

HOUSE BILL NO. 682

INTRODUCED BY O'KEEFE, VAN VALKENBURG, GOOD, KADAS,
COHEN, STANG, CAMPBELL, T. NELSON, GRADY, BRADLEY,
VINCENT, MCDONOUGH, COCCHIARELLA, MCCORMICK, RUSSELL

IN THE HOUSE

| | |
|-------------------|--|
| FEBRUARY 14, 1989 | INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING. |
| | FIRST READING. |
| FEBRUARY 16, 1989 | ON MOTION BY CHIEF SPONSOR, REPRESENTATIVES MCCORMICK AND RUSSELL ADDED AS SPONSORS. |
| | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| FEBRUARY 17, 1989 | PRINTING REPORT. |
| FEBRUARY 20, 1989 | SECOND READING, DO PASS. |
| FEBRUARY 21, 1989 | ENGROSSING REPORT. |
| | THIRD READING, PASSED. AYES, 78; NOES, 21. |
| | TRANSMITTED TO SENATE. |

IN THE SENATE

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| FEBRUARY 28, 1989 | INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT. |
| | FIRST READING. |
| MARCH 23, 1989 | COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED. |
| MARCH 28, 1989 | SECOND READING, CONCURRED IN. |
| MARCH 29, 1989 | THIRD READING, CONCURRED IN. AYES, 34; NOES, 15. |

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *682*
 2 INTRODUCED BY *Rep. Van Valkenburg*
 3 *C. Nelson* *Tom NELSON* *Bradley*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 5 ELECTION OF TWO TENANTS OF EACH HOUSING AUTHORITY AS HOUSING
 6 AUTHORITY COMMISSIONERS; AND AMENDING SECTIONS 7-15-4406,
 7 7-15-4431, 7-15-4432, 7-15-4435, 7-15-4436, AND 7-15-4439,
 8 MCA."

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

11 NEW SECTION. Section 1. Housing authority
 12 commissioners. A housing authority consists of seven
 13 commissioners. A commissioner may not be a city official.

14 NEW SECTION. Section 2. Election of tenant
 15 commissioners. The tenants of a housing authority shall
 16 elect two tenant commissioners and two alternate tenant
 17 commissioners. One tenant commissioner and his alternate
 18 shall represent elderly or handicapped tenants as defined in
 19 12 U.S.C.A. 1701q(d). One tenant commissioner and his
 20 alternate must be members of resident families and shall
 21 represent family tenants.

22 NEW SECTION. Section 3. Election procedures. (1)
 23 Candidates for the office of tenant commissioner must be
 24 nominated by a petition filed with the commissioners at
 25 least 30 days before the election and signed by at least

1 five electors of the housing authority.

2 (2) The election of tenant commissioners must take
 3 place at the annual meeting of the tenants of the housing
 4 authority provided for in [section 5]. The election must be
 5 conducted by the commissioners in accordance with the bylaws
 6 adopted for that purpose.

7 (3) The first election shall take place within 6
 8 months after [the effective date of this act].

9 (4) If there is no nomination petition filed, it is
 10 not necessary to hold an election but the commissioners
 11 shall appoint a tenant commissioner to fill the term the
 12 same as if the commissioner were elected and may appoint an
 13 alternate tenant commissioner.

14 NEW SECTION. Section 4. Qualifications of
 15 commissioners and electors. (1) A person who has resided in
 16 a housing unit under the jurisdiction of a housing authority
 17 for at least 30 days prior to the election and who is 18
 18 years of age or older is eligible to serve as a tenant
 19 commissioner. An elected tenant commissioner who terminates
 20 occupancy in the housing project shall cease to serve on the
 21 commission. The remaining years of the commissioner's term
 22 must be served by his alternate.

23 (2) An elector must be a resident of the housing
 24 authority for at least 30 days prior to the election and
 25 must be at least 18 years of age.

1 NEW SECTION. Section 5. Duty to conduct annual
2 meeting. In addition to the duties prescribed by law,
3 elected tenant commissioners shall conduct an annual meeting
4 of the tenants of a housing authority.

5 **Section 6.** Section 7-15-4406, MCA, is amended to read:

6 "7-15-4406. Decision of city council. (1) After such-a
7 the hearing, the council shall determine:

8 (a) whether unsanitary or unsafe inhabited dwelling
9 accommodations exist in the city and said the surrounding
10 area; and/or

11 (b) whether there is a lack of safe or sanitary
12 dwelling accommodations in the city and said the surrounding
13 area available for all the inhabitants thereof.

14 (2) If it ~~shall-determine~~ determines that either or
15 both of the above-enumerated conditions exist, the council
16 must shall draft an ordinance authorizing the mayor--to
17 appoint appointment of five commissioners and the election
18 of two tenant commissioners to act as an authority.

19 (3) If the council, after a hearing ~~as--aforesaid~~,
20 ~~shall----~~ determines that neither of the
21 above-enumerated conditions exist, it shall adopt a
22 resolution denying the petition. After 3 months ~~shall~~ have
23 expired from the date of the denial of ~~any-such a~~ petition,
24 subsequent petitions may be filed ~~as--aforesaid~~ and new
25 hearings and determinations made thereon on the petitions."

1 **Section 7.** Section 7-15-4431, MCA, is amended to read:

2 "7-15-4431. Appointment of commissioners. ~~(1)--An~~
3 ~~authority-shall-consist-of-five-commissioners--appointed--by~~
4 ~~the--mayor,--and--he--shall-designate-the-first-chairman--No~~
5 ~~commissioner-may-be-a-city-official--~~ The mayor shall appoint
6 five commissioners, and he shall designate the first
7 chairman.

8 ~~(2)~~ The mayor shall file with the city clerk a
9 certificate of the appointment or reappointment of any
10 commissioner, and such the certificate ~~shall--be~~ is
11 conclusive evidence of the due and proper appointment of
12 such the commissioner."

13 **Section 8.** Section 7-15-4432, MCA, is amended to read:

14 "7-15-4432. Term of office. (1) The commissioners who
15 are first appointed ~~shall must~~ be designated by the mayor to
16 serve for terms of 1, 2, 3, 4, and 5 years, respectively,
17 from the date of their appointment. Thereafter the term of
18 office ~~shall-be~~ is 5 years.

19 (2) The tenant commissioners who are first elected
20 shall serve for terms of 1 and 2 years, respectively, from
21 the date of their election. Thereafter the term of office
22 is 5 years.

23 ~~(2)(3)~~ A commissioner shall hold office until his
24 successor has been appointed and has qualified. A tenant
25 commissioner shall hold office until replaced by his

1 alternate or until a new tenant commissioner is elected or
2 appointed."

3 **Section 9.** Section 7-15-4435, MCA, is amended to read:

4 "7-15-4435. Control of conflict of interest. (1) No
5 Except as provided in [section 2], a commissioner or
6 employee of an authority shall may not acquire any interest,
7 direct or indirect, in any housing project or in any
8 property included or planned to be included in any project⁷.
9 nor-shall-he A commissioner may not have any interest,
10 direct or indirect, in any contract or proposed contract for
11 materials or services to be furnished or used in connection
12 with any housing project.

13 (2) (a) If any a commissioner or employee of an
14 authority owns or controls an interest, direct or indirect,
15 in any property included or planned to be included in any
16 housing project, he shall immediately disclose the ~~same~~
17 interest in writing to the authority, and such the
18 disclosure shall must be entered upon the minutes of the
19 authority.

20 (b) Failure to ~~so~~ disclose such an interest shall
21 constitute constitutes misconduct in office."

22 **Section 10.** Section 7-15-4436, MCA, is amended to
23 read:

24 "7-15-4436. Removal of commissioners. (1) The mayor
25 may remove a an appointed commissioner for inefficiency or

1 neglect of duty or misconduct in office, but only after the
2 commissioner ~~shall-have~~ has been given a copy of the charges
3 against him (which may be made by the mayor) at least 10
4 days prior to the a hearing thereon on the charges and has
5 had an opportunity to be heard in person or by counsel.

6 (2) The electors of a housing authority may petition
7 to have an elected tenant commissioner removed from office
8 for inefficiency or neglect of duty or misconduct in office
9 by presenting to the commissioners a petition signed by at
10 least 20% of the electors in the housing authority. The
11 commissioners shall verify the signatures on the petition
12 and notify the commissioner named in the petition at least
13 10 days prior to holding a hearing on the petition. The
14 commissioners shall conduct the hearing at which the
15 commissioner must be given an opportunity to be heard in
16 person or by counsel. Within 10 days of the hearing, the
17 commissioners shall conduct an election on the removal of
18 the commissioner. If a tenant commissioner is removed from
19 office, the remainder of his term must be served by his
20 alternate."

21 **Section 11.** Section 7-15-4439, MCA, is amended to
22 read:

23 "7-15-4439. Conduct of business. (1) Three
24 commissioners-shall-constitute-a-quorum A simple majority of
25 commissioners constitutes a quorum.

1 (2) When the office of the first chairman of the
2 authority becomes vacant, the authority shall select a
3 chairman from among its members. An authority shall select
4 from among its members a vice-chairman.

5 (3) An authority may:

6 (a) employ a secretary (who shall be executive
7 director), technical experts, and such other officers,
8 agents, and employees, permanent and temporary, as it may
9 require and shall determine their qualifications, duties,
10 and compensation;

11 (b) call upon the corporation counsel or chief law
12 officer of the city for such legal services as it may
13 require or employ its own counsel and legal staff;

14 (c) delegate to one or more of its agents or employees
15 such powers or duties as it may deem consider proper."

16 NEW SECTION. **Section 12.** Codification instruction.

17 [Sections 1 through 5] are intended to be codified as an
18 integral part of Title 7, chapter 15, part 44, and the
19 provisions of Title 7, chapter 15, part 44, apply to
20 [sections 1 through 5].

-End-

APPROVED BY COMM. ON
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nominated by a petition filed with the commissioners at
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five electors of the housing authority UNIT OR PROJECT.

(2) The election of tenant commissioners must take
place at the annual meeting of the tenants of the housing
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conducted by the commissioners in accordance with the bylaws
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(3) The first election shall take place within 6
months after [the effective date of this act].

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not necessary to hold an election but the commissioners
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(2) (a) If any a commissioner or employee of an authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any housing project, he shall immediately disclose the same interest in writing to the authority, and such the disclosure shall must be entered upon the minutes of the authority.

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(2) The electors of a housing authority UNIT OR PROJECT may petition to have an elected tenant commissioner removed from office for inefficiency or neglect of duty or misconduct in office by presenting to the commissioners a petition signed by at least 20% of the electors in the housing authority UNIT OR PROJECT. The commissioners shall verify the signatures on the petition and notify the commissioner named in the petition at least 10 days prior to holding a hearing on the petition. The commissioners shall conduct the hearing at which the commissioner must be given an opportunity to be heard in person or by counsel. Within 10 days of the hearing, the commissioners shall conduct an election on the removal of the commissioner. If a tenant commissioner is removed from office, the remainder of his term must be served by his alternate OR AN INTERIM TENANT APPOINTEE SELECTED BY THE COMMISSION."

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5 authority becomes vacant, the authority shall select a
6 chairman from among its members. An authority shall select
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10 director), technical experts, and such other officers,
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15 officer of the city for ~~such~~ legal services as it may
16 require or employ its own counsel and legal staff;

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23 [sections 1 through 5].

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-End-

SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 22, 1989

SENATE COMMITTEE ON LOCAL GOVERNMENT, HB 682
page 2 of 2

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 682 (third reading copy -- blue), respectfully report that HB 682 be amended and as so amended be concurred in:

Sponsor: O'Keefe (Walker)

1. Title, line 7.
Strike: "ELECTION"
Insert: "APPOINTMENT"
2. Title, line 9.
Strike: "7-15-4436,"
3. Page 1, line 13 through page 3, line 6.
Strike: sections 1 through 5 in their entirety
Renumber: subsequent sections
4. Page 3, lines 19 and 20.
Following: "appointe"
Strike: "appointment of five"
Insert: "mayor to appoint seven"
Strike: "and the election of two tenant commissioners"
5. Page 4, line 7.
Following: "official"
Strike: the remainder of line 7 through "chairman" on line 9
Insert: "(1) An authority consists of seven commissioners appointed by the mayor, and he shall designate the first chairman. A commissioner may not be a city official"
6. Page 4.
Following: line 9
Insert: "(2) Two of the commissioners must be tenants of the housing authority. One tenant commissioner shall represent family tenants and one tenant commissioner shall represent elderly and handicapped tenants. Nominees for tenant commissioner shall submit to the city clerk a petition signed by not less than 25 adult tenants of the authority or 25% of the adult tenants of the authority, whichever is greater. The city clerk shall submit a list of the tenant nominees to the mayor for appointment to the housing authority. The staff of the housing authority may not involve itself in the nomination or appointment of tenant commissioners."

7. Page 4, line 10.
Following: "(2)"
Insert: "(3)"

8. Page 4, line 21.
Strike: "elected"
Insert: "appointed"

9. Page 4, line 23.
Strike: "election"
Insert: "appointment"

10. Page 4, line 24.
Strike: "5"
Insert: "2"

11. Page 5, lines 1 through 4.
Strike: "A" on line 1 through "appointed." on line 4

12. Page 5, line 7.
Strike: "[section 2]"
Insert: "7-15-4431"

13. Page 5, line 24 through page 6, line 23.
Strike: section 10 in its entirety
Renumber: subsequent sections

14. Page 7, lines 19 through 23.
Strike: section 12 in its entirety

AND AS AMENDED BE CONCURRED IN

Signed 
Ethel M. Harding, Chairman

continued

scrhb682.322

SENATE
HB 682

HOUSE BILL NO. 682

INTRODUCED BY O'KEEFE, VAN VALKENBURG, GOOD, KADAS,
COHEN, STANG, CAMPBELL, T. NELSON, GRADY, BRADLEY,
VINCENT, MCDONOUGH, COCCHIARELLA, MCCORMICK, RUSSELL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
ELECTION APPOINTMENT OF TWO TENANTS OF EACH HOUSING
AUTHORITY AS HOUSING AUTHORITY COMMISSIONERS; AND AMENDING
SECTIONS 7-15-4406, 7-15-4431, 7-15-4432, 7-15-4435,
7-15-4436, AND 7-15-4439, MCA."

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

NEW-SECTION: **Section 1.** Housing-----authority
commissioners.---A--housing--authority--consists--of--seven
commissioners.---A--commissioner--may--not--be--a--city--official.

NEW-SECTION: **Section 2.** Election-----of-----tenant
commissioners.---The--tenants--of--a--housing--authority--shall
elect--two--tenant--commissioners--and--two--alternate--tenant
commissioners.---One--tenant--commissioner--and--his--alternate
shall--represent--elderly--or--handicapped--tenants--as--defined--in
12-8-5-2-A--1701q(d).---One--tenant--commissioner--and--his
alternate--must--be--members--of--resident--families--and--shall
represent--family--tenants.

NEW-SECTION: **Section 3.** Election---procedures---(1)
Candidates--for--the--office--of--tenant--commissioner--must--be

nominated--by--a--petition--filed--with--the--commissioners--at
least--30--days--before--the--election--and--signed--by--at--least
five--electors--of--the--housing authority UNIT-OR-PROJECT.

(2)---The--election--of--tenant--commissioners--must--take
place--at--the--annual--meeting--of--the--tenants--of--the--housing
authority--provided--for--in--(section-5).---The--election--must--be
conducted--by--the--commissioners--in--accordance--with--the--bylaws
adopted--for--that--purpose.

(3)---The--first--election--shall--take--place--within--6
months--after--(the--effective--date--of--this--act).

(4)---If--there--is--no--nomination--petition--filed,--it--is
not--necessary--to--hold--an--election--but--the--commissioners
shall--appoint--a--tenant--commissioner--to--fill--the--term--the
same--as--if--the--commissioner--were--elected--and--may--appoint--an
alternate--tenant--commissioner.

NEW-SECTION: **Section 4.** Qualifications-----of
commissioners--and--electors.---(1)---A--person--who--has--resided--in
a--housing--unit--under--the--jurisdiction--of--a--housing--authority
for--at--least--30--days--prior--to--the--election--and--who--is--18
years--of--age--or--older--is--eligible--to--serve--as--a--tenant
commissioner.---An--elected--tenant--commissioner--who--terminates
occupancy--in--the--housing--project--shall--cease--to--serve--on--the
commission.---The--remaining--years--of--the--commissioner's--term
must--be--served--by--his--alternate.

(2)---An--elector--must--be--a--resident--of--the--housing

1 authority ~~UNIT OR PROJECT~~ for at least 30 days prior to the
2 election and must be at least 18 years of age.

3 ~~NEW SECTION: Section 5. Duty to conduct annual~~
4 ~~meeting. In addition to the duties prescribed by law,~~
5 ~~elected tenant commissioners shall conduct an annual meeting~~
6 ~~of the tenants of a housing authority.~~

7 Section 1. Section 7-15-4406, MCA, is amended to read:

8 "7-15-4406. Decision of city council. (1) After such a
9 the hearing, the council shall determine:

10 (a) whether unsanitary or unsafe inhabited dwelling
11 accommodations exist in the city and said the surrounding
12 area; and/or

13 (b) whether there is a lack of safe or sanitary
14 dwelling accommodations in the city and said the surrounding
15 area available for all the inhabitants thereof.

16 (2) If it ~~shall determine~~ determines that either or
17 both of the above-enumerated conditions exist, the council
18 must shall draft an ordinance authorizing the mayor to
19 appoint ~~appointment of five~~ MAYOR TO APPOINT SEVEN
20 commissioners ~~and the election of two tenant commissioners~~
21 to act as an authority.

22 (3) If the council, after a hearing as aforesaid,
23 shall determine determines that neither of the
24 above-enumerated conditions exist, it shall adopt a
25 resolution denying the petition. After 3 months shall have

1 expired from the date of the denial of any such a petition,
2 subsequent petitions may be filed as aforesaid and new
3 hearings and determinations made thereon on the petitions."

4 Section 2. Section 7-15-4431, MCA, is amended to read:

5 "7-15-4431. Appointment of commissioners. (1) An
6 authority shall consist of five commissioners appointed by
7 the mayor and he shall designate the first chairman. No
8 commissioner may be a city official. The mayor shall appoint
9 five commissioners, and he shall designate the first
10 chairman (1) AN AUTHORITY CONSISTS OF SEVEN COMMISSIONERS
11 APPOINTED BY THE MAYOR, AND HE SHALL DESIGNATE THE FIRST
12 CHAIRMAN. A COMMISSIONER MAY NOT BE A CITY OFFICIAL.

13 (2) TWO OF THE COMMISSIONERS MUST BE TENANTS OF THE
14 HOUSING AUTHORITY. ONE TENANT COMMISSIONER SHALL REPRESENT
15 FAMILY TENANTS AND ONE TENANT COMMISSIONER SHALL REPRESENT
16 ELDERLY AND HANDICAPPED TENANTS. NOMINEES FOR TENANT
17 COMMISSIONER SHALL SUBMIT TO THE CITY CLERK A PETITION
18 SIGNED BY NOT LESS THAN 25 ADULT TENANTS OF THE AUTHORITY OR
19 25% OF THE ADULT TENANTS OF THE AUTHORITY, WHICHEVER IS
20 GREATER. THE CITY CLERK SHALL SUBMIT A LIST OF THE TENANT
21 NOMINEES TO THE MAYOR FOR APPOINTMENT TO THE HOUSING
22 AUTHORITY. THE STAFF OF THE HOUSING AUTHORITY MAY NOT
23 INVOLVE ITSELF IN THE NOMINATION OR APPOINTMENT OF TENANT
24 COMMISSIONERS.

25 (2)(3) The mayor shall file with the city clerk a

1 certificate of the appointment or reappointment of any
2 commissioner, and ~~such the~~ certificate ~~shall--be~~ is
3 conclusive evidence of the due and proper appointment of
4 ~~such the~~ commissioner."

5 **Section 3.** Section 7-15-4432, MCA, is amended to read:

6 "7-15-4432. Term of office. (1) The commissioners who
7 are first appointed ~~shall~~ must be designated by the mayor to
8 serve for terms of 1, 2, 3, 4, and 5 years, respectively,
9 from the date of their appointment. Thereafter the term of
10 office ~~shall-be~~ is 5 years.

11 (2) The tenant commissioners who are first elected
12 APPOINTED shall serve for terms of 1 and 2 years,
13 respectively, from the date of their election APPOINTMENT.
14 Thereafter the term of office is 5 2 years.

15 ~~{2}{3}~~ (3) A commissioner shall hold office until his
16 successor has been appointed and has qualified. ~~A--tenant~~
17 ~~commissioner---shall--hold--office--until--replaced--by--his~~
18 ~~alternate-or-until-a-new-tenant-commissioner-is--elected--or~~
19 ~~appointed--"~~

20 **Section 4.** Section 7-15-4435, MCA, is amended to read:

21 "7-15-4435. Control of conflict of interest. (1) No
22 Except as provided in {section-2} 7-15-4431, a commissioner
23 or employee of an authority ~~shall~~ may not acquire any
24 interest, direct or indirect, in any housing project or in
25 any property included or planned to be included in any

1 project, ~~nor-shall-he~~ A commissioner may not have any
2 interest, direct or indirect, in any contract or proposed
3 contract for materials or services to be furnished or used
4 in connection with any housing project.

5 (2) (a) If ~~any a~~ commissioner or employee of an
6 authority owns or controls an interest, direct or indirect,
7 in any property included or planned to be included in any
8 housing project, he shall immediately disclose the ~~same~~
9 interest in writing to the authority, and ~~such the~~
10 disclosure ~~shall~~ must be entered upon the minutes of the
11 authority.

12 (b) Failure to so disclose ~~such an~~ interest ~~shall~~
13 constitute constitutes misconduct in office."

14 **Section-10--Section--7-15-4436,--MCA,--is--amended--to**
15 **read:**

16 "7-15-4436.--Removal--of--commissioners: {1} The-mayor
17 may-remove-a an-appointed commissioner-for--inefficiency--or
18 neglect--of-duty-or-misconduct-in-office, but-only-after-the
19 commissioner-shall-have has been-given-a-copy-of-the-charges
20 against-him-{which-may-be-made-by-the--mayor}-at--least--10
21 days--prior--to the a hearing thereon on-the-charges and has
22 had-an-opportunity-to-be-heard-in-person-or-by-counsel-

23 ~~{2}--The--electors--of--a--housing~~ authority UNIT--OR
24 PROJECT may-petition-to-have-an-elected-tenant-commissioner
25 removed-from-office-for-inefficiency-or-neglect-of--duty--or

1 ~~misconduct--in--office--by--presenting--to--the--commissioners--a~~
 2 ~~petition--signed--by--at--least--20%--of--the--electors--in--the~~
 3 ~~housing authority UNIF-OR-PROJECT--The--commissioners--shall~~
 4 ~~verify--the--signatures--on--the--petition--and--notify--the~~
 5 ~~commissioner--named--in--the--petition--at--least--10--days--prior--to~~
 6 ~~holding--a--hearing--on--the--petition--The--commissioners--shall~~
 7 ~~conduct--the--hearing--at--which--the--commissioner--must--be--given~~
 8 ~~an--opportunity--to--be--heard--in--person--or--by--counsel--Within~~
 9 ~~10--days--of--the--hearing--the--commissioners--shall--conduct--an~~
 10 ~~election--on--the--removal--of--the--commissioner--If--a--tenant~~
 11 ~~commissioner--is--removed--from--office--the--remainder--of--his~~
 12 ~~term--must--be--served--by--his--alternate OR--AN--INTERIM--TENANT~~
 13 ~~APPOINTEE--SELECTED--BY--THE--COMMISSIONER--"~~

14 **Section 5.** Section 7-15-4439, MCA, is amended to read:
 15 "7-15-4439. Conduct of business. (1) Three
 16 commissioners--shall--constitute--a--quorum A simple majority of
 17 commissioners constitutes a quorum.

18 (2) When the office of the first chairman of the
 19 authority becomes vacant, the authority shall select a
 20 chairman from among its members. An authority shall select
 21 from among its members a vice-chairman.

22 (3) An authority may:

23 (a) employ a secretary (who shall be executive
 24 director), technical experts, and such other officers,
 25 agents, and employees, permanent and temporary, as it may

1 require and shall determine their qualifications, duties,
 2 and compensation;

3 (b) call upon the corporation counsel or chief law
 4 officer of the city for such legal services as it may
 5 require or employ its own counsel and legal staff;

6 (c) delegate to one or more of its agents or employees
 7 such powers or duties as it may deem consider proper."

8 ~~NEW-SECTION--Section 12--Codification--instruction--~~
 9 ~~{Sections--1--through--5}--are--intended--to--be--codified--as--an~~
 10 ~~integral--part--of--Title--7--chapter--15--part--44--and--the~~
 11 ~~provisions--of--Title--7--chapter--15--part--44--apply--to~~
 12 ~~{sections--1--through--5}--~~

-End-