

House Bill 295

In The House

January 16, 1981	Introduced and referred to Committee on Local Government.
February 11, 1981	Committee recommend bill do pass as amended.
February 12, 1981	Bill printed and placed on members' desks.
February 13, 1981	Second reading do pass.
February 16, 1981	Correctly engrossed.
February 17, 1981	Third reading passed.

In The Senate

February 18, 1981	Introduced and referred to Committee on Local Government.
March 30, 1981	Committee recommend bill not concurred.

In The House

March 31, 1981	Returned from Sentate not concurred.
----------------	--------------------------------------

1 HOUSE BILL NO. 295  
 2 INTRODUCED BY Pistoria Hamstad Meyer  
 3 O'Connell

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PETITION  
 5 REQUIREMENTS FOR ABANDONING THE COMMISSION-MANAGER FORM OF  
 6 GOVERNMENT; AMENDING SECTIONS 7-1-4130 AND 7-3-4334, MCA."

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

8 Section 1. Section 7-1-4130, MCA, is amended to read:

9 "7-1-4130. Petition. (1) Whenever a petition is  
 10 authorized, unless the section authorizing the petition  
 11 establishes different criteria, it shall be valid if it is  
 12 signed by 15% of the electors of the municipality and meets  
 13 the following requirements:

14 (a) contains a statement of the purpose for which it  
 15 is circulated, sufficient to meet the specific criteria set  
 16 out in the section authorizing the petition;

17 (b) each signature is followed by the printed name of  
 18 the signer, the address of the signer's place of residence,  
 19 and the date of the signing; and

20 (c) the petition contains the date it was first  
 21 circulated and a statement that all signatures must be  
 22 collected within 90 ~~120~~ days of that date.

23 (2) Unless otherwise provided, all petitions shall be  
 24 filed with the county election administrator, who shall  
 25

1 determine the sufficiency of the signatures. No petition  
 2 filed after the deadline for filing the petition, if any,  
 3 shall be considered.

4 (3) Within ~~10~~ 25 working days of the date the petition  
 5 was filed, the county election administrator shall determine  
 6 the adequacy of the petition.

7 (4) Inadequate petitions shall be returned but may be  
 8 amended or supplementary signatures may be obtained, and the  
 9 petition may be refiled prior to the deadline for filing the  
 10 petition.

11 (5) Within 10 days of its second filing, the county  
 12 election administrator shall again determine the adequacy of  
 13 the petition. If it is still determined inadequate, it shall  
 14 be rejected without prejudice to the filing of a new  
 15 petition to the same effect.

16 (6) If a petition is determined adequate, the county  
 17 election administrator shall:

18 (a) certify its adequacy and submit it to the  
 19 governing body without delay;

20 (b) submit a copy of the petition to the attorney of  
 21 the municipality.

22 (7) A person may in writing withdraw his signature  
 23 from a previously filed petition at any time prior to final  
 24 action of the governing body.

25 (8) (a) The attorney for the municipality shall

INTRODUCED BILL  
 HB 295

1 prepare and transmit to the governing body without delay a  
 2 concise statement not exceeding 100 words. This statement  
 3 shall express a true and impartial explanation of the  
 4 purpose of the proposed ballot issue in plain, easily  
 5 understood language. The statement may not intentionally be  
 6 an argument and may not intentionally be written so as to  
 7 create prejudice for or against the measure.

8 (b) At the same time the statement of purpose is  
 9 prepared, the attorney shall prepare statements of the  
 10 implications of a vote for or against a ballot issue. The  
 11 statements of implication may be no more than 25 words each  
 12 and shall be in simple, impartial language clearly  
 13 explaining the meaning of a vote for and a vote against the  
 14 issue.

15 (c) Prior to an election or an official action  
 16 involving a petition issue, the governing body shall publish  
 17 copies of the statement of purpose and statement of  
 18 implications to the procedure established in 7-1-4128.

19 (9) The department of community affairs, in  
 20 cooperation with the secretary of state, shall prepare and  
 21 provide each municipality with:

- 22 (a) a standard petition form;
- 23 (b) sample petition forms for initiatives,  
 24 referendums, and recall elections; and
- 25 (c) sample petition forms for creation of districts.

1 (10) Each municipality shall make available to the  
 2 public on request sample petition forms."

3 Section 2. Section 7-3-4334, MCA, is amended to read:  
 4 "7-3-4334. Procedure to abandon commission-manager  
 5 form of government. (1) Any municipality which shall have  
 6 operated for more than 2 years under the provisions of this  
 7 part and part 44 may abandon its organization hereunder and  
 8 accept the provisions of the general law of the state  
 9 applicable to municipalities of its population.

10 (2) Upon the petition of the registered electors of  
 11 such municipality equal to ~~25%~~ 15% of the number registered  
 12 for the last preceding general election, a special election  
 13 shall be called, at which the following proposition only  
 14 shall be submitted:

15 "Shall the (city or town) of (name of city or town)  
 16 abandon its organization under parts 43 and 44 of chapter 3  
 17 of Title 7, MCA, and become a (city or town) under the  
 18 general law governing (cities or towns) of like population  
 19 or, if formerly organized under special charter, resume said  
 20 special charter?"

21 (3) If the majority of the votes cast at the special  
 22 election are in favor of such proposition, the officers  
 23 elected at the next succeeding biennial election shall be  
 24 those then prescribed by the general laws of the state for  
 25 municipalities of like population, and upon the

1 qualification of the officers, the municipality shall become  
2 a municipality under the general law of the state, but the  
3 change shall not in any manner or degree affect the  
4 property, rights, or liabilities of any nature of the  
5 municipality but shall merely extend to each change in its  
6 form of government.

7 (4) The sufficiency of the petition shall be  
8 determined, the election ordered and conducted, and the  
9 results declared as provided for by the provisions of Title  
10 13 insofar as the provisions thereof are applicable.  
11 Whenever the form of government of a municipality is  
12 determined by a vote of the people under the provisions of  
13 this section, the same question may not be submitted again  
14 for a period of 2 years and any ordinance adopted by the  
15 vote of the people shall not be repealed or the same  
16 question submitted for a period of 2 years."

-End-

Approved by Comm.  
on Local Government

HOUSE BILL NO. 295

INTRODUCED BY PISTORIA, HEMSTAD, MEYER, O'CONNELL

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PETITION REQUIREMENTS FOR CREATING OR ABANDONING THE COMMISSION-MANAGER FORM OF GOVERNMENT; AMENDING SECTIONS 7-1-4130, ~~7-3-4305~~, AND 7-3-4334, MCA."

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

Section 1. Section 7-1-4130, MCA, is amended to read:

"7-1-4130. Petition. (1) Whenever a petition is authorized, unless the section authorizing the petition establishes different criteria, it shall be valid if it is signed by 15% of the electors of the municipality and meets the following requirements:

(a) contains a statement of the purpose for which it is circulated, sufficient to meet the specific criteria set out in the section authorizing the petition;

(b) each signature is followed by the printed name of the signer, the address of the signer's place of residence, and the date of the signing; and

(c) the petition contains the date it was first circulated and a statement that all signatures must be collected within ~~90~~ 120 days of that date.

(2) Unless otherwise provided, all petitions shall be

filed with the county election administrator, who shall determine the sufficiency of the signatures. No petition filed after the deadline for filing the petition, if any, shall be considered.

(3) Within ~~10~~ 25 working days of the date the petition was filed, the county election administrator shall determine the adequacy of the petition.

(4) Inadequate petitions shall be returned but may be amended or supplementary signatures may be obtained, and the petition may be refiled prior to the deadline for filing the petition.

(5) Within 10 days of its second filing, the county election administrator shall again determine the adequacy of the petition. If it is still determined inadequate, it shall be rejected without prejudice to the filing of a new petition to the same effect.

(6) If a petition is determined adequate, the county election administrator shall:

(a) certify its adequacy and submit it to the governing body without delay;

(b) submit a copy of the petition to the attorney of the municipality.

(7) A person may in writing withdraw his signature from a previously filed petition at any time prior to final action of the governing body.

1 (8) (a) The attorney for the municipality shall  
 2 prepare and transmit to the governing body without delay a  
 3 concise statement not exceeding 100 words. This statement  
 4 shall express a true and impartial explanation of the  
 5 purpose of the proposed ballot issue in plain, easily  
 6 understood language. The statement may not intentionally be  
 7 an argument and may not intentionally be written so as to  
 8 create prejudice for or against the measure.

9 (b) At the same time the statement of purpose is  
 10 prepared, the attorney shall prepare statements of the  
 11 implications of a vote for or against a ballot issue. The  
 12 statements of implication may be no more than 25 words each  
 13 and shall be in simple, impartial language clearly  
 14 explaining the meaning of a vote for and a vote against the  
 15 issue.

16 (c) Prior to an election or an official action  
 17 involving a petition issue, the governing body shall publish  
 18 copies of the statement of purpose and statement of  
 19 implications to the procedure established in 7-1-4128.

20 (9) The department of community affairs, in  
 21 cooperation with the secretary of state, shall prepare and  
 22 provide each municipality with:

- 23 (a) a standard petition form;
- 24 (b) sample petition forms for initiatives,  
 25 referendums, and recall elections; and

1 (c) sample petition forms for creation of districts.  
 2 (10) Each municipality shall make available to the  
 3 public on request sample petition forms."

4 SECTION 2. SECTION 7-3-4305, MCA, IS AMENDED TO READ:

5 "7-3-4305. Petition to organize under  
 6 commission-manager form -- election required. (1) Upon a  
 7 petition being filed with the city or town council, signed  
 8 by not less than 25% 15% of the qualified electors of such  
 9 municipality registered for the last preceding general  
 10 municipal election, praying that the question of  
 11 reorganization under this part and part 44 be submitted to  
 12 the qualified electors of such municipality, said city or  
 13 town council shall thereupon and within 30 days thereafter  
 14 order a special election to be held, at which election the  
 15 question of reorganization of such municipality under the  
 16 provisions of this part and part 44 shall be submitted to  
 17 the qualified electors of such municipality.

18 (2) Such order of the city or town council shall  
 19 specify therein the time when such election shall be held,  
 20 which must be within 90 days from the date of filing of such  
 21 petition."

22 Section 3. Section 7-3-4334, MCA, is amended to read:

23 "7-3-4334. Procedure to abandon commission-manager  
 24 form of government. (1) Any municipality which shall have  
 25 operated for more than 2 3 years under the provisions of

1 this part and part 44 may abandon its organization hereunder  
 2 and accept the provisions of the general law of the state  
 3 applicable to municipalities of its population.

4 (2) Upon the petition of the registered electors of  
 5 such municipality equal to ~~25%~~ 15% of the number registered  
 6 for the last preceding general election, a special election  
 7 shall be called, at which the following proposition only  
 8 shall be submitted:

9 "Shall the (city or town) of (name of city or town)  
 10 abandon its organization under parts 43 and 44 of chapter 3  
 11 of Title 7, MCA, and become a (city or town) under the  
 12 general law governing (cities or towns) of like population  
 13 or, if formerly organized under special charter, resume said  
 14 special charter?"

15 (3) If the majority of the votes cast at the special  
 16 election are in favor of such proposition, the officers  
 17 elected at the next succeeding biennial election shall be  
 18 those then prescribed by the general laws of the state for  
 19 municipalities of like population, and upon the  
 20 qualification of the officers, the municipality shall become  
 21 a municipality under the general law of the state, but the  
 22 change shall not in any manner or degree affect the  
 23 property, rights, or liabilities of any nature of the  
 24 municipality but shall merely extend to each change in its  
 25 form of government.

1 (4) The sufficiency of the petition shall be  
 2 determined, the election ordered and conducted, and the  
 3 results declared as provided for by the provisions of Title  
 4 13 insofar as the provisions thereof are applicable.  
 5 Whenever the form of government of a municipality is  
 6 determined by a vote of the people under the provisions of  
 7 this section, the same question may not be submitted again  
 8 for a period of 2 3 years and any ordinance adopted by the  
 9 vote of the people shall not be repealed or the same  
 10 question submitted for a period of 2 3 years."

-End-

## 1 HOUSE BILL NO. 295

2 INTRODUCED BY PISTORIA, HEMSTAD, MEYER, O'CONNELL

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PETITION  
5 REQUIREMENTS FOR CREATING OR ABANDONING THE  
6 COMMISSION-MANAGER FORM OF GOVERNMENT; AMENDING SECTIONS  
7 7-1-4130, 7-3-4305, AND 7-3-4334, MCA."

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

10 Section 1. Section 7-1-4130, MCA, is amended to read:

11 "7-1-4130. Petition. (1) Whenever a petition is  
12 authorized, unless the section authorizing the petition  
13 establishes different criteria, it shall be valid if it is  
14 signed by 15% of the electors of the municipality and meets  
15 the following requirements:

16 (a) contains a statement of the purpose for which it  
17 is circulated, sufficient to meet the specific criteria set  
18 out in the section authorizing the petition;

19 (b) each signature is followed by the printed name of  
20 the signer, the address of the signer's place of residence,  
21 and the date of the signing; and

22 (c) the petition contains the date it was first  
23 circulated and a statement that all signatures must be  
24 collected within ~~90~~ 100 120 days of that date.

25 (2) Unless otherwise provided, all petitions shall be

1 filed with the county election administrator, who shall  
2 determine the sufficiency of the signatures. No petition  
3 filed after the deadline for filing the petition, if any,  
4 shall be considered.

5 (3) Within ~~10~~ 25 working days of the date the petition  
6 was filed, the county election administrator shall determine  
7 the adequacy of the petition.

8 (4) Inadequate petitions shall be returned but may be  
9 amended or supplementary signatures may be obtained, and the  
10 petition may be refiled prior to the deadline for filing the  
11 petition.

12 (5) Within 10 days of its second filing, the county  
13 election administrator shall again determine the adequacy of  
14 the petition. If it is still determined inadequate, it shall  
15 be rejected without prejudice to the filing of a new  
16 petition to the same effect.

17 (6) If a petition is determined adequate, the county  
18 election administrator shall:

19 (a) certify its adequacy and submit it to the  
20 governing body without delay;

21 (b) submit a copy of the petition to the attorney of  
22 the municipality.

23 (7) A person may in writing withdraw his signature  
24 from a previously filed petition at any time prior to final  
25 action of the governing body.



1 (8) (a) The attorney for the municipality shall  
 2 prepare and transmit to the governing body without delay a  
 3 concise statement not exceeding 100 words. This statement  
 4 shall express a true and impartial explanation of the  
 5 purpose of the proposed ballot issue in plain, easily  
 6 understood language. The statement may not intentionally be  
 7 an argument and may not intentionally be written so as to  
 8 create prejudice for or against the measure.

9 (b) At the same time the statement of purpose is  
 10 prepared, the attorney shall prepare statements of the  
 11 implications of a vote for or against a ballot issue. The  
 12 statements of implication may be no more than 25 words each  
 13 and shall be in simple, impartial language clearly  
 14 explaining the meaning of a vote for and a vote against the  
 15 issue.

16 (c) Prior to an election or an official action  
 17 involving a petition issue, the governing body shall publish  
 18 copies of the statement of purpose and statement of  
 19 implications to the procedure established in 7-1-4128.

20 (9) The department of community affairs, in  
 21 cooperation with the secretary of state, shall prepare and  
 22 provide each municipality with:

23 (a) a standard petition form;

24 (b) sample petition forms for initiatives,  
 25 referendums, and recall elections; and

1 (c) sample petition forms for creation of districts.

2 (10) Each municipality shall make available to the  
 3 public on request sample petition forms."

4 SECTION 2. SECTION 7-3-4305, MCA, IS AMENDED TO READ:

5 "7-3-4305. Petition to organize under  
 6 commission-manager form -- election required. (1) Upon a  
 7 petition being filed with the city or town council, signed  
 8 by not less than 25% 15% of the qualified electors of such  
 9 municipality registered for the last preceding general  
 10 municipal election, praying that the question of  
 11 reorganization under this part and part 44 be submitted to  
 12 the qualified electors of such municipality, said city or  
 13 town council shall thereupon and within 30 days thereafter  
 14 order a special election to be held, at which election the  
 15 question of reorganization of such municipality under the  
 16 provisions of this part and part 44 shall be submitted to  
 17 the qualified electors of such municipality.

18 (2) Such order of the city or town council shall  
 19 specify therein the time when such election shall be held,  
 20 which must be within 90 days from the date of filing of such  
 21 petition."

22 Section 3. Section 7-3-4334, MCA, is amended to read:

23 "7-3-4334. Procedure to abandon commission-manager  
 24 form of government. (1) Any municipality which shall have  
 25 operated for more than 2 3 years under the provisions of

1 this part and part 44 may abandon its organization hereunder  
 2 and accept the provisions of the general law of the state  
 3 applicable to municipalities of its population.

4 (2) Upon the petition of the registered electors of  
 5 such municipality equal to ~~25%~~ 15% of the number registered  
 6 for the last preceding general election, a special election  
 7 shall be called, at which the following proposition only  
 8 shall be submitted:

9 "Shall the (city or town) of (name of city or town)  
 10 abandon its organization under parts 43 and 44 of chapter 3  
 11 of Title 7, MCA, and become a (city or town) under the  
 12 general law governing (cities or towns) of like population  
 13 or, if formerly organized under special charter, resume said  
 14 special charter?"

15 (3) If the majority of the votes cast at the special  
 16 election are in favor of such proposition, the officers  
 17 elected at the next succeeding biennial election shall be  
 18 those then prescribed by the general laws of the state for  
 19 municipalities of like population, and upon the  
 20 qualification of the officers, the municipality shall become  
 21 a municipality under the general law of the state, but the  
 22 change shall not in any manner or degree affect the  
 23 property, rights, or liabilities of any nature of the  
 24 municipality but shall merely extend to each change in its  
 25 form of government.

1 (4) The sufficiency of the petition shall be  
 2 determined, the election ordered and conducted, and the  
 3 results declared as provided for by the provisions of Title  
 4 13 insofar as the provisions thereof are applicable.  
 5 Whenever the form of government of a municipality is  
 6 determined by a vote of the people under the provisions of  
 7 this section, the same question may not be submitted again  
 8 for a period of ~~2~~ 3 years and any ordinance adopted by the  
 9 vote of the people shall not be repealed or the same  
 10 question submitted for a period of ~~2~~ 3 years."

-End-