

SENATE BILL NO. 362

INTRODUCED BY VAN VALKENBURG

IN THE SENATE

February 3, 1981	Introduced and referred to Committee on Local Government.
February 20, 1981	Committee recommend bill do pass. Report adopted.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading, do pass as amended.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 35; Noes, 13. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on Local Government.
March 27, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 30, 1981	Second reading, concurred in. On motion rules suspended and bill placed on third reading this day. On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 52; Noes, 44.

IN THE SENATE

April 1, 1981

**Returned from House with
amendments.**

April 10, 1981

**Second reading, amendments
concurred in.**

April 11, 1981

**Third reading, amendments
concurred in. Ayes, 47;
Noes, 0. Sent to enrolling.**

Reported correctly enrolled.

1 *Senate* BILL NO. *362*
 2 INTRODUCED BY *Van Valkenburg*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD OF
 5 DISINCORPORATION OF A MUNICIPALITY; PROVIDING FOR A
 6 DISINCORPORATION ELECTION UPON TWO-THIRDS VOTE OF THE CITY
 7 GOVERNING BODY; PROVIDING THAT UNDISTRIBUTED PROCEEDS OF A
 8 DISINCORPORATED MUNICIPALITY SHALL BE DISTRIBUTED TO THE
 9 TAXPAYERS IN THE FORMER MUNICIPALITY; AMENDING SECTIONS
 10 7-2-4902 AND 7-2-4919, MCA."

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

13 Section 1. Section 7-2-4902, MCA, is amended to read:
 14 "7-2-4902. Disincorporation by election. (1) Any city
 15 or town may be disincorporated in the manner hereafter
 16 provided.

17 (2) If the registered electors of a city or town equal
 18 in number to 20% of the number of electors voting at the
 19 last regular municipal election petition the board of county
 20 commissioners of the county where the city or town is
 21 situated to disincorporate the city or town, ~~or if the city~~
 22 ~~governing body by a two-thirds vote of all its members~~
 23 ~~resolves to disincorporate,~~ then the board shall order,
 24 within 60 days, that a special election be held within the
 25 city or town on the question of disincorporating the city or

1 town. The day for holding the election shall be not less
 2 than 60 days or more than 120 days after the board orders
 3 the election."

4 Section 2. Section 7-2-4919, MCA, is amended to read:
 5 "7-2-4919. Management of surplus assets deposited to
 6 special fund. If, after payment of the debts of the
 7 corporation and the liquidation, where possible, of tangible
 8 assets, any surplus shall remain in the hands of the county
 9 treasurer to the credit of the special fund, money remaining
 10 shall be ~~transferred to the county general fund~~ distributed
 11 equally to the taxpayers in the territory formerly included
 12 within the city or town. Nothing in this section is intended
 13 to conflict with the provisions of 7-2-4915 and 7-2-4916."

-End-

-2-
 INTRODUCED BILL
 SB 362

Approved by Comm.
on Local Government

1 *Senate* BILL NO. *362*
2 INTRODUCED BY *De Valkenburg*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD OF
5 DISINCORPORATION OF A MUNICIPALITY; PROVIDING FOR A
6 DISINCORPORATION ELECTION UPON TWO-THIRDS VOTE OF THE CITY
7 GOVERNING BODY; PROVIDING THAT UNDISTRIBUTED PROCEEDS OF A
8 DISINCORPORATED MUNICIPALITY SHALL BE DISTRIBUTED TO THE
9 TAXPAYERS IN THE FORMER MUNICIPALITY; AMENDING SECTIONS
10 7-2-4902 AND 7-2-4919, MCA."

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

13 Section 1. Section 7-2-4902, MCA, is amended to read:
14 "7-2-4902. Disincorporation by election. (1) Any city
15 or town may be disincorporated in the manner hereafter
16 provided.

17 (2) If the registered electors of a city or town equal
18 in number to 20% of the number of electors voting at the
19 last regular municipal election petition the board of county
20 commissioners of the county where the city or town is
21 situated to disincorporate the city or town, or if the city
22 governing body by a two-thirds vote of all its members
23 resolves to disincorporate, then the board shall order,
24 within 60 days, that a special election be held within the
25 city or town on the question of disincorporating the city or

1 town. The day for holding the election shall be not less
2 than 60 days or more than 120 days after the board orders
3 the election."

4 Section 2. Section 7-2-4919, MCA, is amended to read:
5 "7-2-4919. Management of surplus assets deposited to
6 special fund. If, after payment of the debts of the
7 corporation and the liquidation, where possible, of tangible
8 assets, any surplus shall remain in the hands of the county
9 treasurer to the credit of the special fund, money remaining
10 shall be ~~transferred to the county general fund~~ distributed
11 equally to the taxpayers in the territory formerly included
12 within the city or town. Nothing in this section is intended
13 to conflict with the provisions of 7-2-4915 and 7-2-4916."

-End-

1 SENATE BILL NO. 362

2 INTRODUCED BY VAN VALKENBERG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD OF
5 DISINCORPORATION OF A MUNICIPALITY; PROVIDING FOR A
6 DISINCORPORATION ELECTION UPON TWO-THIRDS VOTE OF THE CITY
7 GOVERNING BODY; PROVIDING THAT UNDISTRIBUTED PROCEEDS OF A
8 DISINCORPORATED MUNICIPALITY SHALL BE DISTRIBUTED TO THE
9 TAXPAYERS IN THE FORMER MUNICIPALITY; AMENDING SECTIONS
10 7-2-4902 AND 7-2-4919, MCA."

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

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

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

17 (2) If the registered electors of a city or town equal
18 in number to 20% of the number of electors voting at the
19 last regular municipal election petition the board of county
20 commissioners of the county where the city or town is
21 situated to disincorporate the city or town, or if the city
22 governing body by a two-thirds vote of all its members
23 resolves to disincorporate, then the board shall order,
24 within 60 days, that a special election be held within the
25 city or town on the question of disincorporating the city or

1 town. The day for holding the election shall be not less
2 than 60 days or more than 120 days after the board orders
3 the election."

4 Section 2. Section 7-2-4919, MCA, is amended to read:

5 "7-2-4919. Management of surplus assets deposited to
6 special funds. If, after payment of the debts of the
7 corporation and the liquidation, where possible, of tangible
8 assets, any surplus shall remain in the hands of the county
9 treasurer to the credit of the special funds, money remaining
10 shall be ~~transferred to the county general fund~~ distributed
11 equally EQUITABLY to the taxpayers in the territory formerly
12 included within the city or town AS THE GOVERNING BODY SHALL
13 DETERMINE. Nothing in this section is intended to conflict
14 with the provisions of 7-2-4915 and 7-2-4916."

-End-

1 SENATE BILL NO. 362

2 INTRODUCED BY VAN VALKENBERG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD OF
5 DISINCORPORATION OF A MUNICIPALITY; PROVIDING FOR A
6 DISINCORPORATION ELECTION UPON TWO-THIRDS VOTE OF THE CITY
7 GOVERNING BODY; PROVIDING THAT UNDISTRIBUTED PROCEEDS OF A
8 DISINCORPORATED MUNICIPALITY SHALL BE DISTRIBUTED TO THE
9 TAXPAYERS IN THE FORMER MUNICIPALITY; AMENDING SECTIONS
10 SECTION 7-2-4902 AND 7-2-4919, MCA."

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

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

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

17 (2) If the registered electors of a city or town equal
18 in number to 20% of the number of electors voting at the
19 last regular municipal election petition the board of county
20 commissioners of the county where the city or town is
21 situated to disincorporate the city or town, or if the city
22 governing body by a two-thirds vote of all its members
23 resolves to disincorporate, then the board shall order,
24 within 60 days, that a special election be held within the
25 city or town on the question of disincorporating the city or

1 town. The day for holding the election shall be not less
2 than 60 days or more than 120 days after the board orders
3 the election."

4 ~~Section 2. Section 7-2-4919, MCA, is amended to read:~~
5 ~~"7-2-4919. Management of surplus assets deposited to~~
6 ~~special funds. If after payment of the debts of the~~
7 ~~corporation and the liquidation, where possible, of tangible~~
8 ~~assets, any surplus shall remain in the hands of the county~~
9 ~~treasurer to the credit of the special fund. Money remaining~~
10 ~~shall be transferred to the county general fund distributed~~
11 ~~equally EQUITABLY to the taxpayers in the territory formerly~~
12 ~~included within the city or town AS THE GOVERNING BODY SHALL~~
13 ~~DETERMINE. Nothing in this section is intended to conflict~~
14 ~~with the provisions of 7-2-4915 and 7-2-4916."~~

-End-