

SENATE BILL NO. 336
INTRODUCED BY STORY
BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

February 2, 1979	Introduced and referred to Committee on Local Government.
February 8, 1979	Committee recommend bill do pass as amended. Report adopted
February 9, 1979	Printed and placed on members' desks.
February 10, 1979	Second reading, do pass.
February 12, 1979	Considered correctly engrossed.
February 13, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on Local Government.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 10, 1979	Third reading, concurred in.

IN THE SENATE

March 12, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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Sen. Stary BILL NO. 336

INTRODUCED BY _____

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO GENERAL PROVISIONS AND TO THE CREATION, ALTERATION, AND ABANDONMENT OF LOCAL GOVERNMENTS; REPEALING SECTIONS 11-2901 THROUGH 11-2921 AND 11-3001 THROUGH 11-3026, R.C.M. 1947, AND SECTION 7-2-2101, MCA."

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

Section 1. Section 7-1-4111, MCA, is amended to read:

"7-1-4111. Classification of municipalities. (1) Every city having a population of 10,000 or more is a city of the first class.

(2) Every city having a population of less than 10,000 and more than 5,000 is a city of the second class.

(3) Every city having a population of less than 5,000 and more than 1,000 is a city of the third class.

(4) Every municipal corporation having a population of ~~300~~ and less than 1,000 and more than 300 is a town."

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

"7-2-103. Collection of taxes upon alteration of boundary of local government. When Subject to the provisions

~~of part 27 of this chapter, if any territory shall be is~~
~~detached from any county, city, or town in this state and be~~
~~is~~ annexed to any other county, city, or town therein, it
~~shall in no manner does not~~ invalidate or interfere with the
collection of taxes in such territory, and ~~they the taxes~~
shall be collected by and the returns made to the county to
which ~~said the~~ territory is attached in the manner provided
by law for levying and collecting taxes."

Section 3. Section 7-2-2211, MCA, is amended to read:

"7-2-2211. Hearing on petition -- protest. (1) At the time so fixed for ~~said the~~ hearing, the board of county commissioners shall ~~proceed to~~ hear the petitioners and any opponents and protestants upon the petition or protests filed on or before the time fixed for the hearing. The board may adjourn ~~such the~~ hearing from time to time, but not for more than 10 days after the time fixed for the hearing, and shall receive the proof to establish or controvert the facts set forth in ~~said the~~ petition.

(2) (a) No ~~petition, or protest, or petition~~ for the exclusion of territory shall ~~may~~ be considered unless the same ~~it~~ is filed at least 1 day before the time fixed for the hearing.

(b) ~~Such A~~ petition for the exclusion of territory shall contain the names of not less than 50% of the qualified electors ~~who are resident property taxpayers~~ of

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1 any territory to be excluded.

2 (c) All such territory being excluded must be in one
3 block and contain an area of not less than 36 square miles
4 and be totally within one county and contiguous thereto.

5 (3) No withdrawals of signatures to the original
6 petition for the creation of a proposed county shall be
7 filed or considered which have not been filed with the
8 county clerk on or before the date fixed for the hearing. No
9 withdrawals of any signatures from the petition for the
10 exclusion of territory ~~shall~~ may be received or considered
11 which are not filed within 5 days after the filing of the
12 petition for such exclusion of territory."

13 Section 4. Section 7-2-2212, MCA, is amended to read:

14 "7-2-2212. Exclusions and additions of territory upon
15 petition. (1) Except as provided in subsection (3), on final
16 hearing the board of commissioners, upon petition of not
17 less than 50% of the qualified electors (as shown by the
18 official registration books on the day of the filing of any
19 such petition) of any territory lying within ~~said the~~
20 proposed new county and contiguous to the boundary line of
21 the proposed new county and of the old county from which
22 such territory is proposed to be taken and lying entirely
23 within a single old county and described in ~~said the~~
24 petition, asking that ~~said this~~ territory be not ~~be~~ included
25 within the proposed new county, must make such changes in

1 the proposed boundaries as will exclude such territory from
2 such ~~the~~ new county and shall establish and define such
3 boundaries. Petitions for exclusion shall be disposed of in
4 the order ~~in-point-of-time~~ in which they are filed with the
5 clerk of the board.

6 (2) Except as provided in subsection (3), on final
7 hearing the board, upon petition of not less than 50% of the
8 qualified electors of any territory lying outside ~~said the~~
9 proposed new county and contiguous to the boundary line of
10 ~~said the~~ proposed new county and of the old county or
11 counties from which such territory is proposed to be
12 ~~included taken~~, asking that ~~said this~~ territory be included
13 within the proposed new county, must make such changes in
14 the proposed boundaries as will include such territory in
15 ~~such the~~ new county and shall establish and define such
16 boundaries.

17 (3) (a) The segregation of such territory from any o'
18 county or counties ~~shall~~ may not leave such county or
19 counties with less than \$12 million of assessed valuation,
20 based upon the last assessment roll.

21 (b) No change or changes so made ~~shall~~ may result in
22 reducing the valuation of the proposed new county to less
23 than an assessed valuation of \$10 million, inclusive of all
24 assessed valuation.

25 (c) No change ~~shall~~ may be made which ~~shall~~ may have

1 ~~leaves~~ the territory so excluded separate and apart from and
2 without the county of which it was formerly a part.

3 (4) On final determination of boundaries, no changes
4 in the boundaries originally proposed ~~shall~~ may be made
5 except as prayed for in ~~said the~~ petition or petitions or to
6 correct clerical errors or uncertainties."

7 Section 5. Section 7-2-2219, MCA, is amended to read:

8 "7-2-2219. Conduct of election. (1) (a) The board
9 issuing the proclamation and notice of election pursuant to
10 7-2-2215 shall cause the county clerk of ~~said county~~ to
11 furnish to the officers of each precinct in ~~such the~~
12 proposed new county all ballots, poll lists, tally lists,
13 registers for voters' signatures, ballot boxes, and other
14 election supplies and equipment necessary to conduct ~~such~~
15 ~~the~~ election and which are not hereinafter specifically
16 directed to be furnished by the clerk of another county or
17 counties.

18 (b) The county clerk of each county from which
19 territory is taken for the proposed new county shall, not
20 less than 5 days before the date of ~~such the~~ election,
21 furnish to each board of election within ~~said the~~ proposed
22 new county a copy of the official register for the precincts
23 of ~~such the~~ proposed new county as are within their
24 respective counties and the copies of indexes thereof
25 required by law, containing the names of all persons who

1 were qualified electors at the last general election before
2 the date of ~~such the~~ election provided for in 7-2-2215.

3 (2) ~~Such the~~ election provided for in 7-2-2215 shall
4 be governed and controlled by the general election laws of
5 the state, so far as the same ~~shall be~~ are applicable and
6 except as otherwise provided herein. The provisions of the
7 election laws relating to preparation, printing, and
8 distribution of sample ballots, except the provisions of
9 ~~said these~~ laws relating to primary elections in this state,
10 ~~shall have application~~ apply to any election provided for in
11 this part.

12 ~~(3) The returns of all elections for the creation of~~
13 ~~the county, for officers, and for location of the county~~
14 ~~seat as provided for in this part shall be made to and~~
15 ~~canvassed by the board of the county from which the largest~~
16 ~~area is taken by the proposed county. All returns of~~
17 ~~election herein provided for shall be made to and canvassed~~
18 ~~by the board calling such the election.~~

19 ~~(4) (3) All nominations of candidates for the office~~
20 ~~offices required to be filled at said the election shall be~~
21 ~~made in the manner provided by law for the nomination of~~
22 ~~candidates by petition."~~

23 Section 6. Section 7-2-2223, MCA, is amended to read:

24 "7-2-2223. Procedure to complete creation of county.
25 (1) The board of county commissioners shall ~~forthwith cause~~

1 immediately file a copy of its resolution, authorized by
 2 7-2-2222(1) and duly certified, ~~to be filed~~ in the office of
 3 the secretary of state. Ninety days from and after the date
 4 of such filing:

5 (a) ~~said the new county shall be deemed~~ is considered
 6 to be fully created;

7 (b) the organization thereof ~~shall be deemed~~ is
 8 considered completed; and

9 (c) ~~such the county officers, shall be other than the~~
 10 county commissioners and the county clerk, are entitled to
 11 enter ~~immediately~~ upon the duties of their respective
 12 offices upon qualifying in accordance with law and giving
 13 bonds for the faithful performance of their duties, as
 14 required by the laws of the state.

15 (2) ~~(a)~~ The clerk of the board with which ~~said the~~
 16 petition was filed ~~as herein provided~~ must immediately make
 17 out and deliver to each of ~~said the~~ persons so declared and
 18 designated to be elected a certificate of election
 19 authenticated by his signature and the seal of said county.
 20 The persons elected members of the board and the county
 21 clerk shall, immediately upon receiving their certificates
 22 of election, assume the duties of their respective offices.

23 ~~(b) All other officers take office 90 days after the~~
 24 ~~filing of the resolution herein provided for with the~~
 25 ~~secretary of state."~~

1 Section 7. Section 7-2-2224, MCA, is amended to read:
 2 "7-2-2224. Offices and supplies for new county. The
 3 board of county commissioners ~~shall have authority to~~ of the
 4 new county may provide a suitable place for the county
 5 officers and to purchase such supplies ~~as may be deemed~~
 6 necessary for the proper conduct of the county government."

7 Section 8. Section 7-2-2225, MCA, is amended to read:
 8 "7-2-2225. Officers of new county. (1) ~~At the special~~
 9 ~~election held for the purpose of voting on the question of~~
 10 ~~the creation of a new county, a board of county~~
 11 ~~commissioners shall be elected, who shall hold office until~~
 12 ~~the next general election.~~

13 ~~(2) (a)~~ Except as provided in subsections ~~(2)(b) &~~
 14 ~~(2)(c), and (2)(d) (2) through (4)~~ of this section, at the
 15 election provided for in 7-2-2215, there shall be chosen a
 16 board of county commissioners and such other county,
 17 township, and district officers as are ~~now or may hereafter~~
 18 ~~by general law~~ be provided by law for in counties of the
 19 class to which the ~~said new county is determined to belong~~
 20 ~~as herein provided belongs.~~

21 ~~(b)(2)~~ All duly elected, qualified, and acting
 22 officers of the county or counties who may reside within the
 23 proposed new county ~~shall be deemed~~ are considered to be
 24 officers of ~~said the~~ new county if they file, within 5 days
 25 after the final hearing and determination of ~~said the~~

1 petition for such ~~the~~ proposed new county, with the board of
 2 county commissioners whose duty it shall be to call the
 3 election their intention to become officers of ~~said the~~
 4 proposed new county, and the board issuing the proclamation
 5 of any ~~the~~ election ~~as provided in this part~~ shall omit
 6 providing for the election of any such officers as ~~may~~ have
 7 filed their declaration ~~as herein provided to continue in~~
 8 office.

9 ~~(c)(3)~~ All duty elected, qualified, and acting
 10 justices of the peace residing within the proposed new
 11 county shall hold office as such justices of the peace in
 12 ~~said the new~~ county for the remainder of the term for which
 13 they were elected.

14 ~~(d)(4)~~ All duty elected, qualified, and acting school
 15 trustees residing within the proposed new county at the time
 16 of the division of such county into school districts, as
 17 provided in 7-2-2214, shall hold office as school trustees
 18 in ~~said the~~ new county for the remainder of the term for
 19 which they were elected on qualifying as school trustees for
 20 the respective districts in which they reside, as ~~said these~~
 21 districts are organized as provided by this part.

22 ~~(3)(5)~~ The officers elected or appointed under the
 23 provisions of this part shall each perform the duties and
 24 receive the compensation now provided by general law for the
 25 office to which they have been appointed or elected in the

1 counties of the class to which such ~~the~~ new county shall
 2 ~~have been determined to belong as herein provided under~~
 3 ~~the general classification of counties in this state~~
 4 belongs."

5 Section 9. Section 7-2-2252, MCA, is amended to read:

6 "7-2-2252. Assessment and collection of taxes for new
 7 county. (1) After the creation of a new county ~~as herein~~
 8 provided, its officers shall ~~proceed to~~ complete all
 9 proceedings necessary for the assessment or collection of
 10 the state and county taxes for the then-current year.

11 (2) (a) All acts and steps taken by the officers of
 12 the old county or counties prior to the creation of the new
 13 county shall ~~be deemed and taken~~ are considered as having
 14 been performed by the officers of the new county for the
 15 benefit of the new county. Upon the creation of the new
 16 county, it shall be the duty of the officers of the old
 17 county or counties to immediately execute and deliver to the
 18 board of county commissioners of such ~~the~~ new county copies
 19 of all assessments or other proceedings relative to the
 20 assessment and collection of the current state and county
 21 taxes of property in such ~~the~~ new county. Such copies shall
 22 be filed with the respective officers of the new county who
 23 would have the custody of the same if the proceedings had
 24 been originally had in the new county. Such certified copies
 25 shall ~~be taken and deemed~~ are considered as originals and

1 ~~original--proceedings~~ in the new county, and all proceedings
 2 therein recited ~~shall be taken and deemed~~ are considered as
 3 original proceedings in the new county and shall have the
 4 same effect as if the proceedings therein stated had been
 5 had at the proper time and in the proper manner by the
 6 respective officials of the new county.

7 (b) The officials of the new county ~~are---hereby~~
 8 ~~authorized--and--directed--to~~ shall proceed thenceforth with
 9 the assessment and collection of ~~said~~ the taxes as if the
 10 proceedings originally had in the old county or counties had
 11 been originally had in the new county."

12 Section 10. Section 7-2-2253, MCA, is amended to read:
 13 "7-2-2253. Procedure to transfer money to school and
 14 road funds. (1) The county superintendent of schools of the
 15 ~~an~~ old county ~~or--each-of-the-old-counties--respectively~~
 16 shall furnish the county superintendent of schools of the
 17 new county with a certification of the average number
 18 belonging (ANB) in the different school districts in the
 19 territory set apart to form the new county and shall certify
 20 to the board of county commissioners of the old county the
 21 amount due. ~~Said~~ The board of the old county shall order a
 22 warrant drawn on the treasurer treasury of the new ~~old~~
 23 county for all the money that is or may be due by any
 24 apportionment or otherwise to the different school districts
 25 embraced in the new county ~~from his~~ and taken from the old

1 county.

2 (2) The county treasurer shall certify to the county
 3 commissioners of an old county the amount due in the
 4 different road funds. The county commissioners shall order a
 5 warrant drawn on the treasurer treasury of their the old
 6 county in favor of the new county for all money that is or
 7 may be due by apportionment or otherwise to the different
 8 road and district funds in the territory set apart to form
 9 the new county ~~from their~~ and taken from the old county,
 10 which ~~said~~ amounts shall be properly credited in both
 11 counties.

12 (3) Whenever in the formation of a new county a road
 13 or school district has been divided, the board of county
 14 commissioners shall by resolution direct the treasurer to
 15 transfer the proper proportionate amount of the money
 16 remaining in the fund of such district to the treasurer of
 17 the new county."

18 Section 11. Section 7-2-2254, MCA, is amended to read:
 19 "7-2-2254. Transfer and transcription of records. (1)
 20 The board of county commissioners of any new county formed
 21 ~~as--aforesaid~~ must provide suitable books and have
 22 transcribed from the records of the old county or counties
 23 all such parts thereof as relate to or affect property
 24 situated in the new county or the title thereof. ~~Said~~
 25 ~~records,--when--so--transcribed--and--certified--as--herein~~

1 provided, shall have the same force and effect as such
2 original records.

3 ~~{2} The county commissioners shall have full power and~~
4 ~~authority to contract for transcribing of records as now~~
5 ~~provided by law.~~

6 ~~{3}~~ {2} All chattel mortgages, renewals of chattel
7 mortgages, articles of incorporation, contract notes,
8 sheriff certificates of sale, liens, and original affidavits
9 of registration which may affect or relate to property or
10 persons situated within the new county shall be delivered by
11 the county clerk of the old county delivered to the county
12 clerk of the new county and shall be preserved by said the
13 county clerk of the new county as permanent files of such
14 the new county."

15 Section 12. Section 7-2-2511, MCA, is amended to read:

16 "7-2-2511. Effect of name change on indebtedness,
17 obligations, and contracts. (1) All indebtedness and
18 obligations of the county, whether bonded or otherwise,
19 shall be assumed by and become the indebtedness of the
20 county under its new name and shall be the indebtedness and
21 obligations of such county as theretofore. All bonds
22 theretofore issued by the county under its former name,
23 outstanding and unpaid at the time of the rendition of the
24 decree, shall be assumed by and become due from and paid by
25 said the county under its new name.

1 (2) All contracts and obligations, express or implied,
2 unfulfilled by the county at the date of the rendition of
3 the decree shall be assumed and discharged by such the
4 county under its new name."

5 Section 13. Section 7-2-2608, MCA, is amended to read:

6 "7-2-2608. Frequency of elections on question of
7 moving county seat. (1) When an election has been held and a
8 majority of the votes are not cast for some place other than
9 that fixed by law as the former existing county seat, no
10 second election for the removal thereof must ~~may~~ be held
11 within 4 years thereafter.

12 (2) When the county seat of a county has been once
13 removed by a popular vote of the people of the county, it
14 may be again removed from time to time in the manner
15 provided by this part."

16 Section 14. Section 7-2-2713, MCA, is amended to read:

17 "7-2-2713. Effect of election results. (1) If at such
18 the election a majority of the votes cast in the county in
19 which such the petition for abandonment was filed shall be
20 are cast in favor of the abandonment and abolishment of such
21 the county and if a majority of the votes cast in the county
22 designated in the petition for abandonment as the county to
23 which the territory of the abandoned county shall be
24 attached shall be are cast in favor thereof of attachment,
25 then:

1 (a) (i) the organization and ~~the~~ political and
2 corporate existence of the county in which such ~~the~~ petition
3 for abandonment was filed ~~shall cease and terminate~~;

4 (ii) ~~said the~~ county ~~shall be~~ ~~is~~ abandoned, and
5 abolished, and disincorporated and ~~cease~~ ~~ceases~~ to exist;
6 and

7 (iii) ~~except as provided in subsection (2) of this~~
8 ~~section,~~ its territory ~~shall be~~ ~~is~~ attached to and become
9 ~~becomes~~ a part of the counties designated in the resolution
10 adopted under 7-2-2707; and

11 (b) the term ~~terms~~ of office of each of the officers
12 thereof ~~of the abandoned county,~~ of the members of the board
13 of county commissioners thereof, and of ~~its--senator--and~~
14 ~~representative--in--the--legislature--shall--cease--and--terminate~~
15 ~~those state senators and representatives whose districts are~~
16 ~~wholly contained within the abandoned county terminate~~ at
17 midnight on the following June 30.

18 (2) If at ~~any--such~~ ~~the~~ election a majority of the
19 votes ~~cast~~ in any adjoining county named in the resolution
20 adopted under 7-2-2707, other than the county designated in
21 the petition for abandonment as the county to which the
22 territory of the abandoned county shall attach, ~~shall be~~ ~~are~~
23 ~~cast~~ against the attaching of any portion of the territory
24 of the abandoned county to such adjoining county, then such
25 portion of such ~~the~~ territory described in ~~said the~~

1 resolution ~~shall be attached and become~~ ~~attaches and becomes~~
2 a part of the county designated in ~~such--resolution the~~
3 ~~petition~~ for abandonment as the county to which the
4 territory of the abandoned county ~~shall attach~~ ~~attaches."~~

5 Section 15. Section 7-2-2726, MCA, is amended to read:

6 "7-2-2726. Status of printing contracts. (1) If the
7 abandoned and abolished county ~~shall have theretofore~~ ~~has~~
8 entered into a printing contract in accordance with the
9 provisions of part 24 of chapter 5 and such ~~the~~ contract
10 ~~shall be~~ ~~is~~ in full force and effect on the date when such
11 ~~the~~ county ceases to exist, ~~the purchase of~~ all supplies and
12 printing for the county designated in the petition for
13 abandonment as the county to which the territory of the
14 abandoned and abolished county is attached ~~and made a part~~
15 shall be divided by the board of county commissioners of
16 such ~~the~~ ~~continuing~~ county between such ~~the~~ contract ~~of the~~
17 ~~abandoned county~~ and any similar existing contract enter
18 into by the board ~~of the continuing county~~ in such manner as
19 such ~~the~~ board ~~shall deem~~ ~~considers~~ equitable and just to
20 the holders of both such contracts until ~~the expiration of~~
21 the contract entered into by the abandoned and abolished
22 county ~~shall have expired.~~

23 (2) When a petition ~~has been~~ ~~is~~ filed with the county
24 clerk of a county for the abandonment and abolishment of
25 such ~~the~~ county in accordance with the provision of

1 7-2-2702 and 7-2-2703, the board of county commissioners of
 2 such ~~the~~ county shall ~~may~~ not thereafter enter into any
 3 contract under the provisions of part 24 of chapter 5 until
 4 the time has expired when such ~~the~~ petition may be presented
 5 to such ~~the~~ board by the county clerk as provided in
 6 7-2-2702 and 7-2-2703."

7 Section 16. Section 7-2-2753, MCA, is amended to read:

8 "7-2-2753. Assessment of property in abandoned county.

9 (1) The county assessor of a county abandoned and abolished
 10 under the provisions of this part shall, within 10 days
 11 after it comes ~~ceases~~ to exist, deliver to the county
 12 assessor of each county to which any part of its territory
 13 has been attached ~~and-become-a-part~~ all assessment lists,
 14 reports, documents, and instruments relating to, concerning,
 15 or in any way affecting the assessment during the
 16 then-current assessment year of all taxable property within
 17 such portion of such ~~the~~ abandoned and abolished county. The
 18 county assessor of such ~~the~~ abandoned and abolished county
 19 shall, until midnight of June 30 ~~of the year~~ when ~~said the~~
 20 county ceases to exist, aid and assist the county assessors
 21 of the counties to which any part of the territory to be so
 22 abandoned and abolished will be attached ~~and-made-a-part~~ in
 23 the listing and assessing of all taxable property situated
 24 or located within each of such counties, to the end that all
 25 taxable property within the boundaries of such ~~the~~ abandoned

1 county will be fully assessed and taxed.

2 (2) It ~~shall-be~~ ~~is~~ the duty of the assessor of the
 3 county to whom such assessment lists, reports, documents,
 4 and instruments have been delivered by the assessor of the
 5 abandoned and abolished county to complete all assessments
 6 and to fully assess, during the then-current assessment
 7 year, all taxable property situated or located on January 1
 8 of such year within the boundaries of such part of such ~~the~~
 9 abandoned and abolished county. Each such county assessor
 10 shall, in all matters and things connected in any way with
 11 the making of such assessments, have, possess, and exercise
 12 all of the powers and rights and shall perform all of the
 13 duties which the assessor of the abandoned and abolished
 14 county would or could have had, possessed, exercised, or
 15 performed if such ~~the~~ county had not been abandoned and
 16 abolished."

17 Section 17. Section 7-2-4501, MCA, is amended to read:

18 "7-2-4501. Annexation of wholly surrounded land by
 19 cities of the first class. ~~Cities~~ A city of the first class
 20 may include as part of such ~~the~~ city any platted or
 21 unplatted tract or parcel of land that is wholly surrounded
 22 by such ~~the~~ city upon passing a resolution ~~advertising--and~~
 23 ~~upon--passing--a--further--resolution--or--following--such~~
 24 ~~advertising--all--in--the--manner--provided--in--7-2-4311--through~~
 25 ~~7-2-4314~~ of intent, giving notice, and passing a resolution

1 ~~of annexation. Except as provided in 7-2-4502, the~~
 2 ~~provisions of 7-2-4312 through 7-2-4314 apply to these~~
 3 ~~resolutions and the notice requirement."~~

4 Section 18. Section 7-2-4609, MCA, is amended to read:

5 "7-2-4609. Applicability of part. (1) This part ~~shall~~
 6 ~~is~~ not be applicable to cities having a population, as shown
 7 by the last preceding federal census, of less than 20,000
 8 ~~and shall or of more than 35,000. This part does~~ not repeal
 9 parts 43 and 45 having reference to extension of the
 10 corporate limits of cities of the first, second, and third
 11 classes to include contiguous land but ~~is intended and does~~
 12 ~~provide~~ provides an alternative method for the annexation of
 13 territory or territories to municipal corporations.

14 (2) When any proceedings for annexation of territory
 15 or territories to any municipal corporation are commenced
 16 under this part, the provisions of this part and no other
 17 ~~shall~~ apply to such proceedings."

18 Section 19. Section 7-2-4705, MCA, is amended to read:

19 "7-2-4705. Annexation by municipalities providing
 20 services. (1) The governing body of any municipality may
 21 extend the corporate limits of such municipality under the
 22 procedure set forth in this part upon the initiation of the
 23 procedure by the ~~board~~ governing body itself.

24 (2) Whenever the resident freeholders situated outside
 25 the corporate boundaries of any municipality, but contiguous

1 thereto, desire to have real estate annexed to the
 2 municipality, they may file with the governing body of the
 3 municipality a petition bearing the signatures of 51% of the
 4 resident freeholders in the territory sought to be annexed,
 5 requesting a resolution stating the intent of the
 6 municipality to consider annexation. Upon passage of the
 7 resolution, the governing body shall follow the procedure in
 8 7-2-4707 through 7-2-4713 and 7-2-4731(2)."

9 Section 20. Section 7-2-4733, MCA, is amended to read:

10 "7-2-4733. Vote required on proposed capital
 11 improvements. Included within the plan must be methodology
 12 whereby the area to be annexed may vote upon any proposed
 13 capital improvements. Should a negative vote be cast by over
 14 50% of ~~those--resident--freeholders~~ the residents in the
 15 section or sections to be annexed in such election, the area
 16 ~~shall~~ may not be annexed."

17 Section 21. Repealer. (1) Sections 11-2901 through
 18 11-2921 and 11-3001 through 11-3026, R.C.M. 1947, are
 19 repealed.

20 (2) Section 7-2-2101, MCA, is repealed.

-End-

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1979 Legislature
Code Commissioner Bill - Summary*Senat.* Bill No. 536

AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO GENERAL PROVISIONS AND TO THE CREATION, ALTERATION, AND ABANDONMENT OF LOCAL GOVERNMENTS.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 7-1-4111. Subsection (4) is rewritten for clarity.

Section 2. 7-2-103. This section is rewritten for clarity, and a reference to part 27 of chapter 2 is added to resolve an inconsistency as to collection and disposition of taxes upon abandonment of a county. The law pertaining to abandonment dates from 1937 while this section was enacted in 1911.

Section 3. 7-2-2211. In subsection (2)(b) the requirement that signers of an exclusion petition be taxpayers is deleted. Under the rationale of several United States Supreme Court decisions, this requirement appears to be unconstitutional (see discussion 35 L. Ed.2d 843 (1974)). While the decisions deal with the right to vote rather than the right to protest, it would appear that the result should be the same inasmuch as all other petitions in this part only require the signer to be a qualified elector.

Section 4. 7-2-2212. In subsection (2), "included" is changed to "taken" for consistency with the phrase "from which such territory is proposed to 'included'".

Section 5. 7-2-2219. This section is rewritten for clarity. In subsection (3), the first sentence is deleted. The deleted provisions may be inconsistent with the second sentence under certain circumstances, and it would seem appropriate that returns be made to and canvassed by the board calling the election in the first place.

Section 6. 7-2-2223. This section is rewritten for clarity. Subsection (2)(b) is deleted and the language deleted is incorporated into subsection (1)(c).

Section 7. 7-2-2224. The section as written does not specify which board of county commissioners must provide space. It would seem appropriate that the responsibility belongs to the new board inasmuch as under 7-2-2223 they take office 90 days prior to the other officers of the new county.

Section 8. 7-2-2225. Subsection (1) is deleted as redundant and in part inconsistent with the provisions of the remainder of the section. The section is rewritten for clarity.

Section 9. 7-2-2252. The section is rewritten for clarity. In subsection (2)(a), the term "and original proceedings" is deleted. It has no apparent meaning in the context of the section.

Section 10. 7-2-2253. This section is rewritten for clarity. References to warrants drawn on the treasurer are deleted. These references are incorrect as warrants are drawn on the treasury, not the treasurer. The reference to the treasurer of the new county does not make sense as the payment is being made from the old county to the new county. The treasurer references are replaced by treasury references.

Section 11. 7-2-2254. The last sentence of subsection (1) and subsection (2) are deleted as redundant with the provisions of part 24 of chapter 2. The section is also rewritten for clarity.

Section 12. 7-2-2511. The material deleted in subsection (1) is redundant.

Section 13. 7-2-2608. In subsection (1), "former" is changed to "existing" for clarity.

Section 14. 7-2-2713. This section is rewritten for clarity. In subsection (1)(a)(iii), language is added to connect the provisions of this subsection with the language of subsection (2). In subsection (1)(b), the language concerning state senators and representatives is rewritten to reflect the problems associated with multicounty legislative districts.

Section 15. 7-2-2726. This section is rewritten for clarity. In subsection (1), the words "the purchase of" is added for clarity. As presently written, the actual supplies would be divided; it would seem the intent is to divide the purchase of supplies between the contracts.

Section 16. 7-2-2753. This section is rewritten for clarity. In subsection (1), "comes" is changed to "ceases" to correct what appears to be obvious error.

Section 17. 7-2-4501. This section is rewritten for clarity. The internal reference is also rewritten to account for the provisions of 7-2-4502, which relate to protest.

Section 18. 7-2-4609. In subsection (1), "or of more than 35,000" is added. The section derives from section 11-510, R.C.M. 1947. As it originally appeared, the language read "of less than 20,000 and not more than 35,000". The last part of this phrase was deleted as redundant during recodification. The proposed new language is intended to achieve the original intent of the section 11-510, R.C.M. 1947, but which was not achieved by the original language.

Section 19. 7-2-4705. In subsection (1), "board" is changed to "governing body" for consistency with the terminology of the section.

Section 20. 7-2-4733. The requirement the voters in certain elections be freeholders is changed to a requirement of residency. The present provision would appear to be unconstitutional in view of the decisions of the United States Supreme Court (see discussion 35 L. Ed.2d 843 (1974)).

Section 21. Repealer. Sections 11-2901 through 11-2921 and 11-3001 through 11-3026, R.C.M. 1947, are recommended for repeal. These sections relate to entry townsites. The underlying federal statutes which permitted entry townsites on the public lands were repealed. Section 7-2-2101, MCA, is recommended for repeal. This section is inconsistent with 7-2-103 and 7-2-2252.

One other point should be noted. Although no recommendations for amendment are made, the provisions of Title 7, chapter 2, part 47, dealing with annexation with provision of services, restrict protest and other activities to freeholders. In view of the decisions of the United States Supreme Court these provisions may be unconstitutional. No recommendations are made in light of the Montana Supreme Court's decision in Burritt v. City of Butte, 508 P2d 563 (1973).

Approved by Comm.
on Local Government

1 SENATE BILL NO. 336

2 INTRODUCED BY STORY

3 BY REQUEST OF THE CODE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO GENERAL
7 PROVISIONS AND TO THE CREATION, ALTERATION, AND ABANDONMENT
8 OF LOCAL GOVERNMENTS; REPEALING SECTIONS 11-2901 THROUGH
9 11-2921 AND 11-3001 THROUGH 11-3026, R.C.M. 1947, AND
10 SECTION 7-2-2101, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-1-4111, MCA, is amended to read:

14 "7-1-4111. Classification of municipalities. (1) Every
15 city having a population of 10,000 or more is a city of the
16 first class.

17 (2) Every city having a population of less than 10,000
18 and more than 5,000 is a city of the second class.

19 (3) Every city having a population of less than 5,000
20 and more than 1,000 is a city of the third class.

21 (4) Every municipal corporation having a population of
22 ~~300~~ and less than 1,000 ~~and more than 300~~ is a town."

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

24 "7-2-103. Collection of taxes upon alteration of
25 boundary of local government. When Subject to the provisions

1 of part 27 of this chapter, if any territory ~~shall be~~ is
2 detached from any county, city, or town ~~in this state~~ and be
3 is annexed to any other county, city, or town therein, it
4 ~~shall in no manner~~ does not invalidate or interfere with the
5 collection of taxes in such territory, and they ~~the taxes~~
6 shall be collected by and the returns made to the county to
7 which ~~said the~~ territory is attached in the manner provided
8 by law for levying and collecting taxes."

9 Section 3. Section 7-2-2211, MCA, is amended to read:

10 "7-2-2211. Hearing on petition -- protest. (1) At the
11 time so fixed for ~~said the~~ hearing, the board of county
12 commissioners shall ~~proceed to~~ hear the petitioners and any
13 opponents and protestants upon the petition or protests
14 filed on or before the time fixed for the hearing. The board
15 may adjourn such ~~the~~ hearing from time to time, but not for
16 more than 10 days after the time fixed for the hearing, and
17 shall receive the proof to establish or controvert the facts
18 set forth in ~~said the~~ petition.

19 (2) (a) No petition~~s~~ or protest~~s~~ or petition for the
20 exclusion of territory ~~shall~~ may be considered unless the
21 ~~same it~~ is filed at least 1 day before the time fixed for
22 the hearing.

23 (b) Such ~~a~~ petition for the exclusion of territory
24 shall contain the names of not less than 50% of the
25 qualified electors ~~who are resident--property--taxpayers~~ of

1 any territory to be excluded.

2 (c) All such territory being excluded must be in one
3 block and contain an area of not less than 36 square miles
4 and be totally within one county and contiguous thereto.

5 (3) No withdrawals of signatures to the original
6 petition for the creation of a proposed county shall be
7 filed or considered which have not been filed with the
8 county clerk on or before the date fixed for the hearing. No
9 withdrawals of any signatures from the petition for the
10 exclusion of territory shall ~~may~~ be received or considered
11 which are not filed within 5 days after the filing of the
12 petition for such exclusion of territory."

13 Section 4. Section 7-2-2212, MCA, is amended to read:

14 "7-2-2212. Exclusions and additions of territory upon
15 petition. (1) Except as provided in subsection (3), on final
16 hearing the board of commissioners, upon petition of not
17 less than 50% of the qualified electors (as shown by the
18 official registration books on the day of the filing of any
19 such petition) of any territory lying within ~~and the~~
20 proposed new county and contiguous to the boundary line of
21 the proposed new county and of the old county from which
22 such territory is proposed to be taken and lying entirely
23 within a single old county and described in ~~and the~~
24 petition, asking that ~~and this~~ territory be not ~~be~~ included
25 within the proposed new county, must make such changes in

1 the proposed boundaries as will exclude such territory from
2 such ~~the~~ new county and shall establish and define such
3 boundaries. Petitions for exclusion shall be disposed of in
4 the order in-point-of-time in which they are filed with the
5 clerk of the board.

6 (2) Except as provided in subsection (3), on final
7 hearing the board, upon petition of not less than 50% of the
8 qualified electors of any territory lying outside ~~and the~~
9 proposed new county and contiguous to the boundary line of
10 ~~and the~~ proposed new county and of the old county or
11 counties from which such territory is proposed to be
12 included ~~taken~~, asking that ~~and this~~ territory be included
13 within the proposed new county, must make such changes in
14 the proposed boundaries as will include such territory in
15 such ~~the~~ new county and shall establish and define such
16 boundaries.

17 (3) (a) The segregation of such territory from any old
18 county or counties shall ~~may~~ not leave such county or
19 counties with less than \$12 million of assessed valuation,
20 based upon the last assessment roll.

21 (b) No change or changes so made shall ~~may~~ result in
22 reducing the valuation of the proposed new county to less
23 than an assessed valuation of \$10 million, inclusive of all
24 assessed valuation.

25 (c) No change shall ~~may~~ be made which shall ~~leave~~

1 ~~leaves~~ the territory so excluded separate and apart from and
2 without the county of which it was formerly a part.

3 (4) On final determination of boundaries, no changes
4 in the boundaries originally proposed ~~shall~~ ~~may~~ be made
5 except as prayed for in ~~said~~ ~~the~~ petition or petitions or to
6 correct clerical errors or uncertainties."

7 Section 5. Section 7-2-2219, MCA, is amended to read:

8 "7-2-2219. Conduct of election. (1) (a) The board
9 issuing the proclamation and notice of election pursuant to
10 7-2-2215 shall cause the county clerk ~~of--said--county~~ to
11 furnish to the officers of each precinct in ~~such~~ ~~the~~
12 proposed new county all ballots, poll lists, tally lists,
13 registers for voters' signatures, ballot boxes, and other
14 election supplies and equipment necessary to conduct such
15 ~~the~~ election and which are not heretofore specifically
16 directed to be furnished by the clerk of another county or
17 counties.

18 (b) The county clerk of each county from which
19 territory is taken for the proposed new county shall, not
20 less than 5 days before the date of such ~~the~~ election,
21 furnish to each board of election within ~~said~~ ~~the~~ proposed
22 new county a copy of the official register for the precincts
23 of such ~~the~~ proposed new county as are within their
24 respective counties and the copies of indexes thereof
25 required by law, containing the names of all persons who

1 were qualified electors at the last general election before
2 the date of such ~~the~~ election provided for in 7-2-2215.

3 (2) Such ~~the~~ election provided for in 7-2-2215 shall
4 be governed and controlled by the general election laws of
5 the state, so far as the same ~~shall~~ ~~be~~ ~~are~~ applicable and
6 except as otherwise provided herein. The provisions of the
7 election laws relating to preparation, printing, and
8 distribution of sample ballots, except the provisions of
9 ~~said~~ ~~these~~ laws relating to primary elections in this state,
10 ~~shall~~ ~~have~~ ~~application~~ ~~apply~~ to any election provided for in
11 this part.

12 ~~{3}--The--returns--of--all--elections--for--the--creation--of--~~
13 ~~the--county--for--officers--and--for--location--of--the--county~~
14 ~~seat--as--provided--for--in--this--part--shall--be--made--to--and~~
15 ~~conveyed--by--the--board--of--the--county--from--which--the--largest~~
16 ~~area--is--taken--by--the--proposed--county. All returns of~~
17 ~~election herein provided for shall be made to and canvassed~~
18 ~~by the board calling such~~ ~~the~~ election.

19 ~~{4}{1}~~ All nominations of candidates for the office
20 ~~offices~~ required to be filled at ~~said~~ ~~the~~ election shall be
21 made in the manner provided by law for the nomination of
22 candidates by petition."

23 Section 6. Section 7-2-2223, MCA, is amended to read:

24 "7-2-2223. Procedure to complete creation of county.

25 (1) The board of county commissioners shall ~~forthwith~~ ~~cause~~

1 immediately file a copy of its resolution, authorized by
 2 7-2-2222(1) and duly certified, to be filed in the office of
 3 the secretary of state. Ninety days from and after the date
 4 of such filing:

5 (a) ~~said the~~ new county ~~shall be deemed~~ is considered
 6 to be fully created;

7 (b) the organization thereof ~~shall be deemed~~ is
 8 considered completed; and

9 (c) ~~such the county~~ officers, ~~shall be other than the~~
 10 county commissioners and the county clerk, are entitled to
 11 enter ~~immediately~~ upon the duties of their respective
 12 offices upon qualifying in accordance with law and giving
 13 bonds for the faithful performance of their duties, as
 14 required by the laws of the state.

15 (2) ~~(e)~~ The clerk of the board with which ~~said the~~
 16 petition was filed ~~as herein provided~~ must immediately make
 17 out and deliver to each of ~~said the~~ persons so declared and
 18 designated to be elected a certificate of election
 19 authenticated by his signature and the seal of said county.
 20 The persons elected members of the board and the county
 21 clerk shall, immediately upon receiving their certificates
 22 of election, assume the duties of their respective offices.

23 ~~(b) All other officers take office 90 days after the~~
 24 ~~filing of the resolution herein provided for with the~~
 25 ~~secretary of state."~~

1 Section 7. Section 7-2-2224, MCA, is amended to read:
 2 "7-2-2224. Offices and supplies for new county. The
 3 board of county commissioners ~~shall have authority to of the~~
 4 new county may provide a suitable place for the county
 5 officers and to purchase such supplies ~~as may be deemed~~
 6 necessary for the proper conduct of the county government."

7 Section 8. Section 7-2-2225, MCA, is amended to read:
 8 "7-2-2225. Officers of new county. (1) ~~At the special~~
 9 ~~election held for the purpose of voting on the question of~~
 10 ~~the creation of a new county a board of county~~
 11 ~~commissioners shall be elected, who shall hold office until~~
 12 ~~the next general election.~~

13 ~~(2) (e)~~ Except as provided in subsections ~~(2) (b) (v~~
 14 ~~(2) (e) (v) and (2) (d) (2) through (4)~~ of this section, at the
 15 election provided for in 7-2-2215, there shall be chosen a
 16 board of county commissioners and such other county,
 17 township, and district officers as are now or may hereafter
 18 ~~by general law~~ be provided by law for in counties of the
 19 class to which the ~~said new county is determined to belong~~
 20 ~~as herein provided belongs.~~

21 ~~(b) (2)~~ All duly elected, qualified, and acting
 22 officers of the county or counties who may reside within the
 23 proposed new county ~~shall be deemed~~ are considered to be
 24 officers of ~~said the~~ new county if they file, within 5 days
 25 after the final hearing and determination of ~~said the~~

1 petition for ~~such the~~ proposed new county, with the board of
 2 county commissioners whose duty it shall be to call the
 3 election their intention to become officers of said ~~the~~
 4 proposed new county, and the board issuing the proclamation
 5 of any ~~the~~ election ~~as-provided--in--this--part~~ shall omit
 6 providing for the election of any such officers as may have
 7 filed their declaration ~~as-herein-provided~~ to continue in
 8 office.

9 ~~(c)(3)~~ All duty elected, qualified, and acting
 10 justices of the peace residing within the proposed new
 11 county shall hold office as ~~such~~ justices of the peace in
 12 ~~said the new~~ county for the remainder of the term for which
 13 they were elected.

14 ~~(d)(4)~~ All duty elected, qualified, and acting school
 15 trustees residing within the proposed new county at the time
 16 of the division of such county into school districts, as
 17 provided in 7-2-2214, shall hold office as school trustees
 18 in ~~said the~~ new county for the remainder of the term for
 19 which they were elected on qualifying as school trustees for
 20 the respective districts in which they reside, as ~~said these~~
 21 districts are organized as provided by this part.

22 ~~(3)(5)~~ The officers elected or appointed under the
 23 provisions of this part shall each perform the duties and
 24 receive the compensation now provided by general law for the
 25 office to which they have been appointed or elected in the

1 counties of the class to which ~~such the~~ new county shall
 2 ~~have--been--determined--to--belong--as--herein--provided--under~~
 3 ~~the--general--classification--of--counties--in--this--state~~
 4 belongs."

5 Section 9. Section 7-2-2252, MCA, is amended to read:
 6 "7-2-2252. Assessment and collection of taxes for new
 7 county. (1) After the creation of a new county ~~as-herein~~
 8 ~~provided~~, its officers shall proceed--to complete all
 9 proceedings necessary for the assessment or collection of
 10 the state and county taxes for the then-current year.

11 (2) (a) All acts and steps taken by the officers of
 12 the old county or counties prior to the creation of the new
 13 county shall-be-deemed-and-taken are considered as having
 14 been performed by the officers of the new county for the
 15 benefit of the new county. Upon the creation of the new
 16 county, it shall be the duty of the officers of the old
 17 county or counties to immediately execute and deliver to the
 18 board of county commissioners of ~~such the~~ new county copies
 19 of all assessments or other proceedings relative to the
 20 assessment and collection of the current state and county
 21 taxes of property in ~~such the~~ new county. Such copies shall
 22 be filed with the respective officers of the new county who
 23 would have the custody of the same if the proceedings had
 24 been originally had in the new county. Such certified copies
 25 shall-be-taken-and-deemed are considered as originals and

1 original proceedings in the new county, and all proceedings
 2 therein recited shall be taken and deemed are considered as
 3 original proceedings in the new county and shall have the
 4 same effect as if the proceedings therein stated had been
 5 had at the proper time and in the proper manner by the
 6 respective officials of the new county.

7 (b) The officials of the new county are hereby
 8 authorized and directed to shall proceed thenceforth with
 9 the assessment and collection of said the taxes as if the
 10 proceedings originally had in the old county or counties had
 11 been originally had in the new county."

12 Section 10. Section 7-2-2253, MCA, is amended to read:

13 "7-2-2253. Procedure to transfer money to school and
 14 road funds. (1) The county superintendent of schools of the
 15 an old county or each of the old counties, respectively,
 16 shall furnish the county superintendent of schools of the
 17 new county with a certification of the average number
 18 belonging (ANB) in the different school districts in the
 19 territory set apart to form the new county and shall certify
 20 to the board of county commissioners of the old county the
 21 amount due. Said the board of the old county shall order a
 22 warrant drawn on the treasurer treasury of the new old
 23 county for all the money that is or may be due by any
 24 apportionment or otherwise to the different school districts
 25 embraced in the new county from his and taken from the old

1 county.

2 (2) The county treasurer shall certify to the county
 3 commissioners of an old county the amount due in the
 4 different road funds. The county commissioners shall order a
 5 warrant drawn on the treasurer treasury of their the old
 6 county in favor of the new county for all money that is or
 7 may be due by apportionment or otherwise to the different
 8 road and district funds in the territory set apart to form
 9 the new county from their and taken from the old county,
 10 which said amounts shall be properly credited in both
 11 counties.

12 (3) Whenever in the formation of a new county a road
 13 or school district has been divided, the board of county
 14 commissioners shall by resolution direct the treasurer to
 15 transfer the proper proportionate amount of the money
 16 remaining in the fund of such district to the treasurer of
 17 the new county."

18 Section 11. Section 7-2-2254, MCA, is amended to read:

19 "7-2-2254. Transfer and transcription of records. (1)
 20 The board of county commissioners of any new county formed
 21 es--aforeseid must provide suitable books and have
 22 transcribed from the records of the old county or counties
 23 all such parts thereof as relate to or affect property
 24 situated in the new county or the title thereof. Said
 25 records, when so transcribed and certified as herein

1 provided, shall have the same force and effect as such
2 original records.

3 ~~(2) The county commissioners shall have full power and~~
4 ~~authority to contract for transcribing of records as now~~
5 ~~provided by law.~~

6 ~~(3)~~ (2) All chattel mortgages, renewals of chattel
7 mortgages, articles of incorporation, contract notes,
8 sheriff certificates of sale, liens, and original affidavits
9 of registration which may affect or relate to property or
10 persons situated within the new county shall be delivered by
11 the county clerk of the old county delivered to the county
12 clerk of the new county and shall be preserved by said ~~the~~
13 county clerk of the new county as permanent files of such
14 ~~the~~ new county."

15 Section 12. Section 7-2-2511, MCA, is amended to read:

16 "7-2-2511. Effect of name change on indebtedness,
17 obligations, and contracts. (1) All indebtedness and
18 obligations of the county, whether bonded or otherwise,
19 shall be assumed by and become the indebtedness of the
20 county under its new name ~~and shall be the indebtedness and~~
21 ~~obligations of such county as theretofore.~~ All bonds
22 theretofore issued by the county under its former name,
23 outstanding and unpaid at the time of the rendition of the
24 decree, shall be assumed by and become due from and paid by
25 said ~~the~~ county under its new name.

1 (2) All contracts and obligations, express or implied,
2 unfulfilled by the county at the date of the rendition of
3 the decree shall be assumed and discharged by such ~~the~~
4 county under its new name."

5 Section 13. Section 7-2-2608, MCA, is amended to read:

6 "7-2-2608. Frequency of elections on question of
7 moving county seat. (1) When an election has been held and a
8 majority of the votes are not cast for some place other than
9 that fixed by law as the former existing county seat, no
10 second election for the removal thereof ~~must~~ may be held
11 within 4 years thereafter.

12 (2) When the county seat of a county has been once
13 removed by a popular vote of the people of the county, it
14 may be again removed from time to time in the manner
15 provided by this part."

16 Section 14. Section 7-2-2713, MCA, is amended to read:

17 "7-2-2713. Effect of election results. (1) If at such
18 ~~the~~ election a majority of the votes cast in the county in
19 which such ~~the~~ petition for abandonment was filed ~~shall be~~
20 are cast in favor of the abandonment and abolishment of such
21 ~~the~~ county and if a majority of the votes cast in the county
22 designated in the petition ~~for abandonment~~ as the county to
23 which the territory of the abandoned county shall be
24 attached ~~shall be are cast~~ in favor thereof of attachment,
25 then:

1 (a) (i) the organization and ~~the~~ political and
2 corporate existence of the county in which such ~~the~~ petition
3 for abandonment was filed ~~shall cease and terminate~~;

4 (ii) ~~said the~~ county ~~shall be~~ ~~is~~ abandoned, and
5 abolished, and disincorporated and ~~cease ceases~~ to exist;
6 and

7 (iii) ~~except as provided in subsection (2) of this~~
8 ~~section~~, its territory ~~shall be~~ ~~is~~ attached to and become
9 ~~becomes~~ a part of the counties designated in the resolution
10 adopted under 7-2-2707; and

11 (b) the term ~~terms~~ of office of each of the officers
12 thereof ~~of the abandoned county~~, AND of the members of the
13 board of county commissioners thereof, ~~and of its senator~~
14 ~~and representative in the legislature~~ ~~shall cease and~~
15 ~~terminate those state senators and representatives whose~~
16 ~~districts are wholly contained within the abandoned county~~
17 ~~terminate~~ at midnight on the following June 30.

18 (2) If at any ~~such the~~ election a majority of the
19 votes cast in any adjoining county named in the resolution
20 adopted under 7-2-2707, other than the county designated in
21 the petition for abandonment as the county to which the
22 territory of the abandoned county shall attach, ~~shall be~~ ~~are~~
23 ~~cast~~ against the attaching of any portion of the territory
24 of the abandoned county to such adjoining county, then such
25 portion of such ~~the~~ territory described in ~~said the~~

1 resolution ~~shall be attached and become~~ ~~attaches and becomes~~
2 a part of the county designated in ~~such resolution the~~
3 ~~petition~~ for abandonment as the county to which the
4 territory of the abandoned county ~~shall attach~~ ~~attaches~~."

5 Section 15. Section 7-2-2726, MCA, is amended to read:
6 "7-2-2726. Status of printing contracts. (1) If the
7 abandoned and abolished county ~~shall have theretofore has~~
8 entered into a printing contract in accordance with the
9 provisions of part 24 of chapter 5 and such ~~the~~ contract
10 ~~shall be~~ ~~is~~ in full force and effect on the date when such
11 ~~the~~ county ceases to exist, ~~the purchase of~~ all supplies and
12 printing for the county designated in the petition for
13 abandonment as the county to which the territory of the
14 abandoned and abolished county is attached ~~and made a part~~
15 shall be divided by the board of county commissioners of
16 such ~~the continuing~~ county between such ~~the~~ contract ~~of the~~
17 ~~abandoned county~~ and any similar existing contract entered
18 into by the board ~~of the continuing county~~ in such manner as
19 such ~~the~~ board ~~shall deem~~ ~~considers~~ equitable and just to
20 the holders of both such contracts until ~~the expiration of~~
21 the contract entered into by the abandoned and abolished
22 county ~~shall have expired~~.

23 (2) When a petition ~~has been~~ ~~is~~ filed with the county
24 clerk of a county for the abandonment and abolishment of
25 such ~~the~~ county in accordance with the provisions of

1 7-2-2702 and 7-2-2703, the board of county commissioners of
 2 such ~~the~~ county shall ~~may~~ not thereafter enter into any
 3 contract under the provisions of part 24 of chapter 5 until
 4 the time has expired when such ~~the~~ petition may be presented
 5 to such ~~the~~ board by the county clerk as provided in
 6 7-2-2702 and 7-2-2703."

7 Section 16. Section 7-2-2753, MCA, is amended to read:

8 "7-2-2753. Assessment of property in abandoned county.

9 (1) The county assessor of a county abandoned and abolished
 10 under the provisions of this part shall, within 10 days
 11 after it comes ~~ceases~~ to exist, deliver to the county
 12 assessor of each county to which any part of its territory
 13 has been attached ~~and-become-a-part~~, all assessment lists,
 14 reports, documents, and instruments relating to, concerning,
 15 or in any way affecting the assessment during the
 16 then-current assessment year of all taxable property within
 17 such portion of such ~~the~~ abandoned and abolished county. The
 18 county assessor of such ~~the~~ abandoned and abolished county
 19 shall, until midnight of June 30 ~~of the year~~ when ~~said the~~
 20 county ceases to exist, aid and assist the county assessors
 21 of the counties to which any part of the territory to be so
 22 abandoned and abolished will be attached ~~and-made-a-part~~ in
 23 the listing and assessing of all taxable property situated
 24 or located within each of such counties, to the end that all
 25 taxable property within the boundaries of such ~~the~~ abandoned

1 county will be fully assessed and taxed.

2 (2) It shall ~~be~~ is the duty of the assessor of the
 3 county to whom such assessment lists, reports, documents,
 4 and instruments have been delivered by the assessor of the
 5 abandoned and abolished county to complete all assessments
 6 and to fully assess, during the then-current assessment
 7 year, all taxable property situated or located on January 1
 8 of such year within the boundaries of such part of such ~~the~~
 9 abandoned and abolished county. Each such county assessor
 10 shall, in all matters and things connected in any way with
 11 the making of such assessments, have, possess, and exercise
 12 all of the powers and rights and shall perform all of the
 13 duties which the assessor of the abandoned and abolished
 14 county would or could have had, possessed, exercised, or
 15 performed if such ~~the~~ county had not been abandoned and
 16 abolished."

17 Section 17. Section 7-2-4501, MCA, is amended to read:

18 "7-2-4501. Annexation of wholly surrounded land by
 19 cities of the first class. ~~Cities~~ A city of the first class
 20 may include as part of such ~~the~~ city any platted or
 21 unplatted tract or parcel of land that is wholly surrounded
 22 by such ~~the~~ city upon passing a resolution ~~advertising--and~~
 23 ~~upon--passing--a--further--resolution--or--following--such~~
 24 ~~advertising--at--in--the--manner--provided--in--7-2-4311--through~~
 25 7-2-4314 of intent, giving notice, and passing a resolution

1 ~~of annexation. Except as provided in 7-2-4502, the~~
 2 ~~provisions of 7-2-4312 through 7-2-4314 apply to these~~
 3 ~~resolutions and the notice requirement."~~

4 Section 18. Section 7-2-4609, MCA, is amended to read:

5 "7-2-4609. Applicability of part. (1) This part ~~shall~~
 6 ~~is~~ not be applicable to cities having a population, as shown
 7 by the last preceding federal census, of less than 20,000
 8 ~~and shall or of more than 35,000. This part does~~ not repeal
 9 parts 43 and 45 having reference to extension of the
 10 corporate limits of cities of the first, second, and third
 11 classes to include contiguous land but ~~is intended and does~~
 12 ~~provide~~ provides an alternative method for the annexation of
 13 territory or territories to municipal corporations.

14 (2) When any proceedings for annexation of territory
 15 or territories to any municipal corporation are commenced
 16 under this part, the provisions of this part and no other
 17 ~~shall~~ apply to such proceedings."

18 Section 19. Section 7-2-4705, MCA, is amended to read:

19 "7-2-4705. Annexation by municipalities providing
 20 services. (1) The governing body of any municipality may
 21 extend the corporate limits of such municipality under the
 22 procedure set forth in this part upon the initiation of the
 23 procedure by the board governing body itself.

24 (2) Whenever the resident freeholders situated outside
 25 the corporate boundaries of any municipality, but contiguous

1 thereto, desire to have real estate annexed to the
 2 municipality, they may file with the governing body of the
 3 municipality a petition bearing the signatures of 51% of the
 4 resident freeholders in the territory sought to be annexed,
 5 requesting a resolution stating the intent of the
 6 municipality to consider annexation. Upon passage of the
 7 resolution, the governing body shall follow the procedure in
 8 7-2-4707 through 7-2-4713 and 7-2-4731(2)."

9 Section 20. Section 7-2-4733, MCA, is amended to read:

10 "7-2-4733. Vote required on proposed capital
 11 improvements. Included within the plan must be methodology
 12 whereby the area to be annexed may vote upon any proposed
 13 capital improvements. Should a negative vote be cast by over
 14 50% of ~~those--resident--freeholders~~ the residents in the
 15 section or sections to be annexed in such election, the area
 16 ~~shall~~ may not be annexed."

17 Section 21. Repealer. (1) Sections 11-2901 through
 18 11-2921 and 11-3001 through 11-3026, R.C.M. 1947, ar
 19 repealed.

20 (2) Section 7-2-2101, MCA, is repealed.

-End-

1 SENATE BILL NO. 336

2 INTRODUCED BY STORY

3 BY REQUEST OF THE CODE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO GENERAL
7 PROVISIONS AND TO THE CREATION, ALTERATION, AND ABANDONMENT
8 OF LOCAL GOVERNMENTS; REPEALING SECTIONS 11-2901 THROUGH
9 11-2921 AND 11-3001 THROUGH 11-3026, R.C.M. 1947, AND
10 SECTION 7-2-2101, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-1-4111, MCA, is amended to read:

14 "7-1-4111. Classification of municipalities. (1) Every
15 city having a population of 10,000 or more is a city of the
16 first class.

17 (2) Every city having a population of less than 10,000
18 and more than 5,000 is a city of the second class.

19 (3) Every city having a population of less than 5,000
20 and more than 1,000 is a city of the third class.

21 (4) Every municipal corporation having a population of
22 ~~300 and less than 1,000 and more than 300~~ is a town."

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

24 "7-2-103. Collection of taxes upon alteration of
25 boundary of local government. When ~~Subject to the provisions~~

1 ~~of part 27 of this chapter, if any territory shall be~~ is
2 detached from any county, city, or town ~~in this state~~ and be
3 ~~is~~ annexed to any other county, city, or town therein, it
4 ~~shall in no manner does not~~ invalidate or interfere with the
5 collection of taxes in such territory, and they ~~the taxes~~
6 shall be collected by and the returns made to the county to
7 which ~~said the~~ territory is attached in the manner provided
8 by law for levying and collecting taxes."

9 Section 3. Section 7-2-2211, MCA, is amended to read:

10 "7-2-2211. Hearing on petition -- protest. (1) At the
11 time so fixed for said ~~the~~ hearing, the board of county
12 commissioners shall proceed to hear the petitioners and any
13 opponents and protestants upon the petition or protests
14 filed on or before the time fixed for the hearing. The board
15 may adjourn such ~~the~~ hearing from time to time, but not for
16 more than 10 days after the time fixed for the hearing, and
17 shall receive the proof to establish or controvert the facts
18 set forth in said ~~the~~ petition.

19 (2) (a) No petition, or protest, or petition for the
20 exclusion of territory shall ~~may~~ be considered unless the
21 same ~~it~~ is filed at least 1 day before the time fixed for
22 the hearing.

23 (b) Such a petition for the exclusion of territory
24 shall contain the names of not less than 50% of the
25 qualified electors who ~~are resident--property--taxpayers~~ of

1 any territory to be excluded.

2 (c) All such territory being excluded must be in one
3 block and contain an area of not less than 36 square miles
4 and be totally within one county and contiguous thereto.

5 (3) No withdrawals of signatures to the original
6 petition for the creation of a proposed county shall be
7 filed or considered which have not been filed with the
8 county clerk on or before the date fixed for the hearing. No
9 withdrawals of any signatures from the petition for the
10 exclusion of territory shall ~~may~~ be received or considered
11 which are not filed within 5 days after the filing of the
12 petition for such exclusion of territory."

13 Section 4. Section 7-2-2212, MCA, is amended to read:

14 "7-2-2212. Exclusions and additions of territory upon
15 petition. (1) Except as provided in subsection (3), on final
16 hearing the board of commissioners, upon petition of not
17 less than 50% of the qualified electors (as shown by the
18 official registration books on the day of the filing of any
19 such petition) of any territory lying within ~~and~~ the
20 proposed new county and contiguous to the boundary line of
21 the proposed new county and of the old county from which
22 such territory is proposed to be taken and lying entirely
23 within a single old county and described in ~~and~~ the
24 petition, asking that ~~and~~ this territory be not ~~be~~ included
25 within the proposed new county, must make such changes in

1 the proposed boundaries as will exclude such territory from
2 such ~~the~~ new county and shall establish and define such
3 boundaries. Petitions for exclusion shall be disposed of in
4 the order ~~in-point-of-time~~ in which they are filed with the
5 clerk of the board.

6 (2) Except as provided in subsection (3), on final
7 hearing the board, upon petition of not less than 50% of the
8 qualified electors of any territory lying outside ~~and~~ the
9 proposed new county and contiguous to the boundary line of
10 ~~and~~ the proposed new county and of the old county or
11 counties from which such territory is proposed to be
12 included ~~taken~~, asking that ~~and~~ this territory be included
13 within the proposed new county, must make such changes in
14 the proposed boundaries as will include such territory in
15 such ~~the~~ new county and shall establish and define such
16 boundaries.

17 (3) (a) The segregation of such territory from any old
18 county or counties shall ~~may~~ not leave such county or
19 counties with less than \$12 million of assessed valuation,
20 based upon the last assessment roll.

21 (b) No change or changes so made shall ~~may~~ result in
22 reducing the valuation of the proposed new county to less
23 than an assessed valuation of \$10 million, inclusive of all
24 assessed valuation.

25 (c) No change shall ~~may~~ be made which shall ~~leave~~

1 ~~leaves~~ the territory so excluded separate and apart from and
2 without the county of which it was formerly a part.

3 (4) On final determination of boundaries, no changes
4 in the boundaries originally proposed ~~shall~~ ~~may~~ be made
5 except as prayed for in ~~said~~ ~~the~~ petition or petitions or to
6 correct clerical errors or uncertainties."

7 Section 5. Section 7-2-2219, MCA, is amended to read:

8 "7-2-2219. Conduct of election. (1) (a) The board
9 issuing the proclamation and notice of election pursuant to
10 7-2-2215 shall cause the ~~county~~ clerk of ~~said~~ ~~county~~ to
11 furnish to the officers of each precinct in ~~such~~ ~~the~~
12 proposed new county all ballots, poll lists, tally lists,
13 registers for voters' signatures, ballot boxes, and other
14 election supplies and equipment necessary to conduct such
15 ~~the~~ election and which are not hereinafter specifically
16 directed to be furnished by the clerk of another county or
17 counties.

18 (b) The county clerk of each county from which
19 territory is taken for the proposed new county shall, not
20 less than 5 days before the date of such ~~the~~ election,
21 furnish to each board of election within ~~said~~ ~~the~~ proposed
22 new county a copy of the official register for the precincts
23 of ~~such~~ ~~the~~ proposed new county as are within their
24 respective counties and the copies of indexes thereof
25 required by law containing the names of all persons who

1 were qualified electors at the last general election before
2 the date of such ~~the~~ election ~~provided for in 7-2-2215~~.

3 (2) ~~Such~~ ~~the~~ election ~~provided for in 7-2-2215~~ shall
4 be governed and controlled by the general election laws of
5 the state, so far as the same ~~shall~~ ~~be~~ ~~are~~ applicable and
6 except as otherwise provided herein. The provisions of the
7 election laws relating to preparation, printing, and
8 distribution of sample ballots, except the provisions of
9 ~~said~~ ~~these~~ laws relating to primary elections in this state,
10 ~~shall~~ ~~have~~ ~~application~~ ~~apply~~ to any election provided for in
11 this part.

12 ~~(3) The returns of all elections for the creation of~~
13 ~~the county, for officers, and for location of the county~~
14 ~~seat as provided for in this part shall be made to and~~
15 ~~canvassed by the board of the county from which the largest~~
16 ~~area is taken by the proposed county. All returns of~~
17 ~~election herein provided for shall be made to and canvassed~~
18 ~~by the board calling such the election.~~

19 ~~(4)(3)~~ All nominations of candidates for ~~the~~ ~~office~~
20 ~~offices~~ required to be filled at ~~said~~ ~~the~~ election shall be
21 made in the manner provided by law for the nomination of
22 candidates by petition."

23 Section 6. Section 7-2-2223, MCA, is amended to read:

24 "7-2-2223. Procedure to complete creation of county.
25 (1) The board of county commissioners shall ~~forthwith~~ ~~cause~~

1 immediately file a copy of its resolution, authorized by
2 7-2-2222(1) and duly certified, to be filed in the office of
3 the secretary of state. Ninety days from and after the date
4 of such filing:

5 (a) ~~said the new county shall be deemed is considered~~
6 to be fully created;

7 (b) the organization thereof ~~shall be deemed is~~
8 considered completed; and

9 (c) ~~such the county officers, shall be other than the~~
10 county commissioners and the county clerk, are entitled to
11 enter ~~immediately~~ upon the duties of their respective
12 offices upon qualifying in accordance with law and giving
13 bonds for the faithful performance of their duties, as
14 required by the laws of the state.

15 (2) ~~(a)~~ The clerk of the board with which ~~said the~~
16 petition was filed ~~as herein provided~~ must immediately make
17 out and deliver to each of ~~said the~~ persons so declared and
18 designated to be elected a certificate of election
19 authenticated by his signature and the seal of said county.
20 The persons elected members of the board and the county
21 clerk shall, immediately upon receiving their certificates
22 of election, assume the duties of their respective offices.

23 ~~(b) All other officers take office 90 days after the~~
24 ~~filing of the resolution herein provided for with the~~
25 ~~secretary of state."~~

1 Section 7. Section 7-2-2224, MCA, is amended to read:
2 "7-2-2224. Offices and supplies for new county. The
3 board of county commissioners ~~shall have authority to of the~~
4 new county may provide a suitable place for the county
5 officers and to purchase such supplies ~~as may be deemed~~
6 necessary for the proper conduct of the county government."

7 Section 8. Section 7-2-2225, MCA, is amended to read:
8 "7-2-2225. Officers of new county. (1) ~~At the special~~
9 ~~election held for the purpose of voting on the question of~~
10 ~~the creation of a new county, a board of county~~
11 ~~commissioners shall be elected, who shall hold office until~~
12 ~~the next general election.~~

13 ~~(2) (a) Except as provided in subsections (2)(b) and~~
14 ~~(2)(c), and (2)(d) (2) through (4) of this section, at the~~
15 election provided for in 7-2-2215, there shall be chosen a
16 board of county commissioners and such other county,
17 township, and district officers as are now or may hereafter
18 by ~~general law~~ be provided by law for in counties of the
19 class to which the ~~said new county is determined to belong~~
20 ~~as herein provided belongs.~~

21 ~~(b) (2) All duly elected, qualified, and acting~~
22 officers of the county or counties who may reside within the
23 proposed new county ~~shall be deemed are considered~~ to be
24 officers of ~~said the~~ new county if they file, within 5 days
25 after the final hearing and determination of ~~said the~~

1 petition for such ~~the~~ proposed new county, with the board of
 2 county commissioners whose duty it shall be to call the
 3 election their intention to become officers of said ~~the~~
 4 proposed new county, and the board issuing the proclamation
 5 of any ~~the~~ election ~~as provided in this part~~ shall omit
 6 providing for the election of any such officers as may have
 7 filed their declaration ~~as herein provided to continue in~~
 8 office.

9 ~~(c)(3)~~ All duly elected, qualified, and acting
 10 justices of the peace residing within the proposed new
 11 county shall hold office as such justices of the peace in
 12 said ~~the new~~ county for the remainder of the term for which
 13 they were elected.

14 ~~(c)(4)~~ All duly elected, qualified, and acting school
 15 trustees residing within the proposed new county at the time
 16 of the division of such county into school districts, as
 17 provided in 7-2-2214, shall hold office as school trustees
 18 in said ~~the~~ new county for the remainder of the term for
 19 which they were elected on qualifying as school trustees for
 20 the respective districts in which they reside, as said ~~these~~
 21 districts are organized as provided by this part.

22 ~~(c)(5)~~ The officers elected or appointed under the
 23 provisions of this part shall each perform the duties and
 24 receive the compensation now provided by general law for the
 25 office to which they have been appointed or elected in the

1 counties of the class to which such ~~the~~ new county shall
 2 ~~have been determined to belong as herein provided under~~
 3 ~~the general classification of counties in this state~~
 4 belongs."

5 Section 9. Section 7-2-2252, MCA, is amended to read:
 6 "7-2-2252. Assessment and collection of taxes for new
 7 county. (1) After the creation of a new county ~~as herein~~
 8 provided, its officers shall proceed ~~to complete~~ all
 9 proceedings necessary for the assessment or collection of
 10 the state and county taxes for the then-current year.

11 (2) (a) All acts and steps taken by the officers of
 12 the old county or counties prior to the creation of the new
 13 county shall ~~be deemed and taken~~ are considered as having
 14 been performed by the officers of the new county for the
 15 benefit of the new county. Upon the creation of the new
 16 county, it shall be the duty of the officers of the old
 17 county or counties to immediately execute and deliver to the
 18 board of county commissioners of such ~~the~~ new county copies
 19 of all assessments or other proceedings relative to the
 20 assessment and collection of the current state and county
 21 taxes of property in such ~~the~~ new county. Such copies shall
 22 be filed with the respective officers of the new county who
 23 would have the custody of the same if the proceedings had
 24 been originally had in the new county. Such certified copies
 25 shall ~~be taken and deemed~~ are considered as originals and

1 provided, shall have the same force and effect as such
2 original records.

3 ~~(2) The county commissioners shall have full power and~~
4 ~~authority to contract for transcribing of records as now~~
5 ~~provided by law.~~

6 ~~(3) (2) All chattel mortgages, renewals of chattel~~
7 ~~mortgages, articles of incorporation, contract notes,~~
8 ~~sheriff certificates of sale, liens, and original affidavits~~
9 ~~of registration which may affect or relate to property or~~
10 ~~persons situated within the new county shall be delivered by~~
11 ~~the county clerk of the old county delivered to the county~~
12 ~~clerk of the new county and shall be preserved by said the~~
13 ~~county clerk of the new county as permanent files of such~~
14 ~~the new county."~~

15 Section 12. Section 7-2-2511, MCA, is amended to read:

16 "7-2-2511. Effect of name change on indebtedness,
17 obligations, and contracts. (1) All indebtedness and
18 obligations of the county, whether bonded or otherwise,
19 shall be assumed by and become the indebtedness of the
20 county under its new name and shall be the indebtedness and
21 obligations of such county as theretofore. All bonds
22 theretofore issued by the county under its former name,
23 outstanding and unpaid at the time of the rendition of the
24 decree, shall be assumed by and become due from and paid by
25 said the county under its new name.

1 (2) All contracts and obligations, express or implied,
2 unfulfilled by the county at the date of the rendition of
3 the decree shall be assumed and discharged by such the
4 county under its new name."

5 Section 13. Section 7-2-2608, MCA, is amended to read:

6 "7-2-2608. Frequency of elections on question of
7 moving county seat. (1) When an election has been held and a
8 majority of the votes are not cast for some place other than
9 that fixed by law as the former existing county seat, no
10 second election for the removal thereof must may be held
11 within 4 years thereafter.

12 (2) When the county seat of a county has been once
13 removed by a popular vote of the people of the county, it
14 may be again removed from time to time in the manner
15 provided by this part."

16 Section 14. Section 7-2-2713, MCA, is amended to read:

17 "7-2-2713. Effect of election results. (1) If at such
18 the election a majority of the votes cast in the county in
19 which such the petition for abandonment was filed shall be
20 are cast in favor of the abandonment and abolishment of such
21 the county and if a majority of the votes cast in the county
22 designated in the petition for abandonment as the county to
23 which the territory of the abandoned county shall be
24 attached shall be are cast in favor thereof of attachment,
25 then:

1 (a) (i) the organization and ~~the~~ political and
2 corporate existence of the county in which such ~~the~~ petition
3 for abandonment was filed ~~shall~~-cease and terminate;

4 (ii) ~~said~~ ~~the~~ county ~~shall~~--be ~~is~~ abandoned, and
5 abolished, and disincorporated and cease ~~ceases~~ to exist;
6 and

7 (iii) ~~except as provided in subsection (2) of this~~
8 ~~sections~~ its territory ~~shall~~-be ~~is~~ attached to and become
9 ~~becomes~~ a part of the counties designated in the resolution
10 adopted under 7-2-2707; and

11 (b) the term ~~terms~~ of office of each of the officers
12 thereof ~~of the abandoned county~~ AND of the members of the
13 board of county commissioners thereof ~~and of its senator~~
14 ~~and representative in the legislature shall~~-cease and
15 terminate ~~these state senators and representatives whose~~
16 ~~districts are wholly contained within the abandoned county~~
17 terminate at midnight on the following June 30.

18 (2) If at ~~any~~-such ~~the~~ election a majority of the
19 votes cast in any adjoining county named in the resolution
20 adopted under 7-2-2707, other than the county designated in
21 the petition for abandonment as the county to which the
22 territory of the abandoned county shall attach, ~~shall~~-be ~~are~~
23 cast against the attaching of any portion of the territory
24 of the abandoned county to such adjoining county, then such
25 portion of such ~~the~~ territory described in ~~said~~ ~~the~~

1 resolution ~~shall~~-be-attached-and-become ~~attaches and becomes~~
2 a part of the county designated in ~~such~~-resolution ~~the~~
3 ~~petition~~ for abandonment as the county to which the
4 territory of the abandoned county ~~shall~~-attach ~~attaches~~."

5 Section 15. Section 7-2-2726, MCA, is amended to read:
6 "7-2-2726. Status of printing contracts. (1) If the
7 abandoned and abolished county ~~shall~~-have-theretofore ~~has~~
8 entered into a printing contract in accordance with the
9 provisions of part 24 of chapter 5 and such ~~the~~ contract
10 ~~shall~~-be ~~is~~ in full force and effect on the date when such
11 ~~the~~ county ceases to exist, ~~the purchase of~~ all supplies and
12 printing for the county designated in the petition for
13 abandonment as the county to which the territory of the
14 abandoned and abolished county is attached ~~and made a part~~
15 shall be divided by the board of county commissioners of
16 such ~~the continuing~~ county between such ~~the~~ contract ~~of the~~
17 ~~abandoned county~~ and any similar existing contract entered
18 into by the board ~~of the continuing county~~ in such manner as
19 such ~~the~~ board ~~shall~~-deem ~~considers~~ equitable and just to
20 the holders of both such contracts until ~~the expiration of~~
21 the contract entered into by the abandoned and abolished
22 county ~~shall~~-have-expired.

23 (2) When a petition ~~has been~~ ~~is~~ filed with the county
24 clerk of a county for the abandonment and abolishment of
25 such ~~the~~ county in accordance with the provisions of

1 7-2-2702 and 7-2-2703, the board of county commissioners of
 2 such ~~the~~ county shall ~~may~~ not thereafter enter into any
 3 contract under the provisions of part 24 of chapter 5 until
 4 the time has expired when such ~~the~~ petition may be presented
 5 to such ~~the~~ board by the county clerk as provided in
 6 7-2-2702 and 7-2-2703."

7 Section 16. Section 7-2-2753, MCA, is amended to read:
 8 "7-2-2753. Assessment of property in abandoned county.
 9 (1) The county assessor of a county abandoned and abolished
 10 under the provisions of this part shall, within 10 days
 11 after it comes ~~ceases~~ to exist, deliver to the county
 12 assessor of each county to which any part of its territory
 13 has been attached ~~and-become-a-part~~ all assessment lists,
 14 reports, documents, and instruments relating to, concerning,
 15 or in any way affecting the assessment during the
 16 then-current assessment year of all taxable property within
 17 such portion of such ~~the~~ abandoned and abolished county. The
 18 county assessor of such ~~the~~ abandoned and abolished county
 19 shall, until midnight of June 30 ~~of the year~~ when said ~~the~~
 20 county ceases to exist, aid and assist the county assessors
 21 of the counties to which any part of the territory to be so
 22 abandoned and abolished will be attached ~~and-made-a-part~~ in
 23 the listing and assessing of all taxable property situated
 24 or located within each of such counties, to the end that all
 25 taxable property within the boundaries of such ~~the~~ abandoned

1 county will be fully assessed and taxed.

2 (2) It shall ~~be~~ ~~is~~ the duty of the assessor of the
 3 county to whom such assessment lists, reports, documents,
 4 and instruments have been delivered by the assessor of the
 5 abandoned and abolished county to complete all assessments
 6 and to fully assess, during the then-current assessment
 7 year, all taxable property situated or located on January 1
 8 of such year within the boundaries of such part of such ~~the~~
 9 abandoned and abolished county. Each such county assessor
 10 shall, in all matters and things connected in any way with
 11 the making of such assessments, have, possess, and exercise
 12 all of the powers and rights and shall perform all of the
 13 duties which the assessor of the abandoned and abolished
 14 county would or could have had, possessed, exercised, or
 15 performed if such ~~the~~ county had not been abandoned and
 16 abolished."

17 Section 17. Section 7-2-4501, MCA, is amended to read:
 18 "7-2-4501. Annexation of wholly surrounded land by
 19 cities of the first class. ~~States~~ A city of the first class
 20 may include as part of such ~~the~~ city any platted or
 21 unplatted tract or parcel of land that is wholly surrounded
 22 by such ~~the~~ city upon passing a resolution ~~advertising--and~~
 23 ~~upon---passing---a---further---resolution---or---following---such~~
 24 ~~advertising---at---in---the---manner---provided---in---7-2-4311---through~~
 25 7-2-4314 of intent, giving notice, and passing a resolution

1 ~~of annexation. Except as provided in 7-2-4502, the~~
 2 ~~provisions of 7-2-4312 through 7-2-4314 apply to these~~
 3 ~~resolutions and the notice requirement."~~

4 Section 18. Section 7-2-4609, MCA, is amended to read:

5 "7-2-4609. Applicability of part. (1) This part ~~shall~~
 6 ~~is~~ not be applicable to cities having a population, as shown
 7 by the last preceding federal census, of less than 20,000
 8 ~~and shall or of more than 35,000. This part does~~ not repeal
 9 parts 43 and 45 having reference to extension of the
 10 corporate limits of cities of the first, second, and third
 11 classes to include contiguous land but ~~is intended and does~~
 12 ~~provide~~ provides an alternative method for the annexation of
 13 territory or territories to municipal corporations.

14 (2) When any proceedings for annexation of territory
 15 or territories to any municipal corporation are commenced
 16 under this part, the provisions of this part and no other
 17 ~~shall~~ apply to such proceedings."

18 Section 19. Section 7-2-4705, MCA, is amended to read:

19 "7-2-4705. Annexation by municipalities providing
 20 services. (1) The governing body of any municipality may
 21 extend the corporate limits of such municipality under the
 22 procedure set forth in this part upon the initiation of the
 23 procedure by the ~~board~~ governing body itself.

24 (2) Whenever the resident freeholders situated outside
 25 the corporate boundaries of any municipality, but contiguous

1 thereto, desire to have real estate annexed to the
 2 municipality, they may file with the governing body of the
 3 municipality a petition bearing the signatures of 51% of the
 4 resident freeholders in the territory sought to be annexed,
 5 requesting a resolution stating the intent of the
 6 municipality to consider annexation. Upon passage of the
 7 resolution, the governing body shall follow the procedure in
 8 7-2-4707 through 7-2-4713 and 7-2-4731(2)."

9 Section 20. Section 7-2-4733, MCA, is amended to read:

10 "7-2-4733. Vote required on proposed capital
 11 improvements. Included within the plan must be methodology
 12 whereby the area to be annexed may vote upon any proposed
 13 capital improvements. Should a negative vote be cast by over
 14 50% of these--resident--freeholders ~~the residents~~ in the
 15 section or sections to be annexed in such election, the area
 16 ~~shall~~ may not be annexed."

17 Section 21. Repealer. (1) Sections 11-2901 through
 18 11-2921 and 11-3001 through 11-3026, R.C.M. 1947, are
 19 repealed.

20 (2) Section 7-2-2101, MCA, is repealed.

-End-

1 SENATE BILL NO. 336

2 INTRODUCED BY STORY

3 BY REQUEST OF THE CODE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO GENERAL
7 PROVISIONS AND TO THE CREATION, ALTERATION, AND ABANDONMENT
8 OF LOCAL GOVERNMENTS; REPEALING SECTIONS 11-2901 THROUGH
9 11-2921 AND 11-3001 THROUGH 11-3026, R.C.M. 1947, AND
10 SECTION 7-2-2101, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-1-411, MCA, is amended to read:

14 "7-1-411. Classification of municipalities. (1) Every
15 city having a population of 10,000 or more is a city of the
16 first class.

17 (2) Every city having a population of less than 10,000
18 and more than 5,000 is a city of the second class.

19 (3) Every city having a population of less than 5,000
20 and more than 1,000 is a city of the third class.

21 (4) Every municipal corporation having a population of
22 300 and less than 1,000 and more than 100 is a town."

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

24 "7-2-103. Collection of taxes upon alteration of
25 boundary of local government. ~~When subject to the provisions~~

1 ~~of part 21 of this chapter, if any territory shall be~~ is
2 detached from any county, city, or town ~~in this state~~ and be
3 ~~is~~ annexed to any other county, city, or town therein, it
4 ~~shall in no manner does not~~ invalidate or interfere with the
5 collection of taxes in such territory, and they ~~the taxes~~
6 shall be collected by and the returns made to the county to
7 which ~~said the~~ territory is attached in the manner provided
8 by law for levying and collecting taxes."

9 Section 3. Section 7-2-221, MCA, is amended to read:

10 "7-2-221. Hearing on petition -- protest. (1) At the
11 time so fixed for ~~said the~~ hearing, the board of county
12 commissioners shall ~~proceed to~~ hear the petitioners and any
13 opponents and protestants upon the petition or protests
14 filed on or before the time fixed for the hearing. The board
15 may adjourn ~~such the~~ hearing from time to time, but not for
16 more than 10 days after the time fixed for the hearing, and
17 shall receive the proof to establish or controvert the facts
18 set forth in ~~said the~~ petition.

19 (2) (a) No petition, or protest, or petition for the
20 exclusion of territory shall ~~may~~ be considered unless the
21 same ~~it~~ is filed at least 1 day before the time fixed for
22 the hearing.

23 (b) Such a petition for the exclusion of territory
24 shall contain the names of not less than 50% of the
25 qualified electors who are resident--property--taxpayers of

1 any territory to be excluded.

2 (c) All such territory being excluded must be in one
3 block and contain an area of not less than 36 square miles
4 and be totally within one county and contiguous thereto.

5 (3) No withdrawals of signatures to the original
6 petition for the creation of a proposed county shall be
7 filed or considered which have not been filed with the
8 county clerk on or before the date fixed for the hearing. No
9 withdrawals of any signatures from the petition for the
10 exclusion of territory shall ~~may~~ be received or considered
11 which are not filed within 5 days after the filing of the
12 petition for such exclusion of territory."

13 Section 4. Section 7-2-2212, MCA, is amended to read:

14 "7-2-2212. Exclusions and additions of territory upon
15 petition. (1) Except as provided in subsection (3), on final
16 hearing the board of commissioners, upon petition of not
17 less than 50% of the qualified electors (as shown by the
18 official registration books on the day of the filing of any
19 such petition) of any territory lying within ~~and the~~
20 proposed new county and contiguous to the boundary line of
21 the proposed new county and of the old county from which
22 such territory is proposed to be taken and lying entirely
23 within a single old county and described in ~~and the~~
24 petition, asking that ~~and this~~ territory be not ~~be~~ included
25 within the proposed new county, must make such changes in

1 the proposed boundaries as will exclude such territory from
2 ~~such the~~ new county and shall establish and define such
3 boundaries. Petitions for exclusion shall be disposed of in
4 the order ~~in-point-of-time~~ in which they are filed with the
5 clerk of the board.

6 (2) Except as provided in subsection (3), on final
7 hearing the board, upon petition of not less than 50% of the
8 qualified electors of any territory lying outside ~~and the~~
9 proposed new county and contiguous to the boundary line of
10 ~~and the~~ proposed new county and of the old county or
11 counties from which such territory is proposed to be
12 ~~included taken~~, asking that ~~and this~~ territory be included
13 within the proposed new county, must make such changes in
14 the proposed boundaries as will include such territory in
15 ~~such the~~ new county and shall establish and define such
16 boundaries.

17 (3) (a) The segregation of such territory from any old
18 county or counties shall ~~may~~ not leave such county or
19 counties with less than \$12 million of assessed valuation,
20 based upon the last assessment roll.

21 (b) No change or changes so made shall ~~may~~ result in
22 reducing the valuation of the proposed new county to less
23 than an assessed valuation of \$10 million, inclusive of all
24 assessed valuation.

25 (c) No change shall ~~may~~ be made which shall ~~--leave~~

1 ~~leaves~~ the territory so excluded separate and apart from and
2 without the county of which it was formerly a part.

3 (4) On final determination of boundaries, no changes
4 in the boundaries originally proposed shall ~~may~~ be made
5 except as prayed for in ~~and~~ ~~the~~ petition or petitions or to
6 correct clerical errors or uncertainties."

7 Section 5. Section 7-2-2219, MCA, is amended to read:

8 "7-2-2219. Conduct of election. (1) (a) The board
9 issuing the proclamation and notice of election pursuant to
10 7-2-2215 shall cause the county clerk of--~~said~~--county to
11 furnish to the officers of each precinct in ~~such~~ ~~the~~
12 proposed new county all ballots, poll lists, tally lists,
13 registers for voters' signatures, ballot boxes, and other
14 election supplies and equipment necessary to conduct such
15 ~~the~~ election and which are not hereinafter specifically
16 directed to be furnished by the clerk of another county or
17 counties.

18 (b) The county clerk of each county from which
19 territory is taken for the proposed new county shall, not
20 less than 5 days before the date of such ~~the~~ election,
21 furnish to each board of election within ~~and~~ ~~the~~ proposed
22 new county a copy of the official register for the precincts
23 of ~~such~~ ~~the~~ proposed new county as are within their
24 respective counties and the copies of indexes thereof
25 required by law, containing the names of all persons who

1 were qualified electors at the last general election before
2 the date of such ~~the~~ election provided for in 7-2-2215.

3 (2) Such ~~the~~ election provided for in 7-2-2215 shall
4 be governed and controlled by the general election laws of
5 the state, so far as the same shall be ~~are~~ applicable and
6 except as otherwise provided herein. The provisions of the
7 election laws relating to preparation, printing, and
8 distribution of sample ballots, except the provisions of
9 ~~said~~ ~~these~~ laws relating to primary elections in this state,
10 shall have application apply to any election provided for in
11 this part.

12 ~~{3}--The--returns--of--all--elections--for--the--creation--of--~~
13 ~~the--county--for--officers--and--for--location--of--the--county~~
14 ~~seat--as--provided--for--in--this--part--shall--be--made--to--and~~
15 ~~canvassed--by--the--board--of--the--county--from--which--the--largest~~
16 ~~area--is--taken--by--the--proposed--county. All returns of~~
17 election herein provided for shall be made to and canvassed
18 by the board calling such ~~the~~ election.

19 ~~{4}{1}~~ All nominations of candidates for ~~the~~ office
20 offices required to be filled at ~~and~~ ~~the~~ election shall be
21 made in the manner provided by law for the nomination of
22 candidates by petition."

23 Section 6. Section 7-2-2223, MCA, is amended to read:

24 "7-2-2223. Procedure to complete creation of county.
25 (1) The board of county commissioners shall forthwith--cause

1 immediately file a copy of its resolution, authorized by
 2 7-2-2222(1) and duly certified, to be filed in the office of
 3 the secretary of state. Ninety days from and after the date
 4 of such filing:

5 (a) said ~~the~~ new county shall be deemed is considered
 6 to be fully created;

7 (b) the organization thereof shall be deemed is
 8 considered completed; and

9 (c) such ~~the~~ county officers, shall be other than the
 10 county commissioners and the county clerk, are entitled to
 11 enter immediately upon the duties of their respective
 12 offices upon qualifying in accordance with law and giving
 13 bonds for the faithful performance of their duties, as
 14 required by the laws of the state.

15 (2) ~~(c)~~ The clerk of the board with which ~~said the~~
 16 petition was filed as herein provided must immediately make
 17 out and deliver to each of said ~~the~~ persons so declared and
 18 designated to be elected a certificate of election
 19 authenticated by his signature and the seal of said county.
 20 The persons elected members of the board and the county
 21 clerk shall, immediately upon receiving their certificates
 22 of election, assume the duties of their respective offices.

23 ~~(b) All other officers take office 90 days after the~~
 24 ~~filing of the resolution herein provided for with the~~
 25 ~~secretary of state"~~

1 Section 7. Section 7-2-2224, MCA, is amended to read:
 2 "7-2-2224. Offices and supplies for new county. The
 3 board of county commissioners shall have authority to of the
 4 new county may provide a suitable place for the county
 5 officers and to purchase such supplies as may be deemed
 6 necessary for the proper conduct of the county government."

7 Section 8. Section 7-2-2225, MCA, is amended to read:
 8 "7-2-2225. Officers of new county. (1) At the special
 9 election held for the purpose of voting on the question of
 10 the creation of a new county, a board of county
 11 commissioners shall be elected, who shall hold office until
 12 the next general election.

13 ~~(2) Except as provided in subsections (2)(b),~~
 14 ~~(2)(c), and (2)(d) (2) through (4) of this section, at the~~
 15 election provided for in 7-2-2215, there shall be chosen a
 16 board of county commissioners and such other county,
 17 township, and district officers as are now or may hereafter
 18 by general law be provided by law for in counties of the
 19 class to which the said new county is determined to belong
 20 as herein provided belongs.

21 ~~(b)(2) All~~ duly elected, qualified, and acting
 22 officers of the county or counties who may reside within the
 23 proposed new county shall be deemed are considered to be
 24 officers of said ~~the~~ new county if they file, within 5 days
 25 after the final hearing and determination of said ~~the~~

1 petition for such ~~the~~ proposed new county, with the board of
 2 county commissioners whose duty it shall be to call the
 3 election their intention to become officers of ~~said the~~
 4 proposed new county, and the board issuing the proclamation
 5 of any ~~the~~ election ~~as provided in this part~~ shall omit
 6 providing for the election of any such officers as may have
 7 filed their declaration ~~as herein provided to continue in~~
 8 office.

9 ~~(c)(1)~~ All duly elected, qualified, and acting
 10 justices of the peace residing within the proposed new
 11 county shall hold office as such justices of the peace in
 12 ~~said the new~~ county for the remainder of the term for which
 13 they were elected.

14 ~~(d)(1)~~ All duly elected, qualified, and acting school
 15 trustees residing within the proposed new county at the time
 16 of the division of such county into school districts, as
 17 provided in 7-2-2214, shall hold office as school trustees
 18 in ~~said the~~ new county for the remainder of the term for
 19 which they were elected on qualifying as school trustees for
 20 the respective districts in which they reside, as ~~said these~~
 21 districts are organized as provided by this part.

22 ~~(3)(5)~~ The officers elected or appointed under the
 23 provisions of this part shall each perform the duties and
 24 receive the compensation now provided by general law for the
 25 office to which they have been appointed or elected in the

1 counties of the class to which such ~~the~~ new county shall
 2 ~~have been determined to belong as herein provided under~~
 3 ~~the general classification of counties in this state~~
 4 belongs."

5 Section 9. Section 7-2-2252, MCA, is amended to read:
 6 "7-2-2252. Assessment and collection of taxes for new
 7 county. (1) After the creation of a new county ~~as herein~~
 8 provided, its officers shall proceed ~~to~~ complete all
 9 proceedings necessary for the assessment or collection of
 10 the state and county taxes for the then-current year.

11 (2) (a) All acts and steps taken by the officers of
 12 the old county or counties prior to the creation of the new
 13 county shall ~~be deemed and taken~~ are considered as having
 14 been performed by the officers of the new county for the
 15 benefit of the new county. Upon the creation of the new
 16 county, it shall be the duty of the officers of the old
 17 county or counties to immediately execute and deliver to the
 18 board of county commissioners of ~~said the~~ new county copies
 19 of all assessments or other proceedings relative to the
 20 assessment and collection of the current state and county
 21 taxes of property in ~~said the~~ new county. Such copies shall
 22 be filed with the respective officers of the new county who
 23 would have the custody of the same if the proceedings had
 24 been originally had in the new county. Such certified copies
 25 shall ~~be taken and deemed~~ are considered as originals and

1 ~~original~~--proceedings in the new county, and all proceedings
2 therein recited ~~shall be taken and deemed~~ are considered as
3 original proceedings in the new county and shall have the
4 same effect as if the proceedings therein stated had been
5 had at the proper time and in the proper manner by the
6 respective officials of the new county.

7 (b) The officials of the new county ~~are~~---hereby
8 ~~authorized and directed to~~ shall proceed thenceforth with
9 the assessment and collection of ~~said~~ the taxes as if the
10 proceedings originally had in the old county or counties had
11 been originally had in the new county."

12 Section 10. Section 7-2-2253, MCA, is amended to read:

13 "7-2-2253. Procedure to transfer money to school and
14 road funds. (1) The county superintendent of schools of the
15 ~~an old county or each of the old counties, respectively,~~
16 shall furnish the county superintendent of schools of the
17 new county with a certification of the average number
18 belonging (ANB) in the different school districts in the
19 territory set apart to form the new county and shall certify
20 to the board of county commissioners of the old county the
21 amount due. ~~Said~~ the board of the old county shall order a
22 warrant drawn on the treasurer treasury of the new ~~old~~
23 county for all the money that is or may be due by any
24 apportionment or otherwise to the different school districts
25 embraced in the new county ~~from his~~ and taken from the old

1 county.

2 (2) The county treasurer shall certify to the county
3 commissioners of an old county the amount due in the
4 different road funds. The county commissioners shall order a
5 warrant drawn on the treasurer treasury of their the old
6 county in favor of the new county for all money that is or
7 may be due by apportionment or otherwise to the different
8 road and district funds in the territory set apart to form
9 the new county ~~from their~~ and taken from the old county,
10 which ~~said~~ amounts shall be properly credited in both
11 counties.

12 (3) Whenever in the formation of a new county a road
13 or school district has been divided, the board of county
14 commissioners shall by resolution direct the treasurer to
15 transfer the proper proportionate amount of the money
16 remaining in the fund of such district to the treasurer of
17 the new county."

18 Section 11. Section 7-2-2254, MCA, is amended to read:

19 "7-2-2254. Transfer and transcription of records. (1)
20 The board of county commissioners of any new county formed
21 ~~as~~---~~efore~~~~said~~ must provide suitable books and have
22 transcribed from the records of the old county or counties
23 all such parts thereof as relate to or affect property
24 situated in the new county or the title thereof. ~~Said~~
25 records~~---when so transcribed and certified as herein~~

1 provided, shall have the same force and effect as such
2 original records.

3 (2) The county commissioners shall have full power and
4 authority to contract for transcribing of records as now
5 provided by law.

6 (3) (2) All chattel mortgages, renewals of chattel
7 mortgages, articles of incorporation, contract notes,
8 sheriff certificates of sale, liens, and original affidavits
9 of registration which may affect or relate to property or
10 persons situated within the new county shall be delivered by
11 the county clerk of the old county delivered to the county
12 clerk of the new county and shall be preserved by said the
13 county clerk of the new county as permanent files of such
14 the new county."

15 Section 12. Section 7-2-2511, MCA, is amended to read:

16 "7-2-2511. Effect of name change on indebtedness,
17 obligations, and contracts. (1) All indebtedness and
18 obligations of the county, whether bonded or otherwise,
19 shall be assumed by and become the indebtedness of the
20 county under its new name and shall be the indebtedness and
21 obligations of such county as theretofore. All bonds
22 theretofore issued by the county under its former name,
23 outstanding and unpaid at the time of the rendition of the
24 decree, shall be assumed by and become due from and paid by
25 said the county under its new name.

1 (2) All contracts and obligations, express or implied,
2 unfulfilled by the county at the date of the rendition of
3 the decree shall be assumed and discharged by such the
4 county under its new name."

5 Section 13. Section 7-2-2608, MCA, is amended to read:

6 "7-2-2608. Frequency of elections on question of
7 moving county seat. (1) When an election has been held and a
8 majority of the votes are not cast for some place other than
9 that fixed by law as the former existing county seat, no
10 second election for the removal thereof must may be held
11 within 4 years thereafter.

12 (2) When the county seat of a county has been once
13 removed by a popular vote of the people of the county, it
14 may be again removed from time to time in the manner
15 provided by this part."

16 Section 14. Section 7-2-2713, MCA, is amended to read:

17 "7-2-2713. Effect of election results. (1) If at such
18 the election a majority of the votes cast in the county in
19 which such the petition for abandonment was filed shall be
20 are cast in favor of the abandonment and abolishment of such
21 the county and if a majority of the votes cast in the county
22 designated in the petition for abandonment as the county to
23 which the territory of the abandoned county shall be
24 attached shall be are cast in favor thereof of attachment,
25 then:

1 (a) (i) the organization and the political and
2 corporate existence of the county in which such the petition
3 for abandonment was filed shall cease and terminate;

4 (ii) said the county shall be is abandoned, and
5 abolished, and disincorporated and cease ~~ceases~~ to exist;
6 and

7 (iii) except as provided in subsection (2) of this
8 sections its territory shall be is attached to and become
9 ~~becomes~~ a part of the counties designated in the resolution
10 adopted under 7-2-2707; and

11 (b) the term ~~terms~~ of office of each of the officers
12 ~~thereof of the abandoned county, and~~ of the members of the
13 board of county commissioners thereof, ~~and of its senator~~
14 ~~and representative in the legislature, shall cease and~~
15 ~~terminate these state senators and representatives whose~~
16 ~~districts are wholly contained within the abandoned county~~
17 ~~terminate~~ at midnight on the following June 30.

18 (2) If at any such the election a majority of the
19 votes cast in any adjoining county named in the resolution
20 adopted under 7-2-2707, other than the county designated in
21 the petition for abandonment as the county to which the
22 territory of the abandoned county shall attach, shall be ~~are~~
23 ~~cast~~ against the attaching of any portion of the territory
24 of the abandoned county to such adjoining county, then such
25 portion of such the territory described in said the

1 resolution shall be attached and become attaches and becomes
2 a part of the county designated in such resolution the
3 petition for abandonment as the county to which the
4 territory of the abandoned county shall attach attaches."

5 Section 15. Section 7-2-2726, MCA, is amended to read:

6 "7-2-2726. Status of printing contracts. (1) If the
7 abandoned and abolished county shall have theretofore has
8 entered into a printing contract in accordance with the
9 provisions of part 24 of chapter 5 and such the contract
10 shall be is in full force and effect on the date when such
11 the county ceases to exist, the purchase of all supplies and
12 printing for the county designated in the petition for
13 abandonment as the county to which the territory of the
14 abandoned and abolished county is attached and made a part
15 shall be divided by the board of county commissioners of
16 such the continuing county between such the contract of the
17 abandoned county and any similar existing contract entered
18 into by the board of the continuing county in such manner as
19 such the board shall deem considers equitable and just to
20 the holders of both such contracts until the expiration of
21 the contract entered into by the abandoned and abolished
22 county shall have expired.

23 (2) When a petition has been is filed with the county
24 clerk of a county for the abandonment and abolishment of
25 such the county in accordance with the provisions of

1 7-2-2702 and 7-2-2703, the board of county commissioners of
 2 such ~~the~~ county shall ~~may~~ not thereafter enter into any
 3 contract under the provisions of part 24 of chapter 5 until
 4 the time has expired when such ~~the~~ petition may be presented
 5 to such ~~the~~ board by the county clerk as provided in
 6 7-2-2702 and 7-2-2703."

7 Section 16. Section 7-2-2753, MCA, is amended to read:

8 "7-2-2753. Assessment of property in abandoned county.
 9 (1) The county assessor of a county abandoned and abolished
 10 under the provisions of this part shall, within 10 days
 11 after it comes ~~ceases~~ to exist, deliver to the county
 12 assessor of each county to which any part of its territory
 13 has been attached ~~and-become-a-part~~, all assessment lists,
 14 reports, documents, and instruments relating to, concerning,
 15 or in any way affecting the assessment during the
 16 then-current assessment year of all taxable property within
 17 such portion of such ~~the~~ abandoned and abolished county. The
 18 county assessor of such ~~the~~ abandoned and abolished county
 19 shall, until midnight of June 30 ~~of the year~~ when ~~said the~~
 20 county ceases to exist, aid and assist the county assessors
 21 of the counties to which any part of the territory to be so
 22 abandoned and abolished will be attached ~~and-made-a-part~~ in
 23 the listing and assessing of all taxable property situated
 24 or located within each of such counties, to the end that all
 25 taxable property within the boundaries of such ~~the~~ abandoned

1 county will be fully assessed and taxed.

2 (2) It ~~shall-be~~ ~~is~~ the duty of the assessor of the
 3 county to whom such assessment lists, reports, documents,
 4 and instruments have been delivered by the assessor of the
 5 abandoned and abolished county to complete all assessments
 6 and to fully assess, during the then-current assessment
 7 year, all taxable property situated or located on January 1
 8 of such year within the boundaries of such part of such ~~the~~
 9 abandoned and abolished county. Each such county assessor
 10 shall, in all matters and things connected in any way with
 11 the making of such assessments, have, possess, and exercise
 12 all of the powers and rights and shall perform all of the
 13 duties which the assessor of the abandoned and abolished
 14 county would or could have had, possessed, exercised, or
 15 performed if such ~~the~~ county had not been abandoned and
 16 abolished."

17 Section 17. Section 7-2-4501, MCA, is amended to read:

18 "7-2-4501. Annexation of wholly surrounded land by
 19 cities of the first class. ~~Either a city~~ of the first class
 20 may include as part of such ~~the~~ city any platted or
 21 unplatted tract or parcel of land that is wholly surrounded
 22 by such ~~the~~ city upon passing a resolution ~~advertising--and~~
 23 ~~upon---passing---a---further---resolution---or---following---such~~
 24 ~~advertising---at---in---the---manner---provided---in---7-2-4311---through~~
 25 7-2-4314 ~~of intent, giving notice, and passing a resolution~~

1 of annexation. Except as provided in 7-2-4502, the
 2 provisions of 7-2-4312 through 7-2-4314 apply to these
 3 resolutions and the notice requirement."

4 Section 18. Section 7-2-4609, MCA, is amended to read:

5 "7-2-4609. Applicability of part. (1) This part ~~shall~~
 6 ~~is~~ not be applicable to cities having a population, as shown
 7 by the last preceding federal census, of less than 20,000
 8 ~~and shall~~ or of more than 35,000. This part does not repeal
 9 parts 43 and 45 having reference to extension of the
 10 corporate limits of cities of the first, second, and third
 11 classes to include contiguous land but ~~is intended and does~~
 12 ~~provide~~ provides an alternative method for the annexation of
 13 territory or territories to municipal corporations.

14 (2) When any proceedings for annexation of territory
 15 or territories to any municipal corporation are commenced
 16 under this part, the provisions of this part and no other
 17 ~~shall~~ apply to such proceedings."

18 Section 19. Section 7-2-4705, MCA, is amended to read:

19 "7-2-4705. Annexation by municipalities providing
 20 services. (1) The governing body of any municipality may
 21 extend the corporate limits of such municipality under the
 22 procedure set forth in this part upon the initiation of the
 23 procedure by the ~~board governing body~~ governing body itself.

24 (2) Whenever the resident freeholders situated outside
 25 the corporate boundaries of any municipality, but contiguous

1 thereto, desire to have real estate annexed to the
 2 municipality, they may file with the governing body of the
 3 municipality a petition bearing the signatures of 51% of the
 4 resident freeholders in the territory sought to be annexed,
 5 requesting a resolution stating the intent of the
 6 municipality to consider annexation. Upon passage of the
 7 resolution, the governing body shall follow the procedure in
 8 7-2-4707 through 7-2-4713 and 7-2-4731(2)."

9 Section 20. Section 7-2-4733, MCA, is amended to read:

10 "7-2-4733. Vote required on proposed capital
 11 improvements. Included within the plan must be methodology
 12 whereby the area to be annexed may vote upon any proposed
 13 capital improvements. Should a negative vote be cast by over
 14 50% of ~~those--resident--freeholders~~ the residents in the
 15 section or sections to be annexed in such election, the area
 16 ~~shall~~ may not be annexed."

17 Section 21. Repealer. (1) Sections 11-2901 through
 18 11-2921 and 11-3001 through 11-3026, R.C.M. 1947, are
 19 repealed.

20 (2) Section 7-2-2101, MCA, is repealed.

-End-