

SENATE BILL NO. 193

INTRODUCED BY

Doherty Prigala

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING ELECTIONS; ENCOURAGING ELECTOR PARTICIPATION BY CONSOLIDATING THE TIMES AT WHICH ISSUES ARE SUBMITTED TO ELECTORS; ESTABLISHING UNIFORM TIMES FOR THE OPENING AND CLOSING OF POLLS; AND AMENDING SECTIONS 7-2-2215, 7-2-2605, 7-2-2709, 7-2-4104, 7-2-4106, 7-2-4902, 7-3-103, 7-3-149, 7-3-176, 7-3-186, 7-3-187, 7-3-192, 7-3-1205, 7-3-1208, 7-3-1229, 7-3-1231, 7-3-4208, 7-3-4213, 7-3-4222, 7-3-4223, 7-3-4305, 7-3-4310, 7-3-4311, 7-5-133, 7-5-136, 7-5-4321, 7-6-2344, 7-6-4255, 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-8-4201, 7-11-305, 7-11-307, 7-12-4243, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 7-13-4204, 7-14-210, 7-14-1134, 7-14-2205, 7-14-2504, 7-14-4404, 7-14-4512, 7-14-4642, 7-15-2111, 7-15-4408, 7-16-2411, 7-16-2442, 7-31-106, 7-31-107, 7-31-109, 7-32-235, 7-34-2110, 7-34-2414, 7-35-2106, 13-1-106, 20-6-203, 20-6-205, 20-6-211, 20-6-312, 20-6-315, 20-6-317, 20-9-353, 20-20-105, 20-20-106, 20-20-201, 20-20-202, 20-20-203, 20-20-204, 22-1-303, 22-1-402, 67-11-303, 76-1-604, 85-9-206, AND 85-9-623, MCA."

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

Section 1. Section 7-2-2215, MCA, is amended to read:

"7-2-2215. Election on question of creating new county -- proclamation and notice. (1) Within 2 weeks after its determination of the truth of the allegations of the petition, the board of county commissioners shall order and give ~~proclamation and~~ notice of an election to be held ~~on a specified day,~~ ~~not less than 60 days thereafter,~~ for the purpose of determining whether the territory proposed to be taken from the county ~~shall~~ is to be established and organized into a new or enlarged county, ~~and~~ for the election of officers, ~~and for the~~ location of a county seat ~~therefor in case~~ if the vote at the election is in favor of the establishment and organization of a new county formed from a portion of one existing county or from portions of two or more existing counties.

(2) The question of determining whether the proposed territory ~~shall be~~ is taken from the county and added to the proposed new county must be included on the ballot for the next ~~countywide~~ regular or

1 primary, ~~general, or school~~ election scheduled not less than 60 days after the date of the ~~proclamation order~~
2 and notice.

3 (3) All registered electors of the county ~~shall be~~ are entitled to vote at the election. Registration
4 and transfers of registration ~~shall~~ must be made and ~~shall~~ must close in the manner and at a time provided
5 by law for registration and transfers of registration for a general election in Montana.

6 (4) If the proposed new county is an existing county to be enlarged by territory taken from the
7 county in which the petition was filed, the board of county commissioners of the proposed new county
8 shall hold an election in the manner described in subsections (1) through (3)."

9

10 **Section 2.** Section 7-2-2605, MCA, is amended to read:

11 **"7-2-2605. Notice and conduct of election.** (1) Notice of ~~such an~~ an election for removal of a county
12 seat, clearly stating the object, must be given and the election must be held and conducted and the returns
13 made in all respects in the manner prescribed by law in regard to the submitting of questions to the electors
14 of a locality under the general election law at a regular or primary election.

15 (2) In voting on the question, each elector must vote for the place in the county which ~~he~~ the
16 elector prefers by placing the mark X opposite the name of the place."

17

18 **Section 3.** Section 7-2-2709, MCA, is amended to read:

19 **"7-2-2709. ~~Special election~~ Election on question of abandonment and consolidation.** (1) (a) Within
20 14 days after transmittal of the resolution provided for in 7-2-2707, the boards of county commissioners
21 of the county in which the petition referred to in the resolution was filed and of each county designated
22 in the resolution as a county to which any of the territory of the county, if abandoned and abolished, would
23 be attached and made a part, shall, in a joint meeting and by joint resolution of ~~such~~ the boards, call a
24 special election in all affected counties to be held in conjunction with the next regular or primary election.

25 (b) The joint resolution shall fix a day for holding the election in ~~such~~ the counties, ~~which shall be~~
26 ~~not less than 90 days or more than 120 days after the date of the joint resolution calling the same.~~ If a
27 general election will be held in the counties not less than 90 days or more than 120 days after the date of
28 the resolution provided for in 7-2-2707, the joint resolution ~~shall~~ must direct that the question be submitted
29 to the registered electors of the counties at the general election. The joint resolution ~~shall~~ must be filed in
30 the office of the secretary of state, and copies ~~thereof shall~~ of the resolution must be transmitted to the

1 election administrator of each of the counties in which the election is to be held.

2 (2) At the election there ~~shall~~ must be submitted:

3 (a) to the registered electors of the county in which the petition was filed, the question of whether
4 or not the county ~~shall~~ is to be abandoned and abolished and its territory attached to and made a part of
5 the county designated and named for the purpose in the petition; and

6 (b) to the registered electors of each county named and designated in the resolution as a county
7 to which a part of the territory of the county proposed to be abandoned and abolished ~~shall~~ is to be
8 attached and made a part if the county ~~shall be so~~ is abandoned and abolished, the question of whether
9 or not the part of the territory of the county, if abandoned and abolished, described in the resolution ~~shall~~
10 must be attached to and become a part of the county."

11

12 **Section 4.** Section 7-2-4104, MCA, is amended to read:

13 **"7-2-4104. Election on question of organization.** (1) After filing the petition and census, if there
14 is the requisite number of inhabitants for the formation of a municipal corporation as required in 7-2-4103,
15 the county commissioners ~~must~~ shall call an election of all the registered electors residing in the territory
16 described in the petition.

17 (2) The election must be held at a convenient place within the territory described in the petition,
18 to be designated by the board. If possible, the election must be held in conjunction with a regular or
19 primary election.

20 (3) The ballots used at the election must contain the words "For incorporation" or "Against
21 incorporation", and all elections must be conducted as provided in Title 13."

22

23 **Section 5.** Section 7-2-4106, MCA, is amended to read:

24 **"7-2-4106. First election for officers.** (1) When the incorporation of a city or town is completed,
25 the board of county commissioners ~~must~~ shall give notice for 30 days in a newspaper published within the
26 limits of the city or town or, if none is published ~~therein~~ within the limits, by posting notices in six public
27 places within the limits of the ~~corporation~~ city or town of the time and place or places of holding the first
28 election for offices of the ~~corporation~~ city or town. The election must be held in conjunction with a regular
29 or primary election.

30 (2) At ~~such~~ the election, all the electors qualified by the general election laws of the state who

1 have resided within the limits of the city or town for 6 months and within the limits of the ward for 30 days
 2 preceding the election are qualified electors and may choose officers for the city or town, to hold office as
 3 prescribed in 7-2-4107.

4 (3) The board ~~must~~ shall appoint election judges and canvass and declare the result ~~thereof of the~~
 5 election. The election must be conducted in the manner required by law for the election of county officers."
 6

7 **Section 6.** Section 7-2-4902, MCA, is amended to read:

8 **"7-2-4902. Disincorporation by election.** (1) Any city or town may be disincorporated in the
 9 manner provided in this section.

10 (2) If the registered electors of a city or town equal in number to at least 15% of the number of
 11 electors registered at the last municipal general election petition the board of county commissioners of the
 12 county where the city or town is situated to disincorporate the city or town, or if the city governing body
 13 by a two-thirds vote of all its members resolves to disincorporate, then the board shall order, ~~within 60~~
 14 ~~days, that~~ a special election to be held within the city or town on the question of disincorporating the city
 15 or town. The day for holding the election may not be less than 75 days or more than 120 days after the
 16 ~~board orders the~~ must be held in conjunction with a regular or primary election."
 17

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

19 **"7-3-103. Amendment of self-government charter or adopted alternative form of government.** (1)
 20 An amendment to a self-government charter or an adopted alternative form of government may only be
 21 made by submitting the question of amendment to the electors of the local government. To be effective,
 22 a proposed amendment must receive an affirmative vote of a majority of the electors voting on the
 23 question. An amendment approved by the electors becomes effective on the first day of the local
 24 government fiscal year following the fiscal year of approval unless the question submitted to the electors
 25 provides otherwise.

26 (2) An amendment to a self-government charter or an adopted alternative form of government may
 27 be proposed by initiative by petition of 15% of the electors registered at the last general election of the
 28 local government or by ordinance enacted by the governing body. The question on amendment of a charter
 29 or an adopted alternative form of government ~~shall~~ must be submitted to the electors ~~as soon as possible~~
 30 ~~after the submission of a petition or enactment of a resolution, either at a regularly scheduled~~ the next

1 ~~regular or primary election or at a special election.~~

2 (3) The local government, by ordinance, may provide procedures for the submission and verification
3 of initiative petitions."
4

5 **Section 8.** Section 7-3-149, MCA, is amended to read:

6 **"7-3-149. Election on alternative form.** (1) The governing body shall call a special election on the
7 question of an alternative form of government to be held at the next regular or primary election that is at
8 least 75 days after the call and ~~within 120 days of~~ the date of filing with the records administrator under
9 7-3-146. ~~The special election may be held in conjunction with any other election.~~ The records administrator
10 shall prepare and print notices of the ~~special~~ election.

11 (2) The cost of the election ~~shall~~ must be paid for by the local government.

12 (3) (a) The affirmative vote of a simple majority of those voting on the question is required for
13 adoption.

14 (b) In any election involving the question of consolidation, each question ~~shall~~ must be submitted
15 to the electors in the county and requires an affirmative vote of a simple majority of the votes cast in the
16 county on the question for adoption. There is no requirement for separate majorities in local governments
17 voting on consolidation.

18 (c) In any election involving the question of county merger, the questions ~~shall~~ must be submitted
19 to the electors in the counties affected and ~~requires~~ require a majority of the votes cast on the questions
20 in each affected county for adoption.

21 (d) If the electors disapprove the proposed new form of local government, amendments, or
22 consolidation plan, the local government retains its existing form."
23

24 **Section 9.** Section 7-3-176, MCA, is amended to read:

25 **"7-3-176. Election of commission members.** (1) If the question of reviewing the local government
26 and establishing a study commission is approved, an election to fill the positions on the local government
27 study commission ~~shall~~ must be held in conjunction with the ~~1984 general election date or at the first~~
28 regularly scheduled election of the local government conducted after 90 days following the election
29 establishing the study commission. A primary election may not be held.

30 (2) The names of study commission candidates who have filed declarations of nomination not later

1 than 75 days before the date of the election ~~shall~~ must be placed on the ballot. There is no filing fee. The
 2 election is nonpartisan, and candidates ~~shall~~ must be listed without party or other designation or slogan.
 3 The secretary of state shall prescribe the ballot form for study commissioners.

4 (3) Candidates for study commission positions ~~shall~~ must be electors of the local government for
 5 which the study commission has been established. The candidates may not be elected officials of the local
 6 government.

7 (4) The number of candidates, equal to the number of study commission positions to be elected,
 8 receiving the highest number of votes, which includes votes cast for candidates who have officially filed
 9 nominations and votes for write-in candidates, ~~shall~~ must be declared elected. If there is a tie vote among
 10 candidates, the governing body shall decide by lot which candidate will fill the position.

11 (5) If the number of study commissioners elected is not equal to the number required to be
 12 selected, the ~~chairman~~ presiding officer of the governing body, with the confirmation of the governing body,
 13 shall appoint the additional study commissioners within 20 days of the election. ~~No~~ An elected official of
 14 the local government may not be appointed."

15
 16 **Section 10.** Section 7-3-186, MCA, is amended to read:

17 **"7-3-186. Study commission timetable.** (1) Each local government study commission shall, within
 18 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable
 19 must be published in a local newspaper of general circulation. The timetable may be revised, but each
 20 revision must be republished.

21 (2) The timetable must provide, at a minimum, the following provisions, to be accomplished
 22 chronologically in the order presented:

23 (a) conduct one or more public hearings for the purpose of gathering information regarding the
 24 current form, functions, and problems of local government;

25 (b) formulate, reproduce, and distribute a tentative report, containing the same categories of
 26 information required to be included in the final report;

27 (c) conduct one or more public hearings on the tentative report;

28 (d) adopt the final report of the commission and set the date for a special election on the question
 29 of adopting a new plan of government or, if the study commission is not recommending any changes,
 30 publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted.

1 The special election must be held in conjunction with a regular or primary election."

2

3 **Section 11.** Section 7-3-187, MCA, is amended to read:

4 "7-3-187. **Final report.** (1) ~~Every~~ A study commission shall adopt a final report. If the study
5 commission recommends an alternative form of government, the final report ~~shall~~ must contain the
6 following materials and documents, each signed by a majority of the study commission members:

7 (a) those materials and documents required of a petition proposing an alteration of an existing form
8 of government in 7-3-142;

9 (b) a certificate establishing the date of the special election, which ~~may~~ must be held in conjunction
10 with a ~~regularly-scheduled~~ regular or primary election, at which the alternative form of government ~~shall~~
11 be is presented to the electors and a certificate establishing the form of the ballot question or questions;
12 and

13 (c) a certificate establishing the dates of the first primary and general elections for officers of a new
14 government if the proposal is approved and establishing the effective date of the proposal if approved.

15 (2) The final report ~~shall~~ must contain any minority report signed by members of the commission
16 who do not support the majority proposal.

17 (3) If the study commission is not recommending any changes, its final report ~~shall so~~ must indicate
18 that changes are not recommended.

19 (4) The study commission shall file two copies of the final report with the department of commerce,
20 one of which the department shall forward to the state library. A copy of the final report ~~shall~~ must be
21 certified by the study commission to the municipal or county records administrator within 30 days after the
22 adoption of the final report.

23 (5) Sufficient copies of the final report ~~are to~~ must be prepared for public distribution. The final
24 report must be available to the electors not later than 30 days prior to the election on the issue of adopting
25 the alternative plan. Copies of the final report may be distributed to electors or residents of the local
26 government or governments affected.

27 (6) After submission of the final report, the commission shall deposit copies of its minutes and
28 other records with the county clerk and recorder."

29

30 **Section 12.** Section 7-3-192, MCA, is amended to read:

1 **"7-3-192. Election on recommendation.** (1) An alternative plan of government recommended by
 2 a study commission ~~shall~~ must be submitted to the voters as provided in 7-3-149, ~~except that the study~~
 3 ~~commission shall authorize the submission of the alternative plan of government to the voters at a special~~
 4 ~~election to be held no less than 75 or more than 120 days from the date of the adoption of the final report.~~
 5 The ~~special~~ election ~~may~~ must be held in conjunction with any regularly scheduled election. ~~Study~~
 6 ~~commissions elected on the general election date in 1984 shall submit a final report allowing for a vote on~~
 7 ~~any recommendation no later than the general election date in 1986.~~

8 (2) General ballot requirements and treatment of suboptions on an alternative plan of government
 9 recommended by a study commission ~~shall~~ must be the same as for recommendations by petition as
 10 provided in 7-3-150 and 7-3-151."

11
 12 **Section 13.** Section 7-3-1205, MCA, is amended to read:

13 **"7-3-1205. Certification of petition -- board action.** (1) If the county election administrator ~~shall~~
 14 ~~find~~ finds that ~~such~~ the petition or amended petition ~~so filed~~ is signed by the required number of registered
 15 electors, ~~he~~ the election administrator shall ~~so~~ certify the finding to the board of county commissioners ~~of~~
 16 ~~such county~~ at their next regular meeting.

17 (2) ~~Such~~ The board shall, within 10 days after receiving the election administrator's certificate,
 18 order a special election to be held, ~~at which election such~~ on the question ~~shall be submitted to the~~
 19 ~~registered electors of the county.~~ Such The order ~~shall~~ must specify ~~the time when such~~ that the election
 20 ~~shall will~~ be held, ~~which shall be not less than 90 or more than 120 days from and after the day when such~~
 21 ~~order is made, and the~~ in conjunction with the next regular or primary election. The board of county
 22 commissioners shall ~~immediately upon making such order~~ issue a proclamation setting forth the purpose
 23 for which ~~such~~ the special election is held and the date of holding the ~~same, which~~ election. The
 24 proclamation must be published in the manner prescribed by 13-1-108."

25
 26 **Section 14.** Section 7-3-1208, MCA, is amended to read:

27 **"7-3-1208. Election of commission upon favorable vote.** (1) If the majority of the votes cast at
 28 ~~such~~ the election ~~shall be~~ are in favor of ~~such~~ the consolidation and merging, the board of county
 29 commissioners of ~~such~~ the county ~~must~~ shall, within 2 weeks after ~~such~~ the election returns have been
 30 canvassed, order a special election to be held in conjunction with the next regular or primary election for

1 the purpose of electing the number of members of the commission to which ~~such~~ the consolidated
 2 municipality ~~shall be~~ is entitled. This order ~~shall~~ must specify the time when ~~such~~ the election ~~shall~~ will be
 3 held, ~~which shall be not less than 90 or more than 120 days after the day when such order is made;~~
 4 ~~provided, however, that if any general election is to be held in such county after 3 months but within 6~~
 5 ~~months from the date of the making of such order, then such order shall require such special election to~~
 6 ~~be held at the same time as such general election.~~ The board of county commissioners, immediately upon
 7 making ~~such~~ the order, shall issue a proclamation setting forth the purpose for which ~~such~~ the special
 8 election is held and the date of holding the ~~same, which~~ the election. The proclamation must be published
 9 in the manner prescribed by 13-1-108.

10 (2) ~~No~~ A primary election ~~shall~~ may not be held for the purpose of nominating candidates for
 11 members of the commission ~~hereinafter provided for,~~ to be voted for at ~~such~~ the special election, ~~but such~~
 12 . The candidates shall must be nominated directly by a petition ~~which shall be~~ that is in substantially the
 13 same form and be signed by the same number of signers as ~~hereinafter~~ required for primary nominating
 14 petitions. ~~Such~~ The election ~~shall~~ must be conducted, the vote must be returned and canvassed, and the
 15 result must be declared in the same manner as provided by law in respect to general elections."
 16

17 **Section 15.** Section 7-3-1229, MCA, is amended to read:

18 **"7-3-1229. Submission of initiative measure to electors.** (1) If the commission fails to pass an
 19 ordinance proposed by initiative petition or passes it in a form different from that set forth in the petition
 20 ~~therefor,~~ the committee of the petitioners ~~hereinafter provided for~~ may require that it be submitted to a vote
 21 of the electors either in its original form or with any change or amendment presented in writing, either at
 22 a public hearing before the committee to which the proposed ordinance was referred or during ~~the~~
 23 consideration ~~thereof~~ by the commission. If the committee of petitioners requires the submission of a
 24 proposed ordinance to a vote of the electors, the committee shall certify that fact to the clerk and file in
 25 ~~his~~ the clerk's office a certified copy of the ordinance, in the form in which it is to be submitted, within 10
 26 days after final action on ~~such~~ the ordinance by the commission.

27 (2) Upon receipt of the certified copy of a proposed ordinance from the committee of the
 28 petitioners, the clerk shall certify the fact to the commission at its next regular meeting. ~~If a municipal~~
 29 ~~election is to be held within 6 months but more than 90 days after the receipt of the clerk's certificate by~~
 30 ~~the commission, such~~ The proposed ordinance ~~shall~~ must be submitted to a vote of the electors at ~~such~~

1 ~~the next regular or primary election. If no such election is to be held within the time aforesaid, the~~
 2 ~~commission may provide for submitting the proposed ordinance to the electors at a special election to be~~
 3 ~~held not sooner than 90 days after receipt of the clerk's certificate. If no municipal election be held within~~
 4 ~~6 months as aforesaid and the commission does not provide for a special election, the proposed ordinance~~
 5 ~~shall be submitted to the electors at the first election held after the expiration of such 6 months. If when~~
 6 ~~submitted to the electors a majority of those voting on a proposed ordinance shall vote in favor thereof of~~
 7 ~~the proposed ordinance, it shall thereupon be is an ordinance of the municipality."~~

8

9 **Section 16.** Section 7-3-1231, MCA, is amended to read:

10 **"7-3-1231. Action on referendum petition.** (1) If a referendum petition or amended petition is found
 11 sufficient, ~~by the clerk, he~~ shall certify that fact to the commission at its next regular meeting, and the
 12 ordinance or part ~~thereof~~ of the ordinance set forth in the petition ~~shall may~~ not go into effect, or further
 13 action ~~thereunder shall be~~ under the ordinance is suspended if it ~~shall have~~ has gone into effect, until
 14 approved by the electors ~~as hereinafter provided.~~

15 (2) Upon receipt of the clerk's certificate, the commission shall ~~proceed to~~ reconsider the ordinance
 16 or part ~~thereof~~ of the ordinance, and its final vote upon ~~such~~ reconsideration shall must be upon the
 17 question "Shall the ordinance (or part of the ordinance) set forth in the referendum petition be repealed?"
 18 If upon ~~such~~ reconsideration the ordinance or part ~~thereof~~ of the ordinance is not repealed, it ~~shall~~ must
 19 be submitted to the electors at the next municipal regular or primary election ~~held not less than 90 days~~
 20 ~~after such final vote by the commission. The commission, by vote of not less than two thirds of its~~
 21 ~~members, may submit the ordinance or part thereof to the electors at a special election to be held not~~
 22 ~~sooner than the time aforesaid. If when submitted to the electors any ordinance or part thereof of an~~
 23 ordinance is not approved by a majority of those voting ~~thereon~~ on the issue, it ~~shall be deemed is~~
 24 repealed."

25

26 **Section 17.** Section 7-3-4208, MCA, is amended to read:

27 **"7-3-4208. Petition to organize under commission form -- election required.** (1) ~~Upon~~ When a
 28 petition ~~being on the question or reorganization under this part is~~ filed with the city council, and is signed
 29 by not less than 25% of the qualified electors of ~~such~~ the city registered for the last preceding general city
 30 election, ~~praying that the question of reorganization under this part be submitted to the qualified electors~~

1 ~~of such city, said~~ the city council shall thereupon and within 30 days thereafter order a special election to
 2 be held in conjunction with the next regular or primary election. At this election, the question of
 3 reorganization of ~~such~~ the city under the provisions of this part ~~shall~~ must be submitted to the qualified
 4 electors of ~~such~~ the city.

5 (2) ~~Such~~ The order of the city council ~~shall~~ must specify ~~therein~~ the time when ~~such~~ the election
 6 shall will be held, ~~which must be no less than 75 or more than 90 days from the date of the city council~~
 7 ~~order."~~

8
 9 **Section 18.** Section 7-3-4213, MCA, is amended to read:

10 "**7-3-4213. Election for first city officers.** (1) If a majority of the votes cast at ~~such~~ the election
 11 ~~shall be~~ is in favor of ~~such proposition~~ reorganization, the city council ~~must~~ shall, at its first regular meeting
 12 held ~~thereafter~~ after the election, order a special election to be held for the purpose of electing a mayor and
 13 the number of councilmen to which ~~such~~ the city ~~shall be~~ is entitled. The order ~~shall~~ must specify the time
 14 of holding ~~such~~ the election, which must be ~~no less than 75 and no more than 90 days after the making~~
 15 ~~of said order, and the~~ held in conjunction with a regular or primary election. The mayor shall ~~thereupon~~
 16 issue a proclamation setting forth the purposes for which ~~such~~ the special election is called and the day
 17 of holding the ~~same~~ election. The proclamation ~~shall~~ must be published for 10 successive days in each daily
 18 newspaper published in ~~such~~ the city if there ~~be such~~ is a daily newspaper; ~~otherwise, or~~ once a week for
 19 2 consecutive weeks in each weekly newspaper published ~~therein in the city~~; ~~and a~~ A copy thereof shall
 20 ~~also~~ of the proclamation must be posted at each voting place within ~~said~~ the city and ~~also~~ in at least 10
 21 of the most public places in ~~said~~ the city.

22 (2) ~~Such~~ The election ~~shall~~ must be conducted, the vote must be canvassed, and the result must
 23 be declared in the same manner as provided by law in respect to other city elections."

24
 25 **Section 19.** Section 7-3-4222, MCA, is amended to read:

26 "**7-3-4222. Adoption of ordinances.** (1) ~~Every~~ Each ordinance or resolution appropriating money,
 27 ordering any street or sewer improvement ~~or sewer~~, making or authorizing the making of any contract, or
 28 granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city
 29 for any purpose ~~shall~~ must be complete in the form in which it is finally passed and remain on file with the
 30 city clerk for public inspection at least 1 week before the final passage or adoption ~~thereof~~ of the ordinance

1 or resolution.

2 (2) ~~No~~ An ordinance passed by the council, except when otherwise required by the general laws
 3 of this state or the provisions of this part and except an ordinance for the immediate preservation of the
 4 public peace, health, or safety ~~which~~ that contains a statement of its urgency and is passed by a two-thirds
 5 vote of the council, ~~shall~~ may not go into effect before 10 days from the time of its final passage. If during
 6 the 10-day period a petition signed by electors of the city equal in number to at least 25% of the entire
 7 number of persons registered to vote at the last preceding general municipal election, protesting against
 8 the passage of ~~such~~ the ordinance, is presented to the council, the ordinance ~~shall thereupon be~~ is
 9 suspended from going into operation and the council shall reconsider the ordinance. If the ordinance is not
 10 entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at a
 11 general election or at a special municipal election ~~to be called for that purpose~~ held in conjunction with a
 12 regular or primary election. The ordinance ~~shall~~ may not go into effect or become operative unless a
 13 majority of the electors voting on the ordinance vote in favor of its adoption."
 14

15 **Section 20.** Section 7-3-4223, MCA, is amended to read:

16 **"7-3-4223. Granting of franchises.** ~~No~~ A franchise or right to occupy or use the streets, highways,
 17 bridges, or public places in ~~any such~~ a city ~~shall~~ may not be granted, renewed, or extended except by
 18 ordinance, ~~and every~~ A franchise or grant for interurban or street railways, gasworks or waterworks,
 19 electric light or power plants, heating plants, telegraph or telephone systems, or other public service utilities
 20 or renewal or extension of ~~any such~~ the franchise or grant within ~~such~~ the city must be authorized or
 21 approved by a majority of the electors voting ~~thereon~~ on the issue at a general election or a special election
 22 held in conjunction with a regular or primary election as provided in 7-5-4321 and 7-5-4322."
 23

24 **Section 21.** Section 7-3-4305, MCA, is amended to read:

25 **"7-3-4305. Petition to organize under commission-manager form -- election required.** (1) Upon a
 26 the filing of a petition ~~being filed~~ with the city or town council, signed by not less than 15% of the qualified
 27 electors of the municipality registered for the last general municipal election, proposing that the question
 28 of reorganization under this part and part 44 be submitted to the qualified electors of the municipality, the
 29 city or town council shall ~~within 30 days~~ order a special election to be held, ~~at which~~ in conjunction with
 30 a regular or primary election. At the election, the question of reorganization of the municipality under the

1 provisions of this part and part 44 must be submitted to the qualified electors of the municipality.

2 (2) The order of the city or town council must specify the time when the election ~~must~~ will be held,
3 ~~which may not be less than 75 or more than 90 days from the date of the order of the council."~~

4
5 **Section 22.** Section 7-3-4310, MCA, is amended to read:

6 **"7-3-4310. Special election for municipal officers.** (1) If the majority of the votes cast at ~~such the~~
7 election ~~shall be~~ are in favor of ~~such proposition~~ reorganization, the city or town council ~~must~~ shall hold
8 a meeting within 1 week ~~thereafter~~ after the election and ~~at such meeting~~ order a special election to be held
9 in conjunction with a regular or primary election for the purpose of electing the number of commissioners
10 to which ~~such the~~ municipality ~~shall be~~ is entitled. This order ~~shall~~ must specify the time of holding ~~such~~
11 the election, ~~which must be no less than 75 or more than 90 days after the making of such order, and the~~
12 The mayor shall ~~thereupon~~ issue a proclamation setting forth the purpose for which ~~such the~~ special
13 election is held and the day of holding the ~~same~~ election. The proclamation ~~shall~~ must be published for 10
14 successive days in each daily newspaper published in ~~such the~~ municipality if there ~~be such; otherwise, is~~
15 a daily newspaper or for 2 successive weeks in each weekly newspaper published ~~therein; and a~~ in the
16 municipality. A copy ~~thereof shall~~ of the proclamation must also be posted at each voting place within ~~said~~
17 the municipality and ~~also~~ in five of the most public places in ~~said the~~ municipality.

18 (2) ~~Such~~ The election ~~shall~~ must be conducted, the vote must be canvassed, and the result must
19 be declared in the same manner as provided by law ~~in respect to~~ for other municipal elections.

20 (3) The provisions of 7-3-4341 are to be followed in the special election, except that the date of
21 the ~~primary~~ election ~~shall~~ must be ~~at least 85 days~~ in conjunction with a regular or primary election held
22 before the special election."

23
24 **Section 23.** Section 7-3-4311, MCA, is amended to read:

25 **"7-3-4311. Procedure for multimunicipality organization.** (1) Whenever the inhabitants of any
26 community or group of communities in any county, whether separately incorporated in whole or in part or
27 unincorporated, ~~which are situated in such proximity or location with reference to each other as to make~~
28 ~~single municipal control necessary or desirable, shall~~ desire to be organized into or annexed to an
29 incorporated city or town under the provisions of this part and part 44, the board of county commissioners
30 of ~~such the~~ county may or upon the presentation of a petition signed by not less than 25% of the qualified

1 electors in ~~such~~ the community or group of communities ~~must~~ shall issue a proclamation ordering a special
2 election to be held in conjunction with a regular or primary election.

3 (2) At this election, the question of the organization of ~~such~~ the community or group of
4 communities as a municipality under the provisions of this part and part 44 ~~shall~~ must be submitted to the
5 qualified electors within the proposed municipal district. ~~Said~~ The proclamation ~~shall~~ must specify the time
6 when and the places where ~~such~~ the election ~~shall~~ will be held, ~~which must be no less than 75 or more~~
7 ~~than 90 days from the date of filing such petition,~~ and ~~shall~~ must define the boundaries of ~~said~~ the
8 proposed municipal district, which ~~shall~~ must include all ~~such~~ communities, ~~and~~ cities, and ~~such~~ any
9 additional adjacent territory ~~as shall that,~~ in the judgment of the board of county commissioners, ~~provide~~
10 provides for future urban growth.

11 (3) If a majority of the legal voters at ~~said~~ the election vote in favor of the organization of ~~such~~ the
12 municipal district or in favor of annexation to an incorporated city or town, then the board of county
13 commissioners shall declare the result of ~~said~~ the election and ~~immediately thereafter~~ shall give notice for
14 30 days in a newspaper published within the proposed municipal district or, if ~~none~~ no ~~be~~ a newspaper is not
15 published ~~therein~~ in the proposed district, by posting notices in six public places within the limits of ~~said~~
16 the district of the time and place or places of holding the first election for commissioners of ~~such~~ the
17 municipal district under this law. At ~~such~~ the election, all electors qualified by the general election laws of
18 the state who have resided within the limits of the municipal district for 6 months are qualified electors.
19 The board of county commissioners ~~must~~ shall appoint judges and clerks of election and canvass and
20 declare the result ~~thereof~~ of the election. The election must be held in conjunction with a regular or primary
21 election and must be conducted in the manner prescribed by law for the election of county officers, ~~and~~
22 ~~the~~. The commissioners ~~so~~ elected must qualify in the manner prescribed by law for county officers."
23

24 **Section 24.** Section 7-5-133, MCA, is amended to read:

25 "7-5-133. **Processing of petition.** (1) The governing body may, within 60 days of receiving the
26 petition, take the action called for in the petition. If the action is taken, the question need not be submitted
27 to the electors.

28 (2) If the governing body does not within 60 days take the proposed action, then the question ~~shall~~
29 must be submitted to the electors at the next ~~school,~~ regular or primary, ~~or general~~ election ~~or a special~~
30 ~~election called for that purpose."~~

1 **Section 25.** Section 7-5-136, MCA, is amended to read:

2 **"7-5-136. Submission of question to electors.** (1) Any ordinance proposed by petition, ~~or~~ any
3 amended ordinance proposed by petition, or any referendum on an ordinance ~~which~~ is entitled to be
4 submitted to the electors ~~shall~~ must be voted on at the next regular election to be held in the local
5 government unless:

6 (a) the petition asks that the question be submitted at a special election and is signed by at least
7 25% of the electors of the local government, in which case the governing body shall call a special election
8 to be held in conjunction with a regular or primary election; or

9 (b) the governing body calls for a special election on the question to be held in conjunction with
10 a regular or primary election.

11 (2) A special election may not be held sooner than 75 days after the adequacy of the petition is
12 determined by the election administrator or the governing body orders a special election.

13 (3) If the adequacy of the petition is determined by the election administrator less than 75 days
14 prior to the next regular election, the election ~~shall~~ must be delayed until the following regular election
15 unless a special election is called.

16 (4) Whenever a measure is ready for submission to the electors, the appropriate election
17 administrator shall in writing notify the governing body and shall publish notice of the election and the
18 ordinance ~~which~~ that is to be proposed or amended. In the case of a referendum, the ordinance sought to
19 be repealed ~~shall~~ must be published.

20 (5) The question ~~shall~~ must be placed on the ballot, giving the electors a choice between accepting
21 or rejecting the proposal.

22 (6) If a majority of those voting favor the proposal, it becomes effective when the election results
23 are officially declared unless otherwise stated in the proposal."
24

25 **Section 26.** Section 7-5-4321, MCA, is amended to read:

26 **"7-5-4321. Grant of exclusive franchise -- election required.** (1) The council may not grant an
27 exclusive franchise or special privilege to any person except in the manner specified in subsection (2). The
28 powers of the council are only those expressly prescribed by law and those necessarily incident ~~thereto~~ the
29 law.

30 (2) ~~No~~ An exclusive franchise for any purpose, except contracts for solid waste management

1 systems as defined in 75-10-103, which may not exceed 10 years, may not be granted by any city or town
 2 or by the mayor or city council ~~thereof~~ to any person, association, or corporation without first submitting
 3 the application ~~therefor~~ for an exclusive franchise to the electors of the city at a regular or primary
 4 election."

5
 6 **Section 27.** Section 7-6-2344, MCA, is amended to read:

7 **"7-6-2344. Limitation on amount of emergency expenditures and liabilities -- election.** (1) Unless
 8 the excess above the sums listed in subsections (1)(a), (1)(b), and (1)(c) is first authorized by a majority
 9 of the electors of the county, voting at a general election or a special election held in conjunction with a
 10 regular or primary election, the aggregate total of all expenditures made or liabilities incurred in any fiscal
 11 year to meet emergencies, other than those caused by fire, flood, explosion, earthquake, epidemic, riot,
 12 or insurrection, may not exceed:

13 (a) \$25,000 in counties of class 1, 2, 3, or 4;

14 (b) \$15,000 in counties of class 5 or 6; and

15 (c) \$7,500 in counties of class 7.

16 (2) The question of authorizing the excess expenditures ~~shall~~ must be submitted in the following
 17 form, inserting in the ballot the amount of the excess proposed to be authorized and a description of the
 18 emergency to be met:

19 Shall the board of county commissioners of County, Montana, be authorized to make additional
 20 expenditures and incur additional liabilities in the amount of \$.... over and above the sum of \$.... to meet
 21 an emergency caused by

22 YES

23 NO

24 (3) The total of all emergency budgets and appropriations made ~~therein~~ in any ~~one~~ year to be paid
 25 from the county poor fund may not exceed the amount ~~which~~ that would be produced by a mill levy equal
 26 to the difference between the mills levied in that year and the maximum mill levy authorized by law to be
 27 made for ~~such~~ the poor fund, computed against the taxable value of the property subject to ~~such~~ the levy
 28 as shown by the last completed assessment roll of the county."

29
 30 **Section 28.** Section 7-6-4255, MCA, is amended to read:

1 **"7-6-4255. Use of emergency warrants.** (1) All emergency expenditures ~~shall~~ must be made by
 2 the issuance of emergency warrants drawn against the fund or funds properly chargeable with ~~such~~ the
 3 expenditures. The city treasurer is authorized and directed to pay ~~such~~ the emergency warrants with any
 4 money in ~~such~~ the fund or funds available for ~~such~~ that purpose. If at any time there ~~shall not be sufficient~~
 5 is insufficient money available in ~~such~~ the fund or funds to pay ~~such~~ the warrants, then ~~such~~ the warrants
 6 ~~shall~~ must be registered, must bear interest, and must be called ~~in~~ for payment in the manner provided by
 7 law for other city warrants.

8 (2) The clerk shall include in ~~his~~ the annual tabulation to be submitted to the council the total
 9 amount of emergency warrants issued during the preceding fiscal year. Subject to the provisions of
 10 subsection (3), the council shall, in ~~their~~ the tax levies, include a levy for each fund sufficient to raise an
 11 amount equal to the total amount of ~~such~~ any emergency warrants, ~~if there be any,~~ remaining unpaid at
 12 the close of ~~such~~ the preceding fiscal year because of insufficient money in ~~such~~ the fund to pay the ~~same~~
 13 warrants.

14 (3) (a) ~~No~~ A levy ~~shall~~ may not be made for any fund in excess of the levy authorized by law to
 15 be made ~~therefor~~ for the fund.

16 (b) The council may submit the question of funding ~~such~~ the emergency warrants at an election
 17 as provided by law. If possible, the election must be held in conjunction with a regular or primary election.
 18 If at ~~any~~ ~~such~~ the election the issuing of ~~such~~ funding bonds ~~be~~ is authorized, it ~~shall~~ is not ~~then~~ ~~be~~
 19 necessary for any levy to be made for the purpose of paying ~~such~~ the emergency warrants."
 20

21 **Section 29.** Section 7-7-2223, MCA, is amended to read:

22 **"7-7-2223. Election required for issuance of certain bonds.** (1) County bonds for any purpose other
 23 than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized at a ~~duly called~~
 24 special election held in conjunction with a regular or primary election or a general election at which the
 25 question of issuing ~~such~~ the bonds is submitted to the registered electors of the county and approved as
 26 provided in 7-7-2237.

27 (2) ~~No~~ A bond election may not be called unless the board of county commissioners:

28 (a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2);

29 or

30 (b) receives a petition, delivered and certified by the election administrator, asking that ~~such~~ the

1 election be held and the question be submitted. The petition must be signed by at least 20% of the
2 registered electors of the county."

3

4 **Section 30.** Section 7-7-2227, MCA, is amended to read:

5 **"7-7-2227. Examination of petition -- resolution calling for election.** (1) Upon delivery of the
6 certified petition, the board shall carefully examine the petition and make ~~such~~ any other investigation ~~as~~
7 that it may consider necessary. If it is found that the petition is in proper form, bears the requisite number
8 of signers of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a
9 resolution that contains the provisions of subsection (2) plus the essential facts in regard to the petition and
10 its filing and presentation.

11 (2) The resolution ~~shall~~ must:

12 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

13 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be
14 less than but must not exceed the amount set forth in the petition;

15 (c) determine the number of years through which ~~such~~ the bonds are to be paid, not exceeding the
16 limitations fixed in 7-7-2206; and

17 (d) make provision for having the question submitted to the registered electors of the county at
18 the next general election or at a special election that is held in conjunction with a regular or primary election
19 and that ~~which~~ the board may call for that purpose.

20 (3) Whenever a board of county commissioners initiates a resolution in accordance with the
21 provisions of 7-7-2223, the resolution must contain the provisions of subsection (2)."

22

23 **Section 31.** Section 7-7-2229, MCA, is amended to read:

24 **"7-7-2229. Notice of election.** (1) Whether ~~such~~ the election is held at the general election or at
25 a special election held in conjunction with a regular or primary election, separate notice ~~shall~~ of the election
26 must be given ~~thereof~~.

27 (2) (a) The notice ~~shall~~ must state:

28 (i) the date when the election will be held;

29 ~~(ii) the hours between which the polls will be open;~~

30 ~~(iii)~~ (ii) the amount of bonds proposed to be issued;

1 ~~(iv)~~(iii) the purpose of the issue;
2 ~~(v)~~(iv) the term of years through which the bonds are to be paid; and
3 ~~(vi)~~(v) ~~such~~ other information regarding the holding of the election and the bonds proposed to be
4 issued ~~as that~~ the board may consider proper.

5 (b) If bonds are to be issued for two or more purposes, each purpose and the amount ~~therefor~~ for
6 each purpose must be separately stated.

7 (3) The notice ~~shall~~ must be published as provided in 13-1-108."

8
9 **Section 32.** Section 7-7-2237, MCA, is amended to read:

10 **"7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of
11 issuing county bonds for any purpose is submitted to the registered electors of a county at either a general
12 election or a special election held in conjunction with a regular or primary election, the determination of the
13 approval or rejection of the bond proposition is made in the following manner:

- 14 (1) determine the total number of electors who were qualified to vote in the bond election;
15 (2) determine the total number of qualified electors who voted in the bond election from the tally
16 sheet or sheets for the election;
17 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
18 determined in subsection (2) by the number determined in subsection (1); and
19 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
20 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
21 it is considered rejected; or
22 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
23 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
24 the proposition, otherwise it is considered rejected; or
25 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
26 considered rejected."

27
28 **Section 33.** Section 7-7-4226, MCA, is amended to read:

29 **"7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body
30 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality

1 pursuant to ~~any~~ a statute of this state, the governing body shall pass and adopt a resolution.

2 (2) The resolution ~~shall~~ must:

3 (a) recite the purpose or purposes for which it is proposed to issue the bonds;

4 (b) fix the amount of bonds to be issued for each purpose;

5 (c) determine the number of years through which the bonds are to be paid, not exceeding the limits
6 fixed in 7-7-4205; and

7 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make
8 ~~such~~ provisions ~~as~~ that are necessary for submitting the question to the registered electors of the city or
9 town at the next general city or town election or at a special election that is held in conjunction with a
10 regular or primary election and that ~~which~~ the governing body may call for the purpose.

11 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before
12 submitting the measure to the electors, pass a resolution containing the information ~~herein~~ required in this
13 section and, ~~in addition thereto~~, setting forth the essential facts in regard to the filing and presentation of
14 the petition."

15

16 **Section 34.** Section 7-7-4227, MCA, is amended to read:

17 "**7-7-4227. Notice of election.** (1) Whether ~~such~~ the election is held at the general city or town
18 election or at a special election held in conjunction with a regular or primary election, separate notice ~~shall~~
19 of the election must be given ~~thereof~~.

20 (2) (a) The notice ~~shall~~ must state:

21 (i) the date when the election will be held;

22 ~~(ii) the hours between which the polls will be open;~~

23 ~~(iii)~~(ii) the amount of bonds proposed to be issued;

24 ~~(iv)~~(iii) the purpose ~~thereof~~ of the bonds;

25 ~~(v)~~(iv) the term of years through which the bonds will be paid; and

26 ~~(vi)~~(v) ~~such~~ other information regarding the election and the proposed bonds ~~as~~ that the board may
27 consider proper.

28 (b) If the bonds proposed to be issued are for two or more purposes, each purpose and the amount
29 ~~thereof~~ for each purpose must be separately stated.

30 (3) The notice ~~shall~~ must be published as provided in 13-1-108 and may be posted in each voting

1 precinct in the city or town at least 10 days prior to the date for holding the election."
2

3 **Section 35.** Section 7-7-4235, MCA, is amended to read:

4 **"7-7-4235. Percentage of electors required to authorize the issuing of bonds.** ~~Wherever~~ Whenever
5 the question of issuing bonds for any purpose is submitted to the registered electors of a city or town at
6 either a general election or a special election held in conjunction with a regular or primary election, the
7 determination of the approval or rejection of the bond proposition is made in the following manner:

8 (1) determine the total number of electors who were qualified to vote in the bond election;

9 (2) determine the total number of qualified electors who voted in the bond election from the tally
10 sheet or sheets for the election;

11 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
12 determined in subsection (2) by the number determined in subsection (1); and

13 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
14 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
15 it is considered rejected; or

16 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
17 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
18 the proposition, otherwise it is considered rejected; or

19 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
20 considered rejected."

21

22 **Section 36.** Section 7-7-4426, MCA, is amended to read:

23 **"7-7-4426. Authorization for undertaking and issuance of bonds.** (1) The acquisition, purchase,
24 construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized
25 under this part.

26 (2) Bonds may be authorized to be issued under this part by resolution or resolutions of the
27 governing body of the municipality:

28 (a) without an election; or

29 (b) when authorized by a majority of the qualified electors voting upon ~~such~~ the question at a
30 special election held in conjunction with a regular or primary election, ~~should~~ if the governing body in its

1 sole discretion ~~choose~~ chooses to submit the question to the electorate."

2

3 **Section 37.** Section 7-7-4427, MCA, is amended to read:

4 **"7-7-4427. Special election on question of issuing bonds.** (1) When the governing body has chosen
5 to submit the question of issuing bonds to the electorate, the special election ~~shall~~ must be held in
6 conjunction with a regular or primary election and must be noticed and conducted as provided for municipal
7 general obligation bonds in chapter 7, part 42.

8 (2) The special election ~~shall~~ must be held not later than the next municipal election held after the
9 council or governing body of the municipality has by resolution or resolutions approved the acquisition,
10 purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking as
11 provided in this part and ordered ~~said~~ the special election."

12

13 **Section 38.** Section 7-8-4201, MCA, is amended to read:

14 **"7-8-4201. Disposal or lease of municipal property.** (1) Subject to the provisions of subsection (2),
15 the city or town council may sell, dispose of, or lease any property belonging to the city or town.

16 (2) (a) The lease or transfer must be made by an ordinance or resolution passed by a two-thirds
17 vote of all the members of the council.

18 (b) Except for property acquired by tax deed, if the property is held in trust for a specific purpose,
19 the sale or lease must be approved by a majority vote of the electors of the municipality voting at an
20 election called for that purpose. The election must be held in conjunction with a regular or primary election.

21 (3) This section may not be construed to abrogate the power of the board of park commissioners
22 to lease all lands owned by the city that were acquired for parks within the limitations prescribed by
23 7-16-4223."

24

25 **Section 39.** Section 7-11-305, MCA, is amended to read:

26 **"7-11-305. Availability of petition or recommendation and service plan.** (1) Sufficient copies of the
27 petition or recommendation of the interlocal cooperation commission proposing a service consolidation or
28 transfer and the service plan must be made available to the public for inspection at convenient locations
29 and at reasonable hours to provide all interested persons an opportunity to review the recommendations
30 and documents. The copies must be available no later than 30 days prior to an election on the proposal if

1 ~~such~~ an election is to be held. If the election is held, it must be held in conjunction with a regular or primary
 2 election.

3 (2) Each local government affected by the proposal may distribute copies of the service plan to its
 4 residents."

5

6 **Section 40.** Section 7-11-307, MCA, is amended to read:

7 **"7-11-307. Election on service consolidation or transfer.** (1) The governing bodies of each local
 8 government affected by a proposed service consolidation or transfer shall jointly call a special election on
 9 the question of service consolidation or transfer, to be held ~~no less than 75 or more than 120 days of the~~
 10 ~~date of the filing of the petition under 7-11-303 or no less than 75 or more than 120 days of the receipt~~
 11 ~~by the local government of the interlocal cooperation commission recommendation~~ in conjunction with a
 12 regular or primary election. ~~The special election may be held in conjunction with any other election.~~ The
 13 county election administrator shall prepare and print notices of the special election.

14 (2) The cost of the election ~~shall~~ must be shared by the affected local governments in proportionate
 15 shares as agreed to by the governing bodies of the local governments."

16

17 **Section 41.** Section 7-12-4243, MCA, is amended to read:

18 **"7-12-4243. Procedure to create and maintain supplemental revolving fund.** (1) (a) A supplemental
 19 revolving fund may be created by ordinance, subject to the approval of a majority of the qualified electors
 20 voting upon the question at a general election or a special election held in conjunction with a regular or
 21 primary election.

22 (b) As used in 7-12-4241 through 7-12-4258, "qualified electors" ~~shall mean~~ means registered
 23 electors of the municipality.

24 (2) The supplemental revolving fund ~~shall~~ must be created and maintained solely from the net
 25 ~~revenues~~ revenue of parking meters. The ordinance may pledge to ~~said~~ the revolving fund all or any part
 26 of the net ~~revenues~~ revenue of parking meters ~~which may be then owned, or leased, or rented, or thereafter~~
 27 ~~acquired by the city or town. Said~~ The ordinance ~~shall~~ must contain ~~such any~~ any provisions ~~in respect to~~
 28 concerning the purchase, control, operation, repair, and maintenance of parking meters, including rates to
 29 be charged, and the application of the net ~~revenues therefrom~~ revenue from the meters and the
 30 management and use of the supplemental revolving fund ~~as that the council shall deem~~ considers

1 necessary."

2

3 **Section 42.** Section 7-13-2208, MCA, is amended to read:

4 "7-13-2208. **Decision on petition -- election required.** (1) On the final hearing, ~~said~~ the board of
5 county commissioners shall make ~~such any~~ changes in the proposed boundaries ~~which be~~ within the county
6 ~~as may be deemed~~ that are considered advisable and shall define and establish ~~such the~~ boundaries, ~~but~~
7 ~~said~~ The board of county commissioners ~~shall may~~ not modify ~~said the~~ boundaries ~~as to~~ in a manner that
8 would exclude from ~~such the~~ proposed district any territory ~~which that~~ would be benefited by the formation
9 of ~~such the~~ district, ~~nor shall any lands which~~ Land that will not, in the judgment of ~~said the~~ board of
10 county commissioners, be benefited by ~~such the~~ district may not be included within ~~such the~~ proposed
11 district.

12 (2) Upon the final determination of the boundaries of the district, the board of county
13 commissioners of each county in which ~~said the~~ district lies shall give notice of an election to be held in
14 ~~said the~~ proposed district for the purpose of determining whether or not the ~~same shall be~~ district is to be
15 incorporated. ~~The date of the election shall be no less than 75 or more than 90 days from the date of the~~
16 ~~final hearing of such petition~~ must be held in conjunction with a regular or primary election."

17

18 **Section 43.** Section 7-13-2231, MCA, is amended to read:

19 "7-13-2231. **District to be governed by board of directors.** (1) At an election to be held within a
20 district under the provisions of this part and part 23 and the laws governing general elections not
21 inconsistent ~~therewith~~ this part and part 23, the district ~~thus organized~~ shall ~~proceed, within 120 days after~~
22 ~~its formation, to the election of elect~~ a board of directors. The election must be held in conjunction with
23 the next regular or primary election.

24 (2) The board of directors is the governing body of ~~such the~~ district."

25

26 **Section 44.** Section 7-13-2323, MCA, is amended to read:

27 "7-13-2323. **Election on question of incurring bonded indebtedness.** The board of directors shall
28 fix a date upon which an election ~~shall be~~ is held for the purpose of authorizing the bonded indebtedness
29 to be incurred. The election must be held in conjunction with a regular or primary election."

30

1 **Section 45.** Section 7-13-2341, MCA, is amended to read:

2 "**7-13-2341. Addition of land to district.** (1) Except as provided in subsection (5), any portion of
3 any county, any municipality, or both, may be added to any district organized under the provisions of this
4 part and part 22 at any time upon petition presented in the manner provided in this part and part 22 for the
5 organization of ~~such~~ the district.

6 (2) The petition may be granted by ordinance of the board of directors of ~~such~~ the district. ~~Such~~
7 The ordinance ~~shall~~ must be submitted for adoption or rejection to the vote of the electors in ~~such~~ the
8 district and in the proposed addition at a general election or a special election held, ~~as provided in this part~~
9 ~~and part 22, no less than 75 or more than 90 days after the adoption of such ordinance in conjunction with~~
10 a regular or primary election.

11 (3) If ~~such~~ the ordinance is approved, the president and secretary of the board of directors shall
12 certify that fact to the secretary of state and to the county clerk and recorder of the county in which ~~such~~
13 the district is located. Upon the receipt of ~~such last mentioned certificate~~ the certification, the secretary
14 of state shall within 10 days issue ~~his~~ a certificate, ~~reciting that states~~ the passage of said the ordinance
15 and the addition of ~~said~~ the territory to ~~said~~ the district. A copy of ~~such~~ the certificate ~~shall~~ must be
16 transmitted to and filed with the county clerk and recorder of the county in which ~~such~~ the district is
17 situated.

18 (4) ~~From and after the date~~ After the filing of ~~such~~ the certificate, the territory ~~named therein shall~~
19 ~~be deemed~~ is added to and ~~form~~ is a part of ~~said~~ the district with all the rights, privileges, and powers set
20 forth in this part and necessarily incident ~~thereto~~ to this part.

21 (5) If the board of directors determines that a district has a water facility or a sewer facility with
22 a capacity greater than required to meet the needs of the current district, it may by ordinance, upon petition
23 of contiguous property owners and with the written consent of all property owners to whom the service
24 is to be extended, expand the district to include land, to the extent of excess capacity, without complying
25 with subsections (1) and (2). However, if the board determines that an election should be held or if 40%
26 or more of the members of the district petition for an election, compliance with subsections (1) and (2) is
27 required."

28

29 **Section 46.** Section 7-13-4204, MCA, is amended to read:

30 "**7-13-4204. Rental charges for use of sewer system -- election required.** (1) Upon being petitioned

1 by 5% of the qualified electors, the city council shall submit to a vote to the qualified electors, at the
 2 annual municipal election or at ~~any a~~ a special election called for that purpose held in conjunction with a
 3 regular or special election, the question of whether or not the city council may establish and collect rentals
 4 for the use of ~~such the~~ the sewer system, and may fix the scale of ~~such the~~ rentals, and may prescribe the
 5 manner and time at which ~~such the~~ rentals shall must be paid:

6 (a) to provide ~~such the~~ the sewer fund; ~~and/or~~

7 (b) to provide for the retirement of ~~such the~~ bonds ~~and/or~~ and the payment of the interest on ~~such~~
 8 the bonds; ~~and/or~~ or

9 (c) for any purpose ~~herein~~ mentioned in this section.

10 (2) If a majority of votes is cast in favor of ~~such the~~ the proposition, then the city or town council may
 11 establish and collect rentals for the use of ~~any such the~~ the sewer system, and may fix the scale of ~~such~~
 12 rentals, and may prescribe the manner and time at which ~~such the~~ rentals should be paid, and to may
 13 change ~~such the~~ the scale of rentals from time to time as may be deemed considered advisable.

14 (3) The ~~revenues~~ revenue provided in this section ~~shall be~~ are in addition to and not exclusive of
 15 other ~~revenues which~~ revenue that may be ~~now~~ legally collected for sewer payment."
 16

17 **Section 47.** Section 7-14-210, MCA, is amended to read:

18 **"7-14-210. Election on question of creating urban transportation district.** (1) The commissioners,
 19 upon completion of the public hearing, shall proceed by resolution to refer the creation of ~~such the~~ the
 20 district to the persons qualified to vote on ~~such the~~ the proposition.

21 (2) The commissioners may designate in their resolution whether a special election ~~shall~~ is to be
 22 held in conjunction with a regular or primary election or whether the matter ~~shall be~~ is to be determined at
 23 the next general election. If a special election is ordered, the ~~commissioners shall specify in their order~~ must
 24 specify the date for the election and the voting places and the commissioners shall appoint and designate
 25 election judges and clerks therefor."

26
 27 **Section 48.** Section 7-14-1134, MCA, is amended to read:

28 **"7-14-1134. Method of funding deficiency.** (1) Subject to the conditions stated in this section, the
 29 governing body of ~~any a~~ a county or ~~any of a~~ a municipality having a population in excess of 10,000, ~~with~~
 30 ~~respect to bonds issued pursuant to this part by the local government or by an authority in which the local~~

1 ~~government is included,~~ may by resolution covenant that if at any time all ~~revenues~~ revenue, including
 2 taxes, appropriated and collected for ~~such~~ bonds issued pursuant to this part are insufficient to pay principal
 3 or interest then due, it will levy a general tax upon all of the taxable property in the county or municipality
 4 for the payment of ~~such~~ the deficiency. The governing body may further covenant that at any time a
 5 deficiency is likely to occur within 1 year for the payment of principal and interest due on ~~such~~ the bonds,
 6 it will levy a general tax upon all the taxable property in the county or municipality for the payment of ~~such~~
 7 the deficiency, ~~and such~~ The taxes are not subject to any limitation of rate or amount applicable to other
 8 county or municipal taxes but are limited to a rate estimated to be sufficient to produce the amount of the
 9 deficiency. If more than one local government is included in an authority issuing bonds pursuant to this
 10 part, the local governments may apportion the obligation to levy taxes for the payment of, or in anticipation
 11 of, a deficiency in the ~~revenues~~ revenue appropriated for ~~such~~ the bonds in ~~such~~ a manner ~~as~~ that the local
 12 governments may determine.

13 (2) The resolution ~~shall~~ must state the principal amount and purpose of the bonds and the
 14 substance of the covenant respecting deficiencies.

15 (3) ~~(a) No such~~ A resolution ~~becomes~~ is not effective until the question of its approval has been
 16 submitted to the qualified electors of the local government at a special election:

17 (i) called for that purpose by the governing body of the local government;

18 (ii) held in conjunction with a regular or primary election; and

19 (iii) approved by a majority of the electors voting on the question ~~have voted in favor thereof.~~

20 (b) The notice and conduct of the election is governed, to the extent applicable, as provided for
 21 municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns,
 22 and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by
 23 counties. If a majority of the electors voting ~~thereon~~ on the issue vote against approval of the resolution,
 24 the local government ~~has no authority to~~ may not make the covenant or ~~to~~ levy a tax for the payment of
 25 deficiencies pursuant to this section, ~~but such~~ The local government or authority may ~~nevertheless~~ issue
 26 bonds under this part payable solely from the sources referred to in 7-14-1133(1)."
 27

28 **Section 49.** Section 7-14-2205, MCA, is amended to read:

29 **"7-14-2205. Construction of bridge in municipality -- election.** (1) Before undertaking the
 30 construction in any city or town of any bridge, the cost of which ~~shall exceed~~ exceeds \$10,000, the board

1 of county commissioners shall submit to the qualified electors of the county at a general election or a
 2 special election held in conjunction with a regular or primary election the question of whether the bridge
 3 ~~shall be~~ is to be constructed and ~~its cost~~ paid for by the county.

4 (2) (a) If the electors vote in favor of construction, the board may issue and sell bonds of the
 5 county ~~to~~ in the amount authorized for the construction of the bridge. Bonds ~~shall~~ must be issued under
 6 ~~such~~ the regulations ~~as~~ that apply to other bonds of the county.

7 (b) The bridge ~~shall~~ must be constructed using the proceeds of ~~such~~ the bond sale.

8 (3) If the cost of the bridge does not exceed the amount authorized to be raised by a special tax,
 9 it may be levied as provided in 7-14-2503."

10
 11 **Section 50.** Section 7-14-2504, MCA, is amended to read:

12 "**7-14-2504. Additional road and bridge construction tax -- election required.** (1) Each board may
 13 make an additional levy upon the taxable property in the county of up to 10 mills ~~or less~~ for constructing
 14 public highways and bridges.

15 (2) Before the additional levy may be made, the question ~~shall~~ must be submitted to a vote of the
 16 people at ~~some~~ a general election or a special election held in conjunction with a regular or primary election.
 17 The question must be in the following form, inserting the number of mills to be levied and the name of the
 18 county:

19 "Shall there be an additional levy of mills upon the taxable property in the county of, state
 20 of Montana, for the purpose of constructing public highways and bridges?"

21 YES

22 NO".

23 (3) A majority of the votes cast ~~shall be~~ is necessary to permit the additional levy, which ~~shall~~ must
 24 be collected in the same manner as other road taxes."

25
 26 **Section 51.** Section 7-14-4404, MCA, is amended to read:

27 "**7-14-4404. Tax levy for contracts to operate bus service.** For the purpose of raising the necessary
 28 money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant to ~~such~~ a
 29 contract, lease, or lease and operating agreement with ~~such~~ an independent carrier or carriers, the city or
 30 town council may annually levy a tax on the taxable value of all taxable property within the limits of the

1 city or town. Whenever the council of the city or town considers it necessary to raise money by taxation
 2 for ~~such purpose~~ transportation services in excess of the levy ~~now~~ allowed by law, the council of the city
 3 or town shall in the manner prescribed by law submit the question of ~~such~~ the additional levy to the
 4 qualified electors of the city or town, either at the regular annual election held in the city or town or at a
 5 special election that is held in conjunction with a regular or primary election and that is called for that
 6 purpose by the council of the city or town. The additional levy ~~in excess of the levy now allowed by law~~
 7 may not exceed 1 ½ mills."

8
 9 **Section 52.** Section 7-14-4512, MCA, is amended to read:

10 **"7-14-4512. Referendum on parking meters prior to enacting ordinance.** ~~No~~ An ordinance ~~or~~
 11 ~~ordinances~~ providing for the purchasing, renting, leasing, or otherwise acquiring or installing, maintaining,
 12 operating, or using ~~such~~ parking meters, devices, or instruments ~~shall~~ may not be enacted ~~until and~~ unless
 13 the question of whether or not ~~such~~ the ordinance ~~or ordinances~~ ~~shall~~ may be enacted has been submitted
 14 to the qualified electors of ~~such~~ the city or town at a general election or a special election that is held in
 15 conjunction with a regular or primary election and that is called for that purpose, ~~and unless at such election~~
 16 A ordinance may not be enacted unless authorized by a majority of the votes cast ~~for and against the~~
 17 ~~question shall have been~~ are in favor of ~~the enacting of said~~ the ordinance ~~or ordinances.~~"

18
 19 **Section 53.** Section 7-14-4642, MCA, is amended to read:

20 **"7-14-4642. Election required to issue revenue bonds.** (1) The power to issue revenue bonds as
 21 provided in this part ~~shall~~ is not ~~be~~ operative in any city until the legislative body, either at a general
 22 election or a special election held in conjunction with a regular or primary election, ~~shall submit~~ submits to
 23 the electors the question as to whether the legislative body, the commission, or both, ~~shall be~~ are
 24 authorized to adopt the revenue bond method of financing projects provided for ~~herein~~ in this part.

25 (2) ~~Such~~ The question ~~may~~ must be placed before the electors and notice ~~thereof~~ must be given
 26 in the same manner as provided by law for referring ordinances of the city to the electors. The qualifications
 27 of electors ~~shall be~~ are the same as those required for voting at municipal elections in the city for elective
 28 officers ~~thereof.~~ The provisions relating to the qualifications of electors and manner of submission of the
 29 question to the electors for the purposes of this part ~~shall govern and be~~ are controlling, notwithstanding
 30 any provision of law to the contrary ~~notwithstanding.~~"

1 **Section 54.** Section 7-15-2111, MCA, is amended to read:

2 **"7-15-2111. Area of operation of county housing authority -- inclusion of municipalities.** (1) The
3 area of operation of ~~such a county housing~~ authority ~~shall include said~~ includes the county, but ~~in no event~~
4 ~~shall it~~ does not include any city unless a resolution ~~shall have~~ has been adopted by the governing body
5 of the city ~~{and by any authority which shall have been theretofore established and authorized to exercise~~
6 ~~its powers in the city}~~ declaring that there is need for the county authority to exercise its powers within
7 that city. ~~Such~~ The resolution ~~shall~~ is not ~~be~~ effective until it has been approved by a majority vote of the
8 electors within the corporate limits of ~~such the~~ city or town voting ~~at either~~ at a special election held in
9 conjunction with a regular or primary election or at a general election.

10 (2) If, after the adoption of ~~such a~~ resolution or resolutions, an authority is established for any city
11 within the county, the county authority ~~shall have no power to~~ may not initiate any further housing projects
12 within ~~such the~~ city without the consent by resolution of the governing body ~~thereof of the city~~ and of the
13 authority established for ~~such the~~ city."

14

15 **Section 55.** Section 7-15-4408, MCA, is amended to read:

16 **"7-15-4408. Voter approval required to create housing authority.** The ordinance authorized by
17 7-15-4406(2) ~~shall~~ is not ~~be~~ effective until it has been approved by a majority vote of the registered
18 electors within the city limits voting ~~at either~~ at a special election held in conjunction with a regular or
19 primary election or at a general election."

20

21 **Section 56.** Section 7-16-2411, MCA, is amended to read:

22 **"7-16-2411. Creation of county park district.** (1) Proceedings for the creation of a county park
23 district may be initiated by:

24 (a) a petition signed by not less than 10% of the qualified electors of the proposed park district;

25 or

26 (b) a resolution of intent adopted by the county governing body, calling for the creation of a county
27 park district.

28 (2) The petition or resolution must contain:

29 (a) the boundaries of the proposed district;

30 (b) the proposed maximum property tax mill levy that could be levied on property owners within

1 the district for the operation of the district; and

2 (c) the proposed number of members of the county park district commission. The number of
3 members must be an odd number and may not be less than three.

4 (3) When the territory to be included in the proposed district lies in more than one county, a
5 petition must be presented to the governing body of each county in which the territory lies. Each petition
6 must be signed by not less than 10% of the qualified electors of the territory within the county proposed
7 to be included in the district.

8 (4) Upon receipt of a petition for the creation of a county park district, the county clerk shall
9 examine it and within 15 days either reject the petition if it is insufficient under the provisions of subsection
10 (1), (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next
11 meeting.

12 (5) The text of the petition or resolution must be published as provided in 7-1-2121 in each county
13 in which the territory of the proposed district lies.

14 (6) At the hearing, the county governing body shall hear:

15 (a) testimony of all interested persons on whether a county park district should be created;

16 (b) testimony regarding the proposed boundary, property tax mill levy, and number of members of
17 the district commission; and

18 (c) any other matter relating to the proposed district.

19 (7) After the hearing, if the county governing body determines that the proposed park district
20 should be created, it shall by resolution set the boundaries of the proposed park district, the maximum mill
21 levy for the proposed park district, and the number of members to be on the district commission. The
22 resolution must also call for an election on the question of whether to create the county park district. The
23 election ~~may~~ must be held in conjunction with a ~~regularly-scheduled~~ regular or primary election, provided
24 that at least 75 days have elapsed between the adoption of the resolution and the election."
25

26 **Section 57.** Section 7-16-2442, MCA, is amended to read:

27 **"7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after
28 an election on the question of dissolving the district. The process of dissolving the district may be initiated
29 by a petition of 25% of the electorate of the district or by a resolution of intent to dissolve the district
30 adopted by either the county park district commission or the county governing body.

1 (2) Upon receipt of ~~such~~ a petition ~~which that~~ has been certified by the county clerk as sufficient
 2 under this section or upon the adoption of ~~such~~ a resolution of intent, the county governing body shall call
 3 a public hearing on the question of dissolving the district and cause notice of the hearing to be published
 4 ~~a notice of the hearing~~ in the official county newspaper.

5 (3) At the public hearing, the county governing body shall hear testimony of interested persons
 6 regarding the dissolution of the district. After the public hearing, the county governing body may either
 7 submit the question of dissolving the district to the electorate of the district or it may call for a public
 8 hearing on the question of altering the boundaries of the district. If the county governing body calls for a
 9 public hearing on the question of altering the boundaries of the district by withdrawal of territory, it shall
 10 ~~cause to be published~~ publish notice of ~~such a the~~ hearing in the official county newspaper. The notice
 11 must state the boundaries of the area proposed to be withdrawn from the district. After hearing testimony
 12 at ~~such the~~ hearing, the county governing body may submit the question of either dissolving the district
 13 or altering the district by withdrawal of specified territory from the district to the electorate of the district.

14 (4) ~~Such a~~ The question must be submitted by a resolution calling for an election on either
 15 dissolving the district or altering the boundaries of the district by withdrawal of land from the district. The
 16 county governing body ~~may call a special election for such purposes, or it may~~ shall schedule the election
 17 in conjunction with any other regularly scheduled election. The election on the question must be conducted
 18 as provided in Title 13.

19 (5) The question of withdrawal of territory under this section must be voted on separately by the
 20 electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district.
 21 The question fails unless a simple majority of those voting on the question in each of the two territories
 22 authorize altering the district boundary. If the question passes, the boundary alteration is effective the
 23 following January 1. If the question fails, the county governing body shall by resolution call for an election
 24 on the question of dissolving the district."

25

26 **Section 58.** Section 7-31-106, MCA, is amended to read:

27 **"7-31-106. Authorization for county to issue bonds -- election required.** (1) If the petition is
 28 presented to the board of county commissioners, ~~it shall be the duty of~~ the board shall, for the purpose of
 29 raising money to meet the payments under the terms and conditions of ~~said the~~ the contract and other
 30 necessary and proper expenses ~~in and about the same~~ for the contract and for the approval or disapproval

1 ~~thereof~~ of the petition:

2 (a) ~~to~~ ascertain, within 30 days after submission of the petition, the existing indebtedness of the
3 county in the aggregate; and

4 (b) ~~to~~ submit, ~~within 60 days~~ after ascertaining the ~~same~~ aggregate indebtedness, to the electors
5 of ~~such~~ the county the proposition to approve or disapprove the contract and the issuance of bonds
6 necessary to carry out the ~~same~~ contract. The election must be held in conjunction with a regular or
7 primary election.

8 (2) The amount of the bonds authorized by this section may not exceed 22.5% of the taxable value
9 of the taxable property ~~therein~~ in the county, inclusive of the existing indebtedness ~~thereof~~ of the county,
10 to be ascertained by the last assessment for state and county taxes previous to the issuance of ~~said~~ the
11 bonds and incurring of ~~said~~ the indebtedness."

12

13 **Section 59.** Section 7-31-107, MCA, is amended to read:

14 **"7-31-107. Authorization for municipality to issue bonds -- election required.** (1) If ~~said~~ the petition
15 is presented to the council of any incorporated city or town, the council, for the purpose of raising money
16 to meet the payments under the terms and conditions of ~~said~~ the contract and other necessary and proper
17 expenses ~~in and about the same~~ for the contract and for the approval or disapproval ~~thereof~~ of the petition,
18 shall:

19 (a) ~~shall~~ ascertain, within 30 days after submission of the petition, the aggregate indebtedness of
20 ~~such~~ the city or town; and

21 (b) ~~shall~~ submit, ~~within 60 days~~ after ascertaining the ~~same~~ aggregate indebtedness, to the electors
22 of ~~such~~ the city or town the proposition to approve or disapprove ~~said~~ the contract and the issuance of
23 bonds necessary to carry out the ~~same~~ contract. The election must be held in conjunction with a regular
24 or primary election.

25 (2) The amount of the bonds authorized by this section may not exceed 16.5% of the taxable value
26 of the taxable property ~~therein~~ in the city or town, inclusive of the existing indebtedness ~~thereof~~ of the city
27 or town, to be ascertained in the manner provided in this part."

28

29 **Section 60.** Section 7-31-109, MCA, is amended to read:

30 **"7-31-109. Conduct of election.** (1) The vote upon ~~such~~ a proposition ~~shall~~ under this part must

1 be had at an election for that purpose to be held, conducted, and counted and with results ascertained and
 2 determined in the manner and by the same officers provided by law for general elections, except as
 3 otherwise provided ~~herein~~ in this section. The election must be held in conjunction with a regular or primary
 4 election.

5 (2) The proposition ~~to~~ must be submitted ~~shall be~~ upon printed tickets or ballots, upon each of
 6 which ~~shall be~~ is printed the following: "For the contract and bonds" and "Against the contract and bonds",
 7 ~~the former above the latter~~. The elector shall ~~indicate his~~ vote by a cross opposite ~~the one or the other for~~
 8 ~~which he votes~~ statement.

9 (3) No registration under the election laws of this state ~~shall be~~ is required for the purposes of the
 10 election ~~herein provided for~~, and the registration ~~had at~~ from the last election ~~preceding the same shall~~
 11 ~~govern and control as if especially had and done~~ governs and controls for the purpose of the election to
 12 be held under this part."

13

14 **Section 61.** Section 7-32-235, MCA, is amended to read:

15 **"7-32-235. Search and rescue units authorized -- under control of county sheriff -- optional**
 16 **funding.** (1) A county may establish or recognize one or more search and rescue units within the county.

17 (2) Except in time of martial rule as provided in 10-1-106, search and rescue units and their officers
 18 are under the operational control and supervision of the county sheriff, or ~~his~~ the sheriff's designee, having
 19 jurisdiction and whose span of control would be considered within reasonable limits.

20 (3) A county may, after approval by a majority of the people voting on the question at an election
 21 held throughout the county, levy an annual tax of not more than 1 mill on each dollar of taxable value of
 22 all taxable property within the county to support one or more search and rescue units established or
 23 recognized under subsection (1). The election must be held in conjunction with a regular or primary
 24 election."

25

26 **Section 62.** Section 7-34-2110, MCA, is amended to read:

27 **"7-34-2110. Resolution calling for election.** (1) The board of county commissioners in its resolution
 28 ~~of reference~~ may make ~~such~~ changes in the boundaries of the proposed district ~~as~~ that it considers
 29 advisable, without including any additional lands not described in the petition, and it shall call an election
 30 upon the question of the creation of the district.

1 (2) The board ~~must shall~~ designate in its resolution whether a special election ~~shall be~~ is to be held
 2 or whether the matter ~~shall be~~ is to be determined at the next general election. If a special election is
 3 ordered, the board ~~must shall~~ specify in its order the date for ~~such the~~ election. The special election must
 4 be held in conjunction with a regular or primary election."

5
 6 **Section 63.** Section 7-34-2414, MCA, is amended to read:

7 **"7-34-2414. Election required on question of issuance of bonds.** (1) ~~No bonds~~ Bonds may not be
 8 issued by ~~any a~~ county until the question of approval of the issuance of ~~such the~~ bonds has been submitted
 9 to the registered electors of the county at a general election or a special election called for that purpose
 10 by the governing body of the county and the majority of the electors voting on the question have voted in
 11 favor ~~thereof~~ of issuing the bonds. A special election must be conducted in conjunction with a regular or
 12 primary election. The notice and conduct of the election ~~shall must~~ be governed, to the extent applicable,
 13 by the laws governing the election on county general obligation bonds in chapter 7, part 22.

14 (2) If a majority of the electors voting ~~thereon~~ on the issue vote against the issuance of the bonds,
 15 the county ~~shall have no authority to~~ may not issue the bonds under 7-34-2411 through 7-34-2418."

16
 17 **Section 64.** Section 7-35-2106, MCA, is amended to read:

18 **"7-35-2106. Election details.** (1) In its order, the board ~~must shall~~ designate whether a special
 19 election ~~shall must~~ be held or whether the matter ~~shall must~~ be determined at the next general election. If
 20 a special election is ordered, the board ~~must shall~~ in its order specify the time. A special election must be
 21 held in conjunction with a regular or primary election.

22 (2) The election ~~shall must~~ be held in all respects, as nearly as practicable, in conformity with the
 23 general election laws.

24 (3) At ~~such the~~ election, the ballots must contain the words "Cemetery district -- Yes" and
 25 "Cemetery district -- No"."

26
 27 **Section 65.** Section 13-1-106, MCA, is amended to read:

28 **"13-1-106. Time of opening and closing of polls for all elections -- ~~exceptions~~ exception.** (1) Polls
 29 must be open from 7 a.m. to 8 p.m., except polling places having fewer than 200 registered electors, which
 30 must be open from noon to 8 p.m. or until all registered electors in any precinct have voted, at which time

1 the polls ~~shall~~ must be closed immediately.

2 ~~(2) When an election held under 13-1-104(3) and a school election are conducted in the same~~
 3 ~~polling place, the polls shall be opened and closed at the times set for the school election, as provided in~~
 4 ~~20-20-106."~~

5

6 **Section 66.** Section 20-6-203, MCA, is amended to read:

7 **"20-6-203. District consolidation.** Any two or more elementary districts in one county may
 8 consolidate to organize an elementary district. The consolidation ~~shall~~ must be conducted under the
 9 following procedure:

10 (1) At the time the consolidation proposition is first considered, the districts involved shall jointly
 11 determine whether the consolidation ~~shall be~~ is to be made with or without the mutual assumption of the
 12 bonded indebtedness of each district by all districts included in the consolidation proposition.

13 (2) A consolidation proposition may be introduced, individually, in each of the districts by either
 14 of the ~~two~~ following methods:

15 (a) the trustees may pass a resolution requesting the county superintendent to order an election
 16 to consider a consolidation proposition involving their district; or

17 (b) not less than 20% of the electors of an elementary district who are qualified to vote under the
 18 provisions of 20-20-301 may petition the county superintendent requesting an election to consider a
 19 consolidation proposition involving their resident district.

20 (3) When the county superintendent has received a resolution or a valid petition from each of the
 21 districts included in the consolidation proposition, ~~he~~ the county superintendent shall, within 10 days after
 22 the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each
 23 elementary district included in the consolidation proposition to call a consolidation election.

24 (4) Each district, individually, shall call and conduct an election in the manner prescribed in this title
 25 for school elections. The election must be held in conjunction with a regular or primary election. In
 26 addition:

27 (a) if the districts to be consolidated are to mutually assume the bonded indebtedness of each
 28 district involved in the consolidation, the consolidation election ~~also shall~~ must follow the procedures
 29 prescribed in 20-6-206; or

30 (b) if the districts to be consolidated are not to mutually assume the bonded indebtedness of each

1 district involved in the consolidation, the consolidation election ~~also shall~~ must follow the procedures
2 prescribed in 20-6-207.

3 (5) After the county superintendent has received the election certification under the provisions of
4 20-20-416 from the trustees of each district included in a consolidation proposition, ~~he~~ the county
5 superintendent shall determine if the consolidation proposition has been approved in each district. If each
6 district has approved the consolidation proposition, ~~he~~ the county superintendent shall, within 10 days after
7 the receipt of the last election certificate, order the consolidation of ~~such~~ the districts. If ~~it be for the~~
8 consolidation is with the mutual assumption of bonded indebtedness of each elementary district by all
9 districts included in the consolidation order, ~~such~~ the order shall must specify that all the taxable real and
10 personal property of the consolidated district ~~shall assume~~ assumes the bonded indebtedness of each
11 district. In addition, ~~such~~ the order shall must specify the number of the consolidated elementary district
12 and ~~shall~~ must contain the county superintendent's appointment of the trustees for the consolidated district,
13 who shall serve until ~~a successor is~~ successors are elected at the next succeeding regular school election
14 and qualified. The superintendent shall send a copy of ~~such~~ the order to the board of county commissioners
15 and to the trustees of each district incorporated in the consolidation order.

16 (6) If any district included in the consolidation proposition disapproves the consolidation
17 proposition, the consolidation of all districts ~~shall fail~~ fails, and the county superintendent shall notify each
18 district of the disapproval of the consolidation proposition."
19

20 **Section 67.** Section 20-6-205, MCA, is amended to read:

21 **"20-6-205. Elementary district annexation.** An elementary district may be annexed to another
22 elementary district located in the same county when one of the conditions of 20-6-204 is met in accordance
23 with the following procedure:

24 (1) At the time the annexation proposition is first considered, the districts involved shall jointly
25 determine whether the annexation ~~shall~~ will be made with or without the joint assumption of the bonded
26 indebtedness of the annexing district by the district to be annexed and the annexing district.

27 (2) An annexation proposition may be introduced in the district to be annexed by either of the two
28 following methods:

29 (a) the trustees may pass a resolution requesting the county superintendent to order an election
30 to consider an annexation proposition for their district; or

1 (b) not less than 20% of the electors of the district who are qualified to vote under the provisions
2 of 20-20-301 may petition the county superintendent requesting an election to consider an annexation
3 proposition for their district.

4 (3) Before ordering an election on the proposition, the county superintendent shall first receive from
5 the trustees of the annexing district a resolution giving ~~him~~ the county superintendent the authority to
6 annex ~~such~~ the district.

7 (4) When the county superintendent has received authorization from the annexing district, ~~he~~ the
8 county superintendent shall, within 10 days after the receipt of the resolution or a valid petition from the
9 district to be annexed and as provided by 20-20-201, order the trustees of the district to be annexed to
10 call an annexation election. The election must be held in conjunction with a regular or primary election.

11 (5) The district shall call and conduct an election in the manner prescribed in this title for school
12 elections. In addition:

13 (a) if the district to be annexed is to jointly assume with the annexing district the bonded
14 indebtedness of the annexing district, the annexation election ~~shall~~ must also follow the procedures
15 prescribed in 20-6-206; or

16 (b) if the district to be annexed is not to jointly assume with the annexing district the bonded
17 indebtedness of the annexing district, the annexation election ~~shall~~ must also follow the procedures
18 prescribed in 20-6-207.

19 (6) After the county superintendent has received the election certificate from the trustees of the
20 district conducting the annexation election under the provisions of 20-20-416 and if the annexation
21 proposition has been approved by ~~such~~ the election, ~~he~~ the county superintendent shall order the
22 annexation of the territory of the elementary district voting on ~~such~~ the proposition to the elementary
23 district that has authorized the annexation to its territory. ~~Such~~ The order shall must be issued within 10
24 days after the receipt of the election certificate and, if ~~it be~~ the election was for annexation with the
25 assumption of bonded indebtedness, ~~shall~~ the order must specify that all the taxable real and personal
26 property of the annexed territory ~~shall~~ must jointly assume with the annexing district the existing bonded
27 indebtedness of the annexing district. The county superintendent shall send a copy of the order to the
28 board of county commissioners and to the trustees of the districts involved in the annexation order.

29 (7) If the annexation proposition is disapproved in the district to be annexed, ~~it shall fail~~ the
30 proposition fails and the county superintendent shall notify each district of the disapproval of the

1 annexation proposition."

2

3 **Section 68.** Section 20-6-211, MCA, is amended to read:

4 **"20-6-211. Joint elementary district dissolution.** (1) Any joint elementary district may be dissolved.
5 A proposition to dissolve a joint elementary district ~~shall~~ must be introduced by a petition signed by a
6 majority of the electors, qualified under the provisions of 20-20-301, who reside in the territory of the joint
7 district that is located within one county. ~~Such~~ The petition ~~shall~~ must be addressed and presented to the
8 county superintendent of the county of residence of the petitioners.

9 (2) Whenever a county superintendent receives a valid petition for the dissolution of a joint
10 elementary district, ~~he~~ the county superintendent shall immediately notify the county superintendents of
11 all the other counties with territory located in the joint district. The county superintendents jointly shall,
12 within 10 days after the receipt of the petition and as provided by 20-20-201, order the trustees of the joint
13 district to call an election. The trustees shall call and conduct, at the same time, separate elections in each
14 portion of the joint district that is located in a separate county. ~~Such~~ The elections ~~shall~~ must be called and
15 conducted in the manner prescribed in this title for school elections and ~~shall~~ must be considered as if each
16 were an election in a separate district. The election must be held in conjunction with a regular or primary
17 election. An elector who may vote at a joint district dissolution election ~~shall~~ must be qualified to vote
18 under the provisions of 20-20-301. The election judges for each separate election in the joint district shall
19 send the election certificate to the county superintendent of the county in which they serve.

20 (3) After the receipt of the election certificates, the county superintendents shall jointly determine
21 the result of ~~such~~ the election on the following basis:

22 (a) if a majority of all the joint district electors voting at each election conducted in the joint district
23 are in favor of the dissolution of the joint district, the dissolution of the joint elementary district ~~shall~~ must
24 be approved;

25 (b) if two-thirds of the electors voting at one of the elections conducted in a county's portion of
26 the joint district vote in favor of the joint district dissolution, the dissolution of that portion of ~~such~~ the joint
27 district may be approved if all the county superintendents involved in ~~such~~ the dissolution proposition agree
28 that ~~such~~ the dissolution will not place an undue hardship on any other county's portion of the joint district
29 and there is no good and sufficient reason why ~~such~~ the dissolution should not be made; or

30 (c) if the conditions of either subsection (3)(a) or (3)(b) cannot be satisfied, the dissolution of the

1 joint district ~~shall~~ must be disapproved.

2 (4) The county superintendents shall jointly order the joint elementary district dissolution if the
3 proposition is approved and, whether it has been approved or disapproved, shall jointly notify the joint
4 district of the result. The dissolution of a joint district ~~shall become~~ is effective on the first day of the
5 ensuing school fiscal year.

6 (5) When the dissolution of a joint elementary district has been approved and ordered under
7 subsection (3)(a) ~~above~~, the county superintendent of each county shall individually order the attachment
8 of the territory of the dissolved joint elementary district within ~~his~~ the county to a contiguous elementary
9 district within ~~his~~ the county except when a school is operated in ~~such~~ that territory, in which case the
10 territory ~~shall~~ must operate as a separate elementary district of the county.

11 (6) When the dissolution of a joint elementary district has been approved and ordered under the
12 provisions of subsection (3)(b) ~~above~~, the county superintendent of the county where the dissolved portion
13 of the joint elementary district is located shall attach ~~such~~ the territory to a contiguous elementary district
14 within ~~his~~ that county.

15 (7) In the event a dissolution proposition is disapproved, ~~no~~ a subsequent joint elementary district
16 dissolution election ~~shall~~ may not be held within 3 years ~~thereafter~~.

17

18 **Section 69.** Section 20-6-312, MCA, is amended to read:

19 **"20-6-312. County high school unification.** (1) Any county high school may be unified with the
20 elementary district where the county high school building is located to establish a unified school system
21 under a unified board of trustees. If the county has not been divided into high school districts, a high school
22 district with boundaries coterminous with the county boundaries ~~shall~~ must be created, except that such
23 high school district ~~shall~~ may not include the territory of any existing joint high school district located in
24 the county. The territory of an existing joint high school district ~~shall~~ must remain a part of ~~such~~ the joint
25 high school district. The creation of high school districts under this provision ~~shall be~~ is in lieu of the high
26 school district division provisions of 20-6-303.

27 (2) A proposition to unify a county high school with the elementary district where the county high
28 school building is located ~~shall~~ must be introduced whenever:

29 (a) the trustees of the county high school and the trustees of the elementary district individually
30 pass resolutions requesting the county superintendent to order an election to consider a unification

1 proposition; or

2 (b) not less than 20% of the electors of the county or, if the county has been divided into high
3 school districts, the electors of the high school district where the county high school is located, and who
4 are qualified to vote under the provisions of 20-20-301, petition the county superintendent to order an
5 election to consider a unification proposition.

6 (3) When the county superintendent has received the trustees' resolutions or a valid petition, ~~he~~
7 the county superintendent shall, within 10 days after the receipt of the last resolution or petition and under
8 the provisions of 20-20-201, order the county high school to call an election to consider a unification
9 proposition. The trustees of the county high school shall call and conduct an election in the manner
10 prescribed in this title for school elections. The election must be held in conjunction with a regular or
11 primary election. An elector who may vote on the unification proposition ~~shall be~~ is qualified to vote under
12 the provisions of 20-20-301. The ballot for a county high school unification proposition ~~shall~~ must be
13 substantially in the following form:

14 "OFFICIAL BALLOT COUNTY HIGH SCHOOL UNIFICATION ELECTION

15 Shall County High School be unified with District No., County to establish a unified
16 school system under a unified board of trustees?

17 FOR the unification of the county high school.

18 AGAINST the unification of the county high school."

19 (4) When the county superintendent receives the election certificate from the trustees of the county
20 high school, ~~he~~ the county superintendent shall issue an order declaring the unification of the county high
21 school with the elementary district identified on the ballot as of the next ~~succeeding~~ July 1, if a majority
22 of those electors voting at ~~such~~ the election have voted for the unification proposition.

23 (5) If a majority of those electors voting at the election have voted against the unification
24 proposition, ~~he~~ the county superintendent shall order the disapproval of the unification proposition."
25

26 **Section 70.** Section 20-6-315, MCA, is amended to read:

27 "**20-6-315. District consolidation.** Any two or more high school districts in one county may
28 consolidate to organize a high school district. The consolidation must be conducted under the following
29 procedure:

30 (1) At the time the consolidation proposition is first considered, the districts involved shall jointly

1 determine whether the consolidation is to be made with or without the mutual assumption of the bonded
2 indebtedness of each district by all districts included in the consolidation proposition.

3 (2) A consolidation proposition may be introduced, individually, in each of the districts by either
4 of the following methods:

5 (a) the trustees may pass a resolution requesting the county superintendent to order an election
6 to consider a consolidation proposition involving their district; or

7 (b) not less than 20% of the electors of a high school district who are qualified to vote under the
8 provisions of 20-20-301 may petition the county superintendent requesting an election to consider a
9 consolidation proposition involving their district.

10 (3) When the county superintendent receives a resolution or a valid petition from each of the
11 districts included in the consolidation proposition, ~~he~~ the county superintendent shall, within 10 days after
12 the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each high
13 school district included in the consolidation proposition to call a consolidation election. The election must
14 be held in conjunction with a regular or primary election.

15 (4) (a) Each district, individually, shall call and conduct an election in the manner prescribed in this
16 title for school elections.

17 (b) In addition:

18 (i) if the districts to be consolidated are to mutually assume the bonded indebtedness of each
19 district involved in the consolidation, the consolidation election must also follow the procedures prescribed
20 in 20-6-318; or

21 (ii) if the districts to be consolidated are not to mutually assume the bonded indebtedness of each
22 district involved in the consolidation, the consolidation election must also follow the procedures prescribed
23 in 20-6-207.

24 (5) After the county superintendent receives the election certificate provided for in 20-20-416 from
25 the trustees of each district included in a consolidation proposition, ~~he~~ the county superintendent shall
26 determine if the consolidation proposition has been approved in each district. If each district has approved
27 the consolidation proposition, ~~he~~ the county superintendent shall, within 10 days after the receipt of the
28 election certificate, order the consolidation of ~~such~~ the districts. If the order is for consolidation with the
29 mutual assumption of bonded indebtedness of each high school district by all districts included in the
30 consolidation order, the order ~~shall~~ must specify that all taxable real and personal property of the

1 consolidated district ~~shall~~ must assume the bonded indebtedness of each district. In addition, the order ~~shall~~
2 must specify the number of the consolidated high school district. The superintendent shall send a copy of
3 the order to the board of county commissioners and to the trustees of each district incorporated in the
4 consolidation order.

5 (6) If any district included in the consolidation proposition disapproves the consolidation
6 proposition, the consolidation of all districts fails and the county superintendent shall notify each district
7 of the disapproval of the consolidation proposition."
8

9 **Section 71.** Section 20-6-317, MCA, is amended to read:

10 **"20-6-317. High school district annexation procedure.** A high school district may be annexed to
11 another high school district located in the same county when one of the conditions of 20-6-316 is met in
12 accordance with the following procedure:

13 (1) At the time the annexation proposition is first considered, the districts involved shall jointly
14 determine whether the annexation is to be made with or without the joint assumption of the bonded
15 indebtedness of the annexing district by the district to be annexed and the annexing district.

16 (2) An annexation proposition may be introduced in the district to be annexed by either of the
17 following methods:

18 (a) the trustees may pass a resolution requesting the county superintendent to order an election
19 to consider an annexation proposition for their district; or

20 (b) not less than 20% of the electors of the district who are qualified to vote under the provisions
21 of 20-20-301 may petition the county superintendent requesting an election to consider an annexation
22 proposition for their district.

23 (3) Before ordering an election on the proposition, the county superintendent must receive from
24 the trustees of the annexing district a resolution giving ~~him~~ the county superintendent the authority to
25 annex ~~such~~ the district.

26 (4) When the county superintendent receives authorization from the annexing district, ~~he~~ the
27 county superintendent shall, within 10 days after the receipt of the resolution or a valid petition from the
28 district to be annexed and as provided by 20-20-201, order the trustees of the district to be annexed to
29 call an annexation election. The election must be held in conjunction with a regular or primary election.

30 (5) (a) The district shall call and conduct an election in the manner prescribed in this title for school

1 elections.

2 (b) In addition:

3 (i) if the district to be annexed is to jointly assume with the annexing district the bonded
4 indebtedness of the annexing district, the annexation election must also follow the procedures prescribed
5 in 20-6-318; or

6 (ii) if the district to be annexed is not to jointly assume with the annexing district the bonded
7 indebtedness of the annexing district, the annexation election must also follow the procedures prescribed
8 in 20-6-319.

9 (6) After the county superintendent receives the election certificate provided for in 20-20-416 from
10 the trustees of the district conducting the annexation election and if the annexation proposition has been
11 approved by ~~such~~ the election, ~~he~~ the county superintendent shall order the annexation of the territory of
12 the high school district voting on ~~such~~ the proposition to the high school district that has authorized the
13 annexation to its territory. The order must be issued within 10 days after the receipt of the election
14 certificate and, if it is for annexation with the assumption of bonded indebtedness, must specify that all
15 the taxable real and personal property of the annexed territory ~~shall~~ must jointly assume with the annexing
16 district the existing bonded indebtedness of the annexing district. The county superintendent shall send a
17 copy of the order to the board of county commissioners and to the trustees of the districts involved in the
18 annexation order.

19 (7) If the annexation proposition is disapproved in the district to be annexed, it fails and the county
20 superintendent shall notify each district of the disapproval of the annexation proposition."

21

22 **Section 72.** Section 20-9-353, MCA, is amended to read:

23 **"20-9-353. Additional financing for general fund -- election for authorization to impose.** (1) Except
24 as limited by 20-9-308, the trustees of a district may propose to adopt a general fund budget in excess of
25 the maximum general fund budget amount for the district.

26 (2) Except as provided in 20-9-308(4)(b), when the trustees of a district determine that an
27 additional amount of financing is required for the general fund budget that is in excess of the maximum
28 general fund budget amount, the trustees shall submit the proposition to finance the excess amount of
29 general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. The
30 special election must be called and conducted in the manner prescribed by this title for school elections.

1 If possible, the election should be held in conjunction with a regular or primary election. The ballot for the
 2 election must state the amount of money to be financed, the approximate number of mills required to raise
 3 all or a portion of the money, and the purpose for which the money will be expended. The ballot must be
 4 in the following format:

5 PROPOSITION

6 Shall the district be authorized to expend the sum of (state the amount to be expended), and being
 7 approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing
 8 is made)?

9 FOR budget authority and any levy.

10 AGAINST budget authority and any levy.

11 (3) If the election on any additional financing for the general fund is approved by a majority vote
 12 of the electors voting at the election, the proposition carries and the trustees may use any portion or all of
 13 the authorized amount in adopting the preliminary general fund budget. The trustees shall certify any
 14 additional levy amount authorized by the special election on the budget form that is submitted to the county
 15 superintendent, and the county commissioners shall levy the authorized number of mills on the taxable
 16 value of all taxable property within the district, as prescribed in 20-9-141, to raise the amount of the
 17 additional levy.

18 (4) Authorization to levy an additional tax under the provisions of this section is effective for only
 19 1 school fiscal year and must be authorized by a special election conducted before August 1 of the school
 20 fiscal year for which it is effective.

21 (5) If the trustees of a district are required to submit a proposition to finance a BASE budget
 22 amount, as provided in 20-9-308(2)(b), or an over-BASE budget amount, as provided in 20-9-308(3)(b),
 23 to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4)."
 24

25 **Section 73.** Section 20-20-105, MCA, is amended to read:

26 "**20-20-105. Regular school election day and special school elections.** The first Tuesday of April
 27 of each year ~~shall be~~ is the regular school election day. Unless otherwise provided by law, special school
 28 elections may be conducted at ~~such~~ times as determined by the trustees. Whenever possible, the trustees
 29 shall conduct special elections with regular or primary elections."
 30

1 **Section 74.** Section 20-20-106, MCA, is amended to read:

2 "20-20-106. **Poll hours.** (1) ~~The~~ Except as provided in subsection (2), the polls for any school
3 election in any district ~~shall~~ must open ~~not later than noon. The trustees may order the polls to open earlier,~~
4 ~~but no earlier than 7 a.m. and close at the times required in 13-1-106.~~

5 ~~(2) If the school election is held on the same day as an election held by a political subdivision under~~
6 ~~13-1-104(3) and at the same polling place, the polls shall be opened and closed at the times required for~~
7 ~~the school election.~~

8 ~~(3) If the school election is held on the same day as a general or primary election, the polls shall~~
9 ~~be opened and closed at the times required for the general or primary election.~~

10 ~~(4)~~(2) Once opened, the polls shall must be kept open continuously until 8 p.m., except that
11 whenever all the registered electors at any poll have voted, the poll shall must be closed immediately."

12

13 **Section 75.** Section 20-20-201, MCA, is amended to read:

14 "20-20-201. **Calling of school election.** (1) At least 40 days before any school election, the trustees
15 of any district shall call ~~such~~ the school election by resolution, stating the date and purpose of ~~such~~ the
16 election, and shall conduct it in accordance with the procedures required by law, when:

17 (a) an election must be held on the regular school election day;

18 (b) in their discretion, the trustees order an election for a purpose authorized by law;

19 (c) the county superintendent orders an election in accordance with the law authorizing ~~such an~~
20 the order;

21 (d) the board of public education orders an election in accordance with the law authorizing ~~such~~
22 an the order;

23 (e) the county commissioners order an election in accordance with the law authorizing ~~such an~~ the
24 order;

25 (f) the board of trustees of a community college district orders an election in accordance with the
26 law authorizing ~~such an~~ the order (in which case the community college district shall bear its share of the
27 cost of ~~such~~ the election); or

28 (g) a school election is required by law under any other circumstances.

29 (2) The resolution calling any school election shall must be transmitted to the county election
30 administrator no later than 35 days before the election in order to enable ~~him~~ the election administrator to

1 close the registration and prepare the lists of registered electors as required by school election laws.

2 (3) Whenever possible, an election under this section must be conducted in conjunction with a
 3 regular or special election."

4
 5 **Section 76.** Section 20-20-202, MCA, is amended to read:

6 **"20-20-202. Time limitation for conduct of election.** Whenever the trustees of any district receive
 7 an order to call an election, they shall conduct ~~such the~~ election ~~any time within 60 days after the date of~~
 8 ~~the order~~ in conjunction with a regular or primary election unless the law or order otherwise regulates the
 9 day or timing of ~~such the~~ election."

10
 11 **Section 77.** Section 20-20-203, MCA, is amended to read:

12 **"20-20-203. Resolution for ~~poll hours, polling places, and judges.~~** (1) At the trustee meeting when
 13 a school election is called, the trustees shall:

14 (a) ~~except as provided in 20-20-106(3), establish the time at which the polls are to open if in their~~
 15 ~~discretion they determine that the polls shall be open before noon;~~

16 (b) establish the polling places for ~~such the~~ election, using the established polling places for general
 17 elections within the district ~~wherever~~ whenever possible; and

18 (c) ~~(b)~~ appoint, from among the qualified electors of the district, at least three judges for each
 19 polling place for ~~such the~~ election and notify each judge of ~~such the~~ appointment not less than 10 days
 20 before the election.

21 (2) There ~~shall~~ must be one polling place in each district unless the trustees establish additional
 22 polling places. If more than one polling place is established, the trustees shall define the boundaries for each
 23 polling place, and ~~such the~~ trustee-defined polling place boundaries ~~shall~~ must be coterminous with county
 24 precinct boundaries existing within a district. If the site of a polling place is changed from the polling place
 25 site used for the last preceding school election, special reference to the changed site of the polling place
 26 ~~shall~~ must be included in the notice for ~~such the~~ election."

27
 28 **Section 78.** Section 20-20-204, MCA, is amended to read:

29 **"20-20-204. Election notice.** (1) (a) When the trustees of ~~any a~~ district call a school election, they
 30 shall give notice of the election not less than 20 days or more than 30 days before the day of the election

1 by:

2 (i) publication of the notice in a newspaper of general circulation in the district; or

3 (ii) posting notices in three public places in the district, provided that in incorporated cities and
4 towns at least one notice ~~shall~~ must be posted at a public place in each ward or precinct.

5 (b) Whenever, in the judgment of the trustees, the best interest of the district will be served by
6 the supplemental publication of the school election notice in a radio or television broadcast, the trustees
7 may cause ~~such~~ supplemental notification to be made.

8 (2) The notice of a school election, unless otherwise required by law, ~~shall~~ must specify:

9 (a) the date and polling places of the election;

10 (b) ~~the hours the polling places will be open;~~

11 ~~(c)~~ each proposition to be considered by the electorate;

12 ~~(d)~~ (c) if there are trustees to be elected, the number of positions subject to election and the length
13 of term of each position; and

14 ~~(e)~~ (d) where and how absentee ballots may be obtained.

15 (3) If more than one proposition is to be considered at the same school election, each proposition
16 must be set apart and separately identified in the same notice or published in separate notices."

17

18 **Section 79.** Section 22-1-303, MCA, is amended to read:

19 **"22-1-303. Creation of public library.** A public library may be established in any county or city in
20 any of the following ways:

21 (1) The governing body of any county or city desiring to establish and maintain a public library may
22 pass and enter upon its minutes a resolution to the effect that a free public library is established under the
23 provision of Montana laws relating to public libraries.

24 (2) ~~By~~ A public library may be established by a petition that is signed by not less than 10% of the
25 resident taxpayers, whose names appear upon the last completed assessment roll of the city or county,
26 ~~being and that is~~ filed with the governing body requesting the establishment of a public library. The
27 governing body of a city or county shall set a time of meeting at which ~~they~~ it may by resolution establish
28 a public library. The governing body shall give notice of the contemplated action in a newspaper of general
29 circulation for 2 consecutive weeks giving ~~therein~~ the date and place of the meeting at which the
30 contemplated action is proposed to be taken.

1 (3) (a) Upon a petition being filed with the governing body and signed by not less than 5% of the
 2 resident taxpayers of any city or county requesting an election, the governing body shall submit to a vote
 3 of the qualified electors ~~thereof~~ at the next general election the question of whether a free public library
 4 ~~shall~~ is to be established.

5 (b) If ~~such~~ a petition is submitted for a city, the petition must be signed by resident taxpayers of
 6 ~~said~~ the city.

7 (c) If ~~such~~ a petition is submitted to the county commissioners of a county asking for the
 8 establishment of a county library, the petition must be signed by resident taxpayers of the county who
 9 reside outside the corporate limits of an incorporated city that is located in ~~said~~ the county ~~which~~ and that
 10 may already have established a free public library for ~~such~~ the city.

11 (d) If ~~such~~ the petition specifically asks that a special election be called and ~~such~~ the petition is
 12 signed by 35% of the resident freeholders affected by ~~such~~ the petition, then the governing body shall,
 13 upon receipt of ~~such~~ the petition, immediately set a date for a special election, ~~which date shall be as soon~~
 14 ~~as the procedures for establishing a~~ The special election will allow must be held in conjunction with a
 15 regular or primary election.

16 (e) If at ~~such~~ the election a majority of the electors voting on the question vote in favor of the
 17 establishment of a library, the governing body shall immediately take the necessary steps to establish and
 18 maintain ~~said~~ the library or to contract with any city or county for library service to be rendered to the
 19 inhabitants of ~~such~~ the city or county."

20
 21 **Section 80.** Section 22-1-402, MCA, is amended to read:

22 "**22-1-402. Library systems -- definition.** (1) Library systems ~~shall~~ must include library federations
 23 or library networks, ~~as defined hereafter.~~

24 ~~(1)(2)~~ (a) A library federation is a combination of libraries serving a multicounty, multicity, or
 25 city-county area within a federation area designated by the state library commission. Any other public
 26 library or town, city, or county within the federation area may participate in ~~such~~ a federation.

27 (b) Two or more cities, towns, counties, or a city and one or more counties may agree by contract
 28 to form ~~such~~ a federation by action of their respective governing bodies or duly created boards of library
 29 trustees, provided that one of the parties is or maintains a library ~~which~~ that has been designated by the
 30 state library commission as a headquarters library for that federation area. The participating entities may

1 retain ~~such~~ the autonomy over their respective libraries ~~as may be~~ that specified in the contract.

2 (c) The expense of providing library services for the library federation ~~shall~~ must be based on funds
3 received from the state or participating libraries ~~as shall be~~ agreed upon in the contract. The funds of the
4 federation ~~shall~~ must be maintained as a separate account ~~as shall be~~ provided in the contract. Participating
5 libraries shall transfer semiannually to the account all money collected for the federation in their respective
6 jurisdiction.

7 (d) A participating entity may withdraw from a federation according to the terms for withdrawal
8 provided in the contract by the action of its governing body or by a majority of its qualified voters voting
9 at a general or special election. A special election must be held in conjunction with a regular or primary
10 election.

11 ~~(2)(3)~~ A library network is an agreement between individual libraries or library systems, which may
12 be intercity, intrastate, or interstate, for the exchange of information or to provide specific library services
13 not provided in existing library federations."

14

15 **Section 81.** Section 67-11-303, MCA, is amended to read:

16 "**67-11-303. Bonds and obligations.** (1) An authority may borrow money for any of its corporate
17 purposes and issue its bonds ~~therefor~~ for those purposes, including refunding bonds, in ~~such~~ the form and
18 upon ~~such~~ the terms ~~as that~~ it may determine, payable out of any ~~revenues~~ revenue of the authority,
19 including ~~revenues~~ revenue derived from:

- 20 (a) an airport or air navigation facility or facilities;
21 (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;
22 (c) grants or contributions from the federal government; or
23 (d) other sources.

24 (2) The bonds may be issued by resolution of the authority, without an election and without any
25 limitation of amount, ~~except that no such~~ bonds may not be issued at any time if the total amount of
26 principal and interest to become due in any year on ~~such~~ the bonds and on any then outstanding bonds for
27 which ~~revenues~~ revenue from the same source or sources are pledged exceeds the amount of ~~such~~
28 ~~revenues~~ revenue to be received in that year as estimated in the resolution authorizing the issuance of the
29 bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates,
30 charges, rentals, and taxes, if any are pledged, sufficient to make the ~~revenues~~ revenue from the pledged

1 source in ~~such~~ the year at least equal to the amount of ~~such~~ principal and interest due in that year.

2 (3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102.
3 Except as otherwise provided ~~herein~~ in this section, any bonds issued pursuant to this chapter by an
4 authority may be payable as to principal and interest solely from ~~revenues~~ revenue of the authority and ~~shall~~
5 must state on their face the applicable limitations or restrictions regarding the source from which ~~such~~ the
6 principal and interest are payable.

7 (4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are
8 declared to be issued for an essential public and governmental purpose by a political subdivision within the
9 meaning of 15-30-111(2)(a).

10 (5) For the security of ~~any such~~ bonds, the authority or municipality may by resolution make and
11 enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be
12 exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time
13 to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any
14 revenues referred to in this chapter, prior to the payment of current costs of operation and maintenance
15 of the facilities.

16 (6) Subject to the conditions stated in this subsection ~~(6)~~, the governing body of any municipality
17 having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the
18 municipality or by an authority in which the municipality is included, may by resolution covenant that in the
19 event that at any time all ~~revenues~~ revenue, including taxes, appropriated and collected for ~~such~~ the bonds
20 ~~are~~ is insufficient to pay principal or interest then due, it will levy a general tax upon all of the taxable
21 property in the municipality for the payment of ~~such~~ the deficiency; ~~and~~ The governing body may further
22 covenant that at any time a deficiency is likely to occur within 1 year for the payment of principal and
23 interest due on such bonds, it will levy a general tax upon all the taxable property in the municipality for
24 the payment of ~~such~~ the deficiency, and ~~such~~ the taxes are not subject to any limitation of rate or amount
25 applicable to other municipal taxes but are limited to a rate estimated to be sufficient to produce the amount
26 of the deficiency. In the event that more than one municipality having a population in excess of 10,000 is
27 included in an authority issuing bonds pursuant to this chapter, the municipalities may apportion the
28 obligation to levy taxes for the payment of, or in anticipation of, a deficiency in the ~~revenues~~ revenue
29 appropriated for ~~such~~ the bonds in ~~such~~ a manner ~~as~~ that the municipalities may determine. The resolution
30 ~~shall~~ must state the principal amount and purpose of the bonds and the substance of the covenant

1 respecting deficiencies. ~~No such~~ A resolution becomes ~~may not be~~ effective until the question of its
 2 approval has been submitted to the qualified electors of the municipality at a special election called for that
 3 purpose by the governing body of the municipality and a majority of the electors voting on the question
 4 have voted in favor ~~thereof~~ of the resolution. The special election must be held in conjunction with a
 5 regular or primary election. The notice and conduct of the election is governed, to the extent applicable,
 6 as provided for municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by
 7 cities and towns, and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an
 8 election called by counties. If a majority of the electors voting ~~thereon~~ on the issue vote against approval
 9 of the resolution, the municipality ~~has no authority to~~ may not make the covenant or ~~to~~ levy a tax for the
 10 payment of deficiencies pursuant to this section, but ~~such~~ the municipality or authority may ~~nevertheless~~
 11 issue bonds under this chapter payable solely from the sources referred to in subsection (1) ~~above~~."

12

13 **Section 82.** Section 76-1-604, MCA, is amended to read:

14 **"76-1-604. Adoption, revision, or rejection of master plan.** (1) The governing bodies shall adopt
 15 a resolution of intention to adopt, revise, or reject ~~such~~ the proposed plan or any of its parts.

16 (2) If the governing bodies adopt a resolution of intention to adopt the proposed plan or any of its
 17 parts, they may, in their discretion, submit to the qualified electors of the jurisdictional area included within
 18 the proposed plan at the next primary or general election or at a special election the referendum question
 19 of whether or not the plan should be adopted. A special election must be held in conjunction with a regular
 20 or primary election. ~~The~~ Except as provided in this section, the provisions of Title 7, chapter 5, part 1,
 21 ~~except as in this section otherwise provided, shall~~ apply to ~~such~~ the referendum election.

22 (3) The governing bodies may adopt, revise, or repeal a master plan under this section.

23 (4) The qualified electors of the jurisdictional area included within the master plan may by initiative
 24 or referendum, as provided in 7-5-131 through 7-5-137, adopt, revise, or repeal a master plan under this
 25 section."

26

27 **Section 83.** Section 85-9-206, MCA, is amended to read:

28 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) Upon receipt of
 29 a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court
 30 ~~shall find~~ finds that the ~~prayer of the~~ petition should be granted, it shall:

1 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited
2 by the proposed district and exclude those lands ~~which that~~ will not be ~~so~~ benefited;

3 (b) make an order fixing the time and place of an organizing election;

4 (c) order the election administrator to conduct the election in accordance with the provisions of
5 Title 13;

6 (d) order and decree the district organized if the requisite number of eligible electors vote in favor
7 of organization.

8 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
9 election, and a majority of those voting must vote in favor of organization. The election must be held in
10 conjunction with a regular or primary election.

11 (3) This chapter ~~shall~~ does not confer upon the court jurisdiction to hear, adjudicate, and settle
12 questions concerning the priority of appropriation of water between districts and other persons. Jurisdiction
13 to hear and determine priority of appropriation and questions of right growing out of or in any way
14 connected with a priority of appropriation is expressly excluded from this chapter and ~~shall~~ must be
15 determined as otherwise provided by the laws of Montana."

16
17 **Section 84.** Section 85-9-623, MCA, is amended to read:

18 "**85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to
19 issue bonds, the directors shall:

20 (1) pass a resolution ~~which that~~ includes:

21 (a) the purpose or purposes for which the bonds will be issued;

22 (b) the maximum amount and term of the bonds;

23 (c) the maximum interest rate the bonds will bear;

24 (d) whether the bonds will be repaid from ~~revenues~~ revenue, assessments, or both;

25 (2) give notice, as provided in 85-9-103(9), ~~which shall~~ that must include the resolution adopted
26 by the directors, and the location of polling places, ~~and hours when the polls will be open;~~ and

27 (3) hold an election as provided by 85-9-422."

28 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0193, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

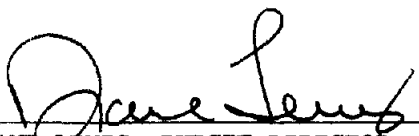
An act generally revising the laws governing elections; encouraging elector participation by consolidating the times at which issues are submitted to electors; establishing uniform times for the opening and closing of polls.

FISCAL IMPACT:

This bill has no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This bill will have little effect on local and county government revenue or expenditures. Smaller jurisdictions may see some cost reduction in the administration of elections.

 1-24-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/24/95
STEVE DOHERTY, PRIMARY SPONSOR DATE

Fiscal Note for SB0193, as introduced
SB 193

APPROVED BY COM ON
STATE ADMINISTRATION

1 SENATE BILL NO. 193

2 INTRODUCED BY DOHERTY, TROPILA

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING ELECTIONS;
5 ENCOURAGING ELECTOR PARTICIPATION BY CONSOLIDATING THE TIMES AT WHICH ISSUES ARE
6 SUBMITTED TO ELECTORS; ESTABLISHING UNIFORM TIMES FOR THE OPENING AND CLOSING OF
7 POLLS; AND AMENDING SECTIONS 7-2-2215, 7-2-2605, 7-2-2709, 7-2-4104, 7-2-4106, 7-2-4902,
8 7-3-103, 7-3-149, 7-3-176, 7-3-186, 7-3-187, 7-3-192, 7-3-1205, 7-3-1208, 7-3-1229, 7-3-1231,
9 7-3-4208, 7-3-4213, 7-3-4222, 7-3-4223, 7-3-4305, 7-3-4310, 7-3-4311, 7-5-133, 7-5-136, 7-5-4321,
10 7-6-2344, 7-6-4255, 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426,
11 7-7-4427, 7-8-4201, 7-11-305, 7-11-307, 7-12-4243, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341,
12 7-13-4204, 7-14-210, 7-14-1134, 7-14-2205, 7-14-2504, 7-14-4404, 7-14-4512, 7-14-4642, 7-15-2111,
13 7-15-4408, 7-16-2411, 7-16-2442, 7-31-106, 7-31-107, 7-31-109, 7-32-235, 7-34-2110, 7-34-2414,
14 7-35-2106, ~~13-1-106, 20-6-203, 20-6-206, 20-6-211, 20-6-312, 20-6-315, 20-6-317, 20-9-353,~~
15 ~~20-20-105, 20-20-106, 20-20-201, 20-20-202, 20-20-203, 20-20-204,~~ 22-1-303, 22-1-402, 67-11-303,
16 76-1-604, 85-9-206, AND 85-9-623, MCA."

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
20 Section 1. Section 7-2-2215, MCA, is amended to read:

21 "7-2-2215. Election on question of creating new county -- proclamation and notice. (1) Within 2
22 weeks after its determination of the truth of the allegations of the petition, the board of county
23 commissioners shall order and give ~~proclamation and~~ notice of an election to be held ~~on a specified day,~~
24 ~~not less than 60 days thereafter,~~ for the purpose of determining whether the territory proposed to be taken
25 from the county ~~shall~~ is to be established and organized into a new or enlarged county, ~~and~~ for the election
26 of officers, ~~and~~ for the location of a county seat ~~therefor in case~~ if the vote at the election is in favor of
27 the establishment and organization of a new county formed from a portion of one existing county or from
28 portions of two or more existing counties.

29 (2) The question of determining whether the proposed territory ~~shall be~~ is taken from the county
30 and added to the proposed new county must be included on the ballot for the next ~~countywide~~ regular or

1 primary, ~~general, or school~~ election scheduled not less than 60 days after the date of the ~~proclamation order~~
2 and notice.

3 (3) All registered electors of the county ~~shall be~~ are entitled to vote at the election. Registration
4 and transfers of registration ~~shall~~ must be made and ~~shall~~ must close in the manner and at a time provided
5 by law for registration and transfers of registration for a general election in Montana.

6 (4) If the proposed new county is an existing county to be enlarged by territory taken from the
7 county in which the petition was filed, the board of county commissioners of the proposed new county
8 shall hold an election in the manner described in subsections (1) through (3)."

9
10 **Section 2.** Section 7-2-2605, MCA, is amended to read:

11 "**7-2-2605. Notice and conduct of election.** (1) Notice of ~~such an~~ an election for removal of a county
12 seat, clearly stating the object, must be given and the election must be held and conducted and the returns
13 made in all respects in the manner prescribed by law in regard to the submitting of questions to the electors
14 of a locality under the general election law at a regular or primary election.

15 (2) In voting on the question, each elector must vote for the place in the county which ~~he~~ the
16 elector prefers by placing the mark X opposite the name of the place."

17
18 **Section 3.** Section 7-2-2709, MCA, is amended to read:

19 "**7-2-2709. ~~Special election~~ Election on question of abandonment and consolidation.** (1) (a) Within
20 14 days after transmittal of the resolution provided for in 7-2-2707, the boards of county commissioners
21 of the county in which the petition referred to in the resolution was filed and of each county designated
22 in the resolution as a county to which any of the territory of the county, if abandoned and abolished, would
23 be attached and made a part, shall, in a joint meeting and by joint resolution of ~~such the~~ the boards, call a
24 special election in all affected counties to be held in conjunction with the next regular or primary election.

25 (b) The joint resolution shall fix a day for holding the election in ~~such the~~ the counties, ~~which shall be~~
26 ~~not less than 90 days or more than 120 days after the date of the joint resolution calling the same.~~ If a
27 general election will be held in the counties not less than 90 days or more than 120 days after the date of
28 the resolution provided for in 7-2-2707, the joint resolution ~~shall~~ must direct that the question be submitted
29 to the registered electors of the counties at the general election. The joint resolution ~~shall~~ must be filed in
30 the office of the secretary of state, and copies ~~thereof shall~~ of the resolution must be transmitted to the

1 election administrator of each of the counties in which the election is to be held.

2 (2) At the election there ~~shall~~ must be submitted:

3 (a) to the registered electors of the county in which the petition was filed, the question of whether
4 or not the county ~~shall~~ is to be abandoned and abolished and its territory attached to and made a part of
5 the county designated and named for the purpose in the petition; and

6 (b) to the registered electors of each county named and designated in the resolution as a county
7 to which a part of the territory of the county proposed to be abandoned and abolished ~~shall~~ is to be
8 attached and made a part if the county ~~shall be so~~ is abandoned and abolished, the question of whether
9 or not the part of the territory of the county, if abandoned and abolished, described in the resolution ~~shall~~
10 must be attached to and become a part of the county."

11

12 **Section 4.** Section 7-2-4104, MCA, is amended to read:

13 **"7-2-4104. Election on question of organization.** (1) After filing the petition and census, if there
14 is the requisite number of inhabitants for the formation of a municipal corporation as required in 7-2-4103,
15 the county commissioners ~~must~~ shall call an election of all the registered electors residing in the territory
16 described in the petition.

17 (2) The election must be held at a convenient place within the territory described in the petition,
18 to be designated by the board. If possible, the election must be held in conjunction with a regular or
19 primary election.

20 (3) The ballots used at the election must contain the words "For incorporation" or "Against
21 incorporation", and all elections must be conducted as provided in Title 13."

22

23 **Section 5.** Section 7-2-4106, MCA, is amended to read:

24 **"7-2-4106. First election for officers.** (1) When the incorporation of a city or town is completed,
25 the board of county commissioners ~~must~~ shall give notice for 30 days in a newspaper published within the
26 limits of the city or town or, if none is published ~~therein~~ within the limits, by posting notices in six public
27 places within the limits of the ~~corporation~~ city or town of the time and place or places of holding the first
28 election for offices of the ~~corporation~~ city or town. The election must be held in conjunction with a regular
29 or primary election.

30 (2) At ~~such~~ the election, all the electors qualified by the general election laws of the state who

1 have resided within the limits of the city or town for 6 months and within the limits of the ward for 30 days
 2 preceding the election are qualified electors and may choose officers for the city or town, to hold office as
 3 prescribed in 7-2-4107.

4 (3) The board ~~must~~ shall appoint election judges and canvass and declare the result ~~thereof~~ of the
 5 election. The election must be conducted in the manner required by law for the election of county officers."
 6

7 **Section 6.** Section 7-2-4902, MCA, is amended to read:

8 "**7-2-4902. Disincorporation by election.** (1) Any city or town may be disincorporated in the
 9 manner provided in this section.

10 (2) If the registered electors of a city or town equal in number to at least 15% of the number of
 11 electors registered at the last municipal general election petition the board of county commissioners of the
 12 county where the city or town is situated to disincorporate the city or town, or if the city governing body
 13 by a two-thirds vote of all its members resolves to disincorporate, then the board shall order, ~~within 60~~
 14 ~~days, that~~ a special election to be held within the city or town on the question of disincorporating the city
 15 or town. The ~~day for holding the election may not be less than 75 days or more than 120 days after the~~
 16 ~~board orders the~~ must be held in conjunction with a regular or primary election."
 17

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

19 "**7-3-103. Amendment of self-government charter or adopted alternative form of government.** (1)
 20 An amendment to a self-government charter or an adopted alternative form of government may only be
 21 made by submitting the question of amendment to the electors of the local government. To be effective,
 22 a proposed amendment must receive an affirmative vote of a majority of the electors voting on the
 23 question. An amendment approved by the electors becomes effective on the first day of the local
 24 government fiscal year following the fiscal year of approval unless the question submitted to the electors
 25 provides otherwise.

26 (2) An amendment to a self-government charter or an adopted alternative form of government may
 27 be proposed by initiative by petition of 15% of the electors registered at the last general election of the
 28 local government or by ordinance enacted by the governing body. The question on amendment of a charter
 29 or an adopted alternative form of government ~~shall~~ must be submitted to the electors ~~as soon as possible~~
 30 ~~after the submission of a petition or enactment of a resolution, either at a regularly scheduled~~ the next

1 regular or primary election ~~or at a special election.~~

2 (3) The local government, by ordinance, may provide procedures for the submission and verification
3 of initiative petitions."
4

5 **Section 8.** Section 7-3-149, MCA, is amended to read:

6 **"7-3-149. Election on alternative form.** (1) The governing body shall call a special election on the
7 question of an alternative form of government to be held at the next regular or primary election that is at
8 least 75 days after the call and ~~within 120 days of~~ the date of filing with the records administrator under
9 7-3-146. ~~The special election may be held in conjunction with any other election.~~ The records administrator
10 shall prepare and print notices of the ~~special~~ election.

11 (2) The cost of the election ~~shall~~ must be paid for by the local government.

12 (3) (a) The affirmative vote of a simple majority of those voting on the question is required for
13 adoption.

14 (b) In any election involving the question of consolidation, each question ~~shall~~ must be submitted
15 to the electors in the county and requires an affirmative vote of a simple majority of the votes cast in the
16 county on the question for adoption. There is no requirement for separate majorities in local governments
17 voting on consolidation.

18 (c) In any election involving the question of county merger, the questions ~~shall~~ must be submitted
19 to the electors in the counties affected and ~~requires~~ require a majority of the votes cast on the questions
20 in each affected county for adoption.

21 (d) If the electors disapprove the proposed new form of local government, amendments, or
22 consolidation plan, the local government retains its existing form."
23

24 **Section 9.** Section 7-3-176, MCA, is amended to read:

25 **"7-3-176. Election of commission members.** (1) If the question of reviewing the local government
26 and establishing a study commission is approved, an election to fill the positions on the local government
27 study commission ~~shall~~ must be held in conjunction with the ~~1984 general election date or at the~~ first
28 regularly scheduled election of the local government conducted after 90 days following the election
29 establishing the study commission. A primary election may not be held.

30 (2) The names of study commission candidates who have filed declarations of nomination not later

1 than 75 days before the date of the election ~~shall~~ must be placed on the ballot. There is no filing fee. The
2 election is nonpartisan, and candidates ~~shall~~ must be listed without party or other designation or slogan.
3 The secretary of state shall prescribe the ballot form for study commissioners.

4 (3) Candidates for study commission positions ~~shall~~ must be electors of the local government for
5 which the study commission has been established. The candidates may not be elected officials of the local
6 government.

7 (4) The number of candidates, equal to the number of study commission positions to be elected,
8 receiving the highest number of votes, which includes votes cast for candidates who have officially filed
9 nominations and votes for write-in candidates, ~~shall~~ must be declared elected. If there is a tie vote among
10 candidates, the governing body shall decide by lot which candidate will fill the position.

11 (5) If the number of study commissioners elected is not equal to the number required to be
12 selected, the ~~chairman~~ presiding officer of the governing body, with the confirmation of the governing body,
13 shall appoint the additional study commissioners within 20 days of the election. ~~No~~ An elected official of
14 the local government may not be appointed."

15

16 **Section 10.** Section 7-3-186, MCA, is amended to read:

17 **"7-3-186. Study commission timetable.** (1) Each local government study commission shall, within
18 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable
19 must be published in a local newspaper of general circulation. The timetable may be revised, but each
20 revision must be republished.

21 (2) The timetable must provide, at a minimum, the following provisions, to be accomplished
22 chronologically in the order presented:

23 (a) conduct one or more public hearings for the purpose of gathering information regarding the
24 current form, functions, and problems of local government;

25 (b) formulate, reproduce, and distribute a tentative report, containing the same categories of
26 information required to be included in the final report;

27 (c) conduct one or more public hearings on the tentative report;

28 (d) adopt the final report of the commission and set the date for a special election on the question
29 of adopting a new plan of government or, if the study commission is not recommending any changes,
30 publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted.

1 The special election must be held in conjunction with a regular or primary election."

2

3 **Section 11.** Section 7-3-187, MCA, is amended to read:

4 **"7-3-187. Final report.** (1) ~~Every~~ A study commission shall adopt a final report. If the study
5 commission recommends an alternative form of government, the final report ~~shall~~ must contain the
6 following materials and documents, each signed by a majority of the study commission members:

7 (a) those materials and documents required of a petition proposing an alteration of an existing form
8 of government in 7-3-142;

9 (b) a certificate establishing the date of the special election, which ~~may~~ must be held in conjunction
10 with a ~~regularly scheduled~~ regular or primary election, at which the alternative form of government ~~shall~~
11 be is presented to the electors and a certificate establishing the form of the ballot question or questions;
12 and

13 (c) a certificate establishing the dates of the first primary and general elections for officers of a new
14 government if the proposal is approved and establishing the effective date of the proposal if approved.

15 (2) The final report ~~shall~~ must contain any minority report signed by members of the commission
16 who do not support the majority proposal.

17 (3) If the study commission is not recommending any changes, its final report ~~shall~~ must indicate
18 that changes are not recommended.

19 (4) The study commission shall file two copies of the final report with the department of commerce,
20 one of which the department shall forward to the state library. A copy of the final report ~~shall~~ must be
21 certified by the study commission to the municipal or county records administrator within 30 days after the
22 adoption of the final report.

23 (5) Sufficient copies of the final report ~~are to~~ must be prepared for public distribution. The final
24 report must be available to the electors not later than 30 days prior to the election on the issue of adopting
25 the alternative plan. Copies of the final report may be distributed to electors or residents of the local
26 government or governments affected.

27 (6) After submission of the final report, the commission shall deposit copies of its minutes and
28 other records with the county clerk and recorder."

29

30 **Section 12.** Section 7-3-192, MCA, is amended to read:

1 **"7-3-192. Election on recommendation.** (1) An alternative plan of government recommended by
 2 a study commission ~~shall~~ must be submitted to the voters as provided in 7-3-149, ~~except that the study~~
 3 ~~commission shall authorize the submission of the alternative plan of government to the voters at a special~~
 4 ~~election to be held no less than 75 or more than 120 days from the date of the adoption of the final report.~~
 5 The ~~special~~ election ~~may~~ must be held in conjunction with any regularly scheduled election. ~~Study~~
 6 ~~commissions elected on the general election date in 1984 shall submit a final report allowing for a vote on~~
 7 ~~any recommendation no later than the general election date in 1986.~~

8 (2) General ballot requirements and treatment of suboptions on an alternative plan of government
 9 recommended by a study commission ~~shall~~ must be the same as for recommendations by petition as
 10 provided in 7-3-150 and 7-3-151."

11
 12 **Section 13.** Section 7-3-1205, MCA, is amended to read:

13 **"7-3-1205. Certification of petition -- board action.** (1) If the county election administrator ~~shall~~
 14 ~~find~~ finds that ~~such~~ the petition or amended petition ~~so filed~~ is signed by the required number of registered
 15 electors, ~~he~~ the election administrator shall ~~so~~ certify the finding to the board of county commissioners of
 16 ~~such county~~ at their next regular meeting.

17 (2) ~~Such~~ The board shall, within 10 days after receiving the election administrator's certificate,
 18 order a special election to be held, ~~at which election such~~ on the question ~~shall be submitted to the~~
 19 ~~registered electors of the county.~~ Such The order shall must specify the time when such that the election
 20 ~~shall will~~ be held, ~~which shall be not less than 90 or more than 120 days from and after the day when such~~
 21 ~~order is made, and the~~ in conjunction with the next regular or primary election. The board of county
 22 commissioners shall ~~immediately upon making such order~~ issue a proclamation setting forth the purpose
 23 for which ~~such~~ the special election is held and the date of holding the ~~same, which~~ election. The
 24 proclamation must be published in the manner prescribed by 13-1-108."

25
 26 **Section 14.** Section 7-3-1208, MCA, is amended to read:

27 **"7-3-1208. Election of commission upon favorable vote.** (1) If the majority of the votes cast at
 28 ~~such~~ the election ~~shall be~~ are in favor of ~~such~~ the consolidation and merging, the board of county
 29 commissioners of ~~such~~ the county ~~must~~ shall, within 2 weeks after ~~such~~ the election returns have been
 30 canvassed, order a special election to be held in conjunction with the next regular or primary election for

1 the purpose of electing the number of members of the commission to which ~~such~~ the consolidated
 2 municipality ~~shall be~~ is entitled. This order ~~shall~~ must specify the time when ~~such~~ the election ~~shall~~ will be
 3 held, ~~which shall be not less than 90 or more than 120 days after the day when such order is made;~~
 4 ~~provided, however, that if any general election is to be held in such county after 3 months but within 6~~
 5 ~~months from the date of the making of such order, then such order shall require such special election to~~
 6 ~~be held at the same time as such general election.~~ The board of county commissioners, immediately upon
 7 making ~~such~~ the order, shall issue a proclamation setting forth the purpose for which ~~such~~ the special
 8 election is held and the date of holding the ~~same, which~~ the election. The proclamation must be published
 9 in the manner prescribed by 13-1-108.

10 (2) ~~No~~ A primary election ~~shall~~ may not be held for the purpose of nominating candidates for
 11 members of the commission ~~hereinafter provided for,~~ to be voted for at ~~such~~ the special election, ~~but such~~
 12 . The candidates shall must be nominated directly by a petition ~~which shall be~~ that is in substantially the
 13 same form and ~~be~~ signed by the same number of signers as ~~hereinafter~~ required for primary nominating
 14 petitions. ~~Such~~ The election ~~shall~~ must be conducted, the vote must be returned and canvassed, and the
 15 result must be declared in the same manner as provided by law in respect to general elections."
 16

17 **Section 15.** Section 7-3-1229, MCA, is amended to read:

18 **"7-3-1229. Submission of initiative measure to electors.** (1) If the commission fails to pass an
 19 ordinance proposed by initiative petition or passes it in a form different from that set forth in the petition
 20 ~~therefor,~~ the committee of the petitioners ~~hereinafter provided for~~ may require that it be submitted to a vote
 21 of the electors either in its original form or with any change or amendment presented in writing, either at
 22 a public hearing before the committee to which the proposed ordinance was referred or during ~~the~~
 23 consideration ~~thereof~~ by the commission. If the committee of petitioners requires the submission of a
 24 proposed ordinance to a vote of the electors, the committee shall certify that fact to the clerk and file in
 25 ~~his~~ the clerk's office a certified copy of the ordinance, in the form in which it is to be submitted, within 10
 26 days after final action on ~~such~~ the ordinance by the commission.

27 (2) Upon receipt of the certified copy of a proposed ordinance from the committee of the
 28 petitioners, the clerk shall certify the fact to the commission at its next regular meeting. ~~If a municipal~~
 29 ~~election is to be held within 6 months but more than 90 days after the receipt of the clerk's certificate by~~
 30 ~~the commission, such~~ The proposed ordinance ~~shall~~ must be submitted to a vote of the electors at ~~such~~

1 ~~the next regular or primary election. If no such election is to be held within the time aforesaid, the~~
 2 ~~commission may provide for submitting the proposed ordinance to the electors at a special election to be~~
 3 ~~held not sooner than 90 days after receipt of the clerk's certificate. If no municipal election be held within~~
 4 ~~6 months as aforesaid and the commission does not provide for a special election, the proposed ordinance~~
 5 ~~shall be submitted to the electors at the first election held after the expiration of such 6 months. If when~~
 6 ~~submitted to the electors a majority of those voting on a proposed ordinance shall vote in favor thereof of~~
 7 ~~the proposed ordinance, it shall thereupon be~~ is an ordinance of the municipality."

8

9 **Section 16.** Section 7-3-1231, MCA, is amended to read:

10 **"7-3-1231. Action on referendum petition.** (1) If a referendum petition or amended petition is found
 11 sufficient, ~~by the clerk, he~~ shall certify that fact to the commission at its next regular meeting, and the
 12 ordinance or part ~~thereof~~ of the ordinance set forth in the petition shall may not go into effect, or further
 13 action ~~thereunder shall be~~ under the ordinance is suspended if it ~~shall have~~ has gone into effect, until
 14 approved by the electors ~~as hereinafter provided.~~

15 (2) Upon receipt of the clerk's certificate, the commission shall ~~proceed to~~ reconsider the ordinance
 16 or part ~~thereof~~ of the ordinance, and its final vote upon ~~such~~ reconsideration shall must be upon the
 17 question "Shall the ordinance (or part of the ordinance) set forth in the referendum petition be repealed?"
 18 If upon ~~such~~ reconsideration the ordinance or part ~~thereof~~ of the ordinance is not repealed, it shall must
 19 be submitted to the electors at the next ~~municipal~~ regular or primary election ~~held not less than 90 days~~
 20 ~~after such final vote by the commission. The commission, by vote of not less than two thirds of its~~
 21 ~~members, may submit the ordinance or part thereof to the electors at a special election to be held not~~
 22 ~~sooner than the time aforesaid.~~ If when submitted to the electors any ordinance or part ~~thereof~~ of an
 23 ordinance is not approved by a majority of those voting ~~thereon~~ on the issue, it shall ~~be deemed~~ is
 24 repealed."

25

26 **Section 17.** Section 7-3-4208, MCA, is amended to read:

27 **"7-3-4208. Petition to organize under commission form -- election required.** (1) ~~Upon~~ When a
 28 petition ~~being~~ on the question or reorganization under this part is filed with the city council, and is signed
 29 by not less than 25% of the qualified electors of ~~such~~ the city registered for the last preceding general city
 30 election, ~~praying that the question of reorganization under this part be submitted to the qualified electors~~

1 ~~of such city, said~~ the city council shall ~~thereupon and within 30 days thereafter~~ order a special election to
 2 be held in conjunction with the next regular or primary election. At this election, the question of
 3 reorganization of ~~such~~ the city under the provisions of this part ~~shall~~ must be submitted to the qualified
 4 electors of ~~such~~ the city.

5 (2) ~~Such~~ The order of the city council ~~shall~~ must specify ~~therein~~ the time when ~~such~~ the election
 6 ~~shall~~ will be held, ~~which must be no less than 75 or more than 90 days from the date of the city council~~
 7 ~~order."~~

8

9 **Section 18.** Section 7-3-4213, MCA, is amended to read:

10 **"7-3-4213. Election for first city officers.** (1) If a majority of the votes cast at ~~such~~ the election
 11 ~~shall be~~ is in favor of ~~such proposition~~ reorganization, the city council ~~must~~ shall, at its first regular meeting
 12 held ~~thereafter~~ after the election, order a special election to be held for the purpose of electing a mayor and
 13 the number of councilmen to which ~~such~~ the city ~~shall be~~ is entitled. The order ~~shall~~ must specify the time
 14 of holding ~~such~~ the election, which must be ~~no less than 75 and no more than 90 days after the making~~
 15 ~~of said order, and the~~ held in conjunction with a regular or primary election. The mayor shall ~~thereupon~~
 16 issue a proclamation setting forth the purposes for which ~~such~~ the special election is called and the day
 17 of holding the ~~same~~ election. The proclamation ~~shall~~ must be published for 10 successive days in each daily
 18 newspaper published in ~~such~~ the city if there ~~be such~~ is a daily newspaper; ~~otherwise, or~~ or once a week for
 19 2 consecutive weeks in each weekly newspaper published ~~therein~~ in the city; ~~and a~~ A copy thereof ~~shall~~
 20 ~~also~~ of the proclamation must be posted at each voting place within ~~said~~ the city and ~~also~~ in at least 10
 21 of the most public places in ~~said~~ the city.

22 (2) ~~Such~~ The election ~~shall~~ must be conducted, the vote must be canvassed, and the result must
 23 be declared in the same manner as provided by law in respect to other city elections."

24

25 **Section 19.** Section 7-3-4222, MCA, is amended to read:

26 **"7-3-4222. Adoption of ordinances.** (1) ~~Every~~ Each ordinance or resolution appropriating money,
 27 ordering any street or sewer improvement ~~or sewer~~, making or authorizing the making of any contract, or
 28 granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city
 29 for any purpose ~~shall~~ must be complete in the form in which it is finally passed and remain on file with the
 30 city clerk for public inspection at least 1 week before the final passage or adoption ~~thereof~~ of the ordinance

1 or resolution.

2 (2) ~~No~~ An ordinance passed by the council, except when otherwise required by the general laws
 3 of this state or the provisions of this part and except an ordinance for the immediate preservation of the
 4 public peace, health, or safety ~~which~~ that contains a statement of its urgency and is passed by a two-thirds
 5 vote of the council, ~~shall~~ may not go into effect before 10 days from the time of its final passage. If during
 6 the 10-day period a petition signed by electors of the city equal in number to at least 25% of the entire
 7 number of persons registered to vote at the last preceding general municipal election, protesting against
 8 the passage of ~~such~~ the ordinance, is presented to the council, the ordinance ~~shall thereupon be~~ is
 9 suspended from going into operation and the council shall reconsider the ordinance. If the ordinance is not
 10 entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at a
 11 general election or at a special municipal election ~~to be called for that purpose held in conjunction with a~~
 12 regular or primary election. The ordinance ~~shall~~ may not go into effect or become operative unless a
 13 majority of the electors voting on the ordinance vote in favor of its adoption."
 14

15 **Section 20.** Section 7-3-4223, MCA, is amended to read:

16 **"7-3-4223. Granting of franchises.** ~~No~~ A franchise or right to occupy or use the streets, highways,
 17 bridges, or public places in ~~any such a~~ a city ~~shall~~ may not be granted, renewed, or extended except by
 18 ordinance, ~~and every~~ A franchise or grant for interurban or street railways, gasworks or waterworks,
 19 electric light or power plants, heating plants, telegraph or telephone systems, or other public service utilities
 20 or renewal or extension of ~~any such the~~ the franchise or grant within ~~such the~~ the city must be authorized or
 21 approved by a majority of the electors voting ~~thereon~~ on the issue at a general election or a special election
 22 held in conjunction with a regular or primary election as provided in 7-5-4321 and 7-5-4322."
 23

24 **Section 21.** Section 7-3-4305, MCA, is amended to read:

25 **"7-3-4305. Petition to organize under commission-manager form -- election required.** (1) Upon a
 26 the filing of a petition being filed with the city or town council, signed by not less than 15% of the qualified
 27 electors of the municipality registered for the last general municipal election, proposing that the question
 28 of reorganization under this part and part 44 be submitted to the qualified electors of the municipality, the
 29 city or town council shall ~~within 30 days~~ order a special election to be held, ~~at which~~ in conjunction with
 30 a regular or primary election. At the election, the question of reorganization of the municipality under the

1 provisions of this part and part 44 must be submitted to the qualified electors of the municipality.

2 (2) The order of the city or town council must specify the time when the election ~~must will~~ be held,
3 ~~which may not be less than 75 or more than 90 days from the date of the order of the council."~~

4
5 **Section 22.** Section 7-3-4310, MCA, is amended to read:

6 **"7-3-4310. Special election for municipal officers.** (1) If the majority of the votes cast at ~~such the~~
7 election ~~shall be~~ are in favor of ~~such proposition~~ reorganization, the city or town council ~~must shall~~
8 a meeting within 1 week ~~thereafter~~ after the election and ~~at such meeting~~ order a special election to be held
9 in conjunction with a regular or primary election for the purpose of electing the number of commissioners
10 to which ~~such the~~ municipality ~~shall be~~ is entitled. This order ~~shall must~~ specify the time of holding ~~such~~
11 the election, ~~which must be no less than 75 or more than 90 days after the making of such order, and the~~
12 The mayor shall ~~thereupon~~ issue a proclamation setting forth the purpose for which ~~such the~~ special
13 election is held and the day of holding the ~~same~~ election. The proclamation ~~shall must~~ be published for 10
14 successive days in each daily newspaper published in ~~such the~~ municipality if there ~~be such; otherwise, is~~
15 a daily newspaper or for 2 successive weeks in each weekly newspaper published ~~therein; and a~~ in the
16 municipality. A copy ~~thereof shall~~ of the proclamation must also be posted at each voting place within ~~said~~
17 the municipality and ~~also~~ in five of the most public places in ~~said the~~ municipality.

18 (2) ~~Such The~~ election ~~shall must~~ be conducted, the vote must be canvassed, and the result must
19 be declared in the same manner as provided by law ~~in respect to~~ for other municipal elections.

20 (3) The provisions of 7-3-4341 are to be followed in the special election, except that the date of
21 the ~~primary~~ election ~~shall must~~ be ~~at least 85 days~~ in conjunction with a regular or primary election held
22 before the special election."

23

24 **Section 23.** Section 7-3-4311, MCA, is amended to read:

25 **"7-3-4311. Procedure for multimunicipality organization.** (1) Whenever the inhabitants of any
26 community or group of communities in any county, whether separately incorporated in whole or in part or
27 unincorporated, ~~which are situated in such proximity or location with reference to each other as to make~~
28 ~~single municipal control necessary or desirable, shall~~ desire to be organized into or annexed to an
29 incorporated city or town under the provisions of this part and part 44, the board of county commissioners
30 of ~~such the~~ county may or upon the presentation of a petition signed by not less than 25% of the qualified

1 electors in ~~such~~ the community or group of communities ~~must~~ shall issue a proclamation ordering a special
2 election to be held in conjunction with a regular or primary election.

3 (2) At this election, the question of the organization of ~~such~~ the community or group of
4 communities as a municipality under the provisions of this part and part 44 ~~shall~~ must be submitted to the
5 qualified electors within the proposed municipal district. ~~Said~~ The proclamation ~~shall~~ must specify the time
6 when and the places where ~~such~~ the election ~~shall~~ will be held, ~~which must be no less than 75 or more~~
7 ~~than 90 days from the date of filing such petition,~~ and ~~shall~~ must define the boundaries of ~~said~~ the
8 proposed municipal district, which ~~shall~~ must include all ~~such~~ communities, ~~and~~ cities, and ~~such~~ any
9 additional adjacent territory ~~as shall~~ that, in the judgment of the board of county commissioners, ~~provide~~
10 provides for future urban growth.

11 (3) If a majority of the legal voters at ~~said~~ the election vote in favor of the organization of ~~such~~ the
12 municipal district or in favor of annexation to an incorporated city or town, then the board of county
13 commissioners shall declare the result of ~~said~~ the election and ~~immediately thereafter~~ shall give notice for
14 30 days in a newspaper published within the proposed municipal district or, if ~~none~~ be a newspaper is not
15 published ~~therein in the proposed district~~, by posting notices in six public places within the limits of ~~said~~
16 the district of the time and place or places of holding the first election for commissioners of ~~such~~ the
17 municipal district under this law. At ~~such~~ the election, all electors qualified by the general election laws of
18 the state who have resided within the limits of the municipal district for 6 months are qualified electors.
19 The board of county commissioners ~~must~~ shall appoint judges and clerks of election and canvass and
20 declare the result ~~thereof~~ of the election. The election must be held in conjunction with a regular or primary
21 election and must be conducted in the manner prescribed by law for the election of county officers, ~~and~~
22 the. The commissioners ~~se~~ elected must qualify in the manner prescribed by law for county officers."
23

24 **Section 24.** Section 7-5-133, MCA, is amended to read:

25 **"7-5-133. Processing of petition.** (1) The governing body may, within 60 days of receiving the
26 petition, take the action called for in the petition. If the action is taken, the question need not be submitted
27 to the electors.

28 (2) If the governing body does not within 60 days take the proposed action, then the question ~~shall~~
29 must be submitted to the electors at the next ~~school,~~ regular or primary, ~~or general~~ election ~~or a special~~
30 ~~election called for that purpose."~~

1 **Section 25.** Section 7-5-136, MCA, is amended to read:

2 **"7-5-136. Submission of question to electors.** (1) Any ordinance proposed by petition, or any
3 amended ordinance proposed by petition, or any referendum on an ordinance ~~which is~~ entitled to be
4 submitted to the electors ~~shall~~ must be voted on at the next regular election to be held in the local
5 government unless:

6 (a) the petition asks that the question be submitted at a special election and is signed by at least
7 25% of the electors of the local government, in which case the governing body shall call a special election
8 to be held in conjunction with a regular or primary election; or

9 (b) the governing body calls for a special election on the question to be held in conjunction with
10 a regular or primary election.

11 (2) A special election may not be held sooner than 75 days after the adequacy of the petition is
12 determined by the election administrator or the governing body orders a special election.

13 (3) If the adequacy of the petition is determined by the election administrator less than 75 days
14 prior to the next regular election, the election ~~shall~~ must be delayed until the following regular election
15 unless a special election is called.

16 (4) Whenever a measure is ready for submission to the electors, the appropriate election
17 administrator shall in writing notify the governing body and shall publish notice of the election and the
18 ordinance ~~which that~~ is to be proposed or amended. In the case of a referendum, the ordinance sought to
19 be repealed ~~shall~~ must be published.

20 (5) The question ~~shall~~ must be placed on the ballot, giving the electors a choice between accepting
21 or rejecting the proposal.

22 (6) If a majority of those voting favor the proposal, it becomes effective when the election results
23 are officially declared unless otherwise stated in the proposal."

24

25 **Section 26.** Section 7-5-4321, MCA, is amended to read:

26 **"7-5-4321. Grant of exclusive franchise -- election required.** (1) The council may not grant an
27 exclusive franchise or special privilege to any person except in the manner specified in subsection (2). The
28 powers of the council are only those expressly prescribed by law and those necessarily incident ~~thereto~~ the
29 law.

30 (2) ~~No~~ An exclusive franchise for any purpose, except contracts for solid waste management

1 systems as defined in 75-10-103, which may not exceed 10 years, may not be granted by any city or town
 2 or by the mayor or city council ~~thereof~~ to any person, association, or corporation without first submitting
 3 the application ~~therefor~~ for an exclusive franchise to the electors of the city at a regular or primary
 4 election."

5

6 **Section 27.** Section 7-6-2344, MCA, is amended to read:

7 **"7-6-2344. Limitation on amount of emergency expenditures and liabilities -- election.** (1) Unless
 8 the excess above the sums listed in subsections (1)(a), (1)(b), and (1)(c) is first authorized by a majority
 9 of the electors of the county, voting at a general election or a special election held in conjunction with a
 10 regular or primary election, the aggregate total of all expenditures made or liabilities incurred in any fiscal
 11 year to meet emergencies, other than those caused by fire, flood, explosion, earthquake, epidemic, riot,
 12 or insurrection, may not exceed:

13 (a) \$25,000 in counties of class 1, 2, 3, or 4;

14 (b) \$15,000 in counties of class 5 or 6; and

15 (c) \$7,500 in counties of class 7.

16 (2) The question of authorizing the excess expenditures ~~shall~~ must be submitted in the following
 17 form, inserting in the ballot the amount of the excess proposed to be authorized and a description of the
 18 emergency to be met:

19 Shall the board of county commissioners of County, Montana, be authorized to make additional
 20 expenditures and incur additional liabilities in the amount of \$.... over and above the sum of \$.... to meet
 21 an emergency caused by

22 YES

23 NO

24 (3) The total of all emergency budgets and appropriations made ~~therein~~ in any ~~one~~ year to be paid
 25 from the county poor fund may not exceed the amount ~~which~~ that would be produced by a mill levy equal
 26 to the difference between the mills levied in that year and the maximum mill levy authorized by law to be
 27 made for ~~such~~ the poor fund, computed against the taxable value of the property subject to ~~such~~ the levy
 28 as shown by the last completed assessment roll of the county."

29

30 **Section 28.** Section 7-6-4255, MCA, is amended to read:

1 **"7-6-4255. Use of emergency warrants.** (1) All emergency expenditures ~~shall~~ must be made by
 2 the issuance of emergency warrants drawn against the fund or funds properly chargeable with ~~such~~ the
 3 expenditures. The city treasurer is authorized and directed to pay ~~such~~ the emergency warrants with any
 4 money in ~~such~~ the fund or funds available for ~~such~~ that purpose. If at any time there ~~shall not be sufficient~~
 5 is insufficient money available in ~~such~~ the fund or funds to pay ~~such~~ the warrants, then ~~such~~ the warrants
 6 ~~shall~~ must be registered, must bear interest, and must be called ~~in~~ for payment in the manner provided by
 7 law for other city warrants.

8 (2) The clerk shall include in ~~his~~ the annual tabulation to be submitted to the council the total
 9 amount of emergency warrants issued during the preceding fiscal year. Subject to the provisions of
 10 subsection (3), the council shall, in ~~their~~ the tax levies, include a levy for each fund sufficient to raise an
 11 amount equal to the total amount of ~~such~~ any emergency warrants, ~~if there be any,~~ remaining unpaid at
 12 the close of ~~such~~ the preceding fiscal year because of insufficient money in ~~such~~ the fund to pay the ~~same~~
 13 warrants.

14 (3) (a) ~~No~~ A levy ~~shall~~ may not be made for any fund in excess of the levy authorized by law to
 15 be made ~~therefor~~ for the fund.

16 (b) The council may submit the question of funding ~~such~~ the emergency warrants at an election
 17 as provided by law. If possible, the election must be held in conjunction with a regular or primary election.
 18 If at ~~any~~ ~~such~~ the election the issuing of ~~such~~ funding bonds ~~be~~ is authorized, it ~~shall~~ is not ~~then~~ be
 19 necessary for any levy to be made for the purpose of paying ~~such~~ the emergency warrants."

20
 21 **Section 29.** Section 7-7-2223, MCA, is amended to read:

22 **"7-7-2223. Election required for issuance of certain bonds.** (1) County bonds for any purpose other
 23 than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized at a ~~duly~~ called
 24 special election held in conjunction with a regular or primary election or a general election at which the
 25 question of issuing ~~such~~ the bonds is submitted to the registered electors of the county and approved as
 26 provided in 7-7-2237.

27 (2) ~~No~~ A bond election may not be called unless the board of county commissioners:

28 (a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2);

29 or

30 (b) receives a petition, delivered and certified by the election administrator, asking that ~~such~~ the

1 election be held and the question be submitted. The petition must be signed by at least 20% of the
 2 registered electors of the county."

3

4 **Section 30.** Section 7-7-2227, MCA, is amended to read:

5 **"7-7-2227. Examination of petition -- resolution calling for election.** (1) Upon delivery of the
 6 certified petition, the board shall carefully examine the petition and make ~~such~~ any other investigation as
 7 that it may consider necessary. If it is found that the petition is in proper form, bears the requisite number
 8 of signers of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a
 9 resolution that contains the provisions of subsection (2) plus the essential facts in regard to the petition and
 10 its filing and presentation.

11 (2) The resolution ~~shall~~ must:

12 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

13 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be
 14 less than but must not exceed the amount set forth in the petition;

15 (c) determine the number of years through which ~~such~~ the bonds are to be paid, not exceeding the
 16 limitations fixed in 7-7-2206; and

17 (d) make provision for having the question submitted to the registered electors of the county at
 18 the next general election or at a special election that is held in conjunction with a regular or primary election
 19 and that ~~which~~ the board may call for that purpose.

20 (3) Whenever a board of county commissioners initiates a resolution in accordance with the
 21 provisions of 7-7-2223, the resolution must contain the provisions of subsection (2)."

22

23 **Section 31.** Section 7-7-2229, MCA, is amended to read:

24 **"7-7-2229. Notice of election.** (1) Whether ~~such~~ the election is held at the general election or at
 25 a special election held in conjunction with a regular or primary election, separate notice ~~shall~~ of the election
 26 must be given ~~thereof~~.

27 (2) (a) The notice ~~shall~~ must state:

28 (i) the date when the election will be held;

29 ~~(ii) the hours between which the polls will be open;~~

30 ~~###(ii)~~ (ii) the amount of bonds proposed to be issued;

1 ~~(iv)~~(iii) the purpose of the issue;

2 ~~(v)~~(iv) the term of years through which the bonds are to be paid; and

3 ~~(vi)~~(v) ~~such~~ other information regarding the holding of the election and the bonds proposed to be
4 issued ~~as that~~ the board may consider proper.

5 (b) If bonds are to be issued for two or more purposes, each purpose and the amount ~~therefor~~ for
6 each purpose must be separately stated.

7 (3) The notice ~~shall~~ must be published as provided in 13-1-108."

8

9 **Section 32.** Section 7-7-2237, MCA, is amended to read:

10 **"7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of
11 issuing county bonds for any purpose is submitted to the registered electors of a county at either a general
12 election or a special election held in conjunction with a regular or primary election, the determination of the
13 approval or rejection of the bond proposition is made in the following manner:

14 (1) determine the total number of electors who were qualified to vote in the bond election;

15 (2) determine the total number of qualified electors who voted in the bond election from the tally
16 sheet or sheets for the election;

17 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
18 determined in subsection (2) by the number determined in subsection (1); and

19 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
20 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
21 it is considered rejected; or

22 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
23 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
24 the proposition, otherwise it is considered rejected; or

25 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
26 considered rejected."

27

28 **Section 33.** Section 7-7-4226, MCA, is amended to read:

29 **"7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body
30 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality

1 pursuant to ~~any~~ a statute of this state, the governing body shall pass and adopt a resolution.

2 (2) The resolution ~~shall~~ must:

3 (a) recite the purpose or purposes for which it is proposed to issue the bonds;

4 (b) fix the amount of bonds to be issued for each purpose;

5 (c) determine the number of years through which the bonds are to be paid, not exceeding the limits
6 fixed in 7-7-4205; and

7 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make
8 ~~such~~ provisions ~~as~~ that are necessary for submitting the question to the registered electors of the city or
9 town at the next general city or town election or at a special election that is held in conjunction with a
10 regular or primary election and that ~~which~~ the governing body may call for the purpose.

11 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before
12 submitting the measure to the electors, pass a resolution containing the information ~~herein~~ required in this
13 section and, ~~in addition thereto~~, setting forth the essential facts in regard to the filing and presentation of
14 the petition."
15

16 **Section 34.** Section 7-7-4227, MCA, is amended to read:

17 "**7-7-4227. Notice of election.** (1) Whether ~~such~~ the election is held at the general city or town
18 election or at a special election held in conjunction with a regular or primary election, separate notice ~~shall~~
19 of the election must be given ~~thereof~~.

20 (2) (a) The notice ~~shall~~ must state:

21 (i) the date when the election will be held;

22 ~~(ii) the hours between which the polls will be open;~~

23 ~~(iii)~~(ii) the amount of bonds proposed to be issued;

24 ~~(iv)~~(iii) the purpose ~~thereof~~ of the bonds;

25 ~~(v)~~(iv) the term of years through which the bonds will be paid; and

26 ~~(vi)~~(v) ~~such~~ other information regarding the election and the proposed bonds ~~as~~ that the board may
27 consider proper.

28 (b) If the bonds proposed to be issued are for two or more purposes, each purpose and the amount
29 ~~thereof~~ for each purpose must be separately stated.

30 (3) The notice ~~shall~~ must be published as provided in 13-1-108 and may be posted in each voting

1 precinct in the city or town at least 10 days prior to the date for holding the election."
2

3 **Section 35.** Section 7-7-4235, MCA, is amended to read:

4 **"7-7-4235. Percentage of electors required to authorize the issuing of bonds.** ~~Wherever~~ Whenever
5 the question of issuing bonds for any purpose is submitted to the registered electors of a city or town at
6 either a general election or a special election held in conjunction with a regular or primary election, the
7 determination of the approval or rejection of the bond proposition is made in the following manner:

8 (1) determine the total number of electors who were qualified to vote in the bond election;

9 (2) determine the total number of qualified electors who voted in the bond election from the tally
10 sheet or sheets for the election;

11 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
12 determined in subsection (2) by the number determined in subsection (1); and

13 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
14 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
15 it is considered rejected; or

16 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
17 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
18 the proposition, otherwise it is considered rejected; or

19 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
20 considered rejected."
21

22 **Section 36.** Section 7-7-4426, MCA, is amended to read:

23 **"7-7-4426. Authorization for undertaking and issuance of bonds.** (1) The acquisition, purchase,
24 construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized
25 under this part.

26 (2) Bonds may be authorized to be issued under this part by resolution or resolutions of the
27 governing body of the municipality:

28 (a) without an election; or

29 (b) when authorized by a majority of the qualified electors voting upon ~~such~~ the question at a
30 special election held in conjunction with a regular or primary election, ~~should~~ if the governing body in its

1 sole discretion ~~choose~~ chooses to submit the question to the electorate."

2

3 **Section 37.** Section 7-7-4427, MCA, is amended to read:

4 **"7-7-4427. Special election on question of issuing bonds.** (1) When the governing body has chosen
5 to submit the question of issuing bonds to the electorate, the special election ~~shall~~ must be held in
6 conjunction with a regular or primary election and must be noticed and conducted as provided for municipal
7 general obligation bonds in chapter 7, part 42.

8 (2) The special election ~~shall~~ must be held not later than the next municipal election held after the
9 council or governing body of the municipality has by resolution or resolutions approved the acquisition,
10 purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking as
11 provided in this part and ordered ~~said~~ the special election."

12

13 **Section 38.** Section 7-8-4201, MCA, is amended to read:

14 **"7-8-4201. Disposal or lease of municipal property.** (1) Subject to the provisions of subsection (2),
15 the city or town council may sell, dispose of, or lease any property belonging to the city or town.

16 (2) (a) The lease or transfer must be made by an ordinance or resolution passed by a two-thirds
17 vote of all the members of the council.

18 (b) Except for property acquired by tax deed, if the property is held in trust for a specific purpose,
19 the sale or lease must be approved by a majority vote of the electors of the municipality voting at an
20 election called for that purpose. The election must be held in conjunction with a regular or primary election.

21 (3) This section may not be construed to abrogate the power of the board of park commissioners
22 to lease all lands owned by the city that were acquired for parks within the limitations prescribed by
23 7-16-4223."

24

25 **Section 39.** Section 7-11-305, MCA, is amended to read:

26 **"7-11-305. Availability of petition or recommendation and service plan.** (1) Sufficient copies of the
27 petition or recommendation of the interlocal cooperation commission proposing a service consolidation or
28 transfer and the service plan must be made available to the public for inspection at convenient locations
29 and at reasonable hours to provide all interested persons an opportunity to review the recommendations
30 and documents. The copies must be available no later than 30 days prior to an election on the proposal if

1 ~~such~~ an election is to be held. If the election is held, it must be held in conjunction with a regular or primary
 2 election.

3 (2) Each local government affected by the proposal may distribute copies of the service plan to its
 4 residents."

5
 6 **Section 40.** Section 7-11-307, MCA, is amended to read:

7 **"7-11-307. Election on service consolidation or transfer.** (1) The governing bodies of each local
 8 government affected by a proposed service consolidation or transfer shall jointly call a special election on
 9 the question of service consolidation or transfer, to be held ~~no less than 75 or more than 120 days of the~~
 10 ~~date of the filing of the petition under 7-11-303 or no less than 75 or more than 120 days of the receipt~~
 11 ~~by the local government of the interlocal cooperation commission recommendation~~ in conjunction with a
 12 regular or primary election. ~~The special election may be held in conjunction with any other election.~~ The
 13 county election administrator shall prepare and print notices of the special election.

14 (2) The cost of the election ~~shall~~ must be shared by the affected local governments in proportionate
 15 shares as agreed to by the governing bodies of the local governments."

16
 17 **Section 41.** Section 7-12-4243, MCA, is amended to read:

18 **"7-12-4243. Procedure to create and maintain supplemental revolving fund.** (1) (a) A supplemental
 19 revolving fund may be created by ordinance, subject to the approval of a majority of the qualified electors
 20 voting upon the question at a general election or a special election held in conjunction with a regular or
 21 primary election.

22 (b) As used in 7-12-4241 through 7-12-4258, "qualified electors" ~~shall mean~~ means registered
 23 electors of the municipality.

24 (2) The supplemental revolving fund ~~shall~~ must be created and maintained solely from the net
 25 ~~revenues~~ revenue of parking meters. The ordinance may pledge to ~~said~~ the revolving fund all or any part
 26 of the net ~~revenues~~ revenue of parking meters ~~which may be then owned, or leased, or rented, or thereafter~~
 27 ~~acquired by the city or town. Said~~ The ordinance shall must contain ~~such~~ any provisions ~~in respect to~~
 28 concerning the purchase, control, operation, repair, and maintenance of parking meters, including rates to
 29 be charged, and the application of the net ~~revenues therefrom~~ revenue from the meters and the
 30 management and use of the supplemental revolving fund ~~as that~~ the council shall deem considers

1 necessary."

2

3 **Section 42.** Section 7-13-2208, MCA, is amended to read:

4 **"7-13-2208. Decision on petition -- election required.** (1) On the final hearing, ~~said the~~ board of
5 county commissioners shall make such any changes in the proposed boundaries ~~which be~~ within the county
6 ~~as may be deemed~~ that are considered advisable and shall define and establish ~~such the~~ boundaries, ~~but~~
7 ~~said~~ The board of county commissioners ~~shall~~ may not modify ~~said the~~ boundaries ~~as to~~ in a manner that
8 would exclude from ~~such the~~ proposed district any territory ~~which that~~ would be benefited by the formation
9 of ~~such the~~ district, ~~nor shall any lands which~~ Land that will not, in the judgment of ~~said the~~ board of
10 county commissioners, be benefited by ~~such the~~ district may not be included within ~~such the~~ proposed
11 district.

12 (2) Upon the final determination of the boundaries of the district, the board of county
13 commissioners of each county in which ~~said the~~ district lies shall give notice of an election to be held in
14 ~~said the~~ proposed district for the purpose of determining whether or not the ~~same shall be~~ district is to be
15 incorporated. The ~~date of the election shall be no less than 75 or more than 90 days from the date of the~~
16 ~~final hearing of such petition~~ must be held in conjunction with a regular or primary election."

17

18 **Section 43.** Section 7-13-2231, MCA, is amended to read:

19 **"7-13-2231. District to be governed by board of directors.** (1) At an election to be held within a
20 district under the provisions of this part and part 23 and the laws governing general elections not
21 inconsistent ~~therewith~~ this part and part 23, the district ~~thus organized~~ shall ~~proceed, within 120 days after~~
22 ~~its formation, to the election of~~ elect a board of directors. The election must be held in conjunction with
23 the next regular or primary election.

24 (2) The board of directors is the governing body of ~~such the~~ district."

25

26 **Section 44.** Section 7-13-2323, MCA, is amended to read:

27 **"7-13-2323. Election on question of incurring bonded indebtedness.** The board of directors shall
28 fix a date upon which an election ~~shall be~~ is held for the purpose of authorizing the bonded indebtedness
29 to be incurred. The election must be held in conjunction with a regular or primary election."

30

1 **Section 45.** Section 7-13-2341, MCA, is amended to read:

2 **"7-13-2341. Addition of land to district.** (1) Except as provided in subsection (5), any portion of
3 any county, any municipality, or both, may be added to any district organized under the provisions of this
4 part and part 22 at any time upon petition presented in the manner provided in this part and part 22 for the
5 organization of ~~such~~ the district.

6 (2) The petition may be granted by ordinance of the board of directors of ~~such~~ the district. ~~Such~~
7 The ordinance shall must be submitted for adoption or rejection to the vote of the electors in ~~such~~ the
8 district and in the proposed addition at a general election or a special election held, ~~as provided in this part~~
9 ~~and part 22, no less than 75 or more than 90 days after the adoption of such ordinance~~ in conjunction with
10 a regular or primary election.

11 (3) If ~~such~~ the ordinance is approved, the president and secretary of the board of directors shall
12 certify that fact to the secretary of state and to the county clerk and recorder of the county in which ~~such~~
13 the district is located. Upon the receipt of ~~such last mentioned certificate~~ the certification, the secretary
14 of state shall within 10 days issue ~~his a~~ a certificate, ~~reciting that states~~ the passage of said the ordinance
15 and the addition of ~~said the~~ said the territory to ~~said the~~ said the district. A copy of ~~such the~~ the certificate ~~shall must~~ be
16 transmitted to and filed with the county clerk and recorder of the county in which ~~such the~~ the district is
17 situated.

18 (4) ~~From and after the date~~ After the filing of such the certificate, the territory ~~named therein shall~~
19 ~~be deemed~~ is added to and ~~form is~~ a part of ~~said the~~ said the district with all the rights, privileges, and powers set
20 forth in this part and necessarily incident ~~thereto~~ to this part.

21 (5) If the board of directors determines that a district has a water facility or a sewer facility with
22 a capacity greater than required to meet the needs of the current district, it may by ordinance, upon petition
23 of contiguous property owners and with the written consent of all property owners to whom the service
24 is to be extended, expand the district to include land, to the extent of excess capacity, without complying
25 with subsections (1) and (2). However, if the board determines that an election should be held or if 40%
26 or more of the members of the district petition for an election, compliance with subsections (1) and (2) is
27 required."

28

29 **Section 46.** Section 7-13-4204, MCA, is amended to read:

30 **"7-13-4204. Rental charges for use of sewer system -- election required.** (1) Upon being petitioned

1 by 5% of the qualified electors, the city council shall submit to a vote to the qualified electors, at the
 2 annual municipal election or at ~~any a~~ special election ~~called for that purpose~~ held in conjunction with a
 3 regular or special election, the question of whether or not the city council may establish and collect rentals
 4 for the use of ~~such the~~ sewer system, ~~and~~ may fix the scale of ~~such the~~ rentals, and may prescribe the
 5 manner and time at which ~~such the~~ rentals ~~shall~~ must be paid:

6 (a) to provide ~~such the~~ sewer fund; ~~and/or~~

7 (b) to provide for the retirement of ~~such the~~ bonds ~~and/or~~ and the payment of the interest on ~~such~~
 8 the bonds; ~~and/or~~ or

9 (c) for any purpose ~~herein~~ mentioned in this section.

10 (2) If a majority of votes is cast in favor of ~~such the~~ proposition, then the city or town council may
 11 establish and collect rentals for the use of ~~any such the~~ sewer system, ~~and~~ may fix the scale of ~~such~~
 12 rentals, ~~and~~ may prescribe the manner and time at which ~~such the~~ rentals should be paid, and ~~to~~ may
 13 change ~~such the~~ scale of rentals from time to time as ~~may be deemed~~ considered advisable.

14 (3) The ~~revenues~~ revenue provided in this section ~~shall be~~ are in addition to and not exclusive of
 15 other ~~revenues which~~ revenue that may be ~~now~~ legally collected for sewer payment."

16

17 **Section 47.** Section 7-14-210, MCA, is amended to read:

18 **"7-14-210. Election on question of creating urban transportation district.** (1) The commissioners,
 19 upon completion of the public hearing, shall proceed by resolution to refer the creation of ~~such the~~ district
 20 to the persons qualified to vote on ~~such the~~ proposition.

21 (2) The commissioners may designate in their resolution whether a special election ~~shall~~ is to be
 22 held in conjunction with a regular or primary election or whether the matter ~~shall be~~ is to be determined at
 23 the next general election. If a special election is ordered, the ~~commissioners shall specify in their order~~ must
 24 specify the date for the election and the voting places and the commissioners shall appoint and designate
 25 election judges and clerks therefor."

26

27 **Section 48.** Section 7-14-1134, MCA, is amended to read:

28 **"7-14-1134. Method of funding deficiency.** (1) Subject to the conditions stated in this section, the
 29 governing body of ~~any a~~ county or ~~any of a~~ municipality having a population in excess of 10,000, ~~with~~
 30 ~~respect to bonds issued pursuant to this part by the local government or by an authority in which the local~~

1 ~~government is included,~~ may by resolution covenant that if at any time all ~~revenues~~ revenue, including
 2 taxes, appropriated and collected for ~~such~~ bonds issued pursuant to this part are insufficient to pay principal
 3 or interest then due, it will levy a general tax upon all of the taxable property in the county or municipality
 4 for the payment of ~~such~~ the deficiency. The governing body may further covenant that at any time a
 5 deficiency is likely to occur within 1 year for the payment of principal and interest due on ~~such~~ the bonds,
 6 it will levy a general tax upon all the taxable property in the county or municipality for the payment of ~~such~~
 7 the deficiency₇, ~~and such~~ The taxes are not subject to any limitation of rate or amount applicable to other
 8 county or municipal taxes but are limited to a rate estimated to be sufficient to produce the amount of the
 9 deficiency. If more than one local government is included in an authority issuing bonds pursuant to this
 10 part, the local governments may apportion the obligation to levy taxes for the payment of, or in anticipation
 11 of, a deficiency in the ~~revenues~~ revenue appropriated for ~~such~~ the bonds in ~~such~~ a manner ~~as that~~ the local
 12 governments may determine.

13 (2) The resolution ~~shall~~ must state the principal amount and purpose of the bonds and the
 14 substance of the covenant respecting deficiencies.

15 (3) (a) ~~No such~~ A resolution ~~becomes~~ is not effective until the question of its approval has been
 16 submitted to the qualified electors of the local government at a special election:

17 (i) called for that purpose by the governing body of the local government;

18 (ii) held in conjunction with a regular or primary election; and

19 (iii) approved by a majority of the electors voting on the question ~~have voted in favor thereof.~~

20 (b) The notice and conduct of the election is governed, to the extent applicable, as provided for
 21 municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns,
 22 and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by
 23 counties. If a majority of the electors voting ~~thereon~~ on the issue vote against approval of the resolution,
 24 the local government ~~has no authority to~~ may not make the covenant or ~~to~~ levy a tax for the payment of
 25 deficiencies pursuant to this section₇, ~~but such~~ The local government or authority may ~~nevertheless~~ issue
 26 bonds under this part payable solely from the sources referred to in 7-14-1133(1)."
 27

28 **Section 49.** Section 7-14-2205, MCA, is amended to read:

29 **"7-14-2205. Construction of bridge in municipality -- election.** (1) Before undertaking the
 30 construction in any city or town of any bridge, the cost of which ~~shall exceed~~ exceeds \$10,000, the board

1 of county commissioners shall submit to the qualified electors of the county at a general election or a
 2 special election held in conjunction with a regular or primary election the question of whether the bridge
 3 ~~shall be~~ is to be constructed and its ~~cost~~ paid for by the county.

4 (2) (a) If the electors vote in favor of construction, the board may issue and sell bonds of the
 5 county ~~to~~ in the amount authorized for the construction of the bridge. Bonds ~~shall~~ must be issued under
 6 ~~such~~ the regulations ~~as~~ that apply to other bonds of the county.

7 (b) The bridge ~~shall~~ must be constructed using the proceeds of ~~such~~ the bond sale.

8 (3) If the cost of the bridge does not exceed the amount authorized to be raised by a special tax,
 9 it may be levied as provided in 7-14-2503."

10

11 **Section 50.** Section 7-14-2504, MCA, is amended to read:

12 **"7-14-2504. Additional road and bridge construction tax -- election required.** (1) Each board may
 13 make an additional levy upon the taxable property in the county of up to 10 mills ~~or less~~ for constructing
 14 public highways and bridges.

15 (2) Before the additional levy may be made, the question ~~shall~~ must be submitted to a vote of the
 16 people at ~~some~~ a general election or a special election held in conjunction with a regular or primary election.
 17 The question must be in the following form, inserting the number of mills to be levied and the name of the
 18 county:

19 "Shall there be an additional levy of mills upon the taxable property in the county of, state
 20 of Montana, for the purpose of constructing public highways and bridges?"

21 YES

22 NO".

23 (3) A majority of the votes cast ~~shall be~~ is necessary to permit the additional levy, which ~~shall~~ must
 24 be collected in the same manner as other road taxes."

25

26 **Section 51.** Section 7-14-4404, MCA, is amended to read:

27 **"7-14-4404. Tax levy for contracts to operate bus service.** For the purpose of raising the necessary
 28 money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant to ~~such~~ a
 29 contract, lease, or lease and operating agreement with ~~such~~ an independent carrier or carriers, the city or
 30 town council may annually levy a tax on the taxable value of all taxable property within the limits of the

1 city or town. Whenever the council of the city or town considers it necessary to raise money by taxation
 2 for ~~such purpose~~ transportation services in excess of the levy ~~now~~ allowed by law, the council of the city
 3 or town shall in the manner prescribed by law submit the question of ~~such~~ the additional levy to the
 4 qualified electors of the city or town, either at the regular annual election held in the city or town or at a
 5 special election that is held in conjunction with a regular or primary election and that is called for that
 6 purpose by the council of the city or town. The additional levy ~~in excess of the levy now allowed by law~~
 7 may not exceed 1 ½ mills."

8

9 **Section 52.** Section 7-14-4512, MCA, is amended to read:

10 **"7-14-4512. Referendum on parking meters prior to enacting ordinance.** ~~No~~ An ordinance ~~or~~
 11 ~~ordinances~~ providing for the purchasing, renting, leasing, or otherwise acquiring or installing, maintaining,
 12 operating, or using ~~such~~ parking meters, devices, or instruments ~~shall~~ may not be enacted ~~until and~~ unless
 13 the question of whether or not ~~such~~ the ordinance ~~or ordinances~~ ~~shall~~ may be enacted has been submitted
 14 to the qualified electors of ~~such~~ the city or town at a general election or a special election that is held in
 15 conjunction with a regular or primary election and that is called for that purpose, and unless at such election
 16 A ordinance may not be enacted unless authorized by a majority of the votes cast ~~for and against the~~
 17 ~~question shall have been~~ are in favor of ~~the enacting of said~~ the ordinance ~~or ordinances.~~"

18

19 **Section 53.** Section 7-14-4642, MCA, is amended to read:

20 **"7-14-4642. Election required to issue revenue bonds.** (1) The power to issue revenue bonds as
 21 provided in this part ~~shall~~ is not ~~be~~ operative in any city until the legislative body, either at a general
 22 election or a special election held in conjunction with a regular or primary election, shall submit submits to
 23 the electors the question as to whether the legislative body, the commission, or both, ~~shall be~~ are
 24 authorized to adopt the revenue bond method of financing projects provided for ~~herein~~ in this part.

25 (2) ~~Such~~ The question ~~may~~ must be placed before the electors and notice ~~thereof~~ must be given
 26 in the same manner as provided by law for referring ordinances of the city to the electors. The qualifications
 27 of electors ~~shall be~~ are the same as those required for voting at municipal elections in the city for elective
 28 officers ~~thereof~~. The provisions relating to the qualifications of electors and manner of submission of the
 29 question to the electors for the purposes of this part ~~shall govern and be~~ are controlling, notwithstanding
 30 any provision of law to the contrary ~~notwithstanding.~~"

1 **Section 54.** Section 7-15-2111, MCA, is amended to read:

2 **"7-15-2111. Area of operation of county housing authority -- inclusion of municipalities.** (1) The
3 area of operation of ~~such a county housing authority shall include said~~ includes the county, but ~~in no event~~
4 ~~shall it~~ does not include any city unless a resolution ~~shall have~~ has been adopted by the governing body
5 of the city ~~{and by any authority which shall have been theretofore}~~ established and authorized to exercise
6 its powers in the city} declaring that there is need for the county authority to exercise its powers within
7 that city. ~~Such~~ The resolution ~~shall is~~ is not ~~be~~ effective until it has been approved by a majority vote of the
8 electors within the corporate limits of ~~such the~~ the city or town voting ~~at either~~ at a special election held in
9 conjunction with a regular or primary election or at a general election.

10 (2) If, after the adoption of ~~such a~~ a resolution or resolutions, an authority is established for any city
11 within the county, the county authority ~~shall have no power to~~ may not initiate any further housing projects
12 within ~~such the~~ the city without the consent by resolution of the governing body ~~thereof~~ of the city and of the
13 authority established for ~~such the~~ the city."

14

15 **Section 55.** Section 7-15-4408, MCA, is amended to read:

16 **"7-15-4408. Voter approval required to create housing authority.** The ordinance authorized by
17 7-15-4406(2) ~~shall is~~ is not ~~be~~ effective until it has been approved by a majority vote of the registered
18 electors within the city limits voting ~~at either~~ at a special election held in conjunction with a regular or
19 primary election or at a general election."

20

21 **Section 56.** Section 7-16-2411, MCA, is amended to read:

22 **"7-16-2411. Creation of county park district.** (1) Proceedings for the creation of a county park
23 district may be initiated by:

24 (a) a petition signed by not less than 10% of the qualified electors of the proposed park district;

25 or

26 (b) a resolution of intent adopted by the county governing body, calling for the creation of a county
27 park district.

28 (2) The petition or resolution must contain:

29 (a) the boundaries of the proposed district;

30 (b) the proposed maximum property tax mill levy that could be levied on property owners within

1 the district for the operation of the district; and

2 (c) the proposed number of members of the county park district commission. The number of
3 members must be an odd number and may not be less than three.

4 (3) When the territory to be included in the proposed district lies in more than one county, a
5 petition must be presented to the governing body of each county in which the territory lies. Each petition
6 must be signed by not less than 10% of the qualified electors of the territory within the county proposed
7 to be included in the district.

8 (4) Upon receipt of a petition for the creation of a county park district, the county clerk shall
9 examine it and within 15 days either reject the petition if it is insufficient under the provisions of subsection
10 (1), (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next
11 meeting.

12 (5) The text of the petition or resolution must be published as provided in 7-1-2121 in each county
13 in which the territory of the proposed district lies.

14 (6) At the hearing, the county governing body shall hear:

15 (a) testimony of all interested persons on whether a county park district should be created;

16 (b) testimony regarding the proposed boundary, property tax mill levy, and number of members of
17 the district commission; and

18 (c) any other matter relating to the proposed district.

19 (7) After the hearing, if the county governing body determines that the proposed park district
20 should be created, it shall by resolution set the boundaries of the proposed park district, the maximum mill
21 levy for the proposed park district, and the number of members to be on the district commission. The
22 resolution must also call for an election on the question of whether to create the county park district. The
23 election ~~may~~ must be held in conjunction with a ~~regularly scheduled~~ regular or primary election, provided
24 that at least 75 days have elapsed between the adoption of the resolution and the election."
25

25

26 **Section 57.** Section 7-16-2442, MCA, is amended to read:

27 **"7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after
28 an election on the question of dissolving the district. The process of dissolving the district may be initiated
29 by a petition of 25% of the electorate of the district or by a resolution of intent to dissolve the district
30 adopted by either the county park district commission or the county governing body.

1 (2) Upon receipt of ~~such~~ a petition ~~which~~ that has been certified by the county clerk as sufficient
 2 under this section or upon the adoption of ~~such~~ a resolution of intent, the county governing body shall call
 3 a public hearing on the question of dissolving the district and cause notice of the hearing to be published
 4 ~~a notice of the hearing~~ in the official county newspaper.

5 (3) At the public hearing, the county governing body shall hear testimony of interested persons
 6 regarding the dissolution of the district. After the public hearing, the county governing body may either
 7 submit the question of dissolving the district to the electorate of the district or it may call for a public
 8 hearing on the question of altering the boundaries of the district. If the county governing body calls for a
 9 public hearing on the question of altering the boundaries of the district by withdrawal of territory, it shall
 10 ~~cause to be published~~ publish notice of ~~such a~~ the hearing in the official county newspaper. The notice
 11 must state the boundaries of the area proposed to be withdrawn from the district. After hearing testimony
 12 at ~~such~~ the hearing, the county governing body may submit the question of either dissolving the district
 13 or altering the district by withdrawal of specified territory from the district to the electorate of the district.

14 (4) ~~Such a~~ The question must be submitted by a resolution calling for an election on either
 15 dissolving the district or altering the boundaries of the district by withdrawal of land from the district. The
 16 county governing body ~~may call a special election for such purposes, or it may~~ shall schedule the election
 17 in conjunction with any other regularly scheduled election. The election on the question must be conducted
 18 as provided in Title 13.

19 (5) The question of withdrawal of territory under this section must be voted on separately by the
 20 electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district.
 21 The question fails unless a simple majority of those voting on the question in each of the two territories
 22 authorize altering the district boundary. If the question passes, the boundary alteration is effective the
 23 following January 1. If the question fails, the county governing body shall by resolution call for an election
 24 on the question of dissolving the district."
 25

26 **Section 58.** Section 7-31-106, MCA, is amended to read:

27 "**7-31-106. Authorization for county to issue bonds -- election required.** (1) If the petition is
 28 presented to the board of county commissioners, ~~it shall be the duty of the board~~ shall, for the purpose of
 29 raising money to meet the payments under the terms and conditions of ~~said~~ the contract and other
 30 necessary and proper expenses ~~in and about the same~~ for the contract and for the approval or disapproval

1 ~~thereof~~ of the petition:

2 (a) ~~to~~ ascertain, within 30 days after submission of the petition, the existing indebtedness of the
3 county in the aggregate; and

4 (b) ~~to~~ submit, ~~within 60 days~~ after ascertaining the ~~same~~ aggregate indebtedness, to the electors
5 of ~~such~~ the county the proposition to approve or disapprove the contract and the issuance of bonds
6 necessary to carry out the ~~same~~ contract. The election must be held in conjunction with a regular or
7 primary election.

8 (2) The amount of the bonds authorized by this section may not exceed 22.5% of the taxable value
9 of the taxable property ~~therein~~ in the county, inclusive of the existing indebtedness ~~thereof~~ of the county,
10 to be ascertained by the last assessment for state and county taxes previous to the issuance of ~~said~~ the
11 bonds and incurring of ~~said~~ the indebtedness."

12

13 **Section 59.** Section 7-31-107, MCA, is amended to read:

14 **"7-31-107. Authorization for municipality to issue bonds -- election required.** (1) If ~~said~~ the petition
15 is presented to the council of any incorporated city or town, the council, for the purpose of raising money
16 to meet the payments under the terms and conditions of ~~said~~ the contract and other necessary and proper
17 expenses ~~in and about the same~~ for the contract and for the approval or disapproval ~~thereof~~ of the petition,
18 shall:

19 (a) ~~shall~~ ascertain, within 30 days after submission of the petition, the aggregate indebtedness of
20 ~~such~~ the city or town; and

21 (b) ~~shall~~ submit, ~~within 60 days~~ after ascertaining the ~~same~~ aggregate indebtedness, to the electors
22 of ~~such~~ the city or town the proposition to approve or disapprove ~~said~~ the contract and the issuance of
23 bonds necessary to carry out the ~~same~~ contract. The election must be held in conjunction with a regular
24 or primary election.

25 (2) The amount of the bonds authorized by this section may not exceed 16.5% of the taxable value
26 of the taxable property ~~therein~~ in the city or town, inclusive of the existing indebtedness ~~thereof~~ of the city
27 or town, to be ascertained in the manner provided in this part."

28

29 **Section 60.** Section 7-31-109, MCA, is amended to read:

30 **"7-31-109. Conduct of election.** (1) The vote upon ~~such~~ a proposition ~~shall~~ under this part must

1 be ~~had~~ at an election for that purpose to be held, conducted, and counted and with results ascertained and
 2 determined in the manner and by the same officers provided by law for general elections, except as
 3 otherwise provided ~~herein~~ in this section. The election must be held in conjunction with a regular or primary
 4 election.

5 (2) The proposition ~~to~~ must be submitted ~~shall be~~ upon printed tickets or ballots, upon each of
 6 which ~~shall be~~ is printed the following: "For the contract and bonds" and "Against the contract and bonds",
 7 ~~the former above the latter.~~ The elector shall ~~indicate his~~ vote by a cross opposite ~~the one or the other for~~
 8 ~~which he votes~~ statement.

9 (3) No registration under the election laws of this state ~~shall be~~ is required for the purposes of the
 10 election ~~herein provided for,~~ and the registration ~~had at~~ from the last election ~~preceding the same shall~~
 11 ~~govern and control as if especially had and done~~ governs and controls for the purpose of the election to
 12 be held under this part."

13

14 **Section 61.** Section 7-32-235, MCA, is amended to read:

15 **"7-32-235. Search and rescue units authorized -- under control of county sheriff -- optional**
 16 **funding.** (1) A county may establish or recognize one or more search and rescue units within the county.

17 (2) Except in time of martial rule as provided in 10-1-106, search and rescue units and their officers
 18 are under the operational control and supervision of the county sheriff, or ~~his~~ the sheriff's designee, having
 19 jurisdiction and whose span of control would be considered within reasonable limits.

20 (3) A county may, after approval by a majority of the people voting on the question at an election
 21 held throughout the county, levy an annual tax of not more than 1 mill on each dollar of taxable value of
 22 all taxable property within the county to support one or more search and rescue units established or
 23 recognized under subsection (1). The election must be held in conjunction with a regular or primary
 24 election."

25

26 **Section 62.** Section 7-34-2110, MCA, is amended to read:

27 **"7-34-2110. Resolution calling for election.** (1) The board of county commissioners in its resolution
 28 ~~of reference~~ may make ~~such~~ changes in the boundaries of the proposed district ~~as~~ that it considers
 29 advisable, without including any additional lands not described in the petition, and it shall call an election
 30 upon the question of the creation of the district.

1 (2) The board ~~must shall~~ designate in its resolution whether a special election ~~shall be~~ is to be held
 2 or whether the matter ~~shall be~~ is to be determined at the next general election. If a special election is
 3 ordered, the board ~~must shall~~ specify in its order the date for ~~such the~~ election. The special election must
 4 be held in conjunction with a regular or primary election."

5
 6 **Section 63.** Section 7-34-2414, MCA, is amended to read:

7 "**7-34-2414. Election required on question of issuance of bonds.** (1) ~~No bonds~~ Bonds may not be
 8 issued by ~~any a~~ county until the question of approval of the issuance of ~~such the~~ bonds has been submitted
 9 to the registered electors of the county at a general election or a special election called for that purpose
 10 by the governing body of the county and the majority of the electors voting on the question have voted in
 11 favor ~~thereof~~ of issuing the bonds. A special election must be conducted in conjunction with a regular or
 12 primary election. The notice and conduct of the election ~~shall must~~ be governed, to the extent applicable,
 13 by the laws governing the election on county general obligation bonds in chapter 7, part 22.

14 (2) If a majority of the electors voting ~~thereon on the issue~~ vote against the issuance of the bonds,
 15 the county ~~shall have no authority to~~ may not issue the bonds under 7-34-2411 through 7-34-2418."

16
 17 **Section 64.** Section 7-35-2106, MCA, is amended to read:

18 "**7-35-2106. Election details.** (1) In its order, the board ~~must shall~~ designate whether a special
 19 election ~~shall must~~ be held or whether the matter ~~shall must~~ be determined at the next general election. If
 20 a special election is ordered, the board ~~must shall~~ in its order specify the time. A special election must be
 21 held in conjunction with a regular or primary election.

22 (2) The election ~~shall must~~ be held in all respects, as nearly as practicable, in conformity with the
 23 general election laws.

24 (3) At ~~such the~~ election, the ballots must contain the words "Cemetery district -- Yes" and
 25 "Cemetery district -- No"."

26
 27 ~~**Section 65.** Section 13-1-106, MCA, is amended to read:~~

28 ~~"**13-1-106. Time of opening and closing of polls for all elections—exceptions exception.** (1) Polls~~
 29 ~~must be open from 7 a.m. to 8 p.m., except polling places having fewer than 200 registered electors, which~~
 30 ~~must be open from noon to 8 p.m. or until all registered electors in any precinct have voted, at which time~~

1 the polls shall ~~must~~ be closed immediately.

2 (2) ~~When an election held under 13-1-104(3) and a school election are conducted in the same~~
 3 ~~polling place, the polls shall be opened and closed at the times set for the school election, as provided in~~
 4 ~~20-20-106."~~

5

6 ~~Section 66.~~ Section 20-6-203, MCA, is amended to read:

7 ~~"20-6-203. District consolidation. Any two or more elementary districts in one county may~~
 8 ~~consolidate to organize an elementary district. The consolidation shall must be conducted under the~~
 9 ~~following procedure:~~

10 (1) ~~At the time the consolidation proposition is first considered, the districts involved shall jointly~~
 11 ~~determine whether the consolidation shall be is to be made with or without the mutual assumption of the~~
 12 ~~bonded indebtedness of each district by all districts included in the consolidation proposition.~~

13 (2) ~~A consolidation proposition may be introduced, individually, in each of the districts by either~~
 14 ~~of the two following methods:~~

15 (a) ~~the trustees may pass a resolution requesting the county superintendent to order an election~~
 16 ~~to consider a consolidation proposition involving their district; or~~

17 (b) ~~not less than 20% of the electors of an elementary district who are qualified to vote under the~~
 18 ~~provisions of 20-20-301 may petition the county superintendent requesting an election to consider a~~
 19 ~~consolidation proposition involving their resident district.~~

20 (3) ~~When the county superintendent has received a resolution or a valid petition from each of the~~
 21 ~~districts included in the consolidation proposition, he the county superintendent shall, within 10 days after~~
 22 ~~the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each~~
 23 ~~elementary district included in the consolidation proposition to call a consolidation election.~~

24 (4) ~~Each district, individually, shall call and conduct an election in the manner prescribed in this title~~
 25 ~~for school elections. The election must be held in conjunction with a regular or primary election. In~~
 26 ~~addition:~~

27 (a) ~~if the districts to be consolidated are to mutually assume the bonded indebtedness of each~~
 28 ~~district involved in the consolidation, the consolidation election also shall must follow the procedures~~
 29 ~~prescribed in 20-6-206; or~~

30 (b) ~~if the districts to be consolidated are not to mutually assume the bonded indebtedness of each~~

1 district involved in the consolidation, the consolidation election also shall must follow the procedures
 2 prescribed in ~~20-6-207~~.

3 ~~(5) After the county superintendent has received the election certification under the provisions of~~
 4 ~~20-20-416 from the trustees of each district included in a consolidation proposition, he the county~~
 5 ~~superintendent shall determine if the consolidation proposition has been approved in each district. If each~~
 6 ~~district has approved the consolidation proposition, he the county superintendent shall, within 10 days after~~
 7 ~~the receipt of the last election certificate, order the consolidation of such the districts. If it be for the~~
 8 ~~consolidation is with the mutual assumption of bonded indebtedness of each elementary district by all~~
 9 ~~districts included in the consolidation order, such the order shall must specify that all the taxable real and~~
 10 ~~personal property of the consolidated district shall assume assumes the bonded indebtedness of each~~
 11 ~~district. In addition, such the order shall must specify the number of the consolidated elementary district~~
 12 ~~and shall must contain the county superintendent's appointment of the trustees for the consolidated district,~~
 13 ~~who shall serve until a successor is successors are elected at the next succeeding regular school election~~
 14 ~~and qualified. The superintendent shall send a copy of such the order to the board of county commissioners~~
 15 ~~and to the trustees of each district incorporated in the consolidation order.~~

16 ~~(6) If any district included in the consolidation proposition disapproves the consolidation~~
 17 ~~proposition, the consolidation of all districts shall fail fails, and the county superintendent shall notify each~~
 18 ~~district of the disapproval of the consolidation proposition."~~

19

20 **Section 67.** Section 20-6-205, MCA, is amended to read:

21 ~~"20-6-205. Elementary district annexation. An elementary district may be annexed to another~~
 22 ~~elementary district located in the same county when one of the conditions of 20-6-204 is met in accordance~~
 23 ~~with the following procedure:~~

24 ~~(1) At the time the annexation proposition is first considered, the districts involved shall jointly~~
 25 ~~determine whether the annexation shall will be made with or without the joint assumption of the bonded~~
 26 ~~indebtedness of the annexing district by the district to be annexed and the annexing district.~~

27 ~~(2) An annexation proposition may be introduced in the district to be annexed by either of the two~~
 28 ~~following methods:~~

29 ~~(a) the trustees may pass a resolution requesting the county superintendent to order an election~~
 30 ~~to consider an annexation proposition for their district; or~~

1 ~~(b) not less than 20% of the electors of the district who are qualified to vote under the provisions~~
2 ~~of 20-20-301 may petition the county superintendent requesting an election to consider an annexation~~
3 ~~proposition for their district.~~

4 ~~(3) Before ordering an election on the proposition, the county superintendent shall first receive from~~
5 ~~the trustees of the annexing district a resolution giving him the county superintendent the authority to~~
6 ~~annex such the district.~~

7 ~~(4) When the county superintendent has received authorization from the annexing district, he the~~
8 ~~county superintendent shall, within 10 days after the receipt of the resolution or a valid petition from the~~
9 ~~district to be annexed and as provided by 20-20-201, order the trustees of the district to be annexed to~~
10 ~~call an annexation election. The election must be held in conjunction with a regular or primary election.~~

11 ~~(5) The district shall call and conduct an election in the manner prescribed in this title for school~~
12 ~~elections. In addition:~~

13 ~~(a) if the district to be annexed is to jointly assume with the annexing district the bonded~~
14 ~~indebtedness of the annexing district, the annexation election shall must also follow the procedures~~
15 ~~prescribed in 20-6-206; or~~

16 ~~(b) if the district to be annexed is not to jointly assume with the annexing district the bonded~~
17 ~~indebtedness of the annexing district, the annexation election shall must also follow the procedures~~
18 ~~prescribed in 20-6-207.~~

19 ~~(6) After the county superintendent has received the election certificate from the trustees of the~~
20 ~~district conducting the annexation election under the provisions of 20-20-416 and if the annexation~~
21 ~~proposition has been approved by such the election, he the county superintendent shall order the~~
22 ~~annexation of the territory of the elementary district voting on such the proposition to the elementary~~
23 ~~district that has authorized the annexation to its territory. Such The order shall must be issued within 10~~
24 ~~days after the receipt of the election certificate and, if it be the election was for annexation with the~~
25 ~~assumption of bonded indebtedness, shall the order must specify that all the taxable real and personal~~
26 ~~property of the annexed territory shall must jointly assume with the annexing district the existing bonded~~
27 ~~indebtedness of the annexing district. The county superintendent shall send a copy of the order to the~~
28 ~~board of county commissioners and to the trustees of the districts involved in the annexation order.~~

29 ~~(7) If the annexation proposition is disapproved in the district to be annexed, it shall fail the~~
30 ~~proposition fails and the county superintendent shall notify each district of the disapproval of the~~

1 annexation proposition."

2

3 ~~Section 68. Section 20-6-211, MCA, is amended to read:~~

4 ~~"20-6-211. Joint elementary district dissolution. (1) Any joint elementary district may be dissolved. A proposition to dissolve a joint elementary district shall must be introduced by a petition signed by a majority of the electors, qualified under the provisions of 20-20-301, who reside in the territory of the joint district that is located within one county. Such The petition shall must be addressed and presented to the county superintendent of the county of residence of the petitioners.~~

9 ~~(2) Whenever a county superintendent receives a valid petition for the dissolution of a joint elementary district, he the county superintendent shall immediately notify the county superintendents of all the other counties with territory located in the joint district. The county superintendents jointly shall, within 10 days after the receipt of the petition and as provided by 20-20-201, order the trustees of the joint district to call an election. The trustees shall call and conduct, at the same time, separate elections in each portion of the joint district that is located in a separate county. Such The elections shall must be called and conducted in the manner prescribed in this title for school elections and shall must be considered as if each were an election in a separate district. The election must be held in conjunction with a regular or primary election. An elector who may vote at a joint district dissolution election shall must be qualified to vote under the provisions of 20-20-301. The election judges for each separate election in the joint district shall send the election certificate to the county superintendent of the county in which they serve.~~

20 ~~(3) After the receipt of the election certificates, the county superintendents shall jointly determine the result of such the election on the following basis:~~

22 ~~(a) if a majority of all the joint district electors voting at each election conducted in the joint district are in favor of the dissolution of the joint district, the dissolution of the joint elementary district shall must be approved;~~

25 ~~(b) if two thirds of the electors voting at one of the elections conducted in a county's portion of the joint district vote in favor of the joint district dissolution, the dissolution of that portion of such the joint district may be approved if all the county superintendents involved in such the dissolution proposition agree that such the dissolution will not place an undue hardship on any other county's portion of the joint district and there is no good and sufficient reason why such the dissolution should not be made; or~~

30 ~~(c) if the conditions of either subsection (3)(a) or (3)(b) cannot be satisfied, the dissolution of the~~

1 ~~joint district shall must be disapproved.~~

2 ~~(4) The county superintendents shall jointly order the joint elementary district dissolution if the~~
 3 ~~proposition is approved and, whether it has been approved or disapproved, shall jointly notify the joint~~
 4 ~~district of the result. The dissolution of a joint district shall become is effective on the first day of the~~
 5 ~~ensuing school fiscal year.~~

6 ~~(5) When the dissolution of a joint elementary district has been approved and ordered under~~
 7 ~~subsection (3)(a) above, the county superintendent of each county shall individually order the attachment~~
 8 ~~of the territory of the dissolved joint elementary district within his the county to a contiguous elementary~~
 9 ~~district within his the county except when a school is operated in such that territory, in which case the~~
 10 ~~territory shall must operate as a separate elementary district of the county.~~

11 ~~(6) When the dissolution of a joint elementary district has been approved and ordered under the~~
 12 ~~provisions of subsection (3)(b) above, the county superintendent of the county where the dissolved portion~~
 13 ~~of the joint elementary district is located shall attach such the territory to a contiguous elementary district~~
 14 ~~within his that county.~~

15 ~~(7) In the event a dissolution proposition is disapproved, no a subsequent joint elementary district~~
 16 ~~dissolution election shall may not be held within 3 years thereafter."~~

17

18 ~~**Section 69.** Section 20-6-312, MCA, is amended to read:~~

19 ~~"**20-6-312. County high school unification.** (1) Any county high school may be unified with the~~
 20 ~~elementary district where the county high school building is located to establish a unified school system~~
 21 ~~under a unified board of trustees. If the county has not been divided into high school districts, a high school~~
 22 ~~district with boundaries coterminous with the county boundaries shall must be created, except that such~~
 23 ~~high school district shall may not include the territory of any existing joint high school district located in~~
 24 ~~the county. The territory of an existing joint high school district shall must remain a part of such the joint~~
 25 ~~high school district. The creation of high school districts under this provision shall be is in lieu of the high~~
 26 ~~school district division provisions of 20-6-303.~~

27 ~~(2) A proposition to unify a county high school with the elementary district where the county high~~
 28 ~~school building is located shall must be introduced whenever:~~

29 ~~(a) the trustees of the county high school and the trustees of the elementary district individually~~
 30 ~~pass resolutions requesting the county superintendent to order an election to consider a unification~~

1 proposition; or

2 (b) ~~not less than 20% of the electors of the county or, if the county has been divided into high~~
 3 ~~school districts, the electors of the high school district where the county high school is located, and who~~
 4 ~~are qualified to vote under the provisions of 20-20-301, petition the county superintendent to order an~~
 5 ~~election to consider a unification proposition.~~

6 (3) ~~When the county superintendent has received the trustees' resolutions or a valid petition, he~~
 7 ~~the county superintendent shall, within 10 days after the receipt of the last resolution or petition and under~~
 8 ~~the provisions of 20-20-201, order the county high school to call an election to consider a unification~~
 9 ~~proposition. The trustees of the county high school shall call and conduct an election in the manner~~
 10 ~~prescribed in this title for school elections. The election must be held in conjunction with a regular or~~
 11 ~~primary election. An elector who may vote on the unification proposition shall be is qualified to vote under~~
 12 ~~the provisions of 20-20-301. The ballot for a county high school unification proposition shall must be~~
 13 ~~substantially in the following form:~~

14 ~~"OFFICIAL BALLOT COUNTY HIGH SCHOOL UNIFICATION ELECTION~~

15 ~~Shall County High School be unified with District No., County to establish a unified~~
 16 ~~school system under a unified board of trustees?~~

17 ~~{ } FOR the unification of the county high school.~~

18 ~~{ } AGAINST the unification of the county high school."~~

19 (4) ~~When the county superintendent receives the election certificate from the trustees of the county~~
 20 ~~high school, he the county superintendent shall issue an order declaring the unification of the county high~~
 21 ~~school with the elementary district identified on the ballot as of the next succeeding July 1, if a majority~~
 22 ~~of those electors voting at such the election have voted for the unification proposition.~~

23 (5) ~~If a majority of those electors voting at the election have voted against the unification~~
 24 ~~proposition, he the county superintendent shall order the disapproval of the unification proposition."~~

25
 26 ~~Section 70. Section 20-6-315, MCA, is amended to read:~~
 27 ~~"20-6-315. District consolidation. Any two or more high school districts in one county may~~
 28 ~~consolidate to organize a high school district. The consolidation must be conducted under the following~~
 29 ~~procedure:~~

30 (1) ~~At the time the consolidation proposition is first considered, the districts involved shall jointly~~

1 ~~determine whether the consolidation is to be made with or without the mutual assumption of the bonded~~
2 ~~indebtedness of each district by all districts included in the consolidation proposition.~~

3 ~~(2) A consolidation proposition may be introduced, individually, in each of the districts by either~~
4 ~~of the following methods:~~

5 ~~(a) the trustees may pass a resolution requesting the county superintendent to order an election~~
6 ~~to consider a consolidation proposition involving their district; or~~

7 ~~(b) not less than 20% of the electors of a high school district who are qualified to vote under the~~
8 ~~provisions of 20-20-301 may petition the county superintendent requesting an election to consider a~~
9 ~~consolidation proposition involving their district.~~

10 ~~(3) When the county superintendent receives a resolution or a valid petition from each of the~~
11 ~~districts included in the consolidation proposition, he the county superintendent shall, within 10 days after~~
12 ~~the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each high~~
13 ~~school district included in the consolidation proposition to call a consolidation election. The election must~~
14 ~~be held in conjunction with a regular or primary election.~~

15 ~~(4) (a) Each district, individually, shall call and conduct an election in the manner prescribed in this~~
16 ~~title for school elections.~~

17 ~~(b) In addition:~~

18 ~~(i) if the districts to be consolidated are to mutually assume the bonded indebtedness of each~~
19 ~~district involved in the consolidation, the consolidation election must also follow the procedures prescribed~~
20 ~~in 20-6-318; or~~

21 ~~(ii) if the districts to be consolidated are not to mutually assume the bonded indebtedness of each~~
22 ~~district involved in the consolidation, the consolidation election must also follow the procedures prescribed~~
23 ~~in 20-6-207.~~

24 ~~(5) After the county superintendent receives the election certificate provided for in 20-20-416 from~~
25 ~~the trustees of each district included in a consolidation proposition, he the county superintendent shall~~
26 ~~determine if the consolidation proposition has been approved in each district. If each district has approved~~
27 ~~the consolidation proposition, he the county superintendent shall, within 10 days after the receipt of the~~
28 ~~election certificate, order the consolidation of such the districts. If the order is for consolidation with the~~
29 ~~mutual assumption of bonded indebtedness of each high school district by all districts included in the~~
30 ~~consolidation order, the order shall must specify that all taxable real and personal property of the~~

1 consolidated district shall must assume the bonded indebtedness of each district. In addition, the order shall
 2 must specify the number of the consolidated high school district. The superintendent shall send a copy of
 3 the order to the board of county commissioners and to the trustees of each district incorporated in the
 4 consolidation order.

5 ~~(6) If any district included in the consolidation proposition disapproves the consolidation~~
 6 ~~proposition, the consolidation of all districts fails and the county superintendent shall notify each district~~
 7 ~~of the disapproval of the consolidation proposition."~~

8

9 ~~Section 71. Section 20-6-317, MCA, is amended to read:~~

10 ~~"20-6-317. High school district annexation procedure. A high school district may be annexed to~~
 11 ~~another high school district located in the same county when one of the conditions of 20-6-316 is met in~~
 12 ~~accordance with the following procedure:~~

13 ~~(1) At the time the annexation proposition is first considered, the districts involved shall jointly~~
 14 ~~determine whether the annexation is to be made with or without the joint assumption of the bonded~~
 15 ~~indebtedness of the annexing district by the district to be annexed and the annexing district.~~

16 ~~(2) An annexation proposition may be introduced in the district to be annexed by either of the~~
 17 ~~following methods:~~

18 ~~(a) the trustees may pass a resolution requesting the county superintendent to order an election~~
 19 ~~to consider an annexation proposition for their district; or~~

20 ~~(b) not less than 20% of the electors of the district who are qualified to vote under the provisions~~
 21 ~~of 20-20-301 may petition the county superintendent requesting an election to consider an annexation~~
 22 ~~proposition for their district.~~

23 ~~(3) Before ordering an election on the proposition, the county superintendent must receive from~~
 24 ~~the trustees of the annexing district a resolution giving him the county superintendent the authority to~~
 25 ~~annex such the district.~~

26 ~~(4) When the county superintendent receives authorization from the annexing district, he the~~
 27 ~~county superintendent shall, within 10 days after the receipt of the resolution or a valid petition from the~~
 28 ~~district to be annexed and as provided by 20-20-201, order the trustees of the district to be annexed to~~
 29 ~~call an annexation election. The election must be held in conjunction with a regular or primary election.~~

30 ~~(5) (a) The district shall call and conduct an election in the manner prescribed in this title for school~~

1 elections.

2 (b) In addition:

3 (i) if the district to be annexed is to jointly assume with the annexing district the bonded
4 indebtedness of the annexing district, the annexation election must also follow the procedures prescribed
5 in 20-6-318; or

6 (ii) if the district to be annexed is not to jointly assume with the annexing district the bonded
7 indebtedness of the annexing district, the annexation election must also follow the procedures prescribed
8 in 20-6-319.

9 (6) After the county superintendent receives the election certificate provided for in 20-20-416 from
10 the trustees of the district conducting the annexation election and if the annexation proposition has been
11 approved by such the election, he the county superintendent shall order the annexation of the territory of
12 the high school district voting on such the proposition to the high school district that has authorized the
13 annexation to its territory. The order must be issued within 10 days after the receipt of the election
14 certificate and, if it is for annexation with the assumption of bonded indebtedness, must specify that all
15 the taxable real and personal property of the annexed territory shall must jointly assume with the annexing
16 district the existing bonded indebtedness of the annexing district. The county superintendent shall send a
17 copy of the order to the board of county commissioners and to the trustees of the districts involved in the
18 annexation order.

19 (7) If the annexation proposition is disapproved in the district to be annexed, it fails and the county
20 superintendent shall notify each district of the disapproval of the annexation proposition."

21

22 **Section 72.** Section 20-9-353, MCA, is amended to read:

23 "**20-9-353. Additional financing for general fund — election for authorization to impose.** (1) Except
24 as limited by 20-9-308, the trustees of a district may propose to adopt a general fund budget in excess of
25 the maximum general fund budget amount for the district.

26 (2) Except as provided in 20-9-308(4)(b), when the trustees of a district determine that an
27 additional amount of financing is required for the general fund budget that is in excess of the maximum
28 general fund budget amount, the trustees shall submit the proposition to finance the excess amount of
29 general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. The
30 special election must be called and conducted in the manner prescribed by this title for school elections.

~~If possible, the election should be held in conjunction with a regular or primary election. The ballot for the election must state the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended. The ballot must be in the following format:~~

PROPOSITION

~~Shall the district be authorized to expend the sum of (state the amount to be expended), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing is made)?~~

~~[] FOR budget authority and any levy.~~

~~[] AGAINST budget authority and any levy.~~

~~(3) If the election on any additional financing for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the preliminary general fund budget. The trustees shall certify any additional levy amount authorized by the special election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141, to raise the amount of the additional levy.~~

~~(4) Authorization to levy an additional tax under the provisions of this section is effective for only 1 school fiscal year and must be authorized by a special election conducted before August 1 of the school fiscal year for which it is effective.~~

~~(5) If the trustees of a district are required to submit a proposition to finance a BASE budget amount, as provided in 20-9-308(2)(b), or an over BASE budget amount, as provided in 20-9-308(3)(b), to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4)."~~

~~**Section 73.** Section 20-20-105, MCA, is amended to read:~~

~~**"20-20-105. Regular school election day and special school elections.** The first Tuesday of April of each year shall be is the regular school election day. Unless otherwise provided by law, special school elections may be conducted at such times as determined by the trustees. Whenever possible, the trustees shall conduct special elections with regular or primary elections."~~

1 ~~Section 74. Section 20-20-106, MCA, is amended to read:~~

2 ~~"20-20-106. Poll hours. (1) The Except as provided in subsection (2), the polls for any school~~
 3 ~~election in any district shall must open not later than noon. The trustees may order the polls to open earlier,~~
 4 ~~but no earlier than 7 a.m. and close at the times required in 13-1-106.~~

5 ~~(2) If the school election is held on the same day as an election held by a political subdivision under~~
 6 ~~13-1-104(3) and at the same polling place, the polls shall be opened and closed at the times required for~~
 7 ~~the school election.~~

8 ~~(3) If the school election is held on the same day as a general or primary election, the polls shall~~
 9 ~~be opened and closed at the times required for the general or primary election.~~

10 ~~(4)(2) Once opened, the polls shall must be kept open continuously until 8 p.m., except that~~
 11 ~~whenever all the registered electors at any poll have voted, the poll shall must be closed immediately."~~

12

13 ~~Section 75. Section 20-20-201, MCA, is amended to read:~~

14 ~~"20-20-201. Calling of school election. (1) At least 40 days before any school election, the trustees~~
 15 ~~of any district shall call such the school election by resolution, stating the date and purpose of such the~~
 16 ~~election, and shall conduct it in accordance with the procedures required by law, when:~~

17 ~~(a) an election must be held on the regular school election day;~~

18 ~~(b) in their discretion, the trustees order an election for a purpose authorized by law;~~

19 ~~(c) the county superintendent orders an election in accordance with the law authorizing such an~~
 20 ~~the order;~~

21 ~~(d) the board of public education orders an election in accordance with the law authorizing such~~
 22 ~~an the order;~~

23 ~~(e) the county commissioners order an election in accordance with the law authorizing such an the~~
 24 ~~order;~~

25 ~~(f) the board of trustees of a community college district orders an election in accordance with the~~
 26 ~~law authorizing such an the order (in which case the community college district shall bear its share of the~~
 27 ~~cost of such the election); or~~

28 ~~(g) a school election is required by law under any other circumstances.~~

29 ~~(2) The resolution calling any school election shall must be transmitted to the county election~~
 30 ~~administrator no later than 35 days before the election in order to enable him the election administrator to~~

1 close the registration and prepare the lists of registered electors as required by school election laws.

2 ~~(3) Whenever possible, an election under this section must be conducted in conjunction with a~~
3 ~~regular or special election."~~

4
5 **Section 76.** ~~Section 20-20-202, MCA, is amended to read:~~

6 **"20-20-202. Time limitation for conduct of election.** ~~Whenever the trustees of any district receive~~
7 ~~an order to call an election, they shall conduct such the election any time within 60 days after the date of~~
8 ~~the order in conjunction with a regular or primary election unless the law or order otherwise regulates the~~
9 ~~day or timing of such the election."~~

10
11 **Section 77.** ~~Section 20-20-203, MCA, is amended to read:~~

12 **"20-20-203. Resolution for poll hours, polling places, and judges.** (1) ~~At the trustee meeting when~~
13 ~~a school election is called, the trustees shall:~~

14 ~~(a) except as provided in 20-20-106(3), establish the time at which the polls are to open if in their~~
15 ~~discretion they determine that the polls shall be open before noon;~~

16 ~~(b) establish the polling places for such the election, using the established polling places for general~~
17 ~~elections within the district wherever whenever possible; and~~

18 ~~(c)(b) appoint, from among the qualified electors of the district, at least three judges for each~~
19 ~~polling place for such the election and notify each judge of such the appointment not less than 10 days~~
20 ~~before the election.~~

21 ~~(2) There shall must be one polling place in each district unless the trustees establish additional~~
22 ~~polling places. If more than one polling place is established, the trustees shall define the boundaries for each~~
23 ~~polling place, and such the trustee defined polling place boundaries shall must be coterminous with county~~
24 ~~precinct boundaries existing within a district. If the site of a polling place is changed from the polling place~~
25 ~~site used for the last preceding school election, special reference to the changed site of the polling place~~
26 ~~shall must be included in the notice for such the election."~~

27
28 **Section 78.** ~~Section 20-20-204, MCA, is amended to read:~~

29 **"20-20-204. Election notice.** (1) (a) ~~When the trustees of any a district call a school election, they~~
30 ~~shall give notice of the election not less than 20 days or more than 30 days before the day of the election~~

1 by:

2 ~~(i) publication of the notice in a newspaper of general circulation in the district; or~~

3 ~~(ii) posting notices in three public places in the district, provided that in incorporated cities and~~
 4 ~~towns at least one notice shall must be posted at a public place in each ward or precinct.~~

5 ~~(b) Whenever, in the judgment of the trustees, the best interest of the district will be served by~~
 6 ~~the supplemental publication of the school election notice in a radio or television broadcast, the trustees~~
 7 ~~may cause such supplemental notification to be made.~~

8 ~~(2) The notice of a school election, unless otherwise required by law, shall must specify:~~

9 ~~(a) the date and polling places of the election;~~

10 ~~(b) the hours the polling places will be open;~~

11 ~~(c) each proposition to be considered by the electorate;~~

12 ~~(d)(e) if there are trustees to be elected, the number of positions subject to election and the length~~
 13 ~~of term of each position; and~~

14 ~~(e)(d) where and how absentee ballots may be obtained.~~

15 ~~(3) If more than one proposition is to be considered at the same school election, each proposition~~
 16 ~~must be set apart and separately identified in the same notice or published in separate notices."~~

17

18 **Section 65.** Section 22-1-303, MCA, is amended to read:

19 **"22-1-303. Creation of public library.** A public library may be established in any county or city in
 20 any of the following ways:

21 (1) The governing body of any county or city desiring to establish and maintain a public library may
 22 pass and enter upon its minutes a resolution to the effect that a free public library is established under the
 23 provision of Montana laws relating to public libraries.

24 (2) ~~By~~ A public library may be established by a petition that is signed by not less than 10% of the
 25 resident taxpayers, whose names appear upon the last completed assessment roll of the city or county,
 26 ~~being and that is~~ filed with the governing body requesting the establishment of a public library. The
 27 governing body of a city or county shall set a time of meeting at which ~~they~~ it may by resolution establish
 28 a public library. The governing body shall give notice of the contemplated action in a newspaper of general
 29 circulation for 2 consecutive weeks giving ~~therein~~ the date and place of the meeting at which the
 30 contemplated action is proposed to be taken.

1 (3) (a) Upon a petition being filed with the governing body and signed by not less than 5% of the
 2 resident taxpayers of any city or county requesting an election, the governing body shall submit to a vote
 3 of the qualified electors ~~thereof~~ at the next general election the question of whether a free public library
 4 ~~shall~~ is to be established.

5 (b) If ~~such~~ a petition is submitted for a city, the petition must be signed by resident taxpayers of
 6 ~~said~~ the city.

7 (c) If ~~such~~ a petition is submitted to the county commissioners of a county asking for the
 8 establishment of a county library, the petition must be signed by resident taxpayers of the county who
 9 reside outside the corporate limits of an incorporated city that is located in ~~said~~ the county ~~which and that~~
 10 may already have established a free public library for ~~such~~ the city.

11 (d) If ~~such~~ the petition specifically asks that a special election be called and ~~such~~ the petition is
 12 signed by 35% of the resident freeholders affected by ~~such~~ the petition, then the governing body shall,
 13 upon receipt of ~~such~~ the petition, immediately set a date for a special election~~7, which date shall be as soon~~
 14 ~~as the procedures for establishing a~~ The special election will allow must be held in conjunction with a
 15 regular or primary election.

16 (e) If at ~~such~~ the election a majority of the electors voting on the question vote in favor of the
 17 establishment of a library, the governing body shall immediately take the necessary steps to establish and
 18 maintain ~~said~~ the library or to contract with any city or county for library service to be rendered to the
 19 inhabitants of ~~such~~ the city or county."

20
 21 **Section 66.** Section 22-1-402, MCA, is amended to read:

22 **"22-1-402. Library systems -- definition.** (1) Library systems ~~shall~~ must include library federations
 23 or library networks~~, as defined hereafter.~~

24 ~~(1)(2)~~ (a) A library federation is a combination of libraries serving a multicounty, multicity, or
 25 city-county area within a federation area designated by the state library commission. Any other public
 26 library or town, city, or county within the federation area may participate in ~~such~~ a federation.

27 (b) Two or more cities, towns, counties, or a city and one or more counties may agree by contract
 28 to form ~~such~~ a federation by action of their respective governing bodies or duly created boards of library
 29 trustees, provided that one of the parties is or maintains a library ~~which~~ that has been designated by the
 30 state library commission as a headquarters library for that federation area. The participating entities may

1 retain ~~such the~~ autonomy over their respective libraries ~~as may be~~ that specified in the contract.

2 (c) The expense of providing library services for the library federation ~~shall~~ must be based on funds
3 received from the state or participating libraries as ~~shall be~~ agreed upon in the contract. The funds of the
4 federation ~~shall~~ must be maintained as a separate account as ~~shall be~~ provided in the contract. Participating
5 libraries shall transfer semiannually to the account all money collected for the federation in their respective
6 jurisdiction.

7 (d) A participating entity may withdraw from a federation according to the terms for withdrawal
8 provided in the contract by the action of its governing body or by a majority of its qualified voters voting
9 at a general or special election. A special election must be held in conjunction with a regular or primary
10 election.

11 ~~(2)(3)~~ A library network is an agreement between individual libraries or library systems, which may
12 be intercity, intrastate, or interstate, for the exchange of information or to provide specific library services
13 not provided in existing library federations."
14

15 **Section 67.** Section 67-11-303, MCA, is amended to read:

16 "**67-11-303. Bonds and obligations.** (1) An authority may borrow money for any of its corporate
17 purposes and issue its bonds ~~therefor~~ for those purposes, including refunding bonds, in ~~such the~~ form and
18 upon ~~such the~~ terms as that it may determine, payable out of any ~~revenues~~ revenue of the authority,
19 including ~~revenues~~ revenue derived from:

- 20 (a) an airport or air navigation facility or facilities;
21 (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;
22 (c) grants or contributions from the federal government; or
23 (d) other sources.

24 (2) The bonds may be issued by resolution of the authority, without an election and without any
25 limitation of amount, except that ~~no such~~ bonds may not be issued at any time if the total amount of
26 principal and interest to become due in any year on ~~such the~~ bonds and on any then outstanding bonds for
27 which ~~revenues~~ revenue from the same source or sources are pledged exceeds the amount of ~~such~~
28 ~~revenues~~ revenue to be received in that year as estimated in the resolution authorizing the issuance of the
29 bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates,
30 charges, rentals, and taxes, if any are pledged, sufficient to make the ~~revenues~~ revenue from the pledged

1 source in ~~such~~ the year at least equal to the amount of ~~such~~ principal and interest due in that year.

2 (3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102.
3 Except as otherwise provided ~~herein~~ in this section, any bonds issued pursuant to this chapter by an
4 authority may be payable as to principal and interest solely from ~~revenues~~ revenue of the authority and ~~shall~~
5 must state on their face the applicable limitations or restrictions regarding the source from which ~~such~~ the
6 principal and interest are payable.

7 (4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are
8 declared to be issued for an essential public and governmental purpose by a political subdivision within the
9 meaning of 15-30-111(2)(a).

10 (5) For the security of ~~any such~~ bonds, the authority or municipality may by resolution make and
11 enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be
12 exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time
13 to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any
14 revenues referred to in this chapter, prior to the payment of current costs of operation and maintenance
15 of the facilities.

16 (6) Subject to the conditions stated in this subsection ~~(6)~~, the governing body of any municipality
17 having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the
18 municipality or by an authority in which the municipality is included, may by resolution covenant that in the
19 event that at any time all ~~revenues~~ revenue, including taxes, appropriated and collected for ~~such~~ the bonds
20 ~~are~~ is insufficient to pay principal or interest then due, it will levy a general tax upon all of the taxable
21 property in the municipality for the payment of ~~such~~ the deficiency; ~~and~~ The governing body may further
22 covenant that at any time a deficiency is likely to occur within 1 year for the payment of principal and
23 interest due on such bonds, it will levy a general tax upon all the taxable property in the municipality for
24 the payment of ~~such~~ the deficiency, and ~~such~~ the taxes are not subject to any limitation of rate or amount
25 applicable to other municipal taxes but are limited to a rate estimated to be sufficient to produce the amount
26 of the deficiency. In the event that more than one municipality having a population in excess of 10,000 is
27 included in an authority issuing bonds pursuant to this chapter, the municipalities may apportion the
28 obligation to levy taxes for the payment of, or in anticipation of, a deficiency in the ~~revenues~~ revenue
29 appropriated for ~~such~~ the bonds in ~~such~~ a manner ~~as~~ that the municipalities may determine. The resolution
30 ~~shall~~ must state the principal amount and purpose of the bonds and the substance of the covenant

1 respecting deficiencies. ~~No such~~ A resolution becomes ~~may not be~~ effective until the question of its
 2 approval has been submitted to the qualified electors of the municipality at a special election called for that
 3 purpose by the governing body of the municipality and a majority of the electors voting on the question
 4 have voted in favor ~~thereof of the resolution~~. The special election must be held in conjunction with a
 5 regular or primary election. The notice and conduct of the election is governed, to the extent applicable,
 6 as provided for municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by
 7 cities and towns, and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an
 8 election called by counties. If a majority of the electors voting ~~thereon on the issue~~ vote against approval
 9 of the resolution, the municipality ~~has no authority to~~ may not make the covenant or ~~to~~ levy a tax for the
 10 payment of deficiencies pursuant to this section, but ~~such the~~ municipality or authority may ~~nevertheless~~
 11 issue bonds under this chapter payable solely from the sources referred to in subsection (1) ~~above~~."

12
 13 **Section 68.** Section 76-1-604, MCA, is amended to read:

14 **"76-1-604. Adoption, revision, or rejection of master plan.** (1) The governing bodies shall adopt
 15 a resolution of intention to adopt, revise, or reject ~~such the~~ proposed plan or any of its parts.

16 (2) If the governing bodies adopt a resolution of intention to adopt the proposed plan or any of its
 17 parts, they may, in their discretion, submit to the qualified electors of the jurisdictional area included within
 18 the proposed plan at the next primary or general election or at a special election the referendum question
 19 of whether or not the plan should be adopted. A special election must be held in conjunction with a regular
 20 or primary election. ~~The~~ Except as provided in this section, the provisions of Title 7, chapter 5, part 1,
 21 ~~except as in this section otherwise provided, shall~~ apply to ~~such the~~ referendum election.

22 (3) The governing bodies may adopt, revise, or repeal a master plan under this section.

23 (4) The qualified electors of the jurisdictional area included within the master plan may by initiative
 24 or referendum, as provided in 7-5-131 through 7-5-137, adopt, revise, or repeal a master plan under this
 25 section."

26
 27 **Section 69.** Section 85-9-206, MCA, is amended to read:

28 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) Upon receipt of
 29 a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court
 30 ~~shall find~~ finds that the ~~prayer of the~~ petition should be granted, it shall:

1 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited
2 by the proposed district and exclude those lands ~~which~~ that will not be ~~so~~ benefited;

3 (b) make an order fixing the time and place of an organizing election;

4 (c) order the election administrator to conduct the election in accordance with the provisions of
5 Title 13;

6 (d) order and decree the district organized if the requisite number of eligible electors vote in favor
7 of organization.

8 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
9 election, and a majority of those voting must vote in favor of organization. The election must be held in
10 conjunction with a regular or primary election.

11 (3) This chapter ~~shall~~ does not confer upon the court jurisdiction to hear, adjudicate, and settle
12 questions concerning the priority of appropriation of water between districts and other persons. Jurisdiction
13 to hear and determine priority of appropriation and questions of right growing out of or in any way
14 connected with a priority of appropriation is expressly excluded from this chapter and ~~shall~~ must be
15 determined as otherwise provided by the laws of Montana."

16
17 **Section 70.** Section 85-9-623, MCA, is amended to read:

18 "**85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to
19 issue bonds, the directors shall:

20 (1) pass a resolution ~~which~~ that includes:

21 (a) the purpose or purposes for which the bonds will be issued;

22 (b) the maximum amount and term of the bonds;

23 (c) the maximum interest rate the bonds will bear;

24 (d) whether the bonds will be repaid from ~~revenues~~ revenue, assessments, or both;

25 (2) give notice, as provided in 85-9-103(9), ~~which shall~~ that must include the resolution adopted
26 by the directors, and the location of polling places, ~~and hours when the polls will be open; and~~

27 (3) hold an election as provided by 85-9-422."

28 -END-

1 SENATE BILL NO. 193

2 INTRODUCED BY DOHERTY, TROPILA

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING ELECTIONS;
 5 ENCOURAGING ELECTOR PARTICIPATION BY CONSOLIDATING THE TIMES AT WHICH ISSUES ARE
 6 SUBMITTED TO ELECTORS; ESTABLISHING UNIFORM TIMES FOR THE OPENING AND CLOSING OF
 7 POLLS; AND AMENDING SECTIONS 7-2-2215, 7-2-2605, 7-2-2709, 7-2-4104, 7-2-4106, 7-2-4902,
 8 7-3-103, 7-3-149, 7-3-176, 7-3-186, 7-3-187, 7-3-192, 7-3-1205, 7-3-1208, 7-3-1229, 7-3-1231,
 9 7-3-4208, 7-3-4213, 7-3-4222, 7-3-4223, 7-3-4305, 7-3-4310, 7-3-4311, 7-5-133, 7-5-136, 7-5-4321,
 10 7-6-2344, 7-6-4255, 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426,
 11 7-7-4427, 7-8-4201, 7-11-305, 7-11-307, 7-12-4243, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341,
 12 7-13-4204, 7-14-210, 7-14-1134, 7-14-2205, 7-14-2504, 7-14-4404, 7-14-4512, 7-14-4642, 7-15-2111,
 13 7-15-4408, 7-16-2411, 7-16-2442, 7-31-106, 7-31-107, 7-31-109, 7-32-235, 7-34-2110, 7-34-2414,
 14 7-35-2106, ~~13-1-106, 20-6-203, 20-6-205, 20-6-211, 20-6-312, 20-6-315, 20-6-317, 20-9-353,~~
 15 ~~20-20-105, 20-20-106, 20-20-201, 20-20-202, 20-20-203, 20-20-204,~~ 22-1-303, 22-1-402, 67-11-303,
 16 76-1-604, 85-9-206, AND 85-9-623, MCA."

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
 20 **Section 1.** Section 7-2-2215, MCA, is amended to read:

21 **"7-2-2215. Election on question of creating new county -- proclamation and notice.** (1) Within 2
 22 weeks after its determination of the truth of the allegations of the petition, the board of county
 23 commissioners shall order and give ~~proclamation and~~ notice of an election to be held ~~on a specified day,~~
 24 ~~not less than 60 days thereafter,~~ for the purpose of determining whether the territory proposed to be taken
 25 from the county ~~shall~~ is to be established and organized into a new or enlarged county, ~~and~~ for the election
 26 of officers, ~~and for the~~ location of a county seat ~~therefor in case~~ if the vote at the election is in favor of
 27 the establishment and organization of a new county formed from a portion of one existing county or from
 28 portions of two or more existing counties.

29 (2) The question of determining whether the proposed territory ~~shall be~~ is taken from the county
 30 and added to the proposed new county must be included on the ballot for the next ~~countywide~~ regular or

1 primary, ~~general, or school~~ election scheduled not less than 60 days after the date of the ~~proclamation order~~
2 and notice.

3 (3) All registered electors of the county ~~shall be~~ are entitled to vote at the election. Registration
4 and transfers of registration ~~shall~~ must be made and ~~shall~~ must close in the manner and at a time provided
5 by law for registration and transfers of registration for a general election in Montana.

6 (4) If the proposed new county is an existing county to be enlarged by territory taken from the
7 county in which the petition was filed, the board of county commissioners of the proposed new county
8 shall hold an election in the manner described in subsections (1) through (3)."

9

10 **Section 2.** Section 7-2-2605, MCA, is amended to read:

11 "**7-2-2605. Notice and conduct of election.** (1) Notice of ~~such an~~ an election for removal of a county
12 seat, clearly stating the object, must be given and the election must be held and conducted and the returns
13 made in all respects in the manner prescribed by law in regard to the submitting of questions to the electors
14 of a locality under the general election law at a regular or primary election.

15 (2) In voting on the question, each elector must vote for the place in the county which ~~he~~ the
16 elector prefers by placing the mark X opposite the name of the place."

17

18 **Section 3.** Section 7-2-2709, MCA, is amended to read:

19 "**7-2-2709. ~~Special election~~ Election on question of abandonment and consolidation.** (1) (a) Within
20 14 days after transmittal of the resolution provided for in 7-2-2707, the boards of county commissioners
21 of the county in which the petition referred to in the resolution was filed and of each county designated
22 in the resolution as a county to which any of the territory of the county, if abandoned and abolished, would
23 be attached and made a part, shall, in a joint meeting and by joint resolution of ~~such the~~ the boards, call a
24 special election in all affected counties to be held in conjunction with the next regular or primary election.

25 (b) The joint resolution shall fix a day for holding the election in ~~such the~~ the counties, ~~which shall be~~
26 ~~not less than 90 days or more than 120 days after the date of the joint resolution calling the same.~~ If a
27 general election will be held in the counties not less than 90 days or more than 120 days after the date of
28 the resolution provided for in 7-2-2707, the joint resolution ~~shall~~ must direct that the question be submitted
29 to the registered electors of the counties at the general election. The joint resolution ~~shall~~ must be filed in
30 the office of the secretary of state, and copies ~~thereof shall~~ of the resolution must be transmitted to the

1 election administrator of each of the counties in which the election is to be held.

2 (2) At the election there ~~shall~~ must be submitted:

3 (a) to the registered electors of the county in which the petition was filed, the question of whether
4 or not the county ~~shall~~ is to be abandoned and abolished and its territory attached to and made a part of
5 the county designated and named for the purpose in the petition; and

6 (b) to the registered electors of each county named and designated in the resolution as a county
7 to which a part of the territory of the county proposed to be abandoned and abolished ~~shall~~ is to be
8 attached and made a part if the county ~~shall be so~~ is abandoned and abolished, the question of whether
9 or not the part of the territory of the county, if abandoned and abolished, described in the resolution ~~shall~~
10 must be attached to and become a part of the county."

11
12 **Section 4.** Section 7-2-4104, MCA, is amended to read:

13 **"7-2-4104. Election on question of organization.** (1) After filing the petition and census, if there
14 is the requisite number of inhabitants for the formation of a municipal corporation as required in 7-2-4103,
15 the county commissioners ~~must~~ shall call an election of all the registered electors residing in the territory
16 described in the petition.

17 (2) The election must be held at a convenient place within the territory described in the petition,
18 to be designated by the board. If possible, the election must be held in conjunction with a regular or
19 primary election.

20 (3) The ballots used at the election must contain the words "For incorporation" or "Against
21 incorporation", and all elections must be conducted as provided in Title 13."

22
23 **Section 5.** Section 7-2-4106, MCA, is amended to read:

24 **"7-2-4106. First election for officers.** (1) When the incorporation of a city or town is completed,
25 the board of county commissioners ~~must~~ shall give notice for 30 days in a newspaper published within the
26 limits of the city or town or, if none is published ~~therein~~ within the limits, by posting notices in six public
27 places within the limits of the ~~corporation~~ city or town of the time and place or places of holding the first
28 election for offices of the ~~corporation~~ city or town. The election must be held in conjunction with a regular
29 or primary election.

30 (2) At ~~such~~ the election, all the electors qualified by the general election laws of the state who

1 have resided within the limits of the city or town for 6 months and within the limits of the ward for 30 days
 2 preceding the election are qualified electors and may choose officers for the city or town, to hold office as
 3 prescribed in 7-2-4107.

4 (3) The board ~~must~~ shall appoint election judges and canvass and declare the result ~~thereof~~ of the
 5 election. The election must be conducted in the manner required by law for the election of county officers."
 6

7 **Section 6.** Section 7-2-4902, MCA, is amended to read:

8 **"7-2-4902. Disincorporation by election.** (1) Any city or town may be disincorporated in the
 9 manner provided in this section.

10 (2) If the registered electors of a city or town equal in number to at least 15% of the number of
 11 electors registered at the last municipal general election petition the board of county commissioners of the
 12 county where the city or town is situated to disincorporate the city or town, or if the city governing body
 13 by a two-thirds vote of all its members resolves to disincorporate, then the board shall order, ~~within 60~~
 14 ~~days, that~~ a special election to be held within the city or town on the question of disincorporating the city
 15 or town. ~~The day for holding the election may not be less than 75 days or more than 120 days after the~~
 16 ~~board orders the~~ must be held in conjunction with a regular or primary election."
 17

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

19 **"7-3-103. Amendment of self-government charter or adopted alternative form of government.** (1)
 20 An amendment to a self-government charter or an adopted alternative form of government may only be
 21 made by submitting the question of amendment to the electors of the local government. To be effective,
 22 a proposed amendment must receive an affirmative vote of a majority of the electors voting on the
 23 question. An amendment approved by the electors becomes effective on the first day of the local
 24 government fiscal year following the fiscal year of approval unless the question submitted to the electors
 25 provides otherwise.

26 (2) An amendment to a self-government charter or an adopted alternative form of government may
 27 be proposed by initiative by petition of 15% of the electors registered at the last general election of the
 28 local government or by ordinance enacted by the governing body. The question on amendment of a charter
 29 or an adopted alternative form of government ~~shall~~ must be submitted to the electors ~~as soon as possible~~
 30 ~~after the submission of a petition or enactment of a resolution, either at a regularly scheduled~~ the next

1 ~~regular or primary election or at a special election.~~

2 (3) The local government, by ordinance, may provide procedures for the submission and verification
3 of initiative petitions."

4

5 **Section 8.** Section 7-3-149, MCA, is amended to read:

6 **"7-3-149. Election on alternative form.** (1) The governing body shall call a special election on the
7 question of an alternative form of government to be held at the next regular or primary election that is at
8 least 75 days after the call and within 120 days of the date of filing with the records administrator under
9 7-3-146. ~~The special election may be held in conjunction with any other election.~~ The records administrator
10 shall prepare and print notices of the ~~special~~ election.

11 (2) The cost of the election ~~shall~~ must be paid for by the local government.

12 (3) (a) The affirmative vote of a simple majority of those voting on the question is required for
13 adoption.

14 (b) In any election involving the question of consolidation, each question ~~shall~~ must be submitted
15 to the electors in the county and requires an affirmative vote of a simple majority of the votes cast in the
16 county on the question for adoption. There is no requirement for separate majorities in local governments
17 voting on consolidation.

18 (c) In any election involving the question of county merger, the questions ~~shall~~ must be submitted
19 to the electors in the counties affected and ~~requires~~ require a majority of the votes cast on the questions
20 in each affected county for adoption.

21 (d) If the electors disapprove the proposed new form of local government, amendments, or
22 consolidation plan, the local government retains its existing form."

23

24 **Section 9.** Section 7-3-176, MCA, is amended to read:

25 **"7-3-176. Election of commission members.** (1) If the question of reviewing the local government
26 and establishing a study commission is approved, an election to fill the positions on the local government
27 study commission ~~shall~~ must be held in conjunction with the ~~1984 general election date or at the first~~
28 ~~regularly scheduled election of the local government conducted after 90 days following the election~~
29 ~~establishing the study commission.~~ A primary election may not be held.

30 (2) The names of study commission candidates who have filed declarations of nomination not later

1 than 75 days before the date of the election ~~shall~~ must be placed on the ballot. There is no filing fee. The
2 election is nonpartisan, and candidates ~~shall~~ must be listed without party or other designation or slogan.
3 The secretary of state shall prescribe the ballot form for study commissioners.

4 (3) Candidates for study commission positions ~~shall~~ must be electors of the local government for
5 which the study commission has been established. The candidates may not be elected officials of the local
6 government.

7 (4) The number of candidates, equal to the number of study commission positions to be elected,
8 receiving the highest number of votes, which includes votes cast for candidates who have officially filed
9 nominations and votes for write-in candidates, ~~shall~~ must be declared elected. If there is a tie vote among
10 candidates, the governing body shall decide by lot which candidate will fill the position.

11 (5) If the number of study commissioners elected is not equal to the number required to be
12 selected, the ~~chairman~~ presiding officer of the governing body, with the confirmation of the governing body,
13 shall appoint the additional study commissioners within 20 days of the election. ~~No~~ An elected official of
14 the local government may not be appointed."

15
16 **Section 10.** Section 7-3-186, MCA, is amended to read:

17 **"7-3-186. Study commission timetable.** (1) Each local government study commission shall, within
18 90 days of its organizational meeting, establish a timetable for its deliberations and actions. The timetable
19 must be published in a local newspaper of general circulation. The timetable may be revised, but each
20 revision must be republished.

21 (2) The timetable must provide, at a minimum, the following provisions, to be accomplished
22 chronologically in the order presented:

23 (a) conduct one or more public hearings for the purpose of gathering information regarding the
24 current form, functions, and problems of local government;

25 (b) formulate, reproduce, and distribute a tentative report, containing the same categories of
26 information required to be included in the final report;

27 (c) conduct one or more public hearings on the tentative report;

28 (d) adopt the final report of the commission and set the date for a special election on the question
29 of adopting a new plan of government or, if the study commission is not recommending any changes,
30 publish and distribute the final report as provided in 7-3-187 within 60 days after the final report is adopted.

1 The special election must be held in conjunction with a regular or primary election."

2

3 **Section 11.** Section 7-3-187, MCA, is amended to read:

4 **"7-3-187. Final report.** (1) ~~Every~~ A study commission shall adopt a final report. If the study
5 commission recommends an alternative form of government, the final report ~~shall~~ must contain the
6 following materials and documents, each signed by a majority of the study commission members:

7 (a) those materials and documents required of a petition proposing an alteration of an existing form
8 of government in 7-3-142;

9 (b) a certificate establishing the date of the special election, which ~~may~~ must be held in conjunction
10 with a ~~regularly-scheduled~~ regular or primary election, at which the alternative form of government ~~shall~~
11 ~~be~~ is presented to the electors and a certificate establishing the form of the ballot question or questions;
12 and

13 (c) a certificate establishing the dates of the first primary and general elections for officers of a new
14 government if the proposal is approved and establishing the effective date of the proposal if approved.

15 (2) The final report ~~shall~~ must contain any minority report signed by members of the commission
16 who do not support the majority proposal.

17 (3) If the study commission is not recommending any changes, its final report ~~shall~~ must indicate
18 that changes are not recommended.

19 (4) The study commission shall file two copies of the final report with the department of commerce,
20 one of which the department shall forward to the state library. A copy of the final report ~~shall~~ must be
21 certified by the study commission to the municipal or county records administrator within 30 days after the
22 adoption of the final report.

23 (5) Sufficient copies of the final report ~~are to~~ must be prepared for public distribution. The final
24 report must be available to the electors not later than 30 days prior to the election on the issue of adopting
25 the alternative plan. Copies of the final report may be distributed to electors or residents of the local
26 government or governments affected.

27 (6) After submission of the final report, the commission shall deposit copies of its minutes and
28 other records with the county clerk and recorder."

29

30 **Section 12.** Section 7-3-192, MCA, is amended to read:

1 **"7-3-192. Election on recommendation.** (1) An alternative plan of government recommended by
 2 a study commission ~~shall~~ must be submitted to the voters as provided in 7-3-149, ~~except that the study~~
 3 ~~commission shall authorize the submission of the alternative plan of government to the voters at a special~~
 4 ~~election to be held no less than 75 or more than 120 days from the date of the adoption of the final report.~~
 5 The ~~special~~ election ~~may~~ must be held in conjunction with any regularly scheduled election. ~~Study~~
 6 ~~commissions elected on the general election date in 1984 shall submit a final report allowing for a vote on~~
 7 ~~any recommendation no later than the general election date in 1986.~~

8 (2) General ballot requirements and treatment of suboptions on an alternative plan of government
 9 recommended by a study commission ~~shall~~ must be the same as for recommendations by petition as
 10 provided in 7-3-150 and 7-3-151."

11
 12 **Section 13.** Section 7-3-1205, MCA, is amended to read:

13 **"7-3-1205. Certification of petition -- board action.** (1) If the county election administrator ~~shall~~
 14 ~~find~~ finds that ~~such~~ the petition or amended petition ~~so filed~~ is signed by the required number of registered
 15 electors, ~~he~~ the election administrator shall ~~so~~ certify the finding to the board of county commissioners ~~of~~
 16 ~~such~~ county at their next regular meeting.

17 (2) ~~Such~~ The board shall, within 10 days after receiving the election administrator's certificate,
 18 order a special election to be held, ~~at which election such~~ on the question shall be submitted to the
 19 ~~registered electors of the county.~~ Such The order shall must specify ~~the time when such~~ that the election
 20 ~~shall will~~ be held, ~~which shall be not less than 90 or more than 120 days from and after the day when such~~
 21 ~~order is made, and the~~ in conjunction with the next regular or primary election. The board of county
 22 commissioners shall ~~immediately upon making such order~~ issue a proclamation setting forth the purpose
 23 for which ~~such~~ the special election is held and the date of holding the ~~same, which~~ election. The
 24 proclamation must be published in the manner prescribed by 13-1-108."

25
 26 **Section 14.** Section 7-3-1208, MCA, is amended to read:

27 **"7-3-1208. Election of commission upon favorable vote.** (1) If the majority of the votes cast at
 28 ~~such~~ the election ~~shall be~~ are in favor of ~~such~~ the consolidation and merging, the board of county
 29 commissioners of ~~such~~ the county ~~must~~ shall, within 2 weeks after ~~such~~ the election returns have been
 30 canvassed, order a special election to be held in conjunction with the next regular or primary election for

1 the purpose of electing the number of members of the commission to which ~~such the~~ consolidated
 2 municipality ~~shall be~~ is entitled. This order ~~shall~~ must specify the time when ~~such the~~ election ~~shall~~ will be
 3 held, ~~which shall be not less than 90 or more than 120 days after the day when such order is made;~~
 4 ~~provided, however, that if any general election is to be held in such county after 3 months but within 6~~
 5 ~~months from the date of the making of such order, then such order shall require such special election to~~
 6 ~~be held at the same time as such general election.~~ The board of county commissioners, immediately upon
 7 making ~~such the~~ order, shall issue a proclamation setting forth the purpose for which ~~such the~~ special
 8 election is held and the date of holding the ~~same, which the~~ election. The proclamation must be published
 9 in the manner prescribed by 13-1-108.

10 (2) ~~No~~ A primary election ~~shall~~ may not be held for the purpose of nominating candidates for
 11 members of the commission ~~hereinafter provided for,~~ to be voted for at ~~such the~~ special election, ~~but such~~
 12 . The candidates shall must be nominated directly by a petition ~~which shall be~~ that is in substantially the
 13 same form and ~~be~~ signed by the same number of signers as ~~hereinafter~~ required for primary nominating
 14 petitions. ~~Such~~ The election ~~shall~~ must be conducted, the vote must be returned and canvassed, and the
 15 result must be declared in the same manner as provided by law in respect to general elections."
 16

17 **Section 15.** Section 7-3-1229, MCA, is amended to read:

18 **"7-3-1229. Submission of initiative measure to electors.** (1) If the commission fails to pass an
 19 ordinance proposed by initiative petition or passes it in a form different from that set forth in the petition
 20 ~~therefor,~~ the committee of the petitioners ~~hereinafter provided for~~ may require that it be submitted to a vote
 21 of the electors either in its original form or with any change or amendment presented in writing, either at
 22 a public hearing before the committee to which the proposed ordinance was referred or during ~~the~~
 23 consideration ~~thereof~~ by the commission. If the committee of petitioners requires the submission of a
 24 proposed ordinance to a vote of the electors, the committee shall certify that fact to the clerk and file in
 25 ~~his~~ the clerk's office a certified copy of the ordinance, in the form in which it is to be submitted, within 10
 26 days after final action on ~~such the~~ ordinance by the commission.

27 (2) Upon receipt of the certified copy of a proposed ordinance from the committee of the
 28 petitioners, the clerk shall certify the fact to the commission at its next regular meeting. ~~If a municipal~~
 29 ~~election is to be held within 6 months but more than 90 days after the receipt of the clerk's certificate by~~
 30 ~~the commission,~~ The proposed ordinance ~~shall~~ must be submitted to a vote of the electors at ~~such~~

1 ~~the next regular or primary~~ election. ~~If no such election is to be held within the time aforesaid, the~~
 2 ~~commission may provide for submitting the proposed ordinance to the electors at a special election to be~~
 3 ~~held not sooner than 90 days after receipt of the clerk's certificate. If no municipal election be held within~~
 4 ~~6 months as aforesaid and the commission does not provide for a special election, the proposed ordinance~~
 5 ~~shall be submitted to the electors at the first election held after the expiration of such 6 months. If when~~
 6 ~~submitted to the electors a majority of those voting on a proposed ordinance shall vote in favor thereof of~~
 7 ~~the proposed ordinance, it shall thereupon be~~ is an ordinance of the municipality."

8
 9 **Section 16.** Section 7-3-1231, MCA, is amended to read:

10 **"7-3-1231. Action on referendum petition.** (1) If a referendum petition or amended petition is found
 11 sufficient, ~~by the clerk, he~~ shall certify that fact to the commission at its next regular meeting, and the
 12 ordinance or part ~~thereof~~ of the ordinance set forth in the petition ~~shall~~ may not go into effect, or further
 13 action ~~thereunder shall be~~ under the ordinance is suspended if it ~~shall have~~ has gone into effect, until
 14 approved by the electors ~~as hereinafter provided.~~

15 (2) Upon receipt of the clerk's certificate, the commission shall ~~proceed to~~ reconsider the ordinance
 16 or part ~~thereof~~ of the ordinance, and its final vote upon ~~such~~ reconsideration ~~shall~~ must be upon the
 17 question "Shall the ordinance (or part of the ordinance) set forth in the referendum petition be repealed?"
 18 If upon ~~such~~ reconsideration the ordinance or part ~~thereof~~ of the ordinance is not repealed, it ~~shall~~ must
 19 be submitted to the electors at the next ~~municipal~~ regular or primary election ~~held not less than 90 days~~
 20 ~~after such final vote by the commission. The commission, by vote of not less than two thirds of its~~
 21 ~~members, may submit the ordinance or part thereof to the electors at a special election to be held not~~
 22 ~~sooner than the time aforesaid. If when submitted to the electors any ordinance or part thereof of an~~
 23 ordinance is not approved by a majority of those voting ~~thereon~~ on the issue, it ~~shall be deemed~~ is
 24 repealed."

25
 26 **Section 17.** Section 7-3-4208, MCA, is amended to read:

27 **"7-3-4208. Petition to organize under commission form -- election required.** (1) ~~Upon~~ When
 28 ~~petition being on the question or reorganization under this part is~~ filed with the city council, and is signed
 29 by not less than 25% of the qualified electors of ~~such~~ the city registered for the last preceding general city
 30 election, ~~praying that the question of reorganization under this part be submitted to the qualified electors~~

1 ~~of such city, said~~ the city council shall ~~thereupon and within 30 days thereafter~~ order a special election to
 2 be held in conjunction with the next regular or primary election. At this election, the question of
 3 reorganization of ~~such~~ the city under the provisions of this part shall must be submitted to the qualified
 4 electors of ~~such~~ the city.

5 (2) ~~Such~~ The order of the city council shall must specify ~~therein~~ the time when ~~such~~ the election
 6 shall will be held, ~~which must be no less than 75 or more than 90 days from the date of the city council~~
 7 ~~order."~~

8
 9 **Section 18.** Section 7-3-4213, MCA, is amended to read:

10 **"7-3-4213. Election for first city officers.** (1) If a majority of the votes cast at ~~such~~ the election
 11 ~~shall be~~ is in favor of ~~such proposition~~ reorganization, the city council ~~must~~ shall, at its first regular meeting
 12 held ~~thereafter~~ after the election, order a special election to be held for the purpose of electing a mayor and
 13 the number of councilmen to which ~~such~~ the city ~~shall be~~ is entitled. The order shall must specify the time
 14 of holding ~~such~~ the election, which must be ~~no less than 75 and no more than 90 days after the making~~
 15 ~~of said order, and the~~ held in conjunction with a regular or primary election. The mayor shall ~~thereupon~~
 16 issue a proclamation setting forth the purposes for which ~~such~~ the special election is called and the day
 17 of holding the ~~same~~ election. The proclamation shall must be published for 10 successive days in each daily
 18 newspaper published in ~~such~~ the city if there ~~be~~ is a daily newspaper; ~~otherwise, or~~ once a week for
 19 2 consecutive weeks in each weekly newspaper published ~~therein in the city;~~ and a A copy ~~thereof~~ shall
 20 ~~also~~ of the proclamation must be posted at each voting place within ~~said~~ the city and ~~also~~ in at least 10
 21 of the most public places in ~~said~~ the city.

22 (2) ~~Such~~ The election shall must be conducted, the vote must be canvassed, and the result must
 23 be declared in the same manner as provided by law in respect to other city elections."
 24

25 **Section 19.** Section 7-3-4222, MCA, is amended to read:

26 **"7-3-4222. Adoption of ordinances.** (1) ~~Every~~ Each ordinance or resolution appropriating money,
 27 ordering any street or sewer improvement ~~or sewer~~, making or authorizing the making of any contract, or
 28 granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city
 29 for any purpose shall must be complete in the form in which it is finally passed and remain on file with the
 30 city clerk for public inspection at least 1 week before the final passage or adoption ~~thereof~~ of the ordinance

1 or resolution.

2 (2) ~~No~~ An ordinance passed by the council, except when otherwise required by the general laws
 3 of this state or the provisions of this part and except an ordinance for the immediate preservation of the
 4 public peace, health, or safety ~~which that~~ contains a statement of its urgency and is passed by a two-thirds
 5 vote of the council, ~~shall~~ may not go into effect before 10 days from the time of its final passage. If during
 6 the 10-day period a petition signed by electors of the city equal in number to at least 25% of the entire
 7 number of persons registered to vote at the last preceding general municipal election, protesting against
 8 the passage of ~~such the~~ the ordinance, is presented to the council, the ordinance ~~shall thereupon be~~ is
 9 suspended from going into operation and the council shall reconsider the ordinance. If the ordinance is not
 10 entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at a
 11 general election or at a special municipal election ~~to be called for that purpose~~ held in conjunction with a
 12 regular or primary election. The ordinance ~~shall~~ may not go into effect or become operative unless a
 13 majority of the electors voting on the ordinance vote in favor of its adoption."
 14

15 **Section 20.** Section 7-3-4223, MCA, is amended to read:

16 "7-3-4223. **Granting of franchises.** ~~No~~ A franchise or right to occupy or use the streets, highways,
 17 bridges, or public places in ~~any such a~~ a city ~~shall~~ may not be granted, renewed, or extended except by
 18 ordinance, ~~and every~~ A franchise or grant for interurban or street railways, gasworks or waterworks,
 19 electric light or power plants, heating plants, telegraph or telephone systems, or other public service utilities
 20 or renewal or extension of ~~any such the~~ the franchise or grant within ~~such the~~ the city must be authorized or
 21 approved by a majority of the electors voting ~~thereon~~ on the issue at a general election or a special election
 22 held in conjunction with a regular or primary election as provided in 7-5-4321 and 7-5-4322."
 23

24 **Section 21.** Section 7-3-4305, MCA, is amended to read:

25 "7-3-4305. **Petition to organize under commission-manager form -- election required.** (1) Upon a
 26 the filing of a petition being filed with the city or town council, signed by not less than 15% of the qualified
 27 electors of the municipality registered for the last general municipal election, proposing that the question
 28 of reorganization under this part and part 44 be submitted to the qualified electors of the municipality, the
 29 city or town council shall ~~within 30 days~~ order a special election to be held, at which in conjunction with
 30 a regular or primary election. At the election, the question of reorganization of the municipality under the

1 provisions of this part and part 44 must be submitted to the qualified electors of the municipality.

2 (2) The order of the city or town council must specify the time when the election ~~must will~~ be held,
3 ~~which may not be less than 75 or more than 90 days from the date of the order of the council.~~"

4
5 **Section 22.** Section 7-3-4310, MCA, is amended to read:

6 **"7-3-4310. Special election for municipal officers.** (1) If the majority of the votes cast at ~~such the~~
7 election ~~shall be~~ are in favor of ~~such proposition~~ reorganization, the city or town council ~~must shall~~ hold
8 a meeting within 1 week ~~thereafter~~ after the election and ~~at such meeting~~ order a special election to be held
9 in conjunction with a regular or primary election for the purpose of electing the number of commissioners
10 to which ~~such the~~ municipality ~~shall be~~ is entitled. This order ~~shall must~~ specify the time of holding ~~such~~
11 the election, ~~which must be no less than 75 or more than 90 days after the making of such order, and the.~~
12 The mayor shall ~~thereupon~~ issue a proclamation setting forth the purpose for which ~~such the~~ special
13 election is held and the day of holding the ~~same~~ election. The proclamation ~~shall must~~ be published for 10
14 successive days in each daily newspaper published in ~~such the~~ municipality if there ~~be such; otherwise, is~~
15 a daily newspaper or for 2 successive weeks in each weekly newspaper published ~~therein; and a~~ in the
16 municipality. A copy ~~thereof shall~~ of the proclamation must also be posted at each voting place within ~~said~~
17 the municipality and ~~also~~ in five of the most public places in ~~said the~~ municipality.

18 (2) ~~Such The~~ election ~~shall must~~ be conducted, the vote must be canvassed, and the result must
19 be declared in the same manner as provided by law ~~in respect to~~ for other municipal elections.

20 (3) The provisions of 7-3-4341 are to be followed in the special election, except that the date of
21 the ~~primary~~ election ~~shall must~~ be ~~at least 85 days~~ in conjunction with a regular or primary election held
22 before the special election."

23
24 **Section 23.** Section 7-3-4311, MCA, is amended to read:

25 **"7-3-4311. Procedure for multimunicipality organization.** (1) Whenever the inhabitants of any
26 community or group of communities in any county, whether separately incorporated in whole or in part or
27 unincorporated, ~~which are situated in such proximity or location with reference to each other as to make~~
28 ~~single municipal control necessary or desirable,~~ shall desire to be organized into or annexed to an
29 incorporated city or town under the provisions of this part and part 44, the board of county commissioners
30 of ~~such the~~ county may or upon the presentation of a petition signed by not less than 25% of the qualified

1 electors in ~~such~~ the community or group of communities ~~must~~ shall issue a proclamation ordering a special
2 election to be held in conjunction with a regular or primary election.

3 (2) At this election, the question of the organization of ~~such~~ the community or group of
4 communities as a municipality under the provisions of this part and part 44 ~~shall~~ must be submitted to the
5 qualified electors within the proposed municipal district. ~~Said~~ The proclamation ~~shall~~ must specify the time
6 when and the places where ~~such~~ the election ~~shall~~ will be held, ~~which must be no less than 75 or more~~
7 ~~than 90 days from the date of filing such petition,~~ and ~~shall~~ must define the boundaries of ~~said~~ the
8 proposed municipal district, which ~~shall~~ must include all ~~such~~ communities, ~~and~~ cities, and ~~such~~ any
9 additional adjacent territory ~~as shall that,~~ in the judgment of the board of county commissioners, ~~provide~~
10 provides for future urban growth.

11 (3) If a majority of the legal voters at ~~said~~ the election vote in favor of the organization of ~~such~~ the
12 municipal district or in favor of annexation to an incorporated city or town, then the board of county
13 commissioners shall declare the result of ~~said~~ the election and ~~immediately thereafter~~ shall give notice for
14 30 days in a newspaper published within the proposed municipal district or, if ~~none~~ be a newspaper is not
15 published ~~therein~~ in the proposed district, by posting notices in six public places within the limits of ~~said~~
16 the district of the time and place or places of holding the first election for commissioners of ~~such~~ the
17 municipal district under this law. At ~~such~~ the election, all electors qualified by the general election laws of
18 the state who have resided within the limits of the municipal district for 6 months are qualified electors.
19 The board of county commissioners ~~must~~ shall appoint judges and clerks of election and canvass and
20 declare the result ~~thereof~~ of the election. The election must be held in conjunction with a regular or primary
21 election and must be conducted in the manner prescribed by law for the election of county officers, ~~and~~
22 ~~the~~. The commissioners ~~so~~ elected must qualify in the manner prescribed by law for county officers."
23

24 **Section 24.** Section 7-5-133, MCA, is amended to read:

25 "7-5-133. **Processing of petition.** (1) The governing body may, within 60 days of receiving the
26 petition, take the action called for in the petition. If the action is taken, the question need not be submitted
27 to the electors.

28 (2) If the governing body does not within 60 days take the proposed action, then the question ~~shall~~
29 must be submitted to the electors at the next ~~school,~~ regular or primary, ~~or general~~ election ~~or a special~~
30 ~~election called for that purpose."~~

1 **Section 25.** Section 7-5-136, MCA, is amended to read:

2 **"7-5-136. Submission of question to electors.** (1) Any ordinance proposed by petition, ~~or~~ any
3 amended ordinance proposed by petition, ~~or~~ any referendum on an ordinance ~~which~~ is entitled to be
4 submitted to the electors ~~shall~~ must be voted on at the next regular election to be held in the local
5 government unless:

6 (a) the petition asks that the question be submitted at a special election and is signed by at least
7 25% of the electors of the local government, in which case the governing body shall call a special election
8 to be held in conjunction with a regular or primary election; or

9 (b) the governing body calls for a special election on the question to be held in conjunction with
10 a regular or primary election.

11 (2) A special election may not be held sooner than 75 days after the adequacy of the petition is
12 determined by the election administrator or the governing body orders a special election.

13 (3) If the adequacy of the petition is determined by the election administrator less than 75 days
14 prior to the next regular election, the election ~~shall~~ must be delayed until the following regular election
15 unless a special election is called.

16 (4) Whenever a measure is ready for submission to the electors, the appropriate election
17 administrator shall in writing notify the governing body and shall publish notice of the election and the
18 ordinance ~~which~~ that is to be proposed or amended. In the case of a referendum, the ordinance sought to
19 be repealed ~~shall~~ must be published.

20 (5) The question ~~shall~~ must be placed on the ballot, giving the electors a choice between accepting
21 or rejecting the proposal.

22 (6) If a majority of those voting favor the proposal, it becomes effective when the election results
23 are officially declared unless otherwise stated in the proposal."
24

25 **Section 26.** Section 7-5-4321, MCA, is amended to read:

26 **"7-5-4321. Grant of exclusive franchise -- election required.** (1) The council may not grant an
27 exclusive franchise or special privilege to any person except in the manner specified in subsection (2). The
28 powers of the council are only those expressly prescribed by law and those necessarily incident ~~thereto~~ the
29 law.

30 (2) ~~No~~ An exclusive franchise for any purpose, except contracts for solid waste management

1 systems as defined in 75-10-103, which may not exceed 10 years, may not be granted by any city or town
 2 or by the mayor or city council ~~thereof~~ to any person, association, or corporation without first submitting
 3 the application ~~therefor~~ for an exclusive franchise to the electors of the city at a regular or primary
 4 election."

5

6 **Section 27.** Section 7-6-2344, MCA, is amended to read:

7 **"7-6-2344. Limitation on amount of emergency expenditures and liabilities -- election.** (1) Unless
 8 the excess above the sums listed in subsections (1)(a), (1)(b), and (1)(c) is first authorized by a majority
 9 of the electors of the county, voting at a general election or a special election held in conjunction with a
 10 regular or primary election, the aggregate total of all expenditures made or liabilities incurred in any fiscal
 11 year to meet emergencies, other than those caused by fire, flood, explosion, earthquake, epidemic, riot,
 12 or insurrection, may not exceed:

13 (a) \$25,000 in counties of class 1, 2, 3, or 4;

14 (b) \$15,000 in counties of class 5 or 6; and

15 (c) \$7,500 in counties of class 7.

16 (2) The question of authorizing the excess expenditures ~~shall~~ must be submitted in the following
 17 form, inserting in the ballot the amount of the excess proposed to be authorized and a description of the
 18 emergency to be met:

19 Shall the board of county commissioners of County, Montana, be authorized to make additional
 20 expenditures and incur additional liabilities in the amount of \$.... over and above the sum of \$.... to meet
 21 an emergency caused by

22 YES

23 NO

24 (3) The total of all emergency budgets and appropriations made ~~therein~~ in any ~~one~~ year to be paid
 25 from the county poor fund may not exceed the amount ~~which~~ that would be produced by a mill levy equal
 26 to the difference between the mills levied in that year and the maximum mill levy authorized by law to be
 27 made for ~~each~~ the poor fund, computed against the taxable value of the property subject to ~~each~~ the levy
 28 as shown by the last completed assessment roll of the county."

29

30 **Section 28.** Section 7-6-4255, MCA, is amended to read:

1 **"7-6-4255. Use of emergency warrants.** (1) All emergency expenditures ~~shall~~ must be made by
 2 the issuance of emergency warrants drawn against the fund or funds properly chargeable with ~~such~~ the
 3 expenditures. The city treasurer is authorized and directed to pay ~~such~~ the emergency warrants with any
 4 money in ~~such~~ the fund or funds available for ~~such~~ that purpose. If at any time there ~~shall not be sufficient~~
 5 is insufficient money available in ~~such~~ the fund or funds to pay ~~such~~ the warrants, then ~~such~~ the warrants
 6 ~~shall~~ must be registered, must bear interest, and must be called ~~in~~ for payment in the manner provided by
 7 law for other city warrants.

8 (2) The clerk shall include in ~~his~~ the annual tabulation to be submitted to the council the total
 9 amount of emergency warrants issued during the preceding fiscal year. Subject to the provisions of
 10 subsection (3), the council shall, in ~~their~~ the tax levies, include a levy for each fund sufficient to raise an
 11 amount equal to the total amount of ~~such~~ any emergency warrants, ~~if there be any,~~ remaining unpaid at
 12 the close of ~~such~~ the preceding fiscal year because of insufficient money in ~~such~~ the fund to pay the ~~same~~
 13 warrants.

14 (3) (a) ~~No~~ A levy ~~shall~~ may not be made for any fund in excess of the levy authorized by law to
 15 be made ~~therefor~~ for the fund.

16 (b) The council may submit the question of funding ~~such~~ the emergency warrants at an election
 17 as provided by law. If possible, the election must be held in conjunction with a regular or primary election.
 18 If at ~~any~~ ~~such~~ the election the issuing of ~~such~~ funding bonds ~~be~~ is authorized, it ~~shall~~ is not ~~then~~ be
 19 necessary for any levy to be made for the purpose of paying ~~such~~ the emergency warrants."

20
 21 **Section 29.** Section 7-7-2223, MCA, is amended to read:

22 **"7-7-2223. Election required for issuance of certain bonds.** (1) County bonds for any purpose other
 23 than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized at a ~~duly~~ called
 24 special election held in conjunction with a regular or primary election or a general election at which the
 25 question of issuing ~~such~~ the bonds is submitted to the registered electors of the county and approved as
 26 provided in 7-7-2237.

27 (2) ~~No~~ A bond election may not be called unless the board of county commissioners:

28 (a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2);

29 or

30 (b) receives a petition, delivered and certified by the election administrator, asking that ~~such~~ the

1 election be held and the question be submitted. The petition must be signed by at least 20% of the
 2 registered electors of the county."

3

4 **Section 30.** Section 7-7-2227, MCA, is amended to read:

5 **"7-7-2227. Examination of petition -- resolution calling for election.** (1) Upon delivery of the
 6 certified petition, the board shall carefully examine the petition and make ~~such~~ any other investigation as
 7 that it may consider necessary. If it is found that the petition is in proper form, bears the requisite number
 8 of signers of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a
 9 resolution that contains the provisions of subsection (2) plus the essential facts in regard to the petition and
 10 its filing and presentation.

11 (2) The resolution ~~shall~~ must:

12 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

13 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be
 14 less than but must not exceed the amount set forth in the petition;

15 (c) determine the number of years through which ~~such~~ the bonds are to be paid, not exceeding the
 16 limitations fixed in 7-7-2206; and

17 (d) make provision for having the question submitted to the registered electors of the county at
 18 the next general election or at a special election that is held in conjunction with a regular or primary election
 19 and that ~~which~~ the board may call for that purpose.

20 (3) Whenever a board of county commissioners initiates a resolution in accordance with the
 21 provisions of 7-7-2223, the resolution must contain the provisions of subsection (2)."

22

23 **Section 31.** Section 7-7-2229, MCA, is amended to read:

24 **"7-7-2229. Notice of election.** (1) Whether ~~such~~ the election is held at the general election or at
 25 a special election held in conjunction with a regular or primary election, separate notice ~~shall~~ of the election
 26 must be given ~~thereof~~.

27 (2) (a) The notice ~~shall~~ must state:

28 (i) the date when the election will be held;

29 ~~(iii) the hours between which the polls will be open;~~

30 ~~(iii)(ii)~~ (ii) the amount of bonds proposed to be issued;

1 ~~(iv)~~(iii) the purpose of the issue;
 2 ~~(v)~~(iv) the term of years through which the bonds are to be paid; and
 3 ~~(vi)~~(v) ~~such~~ other information regarding the holding of the election and the bonds proposed to be
 4 issued ~~as~~ that the board may consider proper.

5 (b) If bonds are to be issued for two or more purposes, each purpose and the amount ~~therefor~~ for
 6 each purpose must be separately stated.

7 (3) The notice ~~shall~~ must be published as provided in 13-1-108."

8

9 **Section 32.** Section 7-7-2237, MCA, is amended to read:

10 "**7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of
 11 issuing county bonds for any purpose is submitted to the registered electors of a county at either a general
 12 election or a special election held in conjunction with a regular or primary election, the determination of the
 13 approval or rejection of the bond proposition is made in the following manner:

14 (1) determine the total number of electors who were qualified to vote in the bond election;

15 (2) determine the total number of qualified electors who voted in the bond election from the tally
 16 sheet or sheets for the election;

17 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
 18 determined in subsection (2) by the number determined in subsection (1); and

19 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
 20 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
 21 it is considered rejected; or

22 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
 23 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
 24 the proposition, otherwise it is considered rejected; or

25 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
 26 considered rejected."

27

28 **Section 33.** Section 7-7-4226, MCA, is amended to read:

29 "**7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body
 30 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality

1 pursuant to ~~any~~ a statute of this state, the governing body shall pass and adopt a resolution.

2 (2) The resolution ~~shall~~ must:

3 (a) recite the purpose or purposes for which it is proposed to issue the bonds;

4 (b) fix the amount of bonds to be issued for each purpose;

5 (c) determine the number of years through which the bonds are to be paid, not exceeding the limits
6 fixed in 7-7-4205; and

7 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make
8 ~~such~~ provisions ~~as~~ that are necessary for submitting the question to the registered electors of the city or
9 town at the next general city or town election or at a special election that is held in conjunction with a
10 regular or primary election and that ~~which~~ the governing body may call for the purpose.

11 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before
12 submitting the measure to the electors, pass a resolution containing the information ~~herein~~ required in this
13 section and, ~~in addition thereto~~, setting forth the essential facts in regard to the filing and presentation of
14 the petition."

15

16 **Section 34.** Section 7-7-4227, MCA, is amended to read:

17 "7-7-4227. **Notice of election.** (1) Whether ~~such~~ the election is held at the general city or town
18 election or at a special election held in conjunction with a regular or primary election, separate notice ~~shall~~
19 of the election must be given ~~thereof~~.

20 (2) (a) The notice ~~shall~~ must state:

21 (i) the date when the election will be held;

22 ~~(ii) the hours between which the polls will be open;~~

23 ~~(iii)~~(ii) the amount of bonds proposed to be issued;

24 ~~(iv)~~(iii) the purpose ~~thereof~~ of the bonds;

25 ~~(v)~~(iv) the term of years through which the bonds will be paid; and

26 ~~(vi)~~(v) ~~such~~ other information regarding the election and the proposed bonds ~~as~~ that the board may
27 consider proper.

28 (b) If the bonds proposed to be issued are for two or more purposes, each purpose and the amount
29 ~~thereof~~ for each purpose must be separately stated.

30 (3) The notice ~~shall~~ must be published as provided in 13-1-108 and may be posted in each voting

1 precinct in the city or town at least 10 days prior to the date for holding the election."

2
3 **Section 35.** Section 7-7-4235, MCA, is amended to read:

4 **"7-7-4235. Percentage of electors required to authorize the issuing of bonds.** ~~Wherever~~ Whenever
5 the question of issuing bonds for any purpose is submitted to the registered electors of a city or town at
6 either a general election or a special election held in conjunction with a regular or primary election, the
7 determination of the approval or rejection of the bond proposition is made in the following manner:

8 (1) determine the total number of electors who were qualified to vote in the bond election;

9 (2) determine the total number of qualified electors who voted in the bond election from the tally
10 sheet or sheets for the election;

11 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
12 determined in subsection (2) by the number determined in subsection (1); and

13 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
14 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
15 it is considered rejected; or

16 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
17 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
18 the proposition, otherwise it is considered rejected; or

19 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
20 considered rejected."

21
22 **Section 36.** Section 7-7-4426, MCA, is amended to read:

23 **"7-7-4426. Authorization for undertaking and issuance of bonds.** (1) The acquisition, purchase,
24 construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized
25 under this part.

26 (2) Bonds may be authorized to be issued under this part by resolution or resolutions of the
27 governing body of the municipality:

28 (a) without an election; or

29 (b) when authorized by a majority of the qualified electors voting upon ~~such~~ the question at a
30 special election held in conjunction with a regular or primary election, ~~should~~ if the governing body in its

1 sole discretion ~~choose~~ chooses to submit the question to the electorate."

2

3 **Section 37.** Section 7-7-4427, MCA, is amended to read:

4 **"7-7-4427. Special election on question of issuing bonds.** (1) When the governing body has chosen
5 to submit the question of issuing bonds to the electorate, the special election ~~shall~~ must be held in
6 conjunction with a regular or primary election and must be noticed and conducted as provided for municipal
7 general obligation bonds in chapter 7, part 42.

8 (2) The special election ~~shall~~ must be held not later than the next municipal election held after the
9 council or governing body of the municipality has by resolution or resolutions approved the acquisition,
10 purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking as
11 provided in this part and ordered ~~said~~ the special election."

12

13 **Section 38.** Section 7-8-4201, MCA, is amended to read:

14 **"7-8-4201. Disposal or lease of municipal property.** (1) Subject to the provisions of subsection (2),
15 the city or town council may sell, dispose of, or lease any property belonging to the city or town.

16 (2) (a) The lease or transfer must be made by an ordinance or resolution passed by a two-thirds
17 vote of all the members of the council.

18 (b) Except for property acquired by tax deed, if the property is held in trust for a specific purpose,
19 the sale or lease must be approved by a majority vote of the electors of the municipality voting at an
20 election called for that purpose. The election must be held in conjunction with a regular or primary election.

21 (3) This section may not be construed to abrogate the power of the board of park commissioners
22 to lease all lands owned by the city that were acquired for parks within the limitations prescribed by
23 7-16-4223."

24

25 **Section 39.** Section 7-11-305, MCA, is amended to read:

26 **"7-11-305. Availability of petition or recommendation and service plan.** (1) Sufficient copies of the
27 petition or recommendation of the interlocal cooperation commission proposing a service consolidation or
28 transfer and the service plan must be made available to the public for inspection at convenient locations
29 and at reasonable hours to provide all interested persons an opportunity to review the recommendations
30 and documents. The copies must be available no later than 30 days prior to an election on the proposal if

1 ~~such~~ an election is to be held. If the election is held, it must be held in conjunction with a regular or primary
 2 election.

3 (2) Each local government affected by the proposal may distribute copies of the service plan to its
 4 residents."

5

6 **Section 40.** Section 7-11-307, MCA, is amended to read:

7 **"7-11-307. Election on service consolidation or transfer.** (1) The governing bodies of each local
 8 government affected by a proposed service consolidation or transfer shall jointly call a special election on
 9 the question of service consolidation or transfer, to be held ~~no less than 75 or more than 120 days of the~~
 10 ~~date of the filing of the petition under 7-11-303 or no less than 75 or more than 120 days of the receipt~~
 11 ~~by the local government of the interlocal cooperation commission recommendation~~ in conjunction with a
 12 regular or primary election. ~~The special election may be held in conjunction with any other election.~~ The
 13 county election administrator shall prepare and print notices of the special election.

14 (2) The cost of the election ~~shall~~ must be shared by the affected local governments in proportionate
 15 shares as agreed to by the governing bodies of the local governments."

16

17 **Section 41.** Section 7-12-4243, MCA, is amended to read:

18 **"7-12-4243. Procedure to create and maintain supplemental revolving fund.** (1) (a) A supplemental
 19 revolving fund may be created by ordinance, subject to the approval of a majority of the qualified electors
 20 voting upon the question at a general election or a special election held in conjunction with a regular or
 21 primary election.

22 (b) As used in 7-12-4241 through 7-12-4258, "qualified electors" ~~shall mean~~ means registered
 23 electors of the municipality.

24 (2) The supplemental revolving fund ~~shall~~ must be created and maintained solely from the net
 25 ~~revenues~~ revenue of parking meters. The ordinance may pledge to ~~said the revolving~~ the revolving fund all or any part
 26 of the net ~~revenues~~ revenue of parking meters ~~which may be then owned, or leased, or rented, or thereafter~~
 27 ~~acquired by the city or town. Said~~ The ordinance shall must contain ~~such any~~ any provisions ~~in respect to~~
 28 concerning the purchase, control, operation, repair, and maintenance of parking meters, including rates to
 29 be charged, and the application of the net ~~revenues therefrom~~ revenue from the meters and the
 30 management and use of the supplemental revolving fund ~~as that the council shall deem~~ considers

1 necessary."

2

3 **Section 42.** Section 7-13-2208, MCA, is amended to read:

4 "7-13-2208. **Decision on petition -- election required.** (1) On the final hearing, ~~said~~ the board of
5 county commissioners shall make ~~such any~~ changes in the proposed boundaries ~~which~~ be within the county
6 ~~as may be deemed~~ that are considered advisable and shall define and establish ~~such~~ the boundaries, ~~but~~
7 ~~said~~ The board of county commissioners ~~shall~~ may not modify ~~said~~ the boundaries ~~as to~~ in a manner that
8 would exclude from ~~such~~ the proposed district any territory ~~which that~~ would be benefited by the formation
9 of ~~such~~ the district, ~~nor shall any lands which~~ Land that will not, in the judgment of ~~said~~ the board of
10 county commissioners, be benefited by ~~such~~ the district may not be included within ~~such~~ the proposed
11 district.

12 (2) Upon the final determination of the boundaries of the district, the board of county
13 commissioners of each county in which ~~said~~ the district lies shall give notice of an election to be held in
14 ~~said~~ the proposed district for the purpose of determining whether or not the ~~same shall be~~ district is to be
15 incorporated. The ~~date of the election shall be no less than 75 or more than 90 days from the date of the~~
16 ~~final hearing of such petition~~ must be held in conjunction with a regular or primary election."

17

18 **Section 43.** Section 7-13-2231, MCA, is amended to read:

19 "7-13-2231. **District to be governed by board of directors.** (1) At an election to be held within a
20 district under the provisions of this part and part 23 and the laws governing general elections not
21 inconsistent ~~therewith~~ this part and part 23, the district ~~thus organized~~ shall ~~proceed, within 120 days after~~
22 ~~its formation, to the election of~~ elect a board of directors. The election must be held in conjunction with
23 the next regular or primary election.

24 (2) The board of directors is the governing body of ~~such~~ the district."

25

26 **Section 44.** Section 7-13-2323, MCA, is amended to read:

27 "7-13-2323. **Election on question of incurring bonded indebtedness.** The board of directors shall
28 fix a date upon which an election ~~shall be~~ is held for the purpose of authorizing the bonded indebtedness
29 to be incurred. The election must be held in conjunction with a regular or primary election."

30

1 **Section 45.** Section 7-13-2341, MCA, is amended to read:

2 **"7-13-2341. Addition of land to district.** (1) Except as provided in subsection (5), any portion of
3 any county, any municipality, or both, may be added to any district organized under the provisions of this
4 part and part 22 at any time upon petition presented in the manner provided in this part and part 22 for the
5 organization of ~~such~~ the district.

6 (2) The petition may be granted by ordinance of the board of directors of ~~such~~ the district. ~~Such~~
7 The ordinance shall must be submitted for adoption or rejection to the vote of the electors in ~~such~~ the
8 district and in the proposed addition at a general election or a special election held, ~~as provided in this part~~
9 ~~and part 22, no less than 75 or more than 90 days after the adoption of such ordinance~~ in conjunction with
10 a regular or primary election.

11 (3) If ~~such~~ the ordinance is approved, the president and secretary of the board of directors shall
12 certify that fact to the secretary of state and to the county clerk and recorder of the county in which ~~such~~
13 the district is located. Upon the receipt of ~~such last mentioned certificate~~ the certification, the secretary
14 of state shall within 10 days issue ~~his~~ a certificate, ~~reciting that states~~ the passage of said the ordinance
15 and the addition of ~~said the~~ territory to ~~said the~~ district. A copy of ~~such the~~ certificate ~~shall must~~ be
16 transmitted to and filed with the county clerk and recorder of the county in which ~~such the~~ district is
17 situated.

18 (4) ~~From and after the date~~ After the filing of such the certificate, the territory ~~named therein shall~~
19 ~~be deemed~~ is added to and ~~form~~ is a part of ~~said the~~ district with all the rights, privileges, and powers set
20 forth in this part and necessarily incident ~~thereto~~ to this part.

21 (5) If the board of directors ~~determines that a district has a water facility or a sewer facility with~~
22 a capacity greater than required to meet the needs of the current district, it may by ordinance, upon petition
23 of contiguous property owners and with the written consent of all property owners to whom the service
24 is to be extended, expand the district to include land, to the extent of excess capacity, without complying
25 with subsections (1) and (2). ~~However, if the board determines that an election should be held or if 40%~~
26 or more of the members of the district petition for an election, compliance with subsections (1) and (2) is
27 required."

28

29 **Section 46.** Section 7-13-4204, MCA, is amended to read:

30 **"7-13-4204. Rental charges for use of sewer system -- election required.** (1) Upon being petitioned

1 by 5% of the qualified electors, the city council shall submit to a vote to the qualified electors, at the
 2 annual municipal election or at ~~any a~~ special election ~~called for that purpose~~ held in conjunction with a
 3 regular or special election, the question of whether or not the city council may establish and collect rentals
 4 for the use of ~~such the~~ sewer system, ~~and~~ may fix the scale of ~~such the~~ rentals, and may prescribe the
 5 manner and time at which ~~such the~~ rentals ~~shall~~ must be paid:

6 (a) to provide ~~such the~~ sewer fund; ~~and/or~~

7 (b) to provide for the retirement of ~~such the~~ bonds ~~and/or~~ and the payment of the interest on ~~such~~
 8 the bonds; ~~and/or~~ or

9 (c) for any purpose ~~herein~~ mentioned in this section.

10 (2) If a majority of votes is cast in favor of ~~such the~~ proposition, then the city or town council may
 11 establish and collect rentals for the use of ~~any such the~~ sewer system, ~~and~~ may fix the scale of ~~such~~
 12 rentals, ~~and~~ may prescribe the manner and time at which ~~such the~~ rentals should be paid, and to may
 13 change ~~such the~~ scale of rentals from time to time as ~~may be deemed~~ considered advisable.

14 (3) The ~~revenues~~ revenue provided in this section ~~shall be~~ are in addition to and not exclusive of
 15 other ~~revenues which~~ revenue that may be ~~now~~ legally collected for sewer payment."

16

17 **Section 47.** Section 7-14-210, MCA, is amended to read:

18 **"7-14-210. Election on question of creating urban transportation district.** (1) The commissioners,
 19 upon completion of the public hearing, shall proceed by resolution to refer the creation of ~~such the~~ district
 20 to the persons qualified to vote on ~~such the~~ proposition.

21 (2) The commissioners may designate in their resolution whether a special election ~~shall~~ is to be
 22 held in conjunction with a regular or primary election or whether the matter ~~shall be~~ is to be determined at
 23 the next general election. If a special election is ordered, the ~~commissioners shall specify in their order~~ must
 24 specify the date for the election and the voting places and the commissioners shall appoint and designate
 25 election judges and clerks ~~therefor~~."

26

27 **Section 48.** Section 7-14-1134, MCA, is amended to read:

28 **"7-14-1134. Method of funding deficiency.** (1) Subject to the conditions stated in this section, the
 29 governing body of ~~any a~~ county or ~~any of a~~ municipality having a population in excess of 10,000, ~~with~~
 30 ~~respect to bonds issued pursuant to this part by the local government or by an authority in which the local~~

1 ~~government is included,~~ may by resolution covenant that if at any time all ~~revenues~~ revenue, including
 2 taxes, appropriated and collected for ~~such~~ bonds issued pursuant to this part are insufficient to pay principal
 3 or interest then due, it will levy a general tax upon all of the taxable property in the county or municipality
 4 for the payment of ~~such~~ the deficiency. The governing body may further covenant that at any time a
 5 deficiency is likely to occur within 1 year for the payment of principal and interest due on ~~such~~ the bonds,
 6 it will levy a general tax upon all the taxable property in the county or municipality for the payment of ~~such~~
 7 the deficiency, ~~and such~~ The taxes are not subject to any limitation of rate or amount applicable to other
 8 county or municipal taxes but are limited to a rate estimated to be sufficient to produce the amount of the
 9 deficiency. If more than one local government is included in an authority issuing bonds pursuant to this
 10 part, the local governments may apportion the obligation to levy taxes for the payment of, or in anticipation
 11 of, a deficiency in the ~~revenues~~ revenue appropriated for ~~such~~ the bonds in ~~such~~ a manner ~~as that~~
 12 governments may determine.

13 (2) The resolution ~~shall~~ must state the principal amount and purpose of the bonds and the
 14 substance of the covenant respecting deficiencies.

15 (3) (a) ~~No such~~ A resolution ~~becomes~~ is not effective until the question of its approval has been
 16 submitted to the qualified electors of the local government at a special election;

- 17 (i) called for that purpose by the governing body of the local government;
- 18 (ii) held in conjunction with a regular or primary election; and
- 19 (iii) approved by a majority of the electors voting on the question ~~have voted in favor thereof.~~

20 (b) The notice and conduct of the election is governed, to the extent applicable, as provided for
 21 municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns,
 22 and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an election called by
 23 counties. If a majority of the electors voting ~~thereon~~ on the issue vote against approval of the resolution,
 24 the local government ~~has no authority to~~ may not make the covenant or ~~to~~ levy a tax for the payment of
 25 deficiencies pursuant to this section, ~~but such~~ The local government or authority may ~~nevertheless~~
 26 bonds under this part payable solely from the sources referred to in 7-14-1133(1)."

27

28 **Section 49.** Section 7-14-2205, MCA, is amended to read:

29 **"7-14-2205. Construction of bridge in municipality -- election.** (1) Before undertaking the
 30 construction in any city or town of any bridge, the cost of which ~~shall exceed~~ exceeds \$10,000, the board

1 of county commissioners shall submit to the qualified electors of the county at a general election or a
 2 special election held in conjunction with a regular or primary election the question of whether the bridge
 3 ~~shall be~~ is to be constructed and ~~its cost~~ paid for by the county.

4 (2) (a) If the electors vote in favor of construction, the board may issue and sell bonds of the
 5 county ~~to~~ in the amount authorized for the construction of the bridge. Bonds ~~shall~~ must be issued under
 6 ~~such the~~ regulations ~~as that~~ apply to other bonds of the county.

7 (b) The bridge ~~shall~~ must be constructed using the proceeds of ~~such the~~ bond sale.

8 (3) If the cost of the bridge does not exceed the amount authorized to be raised by a special tax,
 9 it may be levied as provided in 7-14-2503."

10
 11 **Section 50.** Section 7-14-2504, MCA, is amended to read:

12 **"7-14-2504. Additional road and bridge construction tax -- election required.** (1) Each board may
 13 make an additional levy upon the taxable property in the county of up to 10 mills ~~or less~~ for constructing
 14 public highways and bridges.

15 (2) Before the additional levy may be made, the question ~~shall~~ must be submitted to a vote of the
 16 people at ~~some~~ a general election or a special election held in conjunction with a regular or primary election.
 17 The question must be in the following form, inserting the number of mills to be levied and the name of the
 18 county:

19 "Shall there be an additional levy of mills upon the taxable property in the county of, state
 20 of Montana, for the purpose of constructing public highways and bridges?"

21 YES

22 NO".

23 (3) A majority of the votes cast ~~shall be~~ is necessary to permit the additional levy, which ~~shall~~ must
 24 be collected in the same manner as other road taxes."

25
 26 **Section 51.** Section 7-14-4404, MCA, is amended to read:

27 **"7-14-4404. Tax levy for contracts to operate bus service.** For the purpose of raising the necessary
 28 money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant to ~~such~~ a
 29 contract, lease, or lease and operating agreement with ~~such an~~ independent carrier or carriers, the city or
 30 town council may annually levy a tax on the taxable value of all taxable property within the limits of the

1 city or town. Whenever the council of the city or town considers it necessary to raise money by taxation
 2 for ~~such purpose~~ transportation services in excess of the levy ~~now~~ allowed by law, the council of the city
 3 or town shall in the manner prescribed by law submit the question of ~~such~~ the additional levy to the
 4 qualified electors of the city or town, either at the regular annual election held in the city or town or at a
 5 special election that is held in conjunction with a regular or primary election and that is called for that
 6 purpose by the council of the city or town. The additional levy ~~in excess of the levy now allowed by law~~
 7 may not exceed 1 ½ mills."

8
 9 **Section 52.** Section 7-14-4512, MCA, is amended to read:

10 **"7-14-4512. Referendum on parking meters prior to enacting ordinance.** ~~No~~ An ordinance ~~or~~
 11 ~~ordinances~~ providing for the purchasing, renting, leasing, or otherwise acquiring or installing, maintaining,
 12 operating, or using ~~such~~ parking meters, devices, or instruments ~~shall~~ may not be enacted ~~until and~~ unless
 13 the question of whether or not ~~such~~ the ordinance ~~or ordinances~~ ~~shall~~ may be enacted has been submitted
 14 to the qualified electors of ~~such~~ the city or town at a general election or a special election that is held in
 15 conjunction with a regular or primary election and that is called for that purpose, ~~and unless at such election~~
 16 A ordinance may not be enacted unless authorized by a majority of the votes cast ~~for and against the~~
 17 ~~question shall have been~~ are in favor of ~~the~~ enacting of ~~said~~ the ordinance ~~or ordinances.~~"

18
 19 **Section 53.** Section 7-14-4642, MCA, is amended to read:

20 **"7-14-4642. Election required to issue revenue bonds.** (1) The power to issue revenue bonds as
 21 provided in this part ~~shall is~~ is not ~~be~~ operative in any city until the legislative body, either at a general
 22 election or a special election held in conjunction with a regular or primary election, ~~shall submit~~ submits
 23 the electors the question as to whether the legislative body, the commission, or both, ~~shall be~~ are
 24 authorized to adopt the revenue bond method of financing projects provided for ~~herein~~ in this part.

25 (2) ~~Such~~ The question ~~may~~ must be placed before the electors and notice ~~thereof~~ must be given
 26 in the same manner as provided by law for referring ordinances of the city to the electors. The qualifications
 27 of electors ~~shall be~~ are the same as those required for voting at municipal elections in the city for elective
 28 officers ~~thereof.~~ The provisions relating to the qualifications of electors and manner of submission of the
 29 question to the electors for the purposes of this part ~~shall govern and be~~ are controlling, notwithstanding
 30 any provision of law to the contrary ~~notwithstanding.~~"

1 **Section 54.** Section 7-15-2111, MCA, is amended to read:

2 **"7-15-2111. Area of operation of county housing authority -- inclusion of municipalities.** (1) The
3 area of operation of ~~such a county housing authority shall include said~~ includes the county, but ~~in no event~~
4 ~~shall it does not~~ include any city unless a resolution ~~shall have~~ has been adopted by the governing body
5 of the city ~~{and by any authority which shall have been theretofore established and authorized to exercise~~
6 ~~its powers in the city}~~ declaring that there is need for the county authority to exercise its powers within
7 that city. ~~Such~~ The resolution ~~shall is~~ not ~~be~~ effective until it has been approved by a majority vote of the
8 electors within the corporate limits of ~~such the~~ the city or town voting ~~at~~ either at a special election held in
9 conjunction with a regular or primary election or at a general election.

10 (2) If, after the adoption of ~~such a~~ a resolution or resolutions, an authority is established for any city
11 within the county, the county authority ~~shall have no power to~~ may not initiate any further housing projects
12 within ~~such the~~ the city without the consent by resolution of the governing body ~~thereof~~ of the city and of the
13 authority established for ~~such the~~ the city."

14

15 **Section 55.** Section 7-15-4408, MCA, is amended to read:

16 **"7-15-4408. Voter approval required to create housing authority.** The ordinance authorized by
17 7-15-4406(2) ~~shall is~~ not ~~be~~ effective until it has been approved by a majority vote of the registered
18 electors within the city limits voting ~~at~~ either at a special election held in conjunction with a regular or
19 primary election or at a general election."

20

21 **Section 56.** Section 7-16-2411, MCA, is amended to read:

22 **"7-16-2411. Creation of county park district.** (1) Proceedings for the creation of a county park
23 district may be initiated by:

24 (a) a petition signed by not less than 10% of the qualified electors of the proposed park district;

25 or

26 (b) a resolution of intent adopted by the county governing body, calling for the creation of a county
27 park district.

28 (2) The petition or resolution must contain:

29 (a) the boundaries of the proposed district;

30 (b) the proposed maximum property tax mill levy that could be levied on property owners within

1 the district for the operation of the district; and

2 (c) the proposed number of members of the county park district commission. The number of
3 members must be an odd number and may not be less than three.

4 (3) When the territory to be included in the proposed district lies in more than one county, a
5 petition must be presented to the governing body of each county in which the territory lies. Each petition
6 must be signed by not less than 10% of the qualified electors of the territory within the county proposed
7 to be included in the district.

8 (4) Upon receipt of a petition for the creation of a county park district, the county clerk shall
9 examine it and within 15 days either reject the petition if it is insufficient under the provisions of subsection
10 (1), (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next
11 meeting.

12 (5) The text of the petition or resolution must be published as provided in 7-1-2121 in each county
13 in which the territory of the proposed district lies.

14 (6) At the hearing, the county governing body shall hear:

15 (a) testimony of all interested persons on whether a county park district should be created;

16 (b) testimony regarding the proposed boundary, property tax mill levy, and number of members of
17 the district commission; and

18 (c) any other matter relating to the proposed district.

19 (7) After the hearing, if the county governing body determines that the proposed park district
20 should be created, it shall by resolution set the boundaries of the proposed park district, the maximum mill
21 levy for the proposed park district, and the number of members to be on the district commission. The
22 resolution must also call for an election on the question of whether to create the county park district. The
23 election ~~may~~ must be held in conjunction with a ~~regularly-scheduled~~ regular or primary election, provided
24 that at least 75 days have elapsed between the adoption of the resolution and the election."
25

26 **Section 57.** Section 7-16-2442, MCA, is amended to read:

27 **"7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after
28 an election on the question of dissolving the district. The process of dissolving the district may be initiated
29 by a petition of 25% of the electorate of the district or by a resolution of intent to dissolve the district
30 adopted by either the county park district commission or the county governing body.

1 (2) Upon receipt of ~~such~~ a petition ~~which~~ that has been certified by the county clerk as sufficient
 2 under this section or upon the adoption of ~~such~~ a resolution of intent, the county governing body shall call
 3 a public hearing on the question of dissolving the district and cause notice of the hearing to be published
 4 ~~a notice of the hearing~~ in the official county newspaper.

5 (3) At the public hearing, the county governing body shall hear testimony of interested persons
 6 regarding the dissolution of the district. After the public hearing, the county governing body may either
 7 submit the question of dissolving the district to the electorate of the district or it may call for a public
 8 hearing on the question of altering the boundaries of the district. If the county governing body calls for a
 9 public hearing on the question of altering the boundaries of the district by withdrawal of territory, it shall
 10 ~~cause to be published~~ publish notice of ~~such a~~ the hearing in the official county newspaper. The notice
 11 must state the boundaries of the area proposed to be withdrawn from the district. After hearing testimony
 12 at ~~such~~ the hearing, the county governing body may submit the question of either dissolving the district
 13 or altering the district by withdrawal of specified territory from the district to the electorate of the district.

14 (4) ~~Such a~~ The question must be submitted by a resolution calling for an election on either
 15 dissolving the district or altering the boundaries of the district by withdrawal of land from the district. The
 16 county governing body ~~may call a special election for such purposes, or it may~~ shall schedule the election
 17 in conjunction with any other regularly scheduled election. The election on the question must be conducted
 18 as provided in Title 13.

19 (5) The question of withdrawal of territory under this section must be voted on separately by the
 20 electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district.
 21 The question fails unless a simple majority of those voting on the question in each of the two territories
 22 authorize altering the district boundary. If the question passes, the boundary alteration is effective the
 23 following January 1. If the question fails, the county governing body shall by resolution call for an election
 24 on the question of dissolving the district."

25
 26 **Section 58.** Section 7-31-106, MCA, is amended to read:

27 **"7-31-106. Authorization for county to issue bonds -- election required.** (1) If the petition is
 28 presented to the board of county commissioners, ~~it shall be the duty of~~ the board shall, for the purpose of
 29 raising money to meet the payments under the terms and conditions of ~~said~~ the contract and other
 30 necessary and proper expenses ~~in and about the same~~ for the contract and for the approval or disapproval

1 ~~thereof of the petition:~~

2 (a) ~~to~~ ascertain, within 30 days after submission of the petition, the existing indebtedness of the
3 county in the aggregate; and

4 (b) ~~to~~ submit, ~~within 60 days~~ after ascertaining the ~~same~~ aggregate indebtedness, to the electors
5 of ~~such the~~ county the proposition to approve or disapprove the contract and the issuance of bonds
6 necessary to carry out the ~~same~~ contract. The election must be held in conjunction with a regular or
7 primary election.

8 (2) The amount of the bonds authorized by this section may not exceed 22.5% of the taxable value
9 of the taxable property ~~therein in the county~~, inclusive of the existing indebtedness ~~thereof of the county~~,
10 to be ascertained by the last assessment for state and county taxes previous to the issuance of ~~said the~~
11 bonds and incurring of ~~said the~~ indebtedness."

12

13 **Section 59.** Section 7-31-107, MCA, is amended to read:

14 **"7-31-107. Authorization for municipality to issue bonds -- election required.** (1) If ~~said the~~ petition
15 is presented to the council of any incorporated city or town, the council, for the purpose of raising money
16 to meet the payments under the terms and conditions of ~~said the~~ contract and other necessary and proper
17 expenses ~~in and about the same~~ for the contract and for the approval or disapproval ~~thereof of the petition~~,
18 shall:

19 (a) ~~shall~~ ascertain, within 30 days after submission of the petition, the aggregate indebtedness of
20 ~~such the~~ city or town; and

21 (b) ~~shall~~ submit, ~~within 60 days~~ after ascertaining the ~~same~~ aggregate indebtedness, to the electors
22 of ~~such the~~ city or town the proposition to approve or disapprove ~~said the~~ contract and the issuance of
23 bonds necessary to carry out the ~~same~~ contract. The election must be held in conjunction with a regular
24 or primary election.

25 (2) The amount of the bonds authorized by this section may not exceed 16.5% of the taxable value
26 of the taxable property ~~therein in the city or town~~, inclusive of the existing indebtedness ~~thereof of the city~~
27 or town, to be ascertained in the manner provided in this part."

28

29 **Section 60.** Section 7-31-109, MCA, is amended to read:

30 **"7-31-109. Conduct of election.** (1) The vote upon ~~such a~~ proposition ~~shall~~ under this part must

1 be ~~had~~ at an election for that purpose to be held, conducted, and counted and with results ascertained and
 2 determined in the manner and by the same officers provided by law for general elections, except as
 3 otherwise provided ~~herein~~ in this section. The election must be held in conjunction with a regular or primary
 4 election.

5 (2) The proposition ~~to~~ must be submitted ~~shall be~~ upon printed tickets or ballots, upon each of
 6 which ~~shall be~~ is printed the following: "For the contract and bonds" and "Against the contract and bonds";
 7 ~~the former above the latter.~~ The elector shall ~~indicate his~~ vote by a cross opposite ~~the one or the other for~~
 8 ~~which he votes~~ statement.

9 (3) No registration under the election laws of this state ~~shall be~~ is required for the purposes of the
 10 election ~~herein provided for,~~ and the registration ~~had at~~ from the last election ~~preceding the same shall~~
 11 ~~govern and control as if especially had and done~~ governs and controls for the purpose of the election to
 12 be held under this part."

13
 14 **Section 61.** Section 7-32-235, MCA, is amended to read:

15 **"7-32-235. Search and rescue units authorized -- under control of county sheriff -- optional**
 16 **funding.** (1) A county may establish or recognize one or more search and rescue units within the county.

17 (2) Except in time of martial rule as provided in 10-1-106, search and rescue units and their officers
 18 are under the operational control and supervision of the county sheriff, or ~~his~~ the sheriff's designee, having
 19 jurisdiction and whose span of control would be considered within reasonable limits.

20 (3) A county may, after approval by a majority of the people voting on the question at an election
 21 held throughout the county, levy an annual tax of not more than 1 mill on each dollar of taxable value of
 22 all taxable property within the county to support one or more search and rescue units established or
 23 recognized under subsection (1). The election must be held in conjunction with a regular or primary
 24 election."

25
 26 **Section 62.** Section 7-34-2110, MCA, is amended to read:

27 **"7-34-2110. Resolution calling for election.** (1) The board of county commissioners in its resolution
 28 ~~of reference~~ may make ~~such~~ changes in the boundaries of the proposed district ~~as~~ that it considers
 29 advisable, without including any additional lands not described in the petition, and it shall call an election
 30 upon the question of the creation of the district.

1 (2) The board ~~must shall~~ designate in its resolution whether a special election ~~shall be~~ is to be held
 2 or whether the matter ~~shall be~~ is to be determined at the next general election. If a special election is
 3 ordered, the board ~~must shall~~ specify in its order the date for ~~such the~~ election. The special election must
 4 be held in conjunction with a regular or primary election."

5
 6 **Section 63.** Section 7-34-2414, MCA, is amended to read:

7 **"7-34-2414. Election required on question of issuance of bonds.** (1) ~~No bonds~~ Bonds may not be
 8 issued by ~~any a~~ county until the question of approval of the issuance of ~~such the~~ bonds has been submitted
 9 to the registered electors of the county at a general election or a special election called for that purpose
 10 by the governing body of the county and the majority of the electors voting on the question have voted in
 11 favor ~~thereof~~ of issuing the bonds. A special election must be conducted in conjunction with a regular or
 12 primary election. The notice and conduct of the election ~~shall~~ must be governed, to the extent applicable,
 13 by the laws governing the election on county general obligation bonds in chapter 7, part 22.

14 (2) If a majority of the electors voting ~~thereon~~ on the issue vote against the issuance of the bonds,
 15 the county ~~shall have no authority to~~ may not issue the bonds under 7-34-2411 through 7-34-2418."

16
 17 **Section 64.** Section 7-35-2106, MCA, is amended to read:

18 **"7-35-2106. Election details.** (1) In its order, the board ~~must shall~~ designate whether a special
 19 election ~~shall~~ must be held or whether the matter ~~shall~~ must be determined at the next general election. If
 20 a special election is ordered, the board ~~must shall~~ in its order specify the time. A special election must be
 21 held in conjunction with a regular or primary election.

22 (2) The election ~~shall~~ must be held in all respects, as nearly as practicable, in conformity with the
 23 general election laws.

24 (3) At ~~such the~~ election, the ballots must contain the words "Cemetery district -- Yes" and
 25 "Cemetery district -- No"."

26
 27 ~~**Section 65.** Section 13-1-106, MCA, is amended to read:~~

28 ~~**"13-1-106. Time of opening and closing of polls for all elections — exceptions — exception.** (1) Polls~~
 29 ~~must be open from 7 a.m. to 8 p.m., except polling places having fewer than 200 registered electors, which~~
 30 ~~must be open from noon to 8 p.m. or until all registered electors in any precinct have voted, at which time~~

1 the polls shall ~~must~~ be closed immediately.

2 (2) ~~When an election held under 13-1-104(3) and a school election are conducted in the same~~
 3 ~~polling place, the polls shall be opened and closed at the times set for the school election, as provided in~~
 4 ~~20-20-106."~~

5

6 ~~Section 66.~~ Section 20-6-203, MCA, is amended to read:

7 ~~"20-6-203. District consolidation. Any two or more elementary districts in one county may~~
 8 ~~consolidate to organize an elementary district. The consolidation shall must be conducted under the~~
 9 ~~following procedure:~~

10 (1) ~~At the time the consolidation proposition is first considered, the districts involved shall jointly~~
 11 ~~determine whether the consolidation shall be is to be made with or without the mutual assumption of the~~
 12 ~~bonded indebtedness of each district by all districts included in the consolidation proposition.~~

13 (2) ~~A consolidation proposition may be introduced, individually, in each of the districts by either~~
 14 ~~of the two following methods:~~

15 (a) ~~the trustees may pass a resolution requesting the county superintendent to order an election~~
 16 ~~to consider a consolidation proposition involving their district; or~~

17 (b) ~~not less than 20% of the electors of an elementary district who are qualified to vote under the~~
 18 ~~provisions of 20-20-301 may petition the county superintendent requesting an election to consider a~~
 19 ~~consolidation proposition involving their resident district.~~

20 (3) ~~When the county superintendent has received a resolution or a valid petition from each of the~~
 21 ~~districts included in the consolidation proposition, he the county superintendent shall, within 10 days after~~
 22 ~~the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each~~
 23 ~~elementary district included in the consolidation proposition to call a consolidation election.~~

24 (4) ~~Each district, individually, shall call and conduct an election in the manner prescribed in this title~~
 25 ~~for school elections. The election must be held in conjunction with a regular or primary election. In~~
 26 ~~addition:~~

27 (a) ~~if the districts to be consolidated are to mutually assume the bonded indebtedness of each~~
 28 ~~district involved in the consolidation, the consolidation election also shall must follow the procedures~~
 29 ~~prescribed in 20-6-206; or~~

30 (b) ~~if the districts to be consolidated are not to mutually assume the bonded indebtedness of each~~

1 district involved in the consolidation, the consolidation election also shall must follow the procedures
 2 prescribed in ~~20-6-207.~~

3 (5) ~~After the county superintendent has received the election certification under the provisions of~~
 4 ~~20-20-416 from the trustees of each district included in a consolidation proposition, he the county~~
 5 ~~superintendent shall determine if the consolidation proposition has been approved in each district. If each~~
 6 ~~district has approved the consolidation proposition, he the county superintendent shall, within 10 days after~~
 7 ~~the receipt of the last election certificate, order the consolidation of such the districts. If it be for the~~
 8 ~~consolidation is with the mutual assumption of bonded indebtedness of each elementary district by all~~
 9 ~~districts included in the consolidation order, such the order shall must specify that all the taxable real and~~
 10 ~~personal property of the consolidated district shall assume assumes the bonded indebtedness of each~~
 11 ~~district. In addition, such the order shall must specify the number of the consolidated elementary district~~
 12 ~~and shall must contain the county superintendent's appointment of the trustees for the consolidated district,~~
 13 ~~who shall serve until a successor is successors are elected at the next succeeding regular school election~~
 14 ~~and qualified. The superintendent shall send a copy of such the order to the board of county commissioners~~
 15 ~~and to the trustees of each district incorporated in the consolidation order.~~

16 (6) ~~If any district included in the consolidation proposition disapproves the consolidation~~
 17 ~~proposition, the consolidation of all districts shall fail fail, and the county superintendent shall notify each~~
 18 ~~district of the disapproval of the consolidation proposition."~~

19
 20 **Section 67.** ~~Section 20-6-205, MCA, is amended to read:~~

21 ~~"20-6-205. Elementary district annexation. An elementary district may be annexed to another~~
 22 ~~elementary district located in the same county when one of the conditions of 20-6-204 is met in accordance~~
 23 ~~with the following procedure:~~

24 (1) ~~At the time the annexation proposition is first considered, the districts involved shall jointly~~
 25 ~~determine whether the annexation shall will be made with or without the joint assumption of the bonded~~
 26 ~~indebtedness of the annexing district by the district to be annexed and the annexing district.~~

27 (2) ~~An annexation proposition may be introduced in the district to be annexed by either of the two~~
 28 ~~following methods:~~

29 (a) ~~the trustees may pass a resolution requesting the county superintendent to order an election~~
 30 ~~to consider an annexation proposition for their district; or~~

1 ~~(b) not less than 20% of the electors of the district who are qualified to vote under the provisions~~
2 ~~of 20-20-301 may petition the county superintendent requesting an election to consider an annexation~~
3 ~~proposition for their district.~~

4 ~~(3) Before ordering an election on the proposition, the county superintendent shall first receive from~~
5 ~~the trustees of the annexing district a resolution giving him the county superintendent the authority to~~
6 ~~annex such the district.~~

7 ~~(4) When the county superintendent has received authorization from the annexing district, he the~~
8 ~~county superintendent shall, within 10 days after the receipt of the resolution or a valid petition from the~~
9 ~~district to be annexed and as provided by 20-20-201, order the trustees of the district to be annexed to~~
10 ~~call an annexation election. The election must be held in conjunction with a regular or primary election.~~

11 ~~(5) The district shall call and conduct an election in the manner prescribed in this title for school~~
12 ~~elections. In addition:~~

13 ~~(a) if the district to be annexed is to jointly assume with the annexing district the bonded~~
14 ~~indebtedness of the annexing district, the annexation election shall must also follow the procedures~~
15 ~~prescribed in 20-6-206; or~~

16 ~~(b) if the district to be annexed is not to jointly assume with the annexing district the bonded~~
17 ~~indebtedness of the annexing district, the annexation election shall must also follow the procedures~~
18 ~~prescribed in 20-6-207.~~

19 ~~(6) After the county superintendent has received the election certificate from the trustees of the~~
20 ~~district conducting the annexation election under the provisions of 20-20-416 and if the annexation~~
21 ~~proposition has been approved by such the election, he the county superintendent shall order the~~
22 ~~annexation of the territory of the elementary district voting on such the proposition to the elementary~~
23 ~~district that has authorized the annexation to its territory. Such The order shall must be issued within 10~~
24 ~~days after the receipt of the election certificate and, if it be the election was for annexation with the~~
25 ~~assumption of bonded indebtedness, shall the order must specify that all the taxable real and personal~~
26 ~~property of the annexed territory shall must jointly assume with the annexing district the existing bonded~~
27 ~~indebtedness of the annexing district. The county superintendent shall send a copy of the order to the~~
28 ~~board of county commissioners and to the trustees of the districts involved in the annexation order.~~

29 ~~(7) If the annexation proposition is disapproved in the district to be annexed, it shall fail the~~
30 ~~proposition fails and the county superintendent shall notify each district of the disapproval of the~~

1 annexation proposition."

2
3 ~~Section 68. Section 20-6-211, MCA, is amended to read:~~

4 ~~"20-6-211. Joint elementary district dissolution. (1) Any joint elementary district may be dissolved.~~
5 ~~A proposition to dissolve a joint elementary district shall must be introduced by a petition signed by a~~
6 ~~majority of the electors, qualified under the provisions of 20-20-301, who reside in the territory of the joint~~
7 ~~district that is located within one county. Such The petition shall must be addressed and presented to the~~
8 ~~county superintendent of the county of residence of the petitioners.~~

9 ~~(2) Whenever a county superintendent receives a valid petition for the dissolution of a joint~~
10 ~~elementary district, he the county superintendent shall immediately notify the county superintendents of~~
11 ~~all the other counties with territory located in the joint district. The county superintendents jointly shall,~~
12 ~~within 10 days after the receipt of the petition and as provided by 20-20-201, order the trustees of the joint~~
13 ~~district to call an election. The trustees shall call and conduct, at the same time, separate elections in each~~
14 ~~portion of the joint district that is located in a separate county. Such The elections shall must be called and~~
15 ~~conducted in the manner prescribed in this title for school elections and shall must be considered as if each~~
16 ~~were an election in a separate district. The election must be held in conjunction with a regular or primary~~
17 ~~election. An elector who may vote at a joint district dissolution election shall must be qualified to vote~~
18 ~~under the provisions of 20-20-301. The election judges for each separate election in the joint district shall~~
19 ~~send the election certificate to the county superintendent of the county in which they serve.~~

20 ~~(3) After the receipt of the election certificates, the county superintendents shall jointly determine~~
21 ~~the result of such the election on the following basis:~~

22 ~~(a) if a majority of all the joint district electors voting at each election conducted in the joint district~~
23 ~~are in favor of the dissolution of the joint district, the dissolution of the joint elementary district shall must~~
24 ~~be approved;~~

25 ~~(b) if two thirds of the electors voting at one of the elections conducted in a county's portion of~~
26 ~~the joint district vote in favor of the joint district dissolution, the dissolution of that portion of such the joint~~
27 ~~district may be approved if all the county superintendents involved in such the dissolution proposition agree~~
28 ~~that such the dissolution will not place an undue hardship on any other county's portion of the joint district~~
29 ~~and there is no good and sufficient reason why such the dissolution should not be made; or~~

30 ~~(c) if the conditions of either subsection (3)(a) or (3)(b) cannot be satisfied, the dissolution of the~~

1 joint district shall must be disapproved.

2 (4) ~~The county superintendents shall jointly order the joint elementary district dissolution if the~~
 3 ~~proposition is approved and, whether it has been approved or disapproved, shall jointly notify the joint~~
 4 ~~district of the result. The dissolution of a joint district shall become is effective on the first day of the~~
 5 ~~ensuing school fiscal year.~~

6 (5) ~~When the dissolution of a joint elementary district has been approved and ordered under~~
 7 ~~subsection (3)(a) above, the county superintendent of each county shall individually order the attachment~~
 8 ~~of the territory of the dissolved joint elementary district within his the county to a contiguous elementary~~
 9 ~~district within his the county except when a school is operated in such that territory, in which case the~~
 10 ~~territory shall must operate as a separate elementary district of the county.~~

11 (6) ~~When the dissolution of a joint elementary district has been approved and ordered under the~~
 12 ~~provisions of subsection (3)(b) above, the county superintendent of the county where the dissolved portion~~
 13 ~~of the joint elementary district is located shall attach such the territory to a contiguous elementary district~~
 14 ~~within his that county.~~

15 (7) ~~In the event a dissolution proposition is disapproved, no a subsequent joint elementary district~~
 16 ~~dissolution election shall may not be held within 3 years thereafter."~~

17

18 ~~**Section 69.** Section 20-6-312, MCA, is amended to read:~~

19 ~~"**20-6-312. County high school unification.** (1) Any county high school may be unified with the~~
 20 ~~elementary district where the county high school building is located to establish a unified school system~~
 21 ~~under a unified board of trustees. If the county has not been divided into high school districts, a high school~~
 22 ~~district with boundaries coterminous with the county boundaries shall must be created, except that such~~
 23 ~~high school district shall may not include the territory of any existing joint high school district located in~~
 24 ~~the county. The territory of an existing joint high school district shall must remain a part of such the joint~~
 25 ~~high school district. The creation of high school districts under this provision shall be is in lieu of the high~~
 26 ~~school district division provisions of 20-6-303.~~

27 (2) ~~A proposition to unify a county high school with the elementary district where the county high~~
 28 ~~school building is located shall must be introduced whenever:~~

29 (a) ~~the trustees of the county high school and the trustees of the elementary district individually~~
 30 ~~pass resolutions requesting the county superintendent to order an election to consider a unification~~

1 proposition; or

2 ~~(b) not less than 20% of the electors of the county or, if the county has been divided into high~~
 3 ~~school districts, the electors of the high school district where the county high school is located, and who~~
 4 ~~are qualified to vote under the provisions of 20-20-301, petition the county superintendent to order an~~
 5 ~~election to consider a unification proposition.~~

6 ~~(3) When the county superintendent has received the trustees' resolutions or a valid petition, he~~
 7 ~~the county superintendent shall, within 10 days after the receipt of the last resolution or petition and under~~
 8 ~~the provisions of 20-20-201, order the county high school to call an election to consider a unification~~
 9 ~~proposition. The trustees of the county high school shall call and conduct an election in the manner~~
 10 ~~prescribed in this title for school elections. The election must be held in conjunction with a regular or~~
 11 ~~primary election. An elector who may vote on the unification proposition shall be is qualified to vote under~~
 12 ~~the provisions of 20-20-301. The ballot for a county high school unification proposition shall must be~~
 13 ~~substantially in the following form:~~

14 ~~"OFFICIAL BALLOT COUNTY HIGH SCHOOL UNIFICATION ELECTION~~

15 ~~Shall County High School be unified with District No., County to establish a unified~~
 16 ~~school system under a unified board of trustees?~~

17 ~~FOR the unification of the county high school.~~

18 ~~AGAINST the unification of the county high school."~~

19 ~~(4) When the county superintendent receives the election certificate from the trustees of the county~~
 20 ~~high school, he the county superintendent shall issue an order declaring the unification of the county high~~
 21 ~~school with the elementary district identified on the ballot as of the next succeeding July 1, if a majority~~
 22 ~~of those electors voting at such the election have voted for the unification proposition.~~

23 ~~(5) If a majority of those electors voting at the election have voted against the unification~~
 24 ~~proposition, he the county superintendent shall order the disapproval of the unification proposition."~~

25

26 ~~Section 70. Section 20-6-315, MCA, is amended to read:~~

27 ~~"20-6-315. District consolidation. Any two or more high school districts in one county may~~
 28 ~~consolidate to organize a high school district. The consolidation must be conducted under the following~~
 29 ~~procedure:~~

30 ~~(1) At the time the consolidation proposition is first considered, the districts involved shall jointly~~

1 ~~determine whether the consolidation is to be made with or without the mutual assumption of the bonded~~
 2 ~~indebtedness of each district by all districts included in the consolidation proposition.~~

3 ~~(2) A consolidation proposition may be introduced, individually, in each of the districts by either~~
 4 ~~of the following methods:~~

5 ~~(a) the trustees may pass a resolution requesting the county superintendent to order an election~~
 6 ~~to consider a consolidation proposition involving their district; or~~

7 ~~(b) not less than 20% of the electors of a high school district who are qualified to vote under the~~
 8 ~~provisions of 20-20-301 may petition the county superintendent requesting an election to consider a~~
 9 ~~consolidation proposition involving their district.~~

10 ~~(3) When the county superintendent receives a resolution or a valid petition from each of the~~
 11 ~~districts included in the consolidation proposition, he the county superintendent shall, within 10 days after~~
 12 ~~the receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each high~~
 13 ~~school district included in the consolidation proposition to call a consolidation election. The election must~~
 14 ~~be held in conjunction with a regular or primary election.~~

15 ~~(4) (a) Each district, individually, shall call and conduct an election in the manner prescribed in this~~
 16 ~~title for school elections.~~

17 ~~(b) In addition:~~

18 ~~(i) if the districts to be consolidated are to mutually assume the bonded indebtedness of each~~
 19 ~~district involved in the consolidation, the consolidation election must also follow the procedures prescribed~~
 20 ~~in 20-6-318; or~~

21 ~~(ii) if the districts to be consolidated are not to mutually assume the bonded indebtedness of each~~
 22 ~~district involved in the consolidation, the consolidation election must also follow the procedures prescribed~~
 23 ~~in 20-6-207.~~

24 ~~(5) After the county superintendent receives the election certificate provided for in 20-20-416 from~~
 25 ~~the trustees of each district included in a consolidation proposition, he the county superintendent shall~~
 26 ~~determine if the consolidation proposition has been approved in each district. If each district has approved~~
 27 ~~the consolidation proposition, he the county superintendent shall, within 10 days after the receipt of the~~
 28 ~~election certificate, order the consolidation of such the districts. If the order is for consolidation with the~~
 29 ~~mutual assumption of bonded indebtedness of each high school district by all districts included in the~~
 30 ~~consolidation order, the order shall must specify that all taxable real and personal property of the~~

1 consolidated district shall must assume the bonded indebtedness of each district. In addition, the order shall
 2 must specify the number of the consolidated high school district. The superintendent shall send a copy of
 3 the order to the board of county commissioners and to the trustees of each district incorporated in the
 4 consolidation order.

5 ~~(6) If any district included in the consolidation proposition disapproves the consolidation~~
 6 ~~proposition, the consolidation of all districts fails and the county superintendent shall notify each district~~
 7 ~~of the disapproval of the consolidation proposition."~~

8
 9 **Section 71.** Section 20-6-317, MCA, is amended to read:

10 ~~"20-6-317. High school district annexation procedure. A high school district may be annexed to~~
 11 ~~another high school district located in the same county when one of the conditions of 20-6-316 is met in~~
 12 ~~accordance with the following procedure:~~

13 ~~(1) At the time the annexation proposition is first considered, the districts involved shall jointly~~
 14 ~~determine whether the annexation is to be made with or without the joint assumption of the bonded~~
 15 ~~indebtedness of the annexing district by the district to be annexed and the annexing district.~~

16 ~~(2) An annexation proposition may be introduced in the district to be annexed by either of the~~
 17 ~~following methods:~~

18 ~~(a) the trustees may pass a resolution requesting the county superintendent to order an election~~
 19 ~~to consider an annexation proposition for their district; or~~

20 ~~(b) not less than 20% of the electors of the district who are qualified to vote under the provisions~~
 21 ~~of 20-20-301 may petition the county superintendent requesting an election to consider an annexation~~
 22 ~~proposition for their district.~~

23 ~~(3) Before ordering an election on the proposition, the county superintendent must receive from~~
 24 ~~the trustees of the annexing district a resolution giving him the county superintendent the authority to~~
 25 ~~annex such the district.~~

26 ~~(4) When the county superintendent receives authorization from the annexing district, he the~~
 27 ~~county superintendent shall, within 10 days after the receipt of the resolution or a valid petition from the~~
 28 ~~district to be annexed and as provided by 20-20-201, order the trustees of the district to be annexed to~~
 29 ~~call an annexation election. The election must be held in conjunction with a regular or primary election.~~

30 ~~(5) (a) The district shall call and conduct an election in the manner prescribed in this title for school~~

1 elections.

2 (b) In addition:

3 (i) ~~if the district to be annexed is to jointly assume with the annexing district the bonded~~
4 ~~indebtedness of the annexing district, the annexation election must also follow the procedures prescribed~~
5 ~~in 20-6-318; or~~

6 (ii) ~~if the district to be annexed is not to jointly assume with the annexing district the bonded~~
7 ~~indebtedness of the annexing district, the annexation election must also follow the procedures prescribed~~
8 ~~in 20-6-319.~~

9 (6) ~~After the county superintendent receives the election certificate provided for in 20-20-416 from~~
10 ~~the trustees of the district conducting the annexation election and if the annexation proposition has been~~
11 ~~approved by such the election, he the county superintendent shall order the annexation of the territory of~~
12 ~~the high school district voting on such the proposition to the high school district that has authorized the~~
13 ~~annexation to its territory. The order must be issued within 10 days after the receipt of the election~~
14 ~~certificate and, if it is for annexation with the assumption of bonded indebtedness, must specify that all~~
15 ~~the taxable real and personal property of the annexed territory shall must jointly assume with the annexing~~
16 ~~district the existing bonded indebtedness of the annexing district. The county superintendent shall send a~~
17 ~~copy of the order to the board of county commissioners and to the trustees of the districts involved in the~~
18 ~~annexation order.~~

19 (7) ~~If the annexation proposition is disapproved in the district to be annexed, it fails and the county~~
20 ~~superintendent shall notify each district of the disapproval of the annexation proposition."~~

21

22 **Section 72.** ~~Section 20-9-353, MCA, is amended to read:~~

23 "~~20-9-353. Additional financing for general fund — election for authorization to impose. (1) Except~~
24 ~~as limited by 20-9-308, the trustees of a district may propose to adopt a general fund budget in excess of~~
25 ~~the maximum general fund budget amount for the district.~~

26 (2) ~~Except as provided in 20-9-308(4)(b), when the trustees of a district determine that an~~
27 ~~additional amount of financing is required for the general fund budget that is in excess of the maximum~~
28 ~~general fund budget amount, the trustees shall submit the proposition to finance the excess amount of~~
29 ~~general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. The~~
30 ~~special election must be called and conducted in the manner prescribed by this title for school elections.~~

1 ~~If possible, the election should be held in conjunction with a regular or primary election.~~ The ballot for the
 2 election must state the amount of money to be financed, the approximate number of mills required to raise
 3 all or a portion of the money, and the purpose for which the money will be expended. The ballot must be
 4 in the following format:

5 **PROPOSITION**

6 Shall the district be authorized to expend the sum of (state the amount to be expended), and being
 7 approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing
 8 is made)?

9 ~~FOR budget authority and any levy.~~

10 ~~AGAINST budget authority and any levy.~~

11 ~~(3) If the election on any additional financing for the general fund is approved by a majority vote~~
 12 ~~of the electors voting at the election, the proposition carries and the trustees may use any portion or all of~~
 13 ~~the authorized amount in adopting the preliminary general fund budget. The trustees shall certify any~~
 14 ~~additional levy amount authorized by the special election on the budget form that is submitted to the county~~
 15 ~~superintendent, and the county commissioners shall levy the authorized number of mills on the taxable~~
 16 ~~value of all taxable property within the district, as prescribed in 20-9-141, to raise the amount of the~~
 17 ~~additional levy.~~

18 ~~(4) Authorization to levy an additional tax under the provisions of this section is effective for only~~
 19 ~~1 school fiscal year and must be authorized by a special election conducted before August 1 of the school~~
 20 ~~fiscal year for which it is effective.~~

21 ~~(5) If the trustees of a district are required to submit a proposition to finance a BASE budget~~
 22 ~~amount, as provided in 20-9-308(2)(b), or an over BASE budget amount, as provided in 20-9-308(3)(b),~~
 23 ~~to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4)."~~

24
 25 **Section 73.** Section 20-20-105, MCA, is amended to read:

26 ~~"20-20-105. Regular school election day and special school elections. The first Tuesday of April~~
 27 ~~of each year shall be is the regular school election day. Unless otherwise provided by law, special school~~
 28 ~~elections may be conducted at such times as determined by the trustees. Whenever possible, the trustees~~
 29 ~~shall conduct special elections with regular or primary elections."~~

1 ~~Section 74. Section 20-20-106, MCA, is amended to read:~~

2 ~~"20-20-106. Poll hours. (1) The Except as provided in subsection (2), the polls for any school~~
 3 ~~election in any district shall must open not later than noon. The trustees may order the polls to open earlier,~~
 4 ~~but no earlier than 7 a.m. and close at the times required in 13-1-106.~~

5 ~~(2) If the school election is held on the same day as an election held by a political subdivision under~~
 6 ~~13-1-104(3) and at the same polling place, the polls shall be opened and closed at the times required for~~
 7 ~~the school election.~~

8 ~~(3) If the school election is held on the same day as a general or primary election, the polls shall~~
 9 ~~be opened and closed at the times required for the general or primary election.~~

10 ~~(4)(2) Once opened, the polls shall must be kept open continuously until 8 p.m., except that~~
 11 ~~whenever all the registered electors at any poll have voted, the poll shall must be closed immediately."~~

12

13 ~~Section 75. Section 20-20-201, MCA, is amended to read:~~

14 ~~"20-20-201. Calling of school election. (1) At least 40 days before any school election, the trustees~~
 15 ~~of any district shall call such the school election by resolution, stating the date and purpose of such the~~
 16 ~~election, and shall conduct it in accordance with the procedures required by law, when:~~

17 ~~(a) an election must be held on the regular school election day;~~

18 ~~(b) in their discretion, the trustees order an election for a purpose authorized by law;~~

19 ~~(c) the county superintendent orders an election in accordance with the law authorizing such an~~
 20 ~~the order;~~

21 ~~(d) the board of public education orders an election in accordance with the law authorizing such~~
 22 ~~an the order;~~

23 ~~(e) the county commissioners order an election in accordance with the law authorizing such an the~~
 24 ~~order;~~

25 ~~(f) the board of trustees of a community college district orders an election in accordance with the~~
 26 ~~law authorizing such an the order (in which case the community college district shall bear its share of the~~
 27 ~~cost of such the election); or~~

28 ~~(g) a school election is required by law under any other circumstances.~~

29 ~~(2) The resolution calling any school election shall must be transmitted to the county election~~
 30 ~~administrator no later than 35 days before the election in order to enable him the election administrator to~~

1 close the registration and prepare the lists of registered electors as required by school election laws.

2 ~~(3) Whenever possible, an election under this section must be conducted in conjunction with a~~
3 ~~regular or special election."~~

4
5 **Section 76.** Section 20-20-202, MCA, is amended to read:

6 ~~"20-20-202. Time limitation for conduct of election. Whenever the trustees of any district receive~~
7 ~~an order to call an election, they shall conduct such the election any time within 60 days after the date of~~
8 ~~the order in conjunction with a regular or primary election unless the law or order otherwise regulates the~~
9 ~~day or timing of such the election."~~

10
11 **Section 77.** Section 20-20-203, MCA, is amended to read:

12 ~~"20-20-203. Resolution for poll hours, polling places, and judges. (1) At the trustee meeting when~~
13 ~~a school election is called, the trustees shall:~~

14 ~~(a) except as provided in 20-20-106(3), establish the time at which the polls are to open if in their~~
15 ~~discretion they determine that the polls shall be open before noon;~~

16 ~~(b) establish the polling places for such the election, using the established polling places for general~~
17 ~~elections within the district wherever whenever possible; and~~

18 ~~(c)(b) appoint, from among the qualified electors of the district, at least three judges for each~~
19 ~~polling place for such the election and notify each judge of such the appointment not less than 10 days~~
20 ~~before the election.~~

21 ~~(2) There shall must be one polling place in each district unless the trustees establish additional~~
22 ~~polling places. If more than one polling place is established, the trustees shall define the boundaries for each~~
23 ~~polling place, and such the trustee defined polling place boundaries shall must be coterminous with county~~
24 ~~precinct boundaries existing within a district. If the site of a polling place is changed from the polling place~~
25 ~~site used for the last preceding school election, special reference to the changed site of the polling place~~
26 ~~shall must be included in the notice for such the election."~~

27
28 **Section 78.** Section 20-20-204, MCA, is amended to read:

29 ~~"20-20-204. Election notice. (1) (a) When the trustees of any a district call a school election, they~~
30 ~~shall give notice of the election not less than 20 days or more than 30 days before the day of the election~~

1 by:

2 ~~(i) publication of the notice in a newspaper of general circulation in the district; or~~

3 ~~(ii) posting notices in three public places in the district, provided that in incorporated cities and~~
 4 ~~towns at least one notice shall must be posted at a public place in each ward or precinct.~~

5 ~~(b) Whenever, in the judgment of the trustees, the best interest of the district will be served by~~
 6 ~~the supplemental publication of the school election notice in a radio or television broadcast, the trustees~~
 7 ~~may cause such supplemental notification to be made.~~

8 ~~(2) The notice of a school election, unless otherwise required by law, shall must specify:~~

9 ~~(a) the date and polling places of the election;~~

10 ~~(b) the hours the polling places will be open;~~

11 ~~(c) each proposition to be considered by the electorate;~~

12 ~~(d)(e) if there are trustees to be elected, the number of positions subject to election and the length~~
 13 ~~of term of each position; and~~

14 ~~(e)(d) where and how absentee ballots may be obtained.~~

15 ~~(3) If more than one proposition is to be considered at the same school election, each proposition~~
 16 ~~must be set apart and separately identified in the same notice or published in separate notices."~~

17

18 **Section 65.** Section 22-1-303, MCA, is amended to read:

19 **"22-1-303. Creation of public library.** A public library may be established in any county or city in
 20 any of the following ways:

21 (1) The governing body of any county or city desiring to establish and maintain a public library may
 22 pass and enter upon its minutes a resolution to the effect that a free public library is established under the
 23 provision of Montana laws relating to public libraries.

24 (2) ~~By~~ A public library may be established by a petition that is signed by not less than 10% of the
 25 resident taxpayers, whose names appear upon the last completed assessment roll of the city or county,
 26 being and that is filed with the governing body requesting the establishment of a public library. The
 27 governing body of a city or county shall set a time of meeting at which ~~they~~ it may by resolution establish
 28 a public library. The governing body shall give notice of the contemplated action in a newspaper of general
 29 circulation for 2 consecutive weeks giving ~~therein~~ the date and place of the meeting at which the
 30 contemplated action is proposed to be taken.

1 (3) (a) Upon a petition being filed with the governing body and signed by not less than 5% of the
 2 resident taxpayers of any city or county requesting an election, the governing body shall submit to a vote
 3 of the qualified electors ~~thereof~~ at the next general election the question of whether a free public library
 4 ~~shall~~ is to be established.

5 (b) If ~~such~~ a petition is submitted for a city, the petition must be signed by resident taxpayers of
 6 ~~said~~ the city.

7 (c) If ~~such~~ a petition is submitted to the county commissioners of a county asking for the
 8 establishment of a county library, the petition must be signed by resident taxpayers of the county who
 9 reside outside the corporate limits of an incorporated city that is located in ~~said~~ the county ~~which~~ and that
 10 may already have established a free public library for ~~such~~ the city.

11 (d) If ~~such~~ the petition specifically asks that a special election be called and ~~such~~ the petition is
 12 signed by 35% of the resident freeholders affected by ~~such~~ the petition, then the governing body shall,
 13 upon receipt of ~~such~~ the petition, immediately set a date for a special election, ~~which date shall be as soon~~
 14 ~~as the procedures for establishing a~~ The special election will allow must be held in conjunction with a
 15 regular or primary election.

16 (e) If at ~~such~~ the election a majority of the electors voting on the question vote in favor of the
 17 establishment of a library, the governing body shall immediately take the necessary steps to establish and
 18 maintain ~~said~~ the library or to contract with any city or county for library service to be rendered to the
 19 inhabitants of ~~such~~ the city or county."
 20

21 **Section 66.** Section 22-1-402, MCA, is amended to read:

22 "**22-1-402. Library systems -- definition.** (1) Library systems ~~shall~~ must include library federations
 23 or library networks, ~~as defined hereafter.~~

24 ~~(1)(2)~~ (a) A library federation is a combination of libraries serving a multicounty, multicity, or
 25 city-county area within a federation area designated by the state library commission. Any other public
 26 library or town, city, or county within the federation area may participate in ~~such~~ a federation.

27 (b) Two or more cities, towns, counties, or a city and one or more counties may agree by contract
 28 to form ~~such~~ a federation by action of their respective governing bodies or duly created boards of library
 29 trustees, provided that one of the parties is or maintains a library ~~which~~ that has been designated by the
 30 state library commission as a headquarters library for that federation area. The participating entities may

1 retain ~~such the~~ autonomy over their respective libraries ~~as may be~~ that specified in the contract.

2 (c) The expense of providing library services for the library federation ~~shall~~ must be based on funds
3 received from the state or participating libraries as ~~shall be~~ agreed upon in the contract. The funds of the
4 federation ~~shall~~ must be maintained as a separate account as ~~shall be~~ provided in the contract. Participating
5 libraries shall transfer semiannually to the account all money collected for the federation in their respective
6 jurisdiction.

7 (d) A participating entity may withdraw from a federation according to the terms for withdrawal
8 provided in the contract by the action of its governing body or by a majority of its qualified voters voting
9 at a general or special election. A special election must be held in conjunction with a regular or primary
10 election.

11 ~~(2)(3)~~ A library network is an agreement between individual libraries or library systems, which may
12 be intercity, intrastate, or interstate, for the exchange of information or to provide specific library services
13 not provided in existing library federations."
14

15 **Section 67.** Section 67-11-303, MCA, is amended to read:

16 "**67-11-303. Bonds and obligations.** (1) An authority may borrow money for any of its corporate
17 purposes and issue its bonds ~~therefor~~ for those purposes, including refunding bonds, in ~~such the~~ form and
18 upon ~~such the~~ terms as that it may determine, payable out of any ~~revenues~~ revenue of the authority,
19 including ~~revenues~~ revenue derived from:

- 20 (a) an airport or air navigation facility or facilities;
21 (b) taxes levied pursuant to 67-11-301 or other law for airport purposes;
22 (c) grants or contributions from the federal government; or
23 (d) other sources.

24 (2) The bonds may be issued by resolution of the authority, without an election and without any
25 limitation of amount, except that ~~no such~~ bonds may not be issued at any time if the total amount of
26 principal and interest to become due in any year on ~~such the~~ bonds and on any then outstanding bonds for
27 which ~~revenues~~ revenue from the same source or sources are pledged exceeds the amount of ~~such~~
28 ~~revenues~~ revenue to be received in that year as estimated in the resolution authorizing the issuance of the
29 bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates,
30 charges, rentals, and taxes, if any are pledged, sufficient to make the ~~revenues~~ revenue from the pledged

1 source in ~~such~~ the year at least equal to the amount of ~~such~~ principal and interest due in that year.

2 (3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102.
3 Except as otherwise provided ~~herein~~ in this section, any bonds issued pursuant to this chapter by an
4 authority may be payable as to principal and interest solely from ~~revenues~~ revenue of the authority and ~~shall~~
5 must state on their face the applicable limitations or restrictions regarding the source from which ~~such~~ the
6 principal and interest are payable.

7 (4) Bonds issued by an authority or municipality pursuant to the provisions of this chapter are
8 declared to be issued for an essential public and governmental purpose by a political subdivision within the
9 meaning of 15-30-111(2)(a).

10 (5) For the security of ~~any such~~ bonds, the authority or municipality may by resolution make and
11 enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be
12 exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time
13 to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any
14 revenues referred to in this chapter, prior to the payment of current costs of operation and maintenance
15 of the facilities.

16 (6) Subject to the conditions stated in this subsection ~~(6)~~, the governing body of any municipality
17 having a population in excess of 10,000, with respect to bonds issued pursuant to this chapter by the
18 municipality or by an authority in which the municipality is included, may by resolution covenant that in the
19 event that at any time all ~~revenues~~ revenue, including taxes, appropriated and collected for ~~such~~ the bonds
20 ~~are~~ is insufficient to pay principal or interest then due, it will levy a general tax upon all of the taxable
21 property in the municipality for the payment of ~~such~~ the deficiency, ~~and~~ The governing body may further
22 covenant that at any time a deficiency is likely to occur within 1 year for the payment of principal and
23 interest due on such bonds, it will levy a general tax upon all the taxable property in the municipality for
24 the payment of ~~such~~ the deficiency, and ~~such~~ the taxes are not subject to any limitation of rate or amount
25 applicable to other municipal taxes but are limited to a rate estimated to be sufficient to produce the amount
26 of the deficiency. In the event that more than one municipality having a population in excess of 10,000 is
27 included in an authority issuing bonds pursuant to this chapter, the municipalities may apportion the
28 obligation to levy taxes for the payment of, or in anticipation of, a deficiency in the ~~revenues~~ revenue
29 appropriated for ~~such~~ the bonds in ~~such~~ a manner ~~as~~ that the municipalities may determine. The resolution
30 ~~shall~~ must state the principal amount and purpose of the bonds and the substance of the covenant

1 respecting deficiencies. ~~No such~~ A resolution becomes ~~may not be~~ effective until the question of its
 2 approval has been submitted to the qualified electors of the municipality at a special election called for that
 3 purpose by the governing body of the municipality and a majority of the electors voting on the question
 4 have voted in favor ~~thereof~~ of the resolution. The special election must be held in conjunction with a
 5 regular or primary election. The notice and conduct of the election is governed, to the extent applicable,
 6 as provided for municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by
 7 cities and towns, and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an
 8 election called by counties. If a majority of the electors voting ~~thereon~~ on the issue vote against approval
 9 of the resolution, the municipality ~~has no authority to~~ may not make the covenant or ~~to~~ levy a tax for the
 10 payment of deficiencies pursuant to this section, but ~~such~~ the municipality or authority may ~~nevertheless~~
 11 issue bonds under this chapter payable solely from the sources referred to in subsection (1) ~~above~~."

12
 13 **Section 68.** Section 76-1-604, MCA, is amended to read:

14 **"76-1-604. Adoption, revision, or rejection of master plan.** (1) The governing bodies shall adopt
 15 a resolution of intention to adopt, revise, or reject ~~such~~ the proposed plan or any of its parts.

16 (2) If the governing bodies adopt a resolution of intention to adopt the proposed plan or any of its
 17 parts, they may, in their discretion, submit to the qualified electors of the jurisdictional area included within
 18 the proposed plan at the next primary or general election or at a special election the referendum question
 19 of whether or not the plan should be adopted. A special election must be held in conjunction with a regular
 20 or primary election. ~~The~~ Except as provided in this section, the provisions of Title 7, chapter 5, part 1,
 21 ~~except as in this section otherwise provided, shall~~ apply to ~~such~~ the referendum election.

22 (3) The governing bodies may adopt, revise, or repeal a master plan under this section.

23 (4) The qualified electors of the jurisdictional area included within the master plan may by initiative
 24 or referendum, as provided in 7-5-131 through 7-5-137, adopt, revise, or repeal a master plan under this
 25 section."

26
 27 **Section 69.** Section 85-9-206, MCA, is amended to read:

28 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) Upon receipt of
 29 a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court
 30 ~~shall find~~ finds that the ~~prayer of the~~ petition should be granted, it shall:

1 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited
2 by the proposed district and exclude those lands ~~which~~ that will not be ~~so~~ benefited;

3 (b) make an order fixing the time and place of an organizing election;

4 (c) order the election administrator to conduct the election in accordance with the provisions of
5 Title 13;

6 (d) order and decree the district organized if the requisite number of eligible electors vote in favor
7 of organization.

8 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
9 election, and a majority of those voting must vote in favor of organization. The election must be held in
10 conjunction with a regular or primary election.

11 (3) This chapter ~~shall~~ does not confer upon the court jurisdiction to hear, adjudicate, and settle
12 questions concerning the priority of appropriation of water between districts and other persons. Jurisdiction
13 to hear and determine priority of appropriation and questions of right growing out of or in any way
14 connected with a priority of appropriation is expressly excluded from this chapter and ~~shall~~ must be
15 determined as otherwise provided by the laws of Montana."

16
17 **Section 70.** Section 85-9-623, MCA, is amended to read:

18 "**85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to
19 issue bonds, the directors shall:

20 (1) pass a resolution ~~which~~ that includes:

21 (a) the purpose or purposes for which the bonds will be issued;

22 (b) the maximum amount and term of the bonds;

23 (c) the maximum interest rate the bonds will bear;

24 (d) whether the bonds will be repaid from ~~revenues~~ revenue, assessments, or both;

25 (2) give notice, as provided in 85-9-103(9), ~~which shall~~ that must include the resolution adopted
26 by the directors, and the location of polling places, ~~and hours when the polls will be open; and~~

27 (3) hold an election as provided by 85-9-422."

28 -END-

1 SENATE BILL NO. 193

2 INTRODUCED BY DOHERTY, TROPILA

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING ELECTIONS;
 5 ENCOURAGING ELECTOR PARTICIPATION BY CONSOLIDATING THE TIMES AT WHICH ISSUES ARE
 6 SUBMITTED TO ELECTORS; ESTABLISHING UNIFORM TIMES FOR THE OPENING AND CLOSING OF
 7 POLLS; AND AMENDING SECTIONS 7-2-2215, 7-2-2605, 7-2-2709, 7-2-4104, 7-2-4106, 7-2-4902,
 8 7-3-103, 7-3-149, 7-3-176, 7-3-186, 7-3-187, 7-3-192, 7-3-1205, 7-3-1208, 7-3-1229, 7-3-1231,
 9 7-3-4208, 7-3-4213, 7-3-4222, 7-3-4223, 7-3-4305, 7-3-4310, 7-3-4311, 7-5-133, 7-5-136, 7-5-4321,
 10 7-6-2344, 7-6-4255, 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426,
 11 7-7-4427, 7-8-4201, 7-11-305, 7-11-307, 7-12-4243, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341,
 12 7-13-4204, 7-14-210, 7-14-1134, 7-14-2205, 7-14-2504, 7-14-4404, 7-14-4512, 7-14-4642, 7-15-2111,
 13 7-15-4408, 7-16-2411, 7-16-2442, 7-31-106, 7-31-107, 7-31-109, 7-32-235, 7-34-2110, 7-34-2414,
 14 7-35-2106, ~~13-1-106, 20-6-203, 20-6-205, 20-6-211, 20-6-312, 20-6-316, 20-6-317, 20-9-353,~~
 15 ~~20-20-105, 20-20-106, 20-20-201, 20-20-202, 20-20-203, 20-20-204,~~ 22-1-303, 22-1-402, 67-11-303,
 16 76-1-604, 85-9-206, AND 85-9-623, MCA."

17

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

THERE ARE NO CHANGES IN THIS BILL AND IT WILL
 NOT BE REPRINTED. PLEASE REFER TO THIRD
 READING COPY (BLUE) FOR COMPLETE TEXT.