

HOUSE BILL NO. 347

1/22 Introduced
1/22 Referred to Local Government
2/05 Hearing
2/06 Adverse Committee Report
2/07 Bill Killed

1 HOUSE BILL NO. 347
2 INTRODUCED BY *Pastor - Mc Carriel* *Richard E. Spinning*

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SINGLE
4 MEMBER DISTRICTS FOR LOCAL GOVERNMENTS THAT HAVE ADOPTED THE
5 COMMISSION-MANAGER FORM OF MUNICIPAL GOVERNMENT AND TO
6 REQUIRE THAT A CANDIDATE MUST RESIDE IN THE DISTRICT;
7 AMENDING SECTIONS 7-3-114, 7-3-313, 7-3-317, AND 7-3-4301,
8 MCA; AND PROVIDING EFFECTIVE DATES."
9

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

11 Section 1. Section 7-3-313, MCA, is amended to read:
12 "7-3-313. Selection of commission members. The
13 commission shall be:
14

15 (1) elected at large, if the local government unit is
16 a county; or

17 (2) elected by districts in which candidates must
18 reside and which are apportioned by population;

19 ~~(3) elected at large and nominated by a plan of~~
20 ~~nomination that may not preclude the possibility of the~~
21 ~~majority of the electors nominating candidates for the~~
22 ~~majority of the seats on the commission from persons~~
23 ~~residing in the district or districts where the majority of~~
24 ~~the electors reside; or~~

25 ~~(4) elected by any combination of districts, in which~~

1 candidates must reside and which are apportioned by
2 population, and at large."

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

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

14 (2) community councils to advise commissioners may be
15 authorized by ordinance."

16 Section 3. Section 7-3-4301, MCA, is amended to read:
17 "7-3-4301. Authorization for commission-manager form
18 of municipal government. (1) Any municipality may abandon
19 its organization and reorganize under the provisions of this
20 part and part 44 by proceeding as hereinafter provided.

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



1 must reside."

2 Section 4. Section 7-3-114, MCA, is amended to read:

3 "7-3-114. Statutory basis for municipal
4 commission-manager government. (1) For the purpose of
5 determining the statutory basis of existing units of local
6 government after May 2, 1977, each unit of local government
7 organized under the general statutes authorizing the
8 municipal commission-manager form of government shall be
9 governed by the following sections:

- 10 (a) 7-3-301;
11 (b) 7-3-302(1);
12 (c) 7-3-303;
13 (d) 7-3-304;
14 (e) 7-3-305;
15 (f) 7-3-312(3);
16 (g) 7-3-313~~(1)~~(2);
17 (h) 7-3-314(2);
18 (i) 7-3-315(2);
19 (j) 7-3-316(2);
20 (k) 7-3-317(2);
21 (l) 7-3-318.

22 (2) This form has terms of 4 years for all elected
23 officials. The size of the commission shall be established
24 by ordinance, but it may not exceed five members."

25 NEW SECTION. Section 5. Transition. (1) Persons who

1 are serving as commissioners who were elected at large prior
2 to July 1, 1985, shall serve the remainder of their term and
3 shall hold their office until new successors are elected and
4 qualified.

5 (2) In 1985 persons elected to office as commissioners
6 who are elected at large shall serve a term of 2 years.

7 (3) Beginning in 1987, commission members must be
8 elected by district as provided in 7-3-313 or 7-3-4301.

9 NEW SECTION. Section 6. Effective dates. (1) This
10 section and section 5 are effective October 1, 1985.

11 (2) Sections 1 through 4 are effective January 1,
12 1987.

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