

HOUSE BILL NO. 125

INTRODUCED BY F. MANDEVILLE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT EMERGENCY ORDINANCE PROCEDURE LAWS; LIMITING THE USE OF EMERGENCY ORDINANCES BY LOCAL GOVERNMENTS; REQUIRING FINDINGS OF IMMINENT PERIL TO PUBLIC HEALTH, SAFETY, OR WELFARE; AMENDING SECTION 7-5-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 7-5-104, MCA, is amended to read:

**"7-5-104. Emergency ordinance.** (1) In the event of an emergency, the governing body may waive the second reading. An ordinance passed in response to an emergency shall:

(a) recite the facts giving rise to the emergency and include a finding of imminent peril to the public health, safety, or welfare that cannot be averted or remedied by any other means at the disposal of the governing body;

(b) take precedence over all other matters and have a hearing set at the earliest possible time;

(c) and requires require a two-thirds vote of the whole governing body for passage;

(d) An emergency ordinance shall be effective on passage and approval; and

(e) shall remain effective for no more than 90 days.

(2) The sufficiency of the reasons for a finding of imminent peril to the public health, safety, or welfare required in subsection (1)(a) is subject to judicial review upon petition by any person. The sufficiency of the reasons justifying a finding of imminent peril and the necessity for emergency rulemaking must be compelling and, as written in the emergency ordinance, must stand on their own merits for purposes of judicial review."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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