached to the petition paper B 9 shall be as follows: 10 State of Montana, city and county of ...., being duly sworny deposes and says that he is the circulator of 11 12 the foregoing paper and that the signatures appended thereto were made in his presence and are the genuine signatures of 13

14 the persons whose names they purport to be.

18

15 Signed ..... 16 Subscribed and sworn to before me this .... day of 17 .... 19 ....

.............................. 19 Notary public for the state of 20 Montana 21 Residing at ..... Montana 22 Ny commission expires ......

23 (2) All petition papers comprising an initiativer or referendumy--or-recoll petition shall be assembled and filed 24

with the clerk as one instrument. Within 10 days after a 25

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petition is filed, the clerk shall determine whether it is signed by a sufficient number of electors and shall attach thereto a certificate showing the result of his examination. If he shall-certify certifies that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

(3) An initiativey or referendumy-or--recall petition 8 may be amended at any time within 10 days after the making 9 of a certificate of insufficiency by the clerk, by filing a 10 supplementary petition upon additional papers signed and 11 filed as provided in case of an original petition. The clerk 12 shall, within 5 days after such amendment is filed, make 13 examination of the amended petition, and if his certificate 14 shall-show shows the petition still to be insufficient, he 15 shall file it in his office and notify the committee of the 16 petitioners of his findings and no further action shall be 17 had on such insufficient petition. The finding of the 18 insufficiency of a petition shall not prejudice the filing 19 of a new petition for the same purpose." 20

21 Section 10. Section 7-3-1248, MCA, is amended to read: 22 W7-3-1248. Departments of consolidated municipality. 23 (1) (a) In consolidated municipalities of the first, second, 24 third, end or fourth classes class, there shall be a 25 department of finance, a police department, a department of public works. a department of health. a fire department. and
 such other departments and offices as may be established by
 ordinance.

(b) In consolidated municipalities of the fifth, 4 sixthe or seventhe-and-eighth-classes classe there shall be 5 a department of finance, a police department, a department 6 of public works, a department of health, and such other 7 departments and offices as may be established by ordinance. 8 (2) The commission may change or abolish any 9 department or office established by ordinance and may 10 prescribe, combine, distribute, or discontinue the functions 11 and duties thereof. Additional functions and duties may be 12 13 by ordinance assigned to departments and offices created by 14 this part or part 13, but no function or duty assigned by 15 this part or part 13 to any such department or office shall 16 be discontinued or assigned to any other department or 17 office. If the manager so recommends and the commission so 18 authorizes, the manager may appoint one person to act as the 19 head of two or more departments or offices, but the department of law must may not thus be joined with any other 20 21 department, nor shall may the manager be authorized to act 22 as head of the department of finance or of any office 23 therein other than of purchasing agent or assessor."

Section 11. Section 7-3-1272, MCA, is amended to read:
"7-3-1272. Procedure for primary election. (1) A

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municipal primary election for the choice of members of the
 commission shall be held on the last Tuesday in April in
 each year in which members of the commission are to be
 elected.

(2) All candidates for the commission receiving a 5 majority of the votes cast at the municipal primary election 6 7 shall be decured considered and declared elected to the commission. If candidates equal to the number of members of 8 the commission to be elected do not receive a majority of 9 the votes cast at such primary election, a municipal primary 10 11 general election shall be held on the first Tuesday in June next following the election.\* 12

13 Section 12. Section 7-3-1331, MCA, is amended to read: "7-3-1331. Department of public works. (1) The 14 department of public works shall-be is in the charge of a 15 director, who shall wanage and have charge of the 16 construction, repair, improvement, and maintenance of all 17 public buildings; of roads, streets, alleys, sidewalks, 18 19 bridges, viaducts, and other public ways; of sewers, drains, 20 ditches, culverts, streams, and watercourses; and of boulevards, parks, playgrounds, cemeteries, and other public 21 22 places and grounds dedicated to public use. He shall manage and control all public cemeteries, crematories, market 23 places or houses, garbage and sewage disposaly plants and 24 25 farms, and all public utilities belonging to the

municipality or any subdivision thereof and shall have 1 charge of the enforcement of the obligations to the 2 municipality of all privately owned or operated public 3 utilities enforceable by the municipality. He shall have 4 charge of the cleaning, sprinkling, and lighting of the 5 streets and the collection and disposal of garbage and 6 waste. He shall also be responsible for the making and 7 preservation of all surveys, maps, plans, drawings, and 8 estimates for such public work and for the preservation of 9 contracts, papers, plans, tools, and appliances belonging to 10 11 the aunicipality and pertaining to the functions of the 12 department.

13 (2) The director of public works shall have the 14 qualifications prescribed by law for county surveyors, and 15 in addition to the duties required by this part or part 12 16 and by the ordinances of the municipality, he shall have the 17 powers and shall, either in person or by a deputy having the 18 qualifications prescribed by law for county surveyors, 19 perform the duties required of county surveyors by the laws 20 of the state."

21 Section 13. Section 7-3-1341, MCA, is amended to read: 22 "7-3-1341. Department of law. (1) The department of 23 law shaft-be is in the charge of a director to be appointed 24 by the commission without definite term, who shall be a 25 resident and elector of the municipality and who shall

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possess all of the qualifications required of county
 attorneys.

3 (2) He shall have all the powers and, either personally or by such assistants as he may designate, shall 4 5 perform all the duties that now are or--hereafter--may--be 6 prescribed for county attorneys, city attorneys, and public 7 administrators, and in addition thereto, he shall be chief 8 legal adviser of and attorney and counsel for the 9 municipality and of all departments and offices thereof and shall perform such other duties as may be required by the 10 11 commission.

(3) He shall qualify by taking the oath of office 12 13 prescribed by the constitution and giving a bond in the amount required of a public administrator in a county of the 14 same class. He shall receive from the state as part of his 15 salary the same amount which is paid by the state to county 16 17 attorneys in counties of the same class, and the remainder of his salary shall be paid by the municipality. For all 18 purposes in connection with criminal prosecutions he shall 19 be known and designated as "county attorney of the city and 20 county of ...... 21

22 Section 14. Section 7-3-1342, MCA, is amended to read: 77-3-1342. City court. (1) A city court is hereby established in and for each municipality, with the jurisdiction, powers, and duties within the municipality

1 provided by general law for city courts in cities and towns and for justices of the peace. 2 3 (2) The-commission-shally-by-majority-vote-of-sll--its membersy--appoint-a-city-judge-or-judges-to-serve-during-the . pleasure-of-the-commission-No--person--shail--be--eppointed 5 6 practice-law-in-Montones The commission shall by ordinance 7 determine the number of judges required for operation of the 8 9 city court. City court judges are to be elected every 4 years in a nonpartisan election held in conjunction with the 10 regularly scheduled general election. The term of office for 11 city judge is 4 years. 12 13 13) The qualifications to hold the office of city 14 judge shall be set by ordinance by the commission. The 15 ordinance shall be consistent with any rules adopted by the 16 Hontana supreme court on city judge qualifications. 17 (4) Whenever a vacancy occurs in the office of city 18 judges the commission shall appoint a qualified individual 19 to serve for the remainder of the terms. The compensation of 20 the city judge or judges shall be fixed by the commission." 21 Section 15. Section 7-3-1343, MCA, is amended to read: 22 #7-3-1343. Police department. (1) The police 23 department shall-be is in the charge of a director, who 24 shall be chief of the police force of the municipality. The

director shall have the powers and perform the duties

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1 conferred on and required of sheriffs.

(2) Officers and patrolmen of the police department, Z 3 subordinate to the director, shall have the powers and perform-the duties conferred on and required of police 4 officers and patrolmen in cities and towns by the laws of 5 6 this state and such powers and duties as may be conferred and required by the ordinances of the municipality. Police 7 officers and patrolmen shall have the powers and perform-the 8 duties conferred on and required of deputy sheriffs by the 9 10 general laws of the state.

11 (3) For the purpose of serving and making return on 12 all criminal and civil process, executing judgments, 13 decrees, and orders of court, and making sales thereunder 14 and returns thereof, the director shall be known and 15 designated as Sheriff of the city and county of ...., and 16 each police officer and patrolman shall be known and 17 designated as deputy sheriff."

18 Section 16. Section 7-3-1345. MCA. is amended to read: 19 "7-3-1345. Fire department. (1) The fire department of 20 the municipality shell-be is in the charge of a director. 21 who shall be chief thereof and who shall manage and control 22 the department in the manner prescribed by the ordinances of 23 the municipality.

24 (2) (a) Notwithstanding any other provision of law.
25 the adoption of a consolidated county municipal government

shall have no effect on the existence, rights, or duties of
 any voluntary fire department or fire district created and
 legally in existence pursuant to the provisions of parts 21
 and 23 of chapter 33.

5 (b) Nothing in this part or part 12 shall be construed 6 to prohibit the creation of voluntary fire departments or 7 Fire districts pursuant to the provisions of parts 21 and 23 8 of chapter 33 within consolidated county municipalities.

9 (c) Voluntary fire departments or fire districts 10 within consolidated county municipalities shall may only be 11 organized, created, supported, financed, dissolved, and 12 managed and their boundaries shall may only be changed 13 pursuant to the provisions of parts 21 and 23 of chapter 33. 14 These organizations may enter mutual aid agreements as 15 provided by 7-33-2108."

Section 17. Section 7-3-2104, MCA, is amended to read: "7-3-2104. Notice of election. It shall-be is the duty of the board of county commissioners to publish a notice the referendum in a daily poper newspaper twice a week for a period of 3 consecutive weeks or, in case there is no daily poper newspaper of wide circulation in the county, then in a weekly poper newspaper for 4 consecutive weeks."

23 Section 18. Section 7-3-2109, MCA, is amended to read:

24 "7-3-2109. Provisions for board elected at large. (1)
25 Under all optional forms of county government whereby the

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entire board of county commissioners is elected at larger
 there shall be a board of county commissioners who shall
 have the qualifications and shall be nominated and elected
 as provided by general law except as otherwise provided for
 in this section.

6 (2) If the electors of a county approve a proposition 7 to adopt an optional form of county government under this 8 part and thereby adopt a different size board, the change in 9 membership shall be effected as follows:

(a) Whenever the number of members of the board is 10 increased, there shall be elected at the next regular state 11 12 election following the adoption of such provision a sufficient number of county commissioners to bring the total 13 membership of the board up to the number fixed. Ecunty 14 commissioners--shall--first--serve-a-term-of-6-yearsv-except 15 the-candidates-first-elected-under-the--provisions--of--this 16 17 sections

(b) Whenever the number of members of the board is 18 decreased, the optional number of county commissioners 19 20 adopted under this part shall be effective as to the commissioner with the least time left on his term on the 21 22 first Monday in January following the next regular state election and, as to the other half of the decrease. on the 23 first Honday in January 2 years later. The latter decrease 24 in board size shall also be determined by the least time 25

2 amount of term left to serve, then by lot. (3) The term of office of county commissioners shell 3 be is 6 years except as provided in this subsection section. 4 If the optional form as adopted provides for no change in 5 of the board of county commissioners, county size commissioners shall continue to be elected for 6-year terms. 7 +f-the-anti-anni-fore-as-adopted-provides--for--en--increased 8 membership--on--the--board--as--provided--in--this-party-the 9 10 additions}-members-shail-be-elected--to--the--beerd--at--the 11 first--regular--state-election-subsequent-to-the-adoption-of 12 the-alternative-fors. 13 (4) If the first election under an optional form of 14 county government provided for in this part occurs in a year 15 in which one county commissioner is to be elected under the 16 former law and the optional form as adopted provides for an 17 expansion of the board to five commissioners, there shall be elected for a staggered term terms two commissioners for a 18 6-year term and one commissioner for a 4-year term as 19 20 provided in this part. 21 153--At--ell--succeeding--elections--efter--the---first 22 regular-state-alection-subsequent-to-adoption-of-on-optional 23 formy-sil-members-of-the-board-of-county-commissioners-shall

left on his term and, should two commissioners have the same

- 24 continue-to-be-elected-for-6-year-termsw<sup>#</sup>
- 25 Section 19. Section 7-3-4224, MCA, is amended to read:

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I "7-3-4224. Petition for initiative. (1) Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentage hereinafter required. The---signature.---verificationy inspection.-certification.-amendment.-and-submission-of-such petition-shall-be-the-some-os-provided-for--petition--under former-11-3132.

8 (2) If the petition accompanying the proposed 9 ordinance be is signed by efectors-equat-in-number-to 25% or more of the entire number of persons registered to vote at 10 the last preceding general election and contains a request 11 that the said ordinance be submitted to a vote of the people 12 if not passed by the council, such the council shall either: 13 (a) pass each the ordinance without alteration within 14 20 60 days after the attachment of the clerk s-certificate 15 to-the-accompanying receipt of the petition; or 16

(b) forthwithy-ofter-the-clerk--shell--attach--to--the 17 petition--accompanying--such--ordinance--his--certificate-of 18 sufficiency, call a special election, unless a general 19 municipal election is fixed by law within 30 days 20 thereafter, and at such the special or general municipal 21 election. if one is so fixed, such the proposed ordinance 22 shall be submitted to the vote of the electors of such city. 23 24 (3) If the petition is signed by not--less--than at 25 least 10% or but not more than 25% of the electors, as above

defined. then the council shall within 28 <u>60</u> days pass soid <u>the</u> ordinance without change or submit the same at the next general city election occurring after the--clerk<sup>a</sup>s <del>certificate-of-sufficiency-is-attached-to-said</del> receipt of <u>the</u> petition.<sup>8</sup> Section 20. Section 7-3-4227, MCA, is amended to read: 7 \*7-3-4227. Abandonment of commission form. (1) Any

8 city which shell-have has operated for more than 1 year 9 under the provisions of this part may abandon such 10 organization hereunder and accept the provisions of the 11 general law of the state then applicable to cities of its 12 population.

13 (2) Upon the petition of not less than 10% of the 14 electors of such the city registered for the less preceding 15 general election, the following proposition shall be placed 16 upon the ballot at the next regular city election, provided 17 the petition be is filed at least 60 days prior to the date 18 of such the election:

19 "Shall the city of (name of city) abandon its 20 organization under chapter 57 of the acts of the twelfth 21 legislative assembly and become a city under the general law 22 governing cities of like population or, if formerly 23 organized under special charter, resume soid the special 24 charter?"

25 (3) If the majority of the votes cast at such election

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be is in favor of such proposition, the officers elected at 1 2 the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of 3 like population, and upon the gualification of such these 4 5 officers, such the city shall become a city under such the general law of the state, but such this change shall may not 6 7 in any manner or degree affect the property, rights, or liabilities of any nature of such the city but shall merely 8 9 extend to each change in its form of government.

(4) The--sufficiency-of--such---petition---shall---be 10 determinedy--the--election--ordered--and--conductedy-and-the 11 results-declored-generally-as-provided-for-by-former-ll-3132 12 insofar-as-the-provisions-thereof-are-applicablev-or-if--now 13 organized--under---special--chartery--mey-resume-said-special 14 charters Whenever the form of government of any city is 15 determined by a vote of the people under the provision of 16 this section, the same question shall may not be submitted 17 again for a period of 2 years, and any ordinance adopted by 18 a vote of the people shall not be repealed or the same 19 20 question submitted for a period of 2 years."

21 Section 21. Section 7-3-4233, MCA, is amended to read: 22 "7-3-4233. Statement and petition of candidacy. (1) 23 Any qualified elector of seid the city who-is-the-owner-of 24 any--reni--estate--situated--thereiny desiring to become a 25 candidate for mayor or councilman shall, at least 10 days

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z	a statement of such candidacy and shall at the same time
3	file <del>therewith</del> the petition of at least 25 qualified voters
4	requesting such candidacy. Each petition shall be verified
5	by one or more persons as to qualifications and residence.
6	with street number, of each of the persons so signing the
۲	petition.
8	(2) The statement shall be in substantially the
9	following form:
10	State of Montana)
11	)55.
12	County of)
13	I being first duly sworn, say that I reside at
14	•••• street, city of ••••• county of ••••• state of

prior to soid the primary election, file with the city clerk

15 Montana; that I am a gualified voter therein; that I am a 16 candidate for nomination to the office of (mayor or 17 councilman) to be voted upon at the primary election to be 18 held on the .... Monday of ...., 19..; and I hereby request that my name be printed upon the official primary ballot for 19 20 nomination by such primary election for such office. 21 (Signed) ..... 22 Subscribed and sworn to (or affirmed) before me by .... 23 on this .... day of .... 19... **Z**4 (Signed) ..... 25 (3) The petition shall be in substantially the

1 following form:

The undersigned, duly qualified electors of the city of 2 3 .... and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of ٠ 5 candidate) be placed in the ballot as a candidate for nomination for (name of office) at the primary election to 6 7 be held in such city on the .... Monday of ...., 19... We further state that we know him/her to be a qualified elector 8 9 of said city and a person of good moral character and 10 qualified, in our judgment, for the duties of such office. 11 Names of gualifying electors Number Street 12 13 (4) Each signer of a nomination paper shell may sign 14 but one such nomination paper for the same office, except 15 where whenever more than one officer is to be elected to the 16 17 same office, in which case he may sign as many nomination 18 papers as there are officers to be elected; and only one 19 candidate shall be petitioned for or nominated in the same 20 nomination paper." 21 Section 22. Section 7-3-4333, MCA, is amended to read:

22 "7-3-4333. Special provisions for election on question 23 related to expenditures. <del>(1)-in-case <u>Khenever</u> a petition be 24 <u>is</u> filed requiring that a measure passed by the commission 25 providing for an expenditure of money. a bond issue, or a</del>

public improvement be submitted to a vote of the electors, 1 2 all steps preliminary to such expenditure, actual issuance З of the bonds, or actual execution of the contract for such 4 improvement may be taken prior to the election. At--such 5 election--only-resident-texpeyers-of-such-city-or-town-whose nomesy-as-suchy-appear-upon-the-assessment-roll-and-who--are 6 7 else Any qualified electors of said the city or town shall 8 be-entitled-to gay vote at such election. 9 t2;--At-ony-ond-oll-elections-in-such-city-or--town--st 10 which--questions-relating-to-bond-issuesy-tex-leviesy-or-the 11 expenditure-of-money-shall-be-submittedy-no-person-shall-be 12 entitled--to--vote--unless---qualified--es--provided--in-this 13 section." 14 Section 23. Section 7-3-4352, HCA, is amended to read: 15 \*7-3-4352. Election and campaign practices. (1) Any 16 person who shall-agree agrees to perform any services in the 17 interest of any candidate for any office provided in this 18 part or part 44, in consideration of any money or other 19 valuable thing for such services performed-in-the-interest 20 of-ony-condidater-sholl-be-punished 1\_\_is\_punishable by a fine not exceeding \$300 or be-imprisoned by imprisonment in 21 22 the county jail for a period not exceeding 30 days or by both such fine and imprisonment. 23 24 (2) Any person offering to give a bribe, either in

25 money or other consideration, to any elector for the purpose

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of influencing his vote at any election provided in this 1 part or part 44 or any elector entitled to vote at any such z election receiving and accepting such bribe or other 3 consideration; any person who agrees, by promise or written 4 statement, that he will do or will not do any particular act 5 or-octs for the purpose of influencing the vote of any 6 elector or-electors at any election provided in this part or 7 part 44: any person making false answer to any of the 8 provisions of this part or part 44 relative to his 9 qualifications to vote at such election; any person 10 willfully voting or offering to vote at such election who 11 has not met the residency requirement of the state of 12 Montana or is not a citizen of the United States or knowing 13 knows himself not to be a qualified elector of such precinct 14 where he offers to vote; or any person knowingly procuring. 15 aiding, or abetting any violation hereof shall-be-deemed is 16 guilty of a misdemeanor and upon conviction shall-be-fined-a 17 sum is punishable by a fine of not less than \$100 or more 13 than \$500 or be-imprisoned by imprisonment in the county 19 jail for a period not less than 10 or more than 90 days or 20 21 by both such fine and imprisonment."

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22 Section 24. Section 7-3-4365. MCA: is amended to read: 23 #7-3-4365. Investigations by commission. (1) The 24 commission or any committee thereof duly authorized by the 25 commission to do so may investigate the financial 1 transactions of any office or department of the municipal 2 government and the official acts of any municipal official 3 and by similar investigations may secure information upon 4 any matter.

(2) In conducting such investigations, the commission 5 or any committee thereof may compel the attendance of 6 witnesses and the production of books, papers, and other 7 evidence and for that purpose may issue subpoenas or A attachments, which shall be signed by the presiding officer 9 of the commission or the chairman of such committee, as the 10 case may be, and which may be served and executed by any 11 12 officer authorized by law to serve subpoenas or other process. If-ony-witness-shall-refuse-to-testify-to-ony-fects 13 within-his-knowledge-or-to-produce-any-papers--or--books--in 14 15 his--possession--or-under-his-control-relating-tu-the-astter 16 under-inquiry-before-the-commission-or-eny--such--committees 17 the--commission-shall-have-the-power-ta-cause-the-witness-ta 18 be-punished-for-contempty No witness shall may be excused 19 from testifying touching his knowledge of the matter under 20 investigation in any such inquiry, but such testimony shall 21 may not be used against him in any criminal prosecution 22 except for perjury committed upon such inquiry.\*

23 Section 25. Section 7-3-4366. MCA. is amended to read:
 24 "7-3-4366. Investigatory powers of city manager. The
 25 city manager may. without notice. cause the affairs of any

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1 department or the conduct of any officer or employee to be examined. Any person or--persons appointed by the city 2 manager to examine the affairs of any department or the 3 conduct of any officer or employee shall-have has the same 4 power to compel the attendance of witnesses and the 5 production of books and papers and other evidence end-to 6 couse-witnesses-to-be-punished-for-contempt as is conferred 7 8 upon the commission by this part."

9 Section 26. Section 7-3-4445, MCA, is amended to read: "7-3-4445. Survey--and--plats-of-subdivided Subdivided 10 lands. (1)--Any--owner--of--lots--or--grounds--within---the 11 sunicipality--who--subdivides-or-lays-thes-out-for-sale-must 12 couse-to-be--mode--en--accurate--survey--and--plat--thereofy 13 conforming--in-sli-things-to-the-provisions-of-former-ll-601 14 to-11-614y-inclusivey-and-shall-also-file-with-the-clerk-of 15 the--commission-a-duty-certified-copy-of-such-plat-or-platev 16 +21--The-map-or-plat-recorded-under-the--provisions--of 17 the---foregoing---sections--shall--thereupon--be--sufficient 18 conveyonce-to-vest-in-the-municipality-the-fee-of-the-percel 19 of-land-designated-or-intended-for--streetsy--alleysy-waysy 20 commonsy--or--other-public-usesy-to-be-heid-in-the-corporate 21 name-in-trust-to-and--for--the--uses--and--purpases--in--the 22 instrument--set--forthy--expressedy-designatedy-or-intendedy 23 Subdivisions in the municipality must conform to the 24 25 provisions of Title 76. chapter 3."

Section 27. Section 7-3-4448, MCA, is amended to read: 1 \*7-3-4448. Vacating or changing name of street. (1) 2 The commission, in vacating any street or part of a street 3 or changing the name of any street, may include in one 4 ordinance the change of name or the vacation or narrowing of 5 more than one street, alley, or avenue. Before vacating any 6 street or part thereof or narrowing any street, the 7 commission shall first pass a resolution declaring its 8 ۰ intention to do so.

(2) The city manager shall couse serve notice of such 10 the resolution to-be-served, in the manner that service of 11 summons is required to be made in civil actions, upon all 12 persons whose property abuts upon the portion of the street 13 affected by the proposed vacation or narrowing and by 14 publication shall publish notice once in one daily newspaper 15 of general circulation in the municipality if such there be 16 17 andy is one or if not, once in one weekly newspaper of like 18 circulationy-as-to-all--persons--who--cannot--be--personal y 19 served. Soid The notice shall state the time and place at 20 which objection objections will be heard.

21 (3) Unless at least 51% of the affected property 22 owners object to the proposed vacation or narrowing, the 23 commission may by ordinance declare such vacation or 24 narrowingta and-such The order of the commission vacating or 25 narrowing a street or alley which has been dedicated to

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public use by the proprietor shell, to the extent that it is
 vacated or narrowed, operate operates as a revocation of the
 acceptance thereof by the commission, but the right-of-way
 and easement therein of any lot owner shell is not be
 impaired thereby."
 Section 28. Repealer. Sections 11-3221 through 11-3227

7 and 11-3541 through 11-3547, R.C.H. 1947, are repealed.

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SENATE BILL NO. 333 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 ALTERNATIVE 6 FORMS OF LOCAL GOVERNMENT; REPEALING SECTIONS 11-3221 7 THROUGH 11-3227 AND 11-3541 THROUGH 11-3547. R.C.M. 1947.\* 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 7-3-101, MCA, is amended to read: 11 #7-3-101. Compliance with constitution. (1) The 12 purpose of parts 1 through 7 is to comply with Article XI. 13 section 3(1), of the Montana constitution, which provides: 14 "The legislature shall provide such optional or alternative 15 forms of government that each unit or combination of units 16 17 may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question.\* 18 (2) Parts 1 through 7 establish the alternative forms 19 of government for cities, towns, counties, and consolidated 20 governments. These parts shall be liberally construed to 21 facilitate the adoption of a form of local government. The 22 procedure--to--adopty--amendy--at--abandon--these--forms--is 13 24 provided-in-this-parts"

25

Section 2. Section 7-3-1101. MCA, is amended to read:

#7-3-1101. City-county consolidation authorized. (1) A
 county and a city or town within the county may unite to
 form a single unit of local government under the provisions
 of this part.

(2) An alternative form of government, including a 5 charter form, for a consolidated unit of government may be \* supmitted to the voters only by those study commissions that 7 have cooperated under-section-6y-Ehepter-222y-taws-of-1974 8 in the formulation of the plan. A majority vote by each of • 10 the affected study commissions is required for the submission of an alternative form of government for a 11 12 consolidated unit of local government. The affected study commissions submitting a consolidated form shall issue a 13 14 single joint report and proposal.

(3) An alternative form of government for a 15 16 consolidated unit of local government does not need to 17 include more than one municipality. A municipality may not be included unless the local government study commission of 18 19 that municipality participates in the cooperative study and unless its study commission by a majority vote approves the 20 21 proposed alternative plan for the consolidated government. (4) This part shall not apply to excluded 22 23 municipalities, school districts, conservancy districts, drainage districts, irrigation districts, soil and water 24 25 conservation districts, or livestock districts."

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REFERENCE BILL

1 Section 3. Section 7-3-1204, MCA, is amended to read: z #7-3-1204, Petition for city-county consolidated 3 government -- election required. (1) The question of the abandonment and termination of the separate corporate -4 5 existence and government of a county and of each end-every 6 city and town therein and the consolidation and merging of 7 the existence and government of such the county and each and 8 all of the cities and towns therein into one municipal 9 corporation and government under the provisions of this part 10 and part 13 shall be submitted to the qualified electors of 11 such the county if a petition is filed in the office of the 12 county clerk of such the county, signed by at least 20% of the electors of said the county whose names appear on the 13 14 official register of voters of the county on the date of the 15 filing of such the petition, requesting that such question 16 be submitted to the qualified electors of the county.

17 (2) Such Ing petition shall be substantially in the 18 form and shall be signed, verified, and filed in the manner 19 prescribed in this part for initiative<u>y and</u> referendum<del>y and</del> 20 receil petitions and shall designate therein the name by 21 which such the consolidated government is to be known, which 22 must be either that of the county or of some one of the 23 cities or towns therein."

24Section 4. Section 7-3-1209, MCA. is amended to read:25\*7-3-1209. Resolution declaring creation of

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consolidated government. (1) At the first meeting of the 1 commission whose members are first elected under the 2 provisions of this part, such the commission shall adopt a 3 resolution reciting the filing of the petition provided for 4 in 7-3-1204, the ordering and holding of a special election 5 as requested in such the petition, the result of such the 6 election and the holding of the special election for and the 7 8 election of the members of the first commission, and the name and designation of the consolidated municipality \* 9 10 which This resolution must be in duplicate and signed by all 11 of the members of the commission and also entered at length 12 on the journal of the commission. One copy of such commission the resolution must be filed in the office of the 13 clerk of the commission, and the other copy thereof must be 14 15 transmitted to and filed in the office of the secretary of 16 state.

17 (2) Immediately upon the adoption of such the 16 resolution by the commission, the separate corporate existence of the county and of each and-every city and town 19 20 therein shall-be-deemed is considered to be consolidated and 21 merged into one municipal corporation under the name selected, designated, and adopted as provided in this part, 22 23 and such the consolidated municipality shall-thereupon-be 24 deemed is considered to have succeeded to and to possess and 25 own all of the property and assets of every kind and

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description and shall, save except as herein otherwise .
 provided, become responsible for all of the obligations and
 liabilities of the county, cities, and towns so consolidated
 and merged.<sup>4</sup>

Section 5. Section 7-3-1214. MCA, is amended to read: 5 "7-3-1214. Consolidated municipality commission. (1) ъ Except as otherwise provided in this part or part 13, all 7 powers of the consolidated municipality shall-be are vested B 9 in a commission. For the purpose of determining the number of members composing such the commission, consolidated 10 municipalities organized under the provisions of this part 11 and part 13 shall be classified and all of the provisions of 12 7-1-2111 and 7-1-2112 governing-end-controlling govern and 13 control the classification of such the consolidated 14 15 municipalities.

(2) (a) In consolidated municipalities of the first
class such <u>x\_the</u> commission shall consist of seven members.
(b) In consolidated municipalities of the second
class, third class, and <u>or</u> fourth class, such <u>the</u> commission
shall consist of five members.

(c) In consolidated municipalities of the fifth class,
 sixth class, or seventh classy and-eighth-eighth-eighth-eighth.
 commission shall consist of three members."

Section 6. Section 7-3-1215. MCA. is amended to read:
 \*\*7-3-1215. Qualifications for commission. (1) Members

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1 of the commission must be qualified electors of the consolidated municipality and--must--be-the-owners-of-real 2 3 estate-situated-therein-to-the-value-of-nat-less-than-\$1,000 and shall may not hold any other public office except that 4 5 of notary public or member of the state militia. (2) A member of the commission ceasing to possess any 6 of the qualifications specified in this section shall 7 8 immediately forfeit his office." Section 7. Section 7-3-1218, MCA, is amended to read: 9 "7-3-1218. Meetings of commission. (1) (a) Except as 10 provided in subsection (1)(b), at 2 p.m. on dune-30 July 1 11 12 following a regular municipal election, the commission shall 13 meet at the courthouse in the consolidated municipality and 14 the newly elected members shall assume the duties of office. (b) The first meeting of such the commission after the 15 16 special election at which the first members of the 17 commission are elected shall be held at 2 pama on the first day of the third month following such the special election, 16 and at such this meeting the members of such the commission 19 20 shall determine by lot the members whose terms will expire on June 30 in the first year following such special election 21 and the members whose terms will expire on suby-1 dune 30 in 22

23 the third year following such election.

24 (2) Thereafter the commission shall meet at such times
25 as may be prescribed by ordinance or resolution, but not

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1 less frequently than once in each month. Special meetings 2 shall be called by the clerk of the commission upon written 3 request of the president. the manager. or a majority of the 4 members of the commission. Any-such & notice of a meeting 5 shall state the subject to be considered at the meeting. and 6 no other subject shall be considered at such the meeting.

7 (3) All meetings of the commission and of committees
8 thereof shall be open to the public, and the rules of the
9 commission shall provide that citizens of the municipality
10 shall have a reasonable opportunity to be heard at any such
11 meeting in regard to any matter considered thereat."

12 Section 8. Section 7-3-1225, MCA, is amended to read: 13 "7-3-1225. Vote required on certain measures. No 14 measure making or amending a grant, renewal, or extension of 15 a franchise or other special privilege shell-ever may be 16 passed without first submitting the application therefor to 17 the resident--freeholders gualified electors in the manner 18 provided by 7-5-4321 and 7-5-4322.\*

19 Section 9. Section 7-3-1233, MCA, is amended to read: 20 \*7-3-1233. Details relating to initiative and 21 referendum petitions. (1) The signatures to initiative <u>or</u> 22 referendum--or-recall petitions need not all be appended to 23 one paper. but to each separate petition paper there shall 24 be attached an affidavit of the circulator thereof as 25 provided by this section. Each signer of any such petition

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paper shall sign his name in ink or indelible pencil and 1 2 shall indicate after his name his place of residence by street and number or other description sufficient to 3 4 identify the place. There shall appear on each petition paper the names and addresses of five electors of the 5 municipality who, as a committee of the petitioners, shall 6 be regarded as responsible for the circulation and filing of 7 the petition. The affidavit attached to the petition paper 8 shall be as follows: Q State of Montana, city and county of ...., being 10 duly sworn, deposes and says that he is the circulator of 11 the foregoing paper and that the signatures appended thereto 12 were made in his presence and are the genuine signatures of 13 the persons whose names they purport to be. 14 15 Signed ..... 16 Subscribed and sworn to before me this .... day of 17 .... 19... 18 Notary public for the state of 19 20 Montana 21 Residing at ..... Montana 22 My commission expires ..... 23 (2) All petition papers comprising an initiative or

25 with the clerk as one instrument. Within 10 days after a

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referendumy--or-receil petition shall be assembled and filed

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petition is filed, the clerk shall determine whether it is 1 signed by a sufficient number of electors and shall attach 2 thereto a certificate showing the result of his examination. 3 If he shall-certify certifies that the petition is 4 insufficient, he shall set forth in his certificate the 5 particulars in which it is defective and shall at once 6 notify the committee of the petitioners of his findings. 7

(3) An initiative or referendumy-or-recall petition 8 may be amended at any time within 10 days after the making 9 of a certificate of insufficiency by the clerk, by filing a 10 supplementary petition upon additional papers signed and 11 filed as provided in case of an original petition. The clerk 12 11 shall, within 5 days after such amendment is filed, make examination of the amended petition, and if his certificate 14 shall-show shows the petition still to be insufficient, he 15 shall file it in his office and notify the committee of the 16 petitioners of his findings and no further action shall be 17 had on such insufficient petition. The finding of the 18 19 insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose." 20

Section 10. Section 7-3-1248, MCA, is amended to read: 21 "7-3-1248. Departments of consolidated municipality. 22 (1) (a) In consolidated municipalities of the first, second, ځ ے third, and or fourth classes class, there shall be a 24 department of finance, a police department, a department of 25

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t public works, a department of health, a fire department, and 2 such other departments and offices as may be established by ordinance. 3

(b) In consolidated municipalities of the fifth, 4 5 sixth, or seventhy-and-eighth-classes class, there shall be a department of finance, a police department, a department 6 of public works, a department of health, and such other 7 denartments and offices as may be established by ordinance. 8 (2) The commission may change or abolish any Q. department or office established by ordinance and may 10 prescribe, combine, distribute, or discontinue the functions 11 12 and duties thereof. Additional functions and duties may be 13 by ordinance assigned to departments and offices created by 14 this part or part 13, but no function or duty assigned by 15 this part or part 13 to any such department or office shall 16 be discontinued or assigned to any other department or 17 office. If the manager so recommends and the commission so authorizes, the manager may appoint one person to act as the 18 19 head of two or more departments or offices, but the 20 department of law must may not thus be joined with any other department, nor shall may the manager be authorized to act 21 as head of the department of finance or of any office 22 therein other than of purchasing agent or assessor." 23 24 Section 11. Section 7-3-1272, MCA, is amended to read: 25 "7-3-1272. Procedure for primary election. (1) A

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municipal primary election for the choice of members of the
 commission shall be held on the last Tuesday in April in
 each year in which members of the commission are to be
 elected.

(2) All candidates for the commission receiving a 5 majority of the votes cast at the municipal primary election 6 7 shall be deemed considered and declared elected to the commission. If candidates equal to the number of members of 8 9 the commission to be elected do not receive a majority of 10 the votes cast at such primary election, a municipal primary 11 general election shall be held on the first Tuesday in June 12 next following the election."

13 Section 12+ Section 7-3-1331+ MCA+ is amended to read: 14 \*7-3-1331. Department of public works. (1) The 15 department of public works shall-be is in the charge of a 16 director, who shall manage and have charge of the 17 construction, repair, improvement, and maintenance of all 18 public buildings; of roads, streets, alleys, sidewalks, 19 bridges, viaducts, and other public ways; of sewers, drains, ditches, culverts, streams, and watercourses; and of 20 21 boulevards, parks, playgrounds, cemeteries, and other public 22 places and grounds dedicated to public use. He shall manage 23 and control all public cemeteries, crematories, market places or houses, garbage and sewage disposaly plants and 24 25 farms, and all public utilities belonging to the

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municipality or any subdivision thereof and shall have 1 charge of the enforcement of the obligations to the Z municipality of all privately owned or operated public 3 utilities enforceable by the municipality. He shall have 4 charge of the cleaning, sprinkling, and lighting of the 5 streets and the collection and disposal of garbage and 6 waste. He shall also be responsible for the making and 7 preservation of all surveys, maps, plans, drawings, and 8 estimates for such public work and for the preservation of 9 contracts, papers, plans, tools, and appliances belonging to 10 the municipality and pertaining to the functions of the 11 12 department.

13 (2) The director of public works shall have the qualifications prescribed by law for county surveyors, and 14 in addition to the duties required by this part or part 12 15 16 and by the ordinances of the municipality, he shall have the 17 powers and shall, either in person or by a deputy having the qualifications prescribed by law for county surveyors+ 18 19 perform the duties required of county surveyors by the laws 20 of the state."

Section 13. Section 7-3-1341, MCA, is amended to read: "7-3-1341. Department of law. (1) The department of law shell-be is in the charge of a director to be appointed by the commission without definite term, who shall be a resident and elector of the municipality and who shall

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1 possess all of the qualifications required of county 2 attorneys.

(2) He shall have all the powers and, either 3 personally or by such assistants as he may designate, shall 4 perform all the duties that now are or--hereafter--may--be 5 prescribed for county attorneys, city attorneys, and public 6 administrators, and in addition thereto, he shall be chief 7 legal adviser of and attorney and counsel for the 8 9 municipality and of all departments and offices thereof and shall perform such other duties as may be required by the 10 11 commission.

(3) He shall qualify by taking the oath of office 12 prescribed by the constitution and giving a bond in the 13 amount required of a public administrator in a county of the 14 same class. He shall receive from the state as part of his 15 salary the same amount which is paid by the state to county 16 17 attorneys in counties of the same class, and the remainder of his salary shall be paid by the municipality. For all 18 19 purposes in connection with criminal prosecutions he shall be known and designated as "county attorney of the city and 20 21 county of ...."."

22 Section 14. Section 7-3-1342, MCA, is amended to read:
23 "7-3-1342. City court. (1) A city court is hereby
24 established in and for each municipality, with the
25 jurisdiction, powers, and duties within the municipality

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provided by general law for city courts in cities and towns and for justices of the peace. (2) The-commission-shally-by-majority-vate-of-all--its membersy--appoint-a-city-judge-or-judges-to-serve-during-the pleasure-of-the-commission--No--person--shall--be--appointed city--judge--unless-at-least-25-years-of-age-and-admitted-to proctice-law-in-Montanaw The commission shall by ordinance determine the number of judges required for operation of the city court. City court judges are to be elected every 4 years in a nonpartisan election held in conjunction with the regularly\_scheduled\_general\_election. The term of office for city\_judge\_is\_4\_years. (3) The qualifications to hold the office of city judge\_shall\_be\_set\_by\_ordinance\_by\_the\_commission. The ordinance shall be consistent with any rules adopted by the Montana\_supreme\_court\_op\_city\_judge\_gualifications+ 141\_\_Wbenever\_\_a\_\_yacancy\_\_occurs\_in\_the\_office\_of\_city iudges the commission shall appoint a qualified individual

19 to serve for the remainder of the term. The compensation of 20 the city judge or judges shall be fixed by the commission." 21 Section 15. Section 7-3-1343, MCA, is amended to read: "7-3-1343. Police 22 department. (1) The police department shall-be is in the charge of a director, who 23 24 shall be chief of the police force of the municipality. The 25 director shall have the powers and perform the duties

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1 conferred on and required of sheriffs.

(2) Officers and patrolmen of the police department. 2 subordinate to the director, shall have the powers and 3 perform--the duties conferred on and required of police 4 officers and patrolmen in cities and towns by the laws of 5 this state and such powers and duties as may be conferred 6 7 and required by the ordinances of the municipality. Police officers and patrolmen shall have the powers and perform-the 8 duties conferred on and required of deputy sheriffs by the 9 general laws of the state. 10

11 (3) For the purpose of serving and making return on 12 all criminal and civil process, executing judgments, 13 decrees, and orders of court, and making sales thereunder 14 and returns thereof, the director shall be known and 15 designated as Sheriff of the city and county of ...., and 16 each police officer and patrolman shall be known and 17 designated as deputy sheriff."

18 Section 16. Section 7-3-1345, MCA, is amended to read: 19 "7-3-1345. Fire department. (1) The fire department of 20 the municipality shelf-be is in the charge of a director. 21 who shall be chief thereof and who shall manage and control 22 the department in the manner prescribed by the ordinances of 23 the municipality.

(2) (a) Notwithstanding any other provision of law
the adoption of a consolidated county municipal government

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shall have no effect on the existence, rights, or duties of
 any voluntary fire department or fire district created and
 legally in existence pursuant to the provisions of parts 21
 and 23 of chapter 33.

5 (b) Nothing in this part or part 12 shall be construed to prohibit the creation of voluntary fire departments or 6 fire districts pursuant to the provisions of parts 21 and 23 7 of chapter 33 within consolidated county municipalities. 8 9 (c) Voluntary fire departments or fire districts 10 within consolidated county municipalities shall may only be organized, created, supported, financed, dissolved, and 11 12 managed and their boundaries shell may only be changed 13 pursuant to the provisions of parts 21 and 23 of chapter 33. These organizations may enter mutual aid agreements as 14 provided by 7-33-2106." 15

Section 17. Section 7-3-2104, MCA, is amended to read: 16 17 "7-3-2104. Notice of election. It shall-be is the duty 18 of the board of county commissioners to publish a notice of 19 the referendum in a daily paper newspaper twice a week for a 20 period of 3 consecutive weeks or, in case there is no daily 21 paper newspaper of wide circulation in the county, then in a 22 weekly peper newspaper for 4 consecutive weeks." Section 18. Section 7-3-2109, MCA, is amended to read: 23 #7-3-2109. Provisions for board elected at large. (1) 24

25 Under all optional forms of county government whereby the

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entire board of county commissioners is elected at large.
 there shall be a board of county commissioners who shall
 have the qualifications and shall be nominated and elected
 as provided by general law except as otherwise provided for
 in this section.

6 (2) If the electors of a county approve a proposition 7 to adopt an optional form of county government under this 8 part and thereby adopt a different size board, the change in 9 membership shall be effected as follows:

(a) Whenever the number of members of the board is 10 increased, there shall be elected at the next regular state 11 12 election following the adoption of such provision a sufficient number of county commissioners to bring the total 13 membership of the board up to the number fixed. County 14 commissioners--shall--first--serve-e-term-of-6-yeersv-except 15 16 the-candidates-first-elected-under-the--provisions--of--this sections 17

18 (b) Whenever the number of members of the board is decreased, the optional number of county commissioners 19 adopted under this part shall be effective as to the 20 commissioner with the least time left on his term on the 21 first Monday in January following the next regular state 22 election and, as to the other half of the decrease, on the 23 first Monday in January 2 years later. The latter decrease 24 in board size shall also be determined by the least time 25

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1 left on his term and, should two commissioners have the same 2 amount of term left to serve, then by lot.

3 (3) The term of office of county commissioners sholl 4 be is 6 years except as provided in this subsection section. If the optional form as adopted provides for no change in 5 of the board of county commissioners, county size 6 commissioners shall continue to be elected for 6-year terms. 7 if-the-potions}-form-as-adopted-provides--for--an--increased 8 membership--on--the--board--es--provided--in--this-porty-the 9 10 additional-members-shall-be-elected--to--the--board--at--the first-regular--state-elaction-subsequent-to-the-adoption-of 11 12 the-alternative-form.

(4) If the first election under an optional form of 13 county government provided for in this part occurs in a year 14 in which one county commissioner is to be elected under the 15 former law and the optional form as adopted provides for an 16 expansion of the board to five commissioners. there shall be 17 18 elected for a staggered term terms two commissioners for a 6-year term and one commissioner for a 4-year term as 19 20 provided in this part.

21 t5j--At--all--succeeding--elections--after--the---first

- 22 regular-state-election-subsequent-to-adoption-of-an-optional
- 23 formy-att-members-of-the-board-of-county-commissioners-shatt

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- 24 continue-to-be-elected-for-6-year-terms\*\*
- 25 Section 19. Section 7-3-4224, MCA, is amended to read:

1 "7-3-4224. Petition for initiative. (1) Any proposed 2 ordinance may be submitted to the council by petition signed 3 by electors of the city equal in number to the percentage 4 hereinafter required. The---signature---verification 5 inspection-certification-amendment-and-submission-of-such 6 petition-shall-be-the-same-as-provided--for--petition--under 7 former-tl-3l32

8 (2) If the petition accompanying the proposed ordinance be is signed by electors-equal-in-number-to 25% or 9 more of the entire number of persons registered to vote at 10 11 the last preceding general election and contains a request 12 that the said ordinance be submitted to a vote of the people if not passed by the council, such the council shall either: 13 14 (a) pass each the ordinance without alteration within 28 60 days after the attachment of the clark s-certificate 15 16 to-the-accompanying receipt of the petition; or

17 (b) forthwithy-after-the-clerk--shall--attach--to--the 18 petition--accompanying--such--ordinance--his--certificate-of 19 sufficiency call a special election, unless a general municipal election is fixed by law within 30 days 20 thereafter, and at such the special or general municipal 21 22 election, if one is so fixed, such the proposed ordinance shall be submitted to the vote of the electors of such city. 23 (3) If the petition is signed by not--less--then at 24 25 least 10% or but not more than 25% of the electors, as above

defined, then the council shall within 20 60 days pass said 1 the ordinance without change or submit the same at the next 2 general city election occurring after the--clerkis 3 certificate-of-sufficiency-is-attached-to--said receipt\_of 4 the petition." 5 Section 20. Section 7-3-4227, HCA, is amended to read: 6 #7-3-4227. Abandonment of commission form. (1) Any 7 city which shall-have has operated for more than 1 year 8 under the provisions of this part may abandon such 9 organization hereunder and accept the provisions of the 10 ceneral law of the state then applicable to cities of its 11 12 population. (2) Upon the petition of not less than 10% of the 13 14 electors of such the city registered for the last preceding general election, the following proposition shall be placed 15

16 upon the ballot at the next regular city election, provided 17 the petition be <u>is</u> filed at least 60 days prior to the date 18 of such <u>the</u> election:

19 "Shall the city of (name of city) abandon its 20 organization under chapter 57 of the acts of the twelfth 21 legislative assembly and become a city under the general law 22 governing cities of like population or, if formerly 23 organized under special charter, resume said the special 24 charter?"

(3) If the majority of the votes cast at such election

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be is in favor of such proposition, the officers elected at 1 the next succeeding biennial election shall be those then 2 prescribed by the general law of the state for cities of 3 like population, and upon the qualification of such these 4 officers, such the city shall become a city under such the 5 general law of the state, but such this change shall may not 6 7 in any manner or degree affect the property, rights, or liabilities of any nature of such the city but shall merely 8 9 extend to each change in its form of government.

(4) The--sufficiency--of--such---petition---shell---be 10 11 determinedy--the--election--ordered--end--conductedy-and-the 12 results-declarad-generally-as-provided-for-by-former-sl-3132 insofer-es-the-provisions-thereof-ere-applicabley-er-if--now 13 14 organized--under--special--chartery--may-resume-said-special 15 charter+ Whenever the form of government of any city is 16 determined by a vote of the people under the provision of this section, the same question shall may not be submitted 17 18 again for a period of 2 years, and any ordinance adopted by a vote of the people shall not be repealed or the same 19 question submitted for a period of 2 years.\* 20

21 Section 21. Section 7-3-4233, HCA, is amended to read: 22 "7-3-4233. Statement and petition of candidacy. (1) 23 Any qualified elector of soid the city who-is-the--owner--of 24 any--real--estate--situated--thereiny desiring to become a 25 candidate for mayor or councilman shall, at least 10 days

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1	prior to said the primary election, file with the city clerk
2	a statement of such candidacy and shall at the same time
3	file therewith the petition of at least 25 qualified voters
4	requesting such candidacy. Each petition shall be verified
5	by one or more persons as to qualifications and residence.
6	with street number, of each of the persons so signing the
7	petition.
8	(2) The statement shall be in substantially the
9	following form:
10	State of Montana)
11	) 55.
12	County of)
13	Is being first duly sworn, say that I reside at
14	•••• street, city of ••••• county of ••••, state of
15	Montana; that I am a qualified voter therein; that I am a
16	candidate for nomination to the office of (mayor or
17	councilman) to be voted upon at the primary election to be
18	neld on the Monday of 19; and I hereby request
19	that my name be printed upon the official primary ballot for
20	nomination by such primary election for such office.
21	(Signed)
22	Subscribed and sworn to (or affirmed) before me by ••••
23	on this day of 19
24	(Signed)
25	(3) The petition shall be in substantially the
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1 following form:

2 The undersigned, duly qualified electors of the city of 3 .... and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of 4 candidate) be placed in the ballot as a candidate for 5 nomination for (name of office) at the primary election to 6 7 be held in such city on the .... Nonday of ..... 19... We 8 further state that we know him/her to be a qualified elector of said city and a person of good moral character and 9 aualified, in our judgment, for the duties of such office. 10 Names of qualifying electors 11 Number Street 12 13 (4) Each signer of a nomination paper shall may sign 14 but one such nomination paper for the same office, except 15 16 where whenever more than one officer is to be elected to the same office, in which case he may sign as many nomination 17 papers as there are officers to be elected; and only one 18 19 candidate shall be petitioned for or nominated in the same nomination paper." 20

Section 22. Section 7-3-4333, MCA, is amended to read:
 "7-3-4333. Special provisions for election on question
 related to expenditures. (1)-in-case Whenever a petition be
 is filed requiring that a measure passed by the commission
 providing for an expenditure of money, a bond issue, or a

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public improvement be submitted to a vote of the electors. 1 all steps preliminary to such expenditure, actual issuance 2 of the bonds, or actual execution of the contract for such ્ય improvement may be taken prior to the election. At--such 4 election--only-resident-texpeyers-of-such-city-or-town-whose 5 nomesy-as-suchy-appear-upon-the-assessment-roll-and-who-are 6 ofso Any qualified electors of soid the city or town shall 7 be-entitled-to may vote at such election. 8 t2}--At-ony-and-all-elections-in-such-city-or--town--at 9 which--questions-relating-to-bond-issuesy-tex-leviesy-or-the 10 expenditure-of-money-shall-be-submittedy-no-person-shall--be 11 entitled--to--vote--unless--quelified--as--provided--in-this 12 section\*\* 13 Section 23. Section 7-3-4352, MCA, is amended to read: 14 #7-3-4352. Election and campaign practices. (1) Any 15 person who shall-agree agrees to perform any services in the 16 interest of any candidate for any office provided in this 17 part or part 44+ in consideration of any money or other 18 valuable thing for such services performed-in-the-interest 19 of-ony-condidatey-shall-be-punished <u>s\_is\_punishable</u> by a 20 21 fine not exceeding \$300 or be-imprisoned by imprisonment in the county jail for a period not exceeding 30 days or by 22 both such fine and imprisonment. 23 (2) Any person offering to give a briber either in 24 money or other consideration, to any elector for the purpose 25

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of influencing his vote at any election provided in this 1 part or part 44 or any elector entitled to vote at any such 2 election receiving and accepting such bribe or other 3 consideration; any person who agrees, by promise or written 4 statement, that he will do or will not do any particular act 5 or-acts for the purpose of influencing the vote of any 6 elector or-electors at any election provided in this part or 7 part 44; any person making false answer to any of the 8 provisions of this part or part 44 relative to his 9 qualifications to vote at such election; any person 10 willfully voting or offering to vote at such election who 11 has not met the residency requirement of the state of 12 Montana or is not a citizen of the United States or knowing 13 knows himself not to be a qualified elector of such precinct 14 where he offers to vote; or any person knowingly procuring. 15 aiding, or abetting any violation hereof shell-be-deemed is 16 quilty of a misdemeanor and upon conviction shell-be-fined-a 17 sum is punishable by a fine of not less than \$100 or more 18 19 than \$500 or be-imprisoned by \_\_imprisonment in the county jail for a period not less than 10 or more than 90 days or 20 by both such fine and imprisonment." 21

22 Section 24. Section 7-3-4365, MCA, is amended to read: 23 "7-3-4365. Investigations by commission. (1) The 24 commission or any committee thereof duly authorized by the 25 commission to do so may investigate the financial

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transactions of any office or department of the municipal
 government and the official acts of any municipal official
 and by similar investigations may secure information upon
 any matter.

5 (2) In conducting such investigations, the commission or any committee thereof may compel the attendance of 6 witnesses and the production of books+ papers+ and other 7 evidence and for that purpose may issue subpoenas or 8 9 attachments, which shall be signed by the presiding officer of the commission or the chairman of such committee, as the 10 11 case may be, and which may be served and executed by any officer authorized by law to serve subpoenas or other 12 process. If-any-witness-shall-refuse-to-testify-to-any-facts 13 14 within-his-knowledge-or-to-produce-ony-papers--or--books--in his--possession--or-under-his-control-relating-to-the-matter 15 16 under-inquiry-before-the-commission-or-any--such--committeey 17 the--commission-shoil-have-the-power-to-cause-the-witness-to 18 be-punished-for-contempty No witness shall may be excused 19 from testifying touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall 20 may not be used against him in any criminal prosecution 21 except for Derivry committed Upon such inquiry." 22 23 Section 25. Section 7-3-4366, MCA, is amended to read:

24 \*\*7-3-4366. Investigatory powers of city manager. The
25 city manager may, without notice, cause the affairs of any

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department or the conduct of any officer or employee to be 1 examined. Any person or--persons appointed by the city 2 3 manager to examine the affairs of any department or the conduct of any officer or employee shall-have has the same 4 5 nower to compel the attendance of witnesses and the 6 production of books and papers and other evidence end-to 7 couse-witnesses-to-be-punished-for-contempt as is conferred 8 upon the commission by this part."

9 Section 26. Section 7-3-4445, MCA, is amended to read: 10 "7-3-4445. Survey--and--plats-of-subdivided Subdivided lands. {}}-Any--owner--of--łots--or--grounds--within---the 11 12 sunicipality--who--subdivides-or-loys-thes-out-for-sele-sust cause-to-be--mede--en--accurate--survey--end--plat--thereofy 13 conforming--in-all-things-to-the-provisions-of-former-ll-601 14 to-ll-614v-facturive-end-shell-she 15 16 the--commission-a-duty-certified-copy-of-such-plat-or-plats. 17 t2)--The-mop-or-plat-recorded-under-the--provisions--of 18 the---foregoing---sections--shall--thereupon--be--sufficient 17 conveyance-to-vast-in-the-municipality-the-fee-of-the-parcel 20 of-land-destanated-or-intended-for--streets---sileys--ways 21 commonsv--of--other-public-usesv-to-be-heid-in-the-corporate 22 name-in-trust-to-ond--for--the--uses--ond--purposes--in--the instrument--set--forthy--expressedy-designatedy-or-intendedy 23 Subdivisions in the municipality must conform to the 24 25 provisions of Title 76+ chapter 3+\*

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"7-3-4448. Vacating or changing name of street. (1) Z The commission, in vacating any street or part of a street 3 or changing the name of any street, may include in one 4 ordinance the change of name or the vacation or narrowing of 5 more than one street, alley, or avenue, Before vacating any 6 street or part thereof or narrowing any street, the 7 commission shall first pass a resolution declaring its 8 intention to do so. • 10 (2) The city manager shall eause serve notice of such the resolution to-be-served, in the manner that service of 11 summons is required to be made in civil actions, upon all 12 persons whose property abuts upon the portion of the street 13 affected by the proposed vacation or narrowing and by 14 publication shall publish notice once in one daily newspaper 15 of general circulation in the municipality if such there be 16 endy is one or if not, once in one weekly newspaper of like 17 circulationy-es-to-ell--persons--who--cannot--be--personally 18 served. Said The notice shall state the time and place at 19 20 which objection objections will be heard. (3) Unless at least 51% of the affected property 21

Section 27. Section 7-3-4448. MCA, is amended to read:

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owners object to the proposed vacation or narrowing, the

commission may by ordinance declare such vacation or

narrowingta and-such The order of the commission vacating or

narrowing a street or alley which has been dedicated to

public use by the proprietor shall, to the extent that it is
 vacated or narrowed, operate <u>operates</u> as a revocation of the
 acceptance thereof by the commission, but the right-of-way
 and easement therein of any lot owner shall <u>is</u> not be
 impaired thereby."
 Section 28. Repealer. Sections 11-3221 through 11-3227

7 and 11-3541 through 11-3547, R.C.M. 1947, are repealed.

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-End-

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