

SENATE BILL NO. 256

INTRODUCED BY HAMMOND, ETCHART

IN THE SENATE

January 23, 1981	Introduced and referred to Committee on Local Government.
February 7, 1981	Committee recommend bill do pass as amended. Report adopted.
February 9, 1981	Bill printed and placed on members' desks.
February 10, 1981	Second reading, pass consideration.
February 11, 1981	Second reading, do pass.
February 12, 1981	Correctly engrossed.
February 13, 1981	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

February 14, 1981	Introduced and referred to Committee on Local Government.
March 16, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1981	Second reading, concurred in.
March 21, 1981	Third reading, concurred in as amended. Ayes, 89; Noes, 2.

IN THE SENATE

March 21, 1981	Returned from House with amendments.
March 23, 1981	On motion, consideration be passed for the day.
March 24, 1981	Second reading, amendments concurred in.
March 26, 1981	Third reading, amendments concurred in. Ayes, 46; Nays, 0. Sent to enrolling. Reported correctly enrolled.

1 *Senate* BILL NO. 256
 2 INTRODUCED BY Hammond Ethert

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE
 5 POPULATION PREREQUISITE FOR MUNICIPAL INCORPORATION;
 6 AMENDING SECTION 7-2-4103, MCA; AND PROVIDING AN IMMEDIATE
 7 EFFECTIVE DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 7-2-4103, MCA, is amended to read:

11 "7-2-4103. Prerequisites to organization of
 12 municipality. No municipal corporation may be formed unless:

13 (1) the number of inhabitants is ~~300~~ 200 or upwards;

14 and

15 (2) the boundary of the proposed territory to be
 16 incorporated is more than 3 miles from the boundary,
 17 measured from the nearest point between the two, of any
 18 presently incorporated city or town or there is presented to
 19 the board appropriate evidence that any presently
 20 incorporated city or town within 3 miles which legally could
 21 annex has refused to annex the proposed territory."

22 Section 2. Effective date. This act is effective on
 23 passage and approval.

-End-

INTRODUCED BILL
 SB 256

Approved by Comm.
on Local Government

1 SENATE BILL NO. 256
2 INTRODUCED BY HAMMOND, ETCHART

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE
5 POPULATION PREREQUISITE FOR MUNICIPAL INCORPORATION;
6 AMENDING SECTION ~~SECTIONS~~ 7-2-4101 AND 7-2-4103, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 SECTION 1. SECTION 7-2-4101, MCA, IS AMENDED TO READ:
11 "7-2-4101. Petition to organize municipalities. (1)
12 Whenever the inhabitants of any part of a county desire to
13 be organized into a city or town, they may apply by petition
14 in writing, signed by not less than two-thirds of the
15 registered electors but not more than 300 such electors, who
16 are residents of the state and residing within the limits of
17 the proposed incorporation, to the board of county
18 commissioners of the county in which the territory is
19 situated.

20 (2) (a) The petition must describe the limits of the
21 proposed city or town and of the several wards thereof, each
22 of which shall contain ~~±50~~ 50 or more registered electors
23 and must not exceed 1 square mile for each 500 inhabitants
24 resident therein.

25 (b) The petitioners must annex to the petition a map

1 of the proposed territory to be incorporated and state the
2 name of the city or town.

3 (3) The petition and map must be filed in the office
4 of the election administrator."

5 Section 2. Section 7-2-4103, MCA, is amended to read:
6 "7-2-4103. Prerequisites to organization of

7 municipality. No municipal corporation may be formed unless:
8 (1) the number of inhabitants is ~~300~~ 200 or upwards;

9 and

10 (2) the boundary of the proposed territory to be
11 incorporated is more than 3 miles from the boundary,
12 measured from the nearest point between the two, of any
13 presently incorporated city or town or there is presented to
14 the board appropriate evidence that any presently
15 incorporated city or town within 3 miles which legally could
16 annex has refused to annex the proposed territory."

17 Section 3. Effective date. This act is effective on
18 passage and approval.

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE
5 POPULATION PREREQUISITE FOR MUNICIPAL INCORPORATION;
6 AMENDING SECTION SECTIONS 7-2-4101 AND 7-2-4103, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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14 in writing, signed by not less than two-thirds of the
15 registered electors but not more than 300 such electors, who
16 are residents of the state and residing within the limits of
17 the proposed incorporation, to the board of county
18 commissioners of the county in which the territory is
19 situated.

20 (2) (a) The petition must describe the limits of the
21 proposed city or town and of the several wards thereof, each
22 of which shall contain ~~150~~ 50 or more registered electors
23 and must not exceed 1 square mile for each 500 inhabitants
24 resident therein.

25 (b) The petitioners must annex to the petition a map

1 of the proposed territory to be incorporated and state the
2 name of the city or town.

3 (3) The petition and map must be filed in the office
4 of the election administrator."

5 Section 2. Section 7-2-4103, MCA, is amended to read:

6 "7-2-4103. Prerequisites to organization of
7 municipality. No municipal corporation may be formed unless:

8 (1) the number of inhabitants is ~~300~~ 200 or upwards;
9 and

10 (2) the boundary of the proposed territory to be
11 incorporated is more than 3 miles from the boundary,
12 measured from the nearest point between the two, of any
13 presently incorporated city or town or there is presented to
14 the board appropriate evidence that any presently
15 incorporated city or town within 3 miles which legally could
16 annex has refused to annex the proposed territory."

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18 passage and approval.

-End-

1 SENATE BILL NO. 256

2 INTRODUCED BY HAMMOND, ETCHART

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~REDUCE~~ CHANGE THE
5 POPULATION PREREQUISITE FOR MUNICIPAL INCORPORATION;
6 AMENDING ~~SECTION~~ SECTIONS 7-2-4101 AND 7-2-4103, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10 SECTION 1. SECTION 7-2-4101, MCA, IS AMENDED TO READ:

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13 be organized into a city or town, they may apply by petition
14 in writing, signed by not less than two-thirds of the
15 registered electors but not more than 300 such electors, who
16 are residents of the state and residing within the limits of
17 the proposed incorporation, to the board of county
18 commissioners of the county in which the territory is
19 situated.

20 (2) (a) The petition must describe the limits of the
21 proposed city or town and of the several wards thereof, each
22 of which shall contain ~~at least~~ 50 or more registered electors
23 and must not exceed 1 square mile for each 500 inhabitants
24 resident therein.

25 (b) The petitioners must annex to the petition a map

1 of the proposed territory to be incorporated and state the
2 name of the city or town.

3 (3) The petition and map must be filed in the office
4 of the election administrator."

5 Section 2. Section 7-2-4103, MCA, is amended to read:

6 "7-2-4103. Prerequisites to organization of
7 municipality. No municipal corporation may be formed unless:

8 (1) (A) the number of inhabitants is ~~300~~ 200 300 or
9 upwards; OR

10 (B) THE COMMUNITY WAS A TOWNSITE OWNED AND BUILT BY
11 THE U.S. GOVERNMENT PRIOR TO [THE EFFECTIVE DATE OF THIS
12 ACT]; and

13 (2) the boundary of the proposed territory to be
14 incorporated is more than 3 miles from the boundary,
15 measured from the nearest point between the two, of any
16 presently incorporated city or town or there is presented to
17 the board appropriate evidence that any presently
18 incorporated city or town within 3 miles which legally could
19 annex has refused to annex the proposed territory."

20 Section 3. Effective date. This act is effective on
21 passage and approval.

-End-

House

Local Government Committee

March 14, 1981

Amend Senate Bill 256,

1. Title, line 4.

Following: "ACT TO"

Strike: "REDUCE"

Insert: "CHANGE"

2. Page 2, line 8.

Following: "(1)"

Insert: "(a)"

Following: "300"

Strike: "200"

Insert: "300"

Following: "upwards;"

Insert: "or"

3. Page 2.

Following: line 8

Insert: "(b) the community was a townsite owned and built by the
U.S. Government prior to [the effective date of this act];"