

HOUSE BILL NO. 481  
INTRODUCED BY WYATT

IN THE HOUSE

FEBRUARY 5, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.  FIRST READING.
FEBRUARY 12, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.  POSTED ON CONSENT CALENDAR.
FEBRUARY 13, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS.  ENGROSSING REPORT.
FEBRUARY 15, 1993	THIRD READING, PASSED. AYES, 95; NOES, 3.
FEBRUARY 16, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.  FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.  RETURNED TO HOUSE.

IN THE HOUSE

MARCH 30, 1993	RECEIVED FROM SENATE.  SENT TO ENROLLING.  REPORTED CORRECTLY ENROLLED.
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1 House BILL NO. 481  
2 INTRODUCED BY Reyer  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT STANDARDIZING THE  
5 PERCENTAGE OF SIGNATURES REQUIRED FOR LOCAL GOVERNMENT  
6 PETITIONS AS 15 PERCENT OF THE NUMBER OF ELECTORS REGISTERED  
7 TO VOTE AT THE LAST GENERAL ELECTION; AND AMENDING SECTIONS  
8 7-2-4902, 7-3-103, 7-3-4305, AND 7-3-4327, MCA."  
9

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

11 **Section 1.** Section 7-2-4902, MCA, is amended to read:

12 "7-2-4902. Disincorporation by election. (1) Any city  
13 or town may be disincorporated in the manner hereafter  
14 provided in this section.

15 (2) If the registered electors of a city or town equal  
16 in number to ~~20%~~ at least 15% of the number of electors  
17 voting registered at the last regular municipal general  
18 election petition the board of county commissioners of the  
19 county where the city or town is situated to disincorporate  
20 the city or town, or if the city governing body by a  
21 two-thirds vote of all its members resolves to  
22 disincorporate, then the board shall order, within 60 days,  
23 that a special election be held within the city or town on  
24 the question of disincorporating the city or town. The day  
25 for holding the election ~~shall be~~ may not be less than 75

1 days or more than 120 days after the board orders the  
2 election."

3 **Section 2.** Section 7-3-103, MCA, is amended to read:

4 "7-3-103. Amendment of self-government charter or  
5 adopted alternative form of government. (1) An amendment to  
6 a self-government charter or an adopted alternative form of  
7 government may only be made by submitting the question of  
8 amendment to the electors of the local government. To be  
9 effective, a proposed amendment must receive an affirmative  
10 vote of a majority of the electors voting on the question.  
11 An amendment approved by the electors becomes effective on  
12 the first day of the local government fiscal year following  
13 the fiscal year of approval unless the question submitted to  
14 the electors provides otherwise.

15 (2) An amendment to a self-government charter or an  
16 adopted alternative form of government may be proposed by  
17 initiative by petition of 15% of the electors registered at  
18 the last general election of the local government or by  
19 ordinance enacted by the governing body. The question on  
20 amendment of a charter or an adopted alternative form of  
21 government shall be submitted to the electors as soon as  
22 possible after the submission of a petition or enactment of  
23 a resolution, either at a regularly scheduled election or at  
24 a special election.

25 (3) The local government, by ordinance, may provide



1 procedures for the submission and verification of initiative  
2 petitions."

3 **Section 3.** Section 7-3-4305, MCA, is amended to read:

4 "7-3-4305. Petition to organize under  
5 commission-manager form -- election required. (1) Upon a  
6 petition being filed with the city or town council, signed  
7 by not less than ~~25%~~ 15% of the qualified electors of such  
8 the municipality registered for the last preceding general  
9 municipal election, ~~praying~~ proposing that the question of  
10 reorganization under this part and part 44 be submitted to  
11 the qualified electors of such the municipality, said the  
12 city or town council shall thereupon--and within 30 days  
13 thereafter order a special election to be held, at which  
14 election the question of reorganization of such the  
15 municipality under the provisions of this part and part 44  
16 ~~shall~~ must be submitted to the qualified electors of such  
17 the municipality.

18 (2) Such The order of the city or town council ~~shall~~  
19 must specify therein the time when such the election ~~shall~~  
20 must be held, which ~~must~~ may not be no less than 75 and ~~no~~  
21 or more than 90 days from the date of the order of the  
22 council."

23 **Section 4.** Section 7-3-4327, MCA, is amended to read:

24 "7-3-4327. Petition for initiative. (1) Any proposed  
25 ordinance ~~may~~ be submitted to the commission by petition

1 signed by at least ~~10%~~ 15% of the total number of registered  
2 voters electors registered at the last general municipal  
3 election in-the-municipality. All petition papers circulated  
4 with respect to any proposed ordinance ~~shall~~ must be uniform  
5 in character and ~~shall~~ must contain the proposed ordinance  
6 in full and have printed or written thereon on the petition  
7 the names and addresses of at least five electors who ~~shall~~  
8 must be officially regarded as filing the petition and ~~shall~~  
9 who constitute a committee of the petitioners for the  
10 purposes hereinafter-named of this section.

11 (2) Each signer of a petition shall sign his the  
12 person's name in ink or indelible pencil and shall place on  
13 the petition papers, after his the name, his the person's  
14 place of residence by street and number. The signatures of  
15 any such petition papers need not all be appended to one  
16 paper, but to each such paper there ~~shall~~ must be attached  
17 an affidavit by the circulator thereof of the petition,  
18 stating the number of signers to such that part of the  
19 petition and that each signature appended to the paper is  
20 the genuine signature of the person whose name it purports  
21 to be and was made in the presence of the affiant.

22 (3) Proposed ordinances for repealing any existing  
23 ordinance or ordinances, in whole or in part, may be  
24 submitted to the commission as provided for initiating  
25 ordinances.

LC 0719/01

1       (4) Initiated ordinances adopted by the electors shall  
2 must be published and may be amended or repealed by the  
3 commission as in the case of other ordinances."

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 House BILL NO. 481  
2 INTRODUCED BY Reynolds  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT STANDARDIZING THE  
5 PERCENTAGE OF SIGNATURES REQUIRED FOR LOCAL GOVERNMENT  
6 PETITIONS AS 15 PERCENT OF THE NUMBER OF ELECTORS REGISTERED  
7 TO VOTE AT THE LAST GENERAL ELECTION; AND AMENDING SECTIONS  
8 7-2-4902, 7-3-103, 7-3-4305, AND 7-3-4327, MCA."  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 **Section 1.** Section 7-2-4902, MCA, is amended to read:  
12 "7-2-4902. Disincorporation by election. (1) Any city  
13 or town may be disincorporated in the manner hereafter  
14 provided in this section.  
15 (2) If the registered electors of a city or town equal  
16 in number to 20% at least 15% of the number of electors  
17 voting registered at the last regular municipal general  
18 election petition the board of county commissioners of the  
19 county where the city or town is situated to disincorporate  
20 the city or town, or if the city governing body by a  
21 two-thirds vote of all its members resolves to  
22 disincorporate, then the board shall order, within 60 days,  
23 that a special election be held within the city or town on  
24 the question of disincorporating the city or town. The day  
25 for holding the election ~~shall be~~ may not be less than 75

1 days or more than 120 days after the board orders the  
2 election."

3 **Section 2.** Section 7-3-103, MCA, is amended to read:

4 "7-3-103. Amendment of self-government charter or  
5 adopted alternative form of government. (1) An amendment to  
6 a self-government charter or an adopted alternative form of  
7 government may only be made by submitting the question of  
8 amendment to the electors of the local government. To be  
9 effective, a proposed amendment must receive an affirmative  
10 vote of a majority of the electors voting on the question.  
11 An amendment approved by the electors becomes effective on  
12 the first day of the local government fiscal year following  
13 the fiscal year of approval unless the question submitted to  
14 the electors provides otherwise.

15 (2) An amendment to a self-government charter or an  
16 adopted alternative form of government may be proposed by  
17 initiative by petition of 15% of the electors registered at  
18 the last general election of the local government or by  
19 ordinance enacted by the governing body. The question on  
20 amendment of a charter or an adopted alternative form of  
21 government shall be submitted to the electors as soon as  
22 possible after the submission of a petition or enactment of  
23 a resolution, either at a regularly scheduled election or at  
24 a special election.

25 (3) The local government, by ordinance, may provide

1 procedures for the submission and verification of initiative  
2 petitions."

3 **Section 3.** Section 7-3-4305, MCA, is amended to read:

4 "7-3-4305. Petition to organize under  
5 commission-manager form -- election required. (1) Upon a  
6 petition being filed with the city or town council, signed  
7 by not less than ~~25%~~ 15% of the qualified electors of such  
8 the municipality registered for the last preceding general  
9 municipal election, praying proposing that the question of  
10 reorganization under this part and part 44 be submitted to  
11 the qualified electors of such the municipality, said the  
12 city or town council shall thereupon--and within 30 days  
13 thereafter order a special election to be held, at which  
14 election the question of reorganization of such the  
15 municipality under the provisions of this part and part 44  
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18 (2) Such The order of the city or town council shall  
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23 **Section 4.** Section 7-3-4327, MCA, is amended to read:

24 "7-3-4327. Petition for initiative. (1) Any proposed  
25 ordinance may be submitted to the commission by petition

1 signed by at least ~~10%~~ 15% of the total number of registered  
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19 petition and that each signature appended to the paper is  
20 the genuine signature of the person whose name it purports  
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LC 0719/01

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