

HOUSE BILL NO. 954

INTRODUCED BY THOMAS, SWIFT, FARRELL, SEVERSON

IN THE HOUSE

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| March 28, 1985 | Introduced and referred to Committee on Appropriations. |
| March 30, 1985 | Fiscal Note requested. |
| April 1, 1985 | Committee recommend bill do pass as amended. Report adopted. |
| | Bill printed and placed on members' desks. |
| April 3, 1985 | Fiscal Note returned. |
| | Second reading, do pass. |
| | Considered correctly engrossed. |
| April 4, 1985 | Third reading, passed. |
| | Transmitted to Senate. |

IN THE SENATE

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|----------------|---|
| April 13, 1985 | On motion, rules suspended to accept House Bill No. 954. Motion adopted. |
| April 15, 1985 | Introduced and referred to Committee on Rules. |
| April 16, 1985 | On motion, taken from Committee on Rules and rereferred to Committee on Local Government. Motion adopted. |

April 17, 1985

On motion, rules temporarily suspended for the purpose of allowing all bills passed on second reading on the 88th Legislative Day to be advanced to third reading that same day.

April 23, 1985

Committee recommend bill be concurred in as amended.
Report adopted.

Second reading, concurred as amended.

Third reading, concurred in.
Ayes, 39; Noes, 9.

Returned to House with amendments.

IN THE HOUSE

April 23, 1985

Received from Senate.

April 24, 1985

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

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HOUSE BILL NO. 954
INTRODUCED BY THOMAS Swift Farmer, Secretary

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE COUNTY BOUNDARY BETWEEN RAVALLI AND MISSOULA COUNTIES IN ORDER TO INCLUDE THE AREA KNOWN AS THE LOLO AREA IN RAVALLI COUNTY; PROVIDING FOR THE APPROVAL OF THE ELECTORS OF BOTH COUNTIES AS REQUIRED BY THE MONTANA CONSTITUTION; PROVIDING FOR COUNTY RECORDS, INDEBTEDNESS, AND TAXATION; AMENDING SECTIONS 16-232 AND 16-243, R.C.M. 1947; PROVIDING AN APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Article II, section 1, of the Montana Constitution states, in part, "All political power is vested in and derived from the people. All government of right originates with the people, is founded on their will only ..."; and

WHEREAS, Article II, section 2, of the Montana Constitution states, in part, "The people have the exclusive right of governing themselves as a free, sovereign, and independent state."; and

WHEREAS, the community of Lolo and the surrounding area, comprising some 351 sections, more or less, is herein referred to as the "Lolo area"; and

WHEREAS, Missoula County and Ravalli County are both

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political subdivisions of the State of Montana, are adjacent to each other, and are both adjacent to the Lolo area; and

WHEREAS, the people and landowners of the Lolo area find that the philosophies, activities, and spirit of the government of Missoula County are highly urban and academic in nature and are highly incompatible with their own essentially rural lifestyles and attitudes; and

WHEREAS, the people and landowners of the Lolo area find that the philosophies, activities, and spirit of the government of Ravalli County are much more in harmony with their own lifestyles and attitudes; and

WHEREAS, Article XI, sections 2 and 7(c), of the Montana Constitution clearly contemplate the opportunity for land transfers between counties; and

WHEREAS, Article XI, section 3(1), of the Montana Constitution provides, in part, "The legislature shall provide methods for governing local government units and procedures for...altering their boundaries..."; and

WHEREAS, the people of the Lolo area desire to withdraw from Missoula County and join Ravalli County; and

WHEREAS, Title 7, chapter 2, parts 1 through 27, MCA, fail to stipulate a specific process for this change.

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

Section 1. Section 16-232, R.C.M. 1947, is amended to



-2- INTRODUCED BILL
HB 954

1 read:

2 "Missoula County. Beginning at the intersection of the
3 center of the channel of the Flathead river with the south
4 line of the north tier of sections of township twenty-one
5 (21) north; running thence southerly along the center of the
6 main channel of the said Flathead or Pend d'Oreille river to
7 its intersection with the south boundary line of township
8 nineteen (19) north, range twenty-one (21) west, said point
9 being approximately two (2) miles east of the southwest
10 corner of said township; thence east on the line between
11 townships eighteen (18) and nineteen (19) north, to the
12 point where said line intersects the line between ranges
13 twenty (20) and twenty-one (21) west; thence south on said
14 line between ranges twenty (20) and twenty-one (21) west, to
15 the summit of the range of mountains commonly called the
16 Coeur d'Alene, said mountains dividing the waters of the
17 Missoula and Pend d'Oreille or Flathead rivers; thence
18 westerly along said summit of the Coeur d'Alene mountains,
19 to a point where said summit intersects the summit of the
20 watershed dividing the waters of the Missoula and Clarks
21 Fork rivers; thence westerly along said summit dividing the
22 waters of the Missoula and Clarks Fork rivers to the
23 northeast corner of section five (5), township seventeen
24 (17) north, range twenty-five (25) west; thence running
25 south to the southwest corner of section nine (9), township

1 seventeen (17) north, range twenty-five (25) west; thence
2 running east to the southeast corner of said section nine
3 (9); thence running south to the southwest corner of section
4 fifteen (15), township seventeen (17) north, range
5 twenty-five (25) west; thence running east to the northeast
6 corner of section twenty-four (24); township seventeen (17)
7 north, range twenty-five (25) west; thence running south to
8 the southeast corner of section thirty-six (36), township
9 seventeen (17) north, range twenty-five (25) west; thence
10 running east to the northeast corner of section one (1),
11 township sixteen (16) north, range twenty-five (25) west;
12 thence running south to the southeast corner of said section
13 one (1); thence running east to the northeast corner of
14 section eight (8), township sixteen (16) north, range
15 twenty-four (24) west; thence running south to the southeast
16 corner of section seventeen (17), township sixteen (16)
17 north, range twenty-four (24) west; thence running east to
18 the northeast corner of section twenty-one (21), township
19 sixteen (16) north, range twenty-four (24) west; thence
20 running south to the southeast corner of said section
21 twenty-one (21); thence running east to the northeast corner
22 of section twenty-six (26), township sixteen (16) north,
23 range twenty-four (24) west; thence running south to the
24 southwest corner of section thirty-six (36), township
25 sixteen (16) north, range twenty-four (24) west; thence

1 running east to the southeast corner of said section
 2 thirty-six (36); thence running south to the southwest
 3 corner of section seven (7), township fifteen (15) north,
 4 range twenty-three (23) west; thence running east to the
 5 northeast corner of section fifteen (15), township fifteen
 6 (15) north, range twenty-three (23) west; thence running
 7 south to the southwest corner of section twenty-six (26),
 8 township fifteen (15) north, range twenty-three (23) west;
 9 thence running east to the northeast corner of section
 10 thirty-one (31), township fifteen (15) north, range
 11 twenty-two (22) west; thence running south to the southeast
 12 corner of said section thirty-one (31); thence running west
 13 to the quarter corner on the north line of section one (1),
 14 township fourteen (14) north, range twenty-three (23) west;
 15 thence running south to an intersection with the center of
 16 the channel of the Missoula river; thence running in a
 17 northwesterly direction, following the center of the channel
 18 of the Missoula river to its intersection with the line
 19 dividing townships fourteen (14) and fifteen (15) north;
 20 thence running west to the northeast corner of section five
 21 (5), township fourteen (14) north, range twenty-three (23)
 22 west; thence running south to the southeast corner of said
 23 section five (5); thence running west to the southwest
 24 corner of said section five (5); thence running south to the
 25 southeast corner of section eighteen (18), township fourteen

1 (14) north, range twenty-three (23) west; thence running
 2 west to the southwest corner of said section eighteen (18);
 3 said point being on the Lo Lo guide meridian; thence running
 4 south on the Lo Lo guide meridian to the third standard
 5 parallel north; thence running east to the northeast corner
 6 of section one (1), township twelve (12) north, range
 7 twenty-four (24) west; thence running south to the southeast
 8 corner of section thirty-six (36), township twelve (12)
 9 north, range twenty-four (24) west; thence running west to
 10 the northwest corner of section six (6), township eleven
 11 (11) north, range twenty-four (24) west; thence running
 12 south to the Montana-Idaho state line; thence running in a
 13 general southeasterly direction following said line to the
 14 intersection with the south line of township eleven (11)
 15 north, range twenty-two (22) west; to the northeast corner
 16 of section 5, township twelve (12) north, range twenty (20)
 17 west, Principal Meridian, Montana; thence south to the
 18 southwest corner of section sixteen (16), township twelve
 19 (12) north, range twenty (20) west, thence east to the
 20 northeast corner of section twenty-three (23), township
 21 twelve (12) north, range twenty (20) west; thence south to
 22 the southeast corner of section twenty-six (26), township
 23 twelve (12) north, range twenty (20) west; thence east to
 24 the northeast corner of section thirty-one (31), township
 25 eleven (11) north, range eighteen (18) west; thence south to

1 the southeast corner of section thirty-one (31), township
 2 eleven (11) north, range eighteen (18) west; thence running
 3 east along the line between townships ten (10) and eleven
 4 (11) north, to an intersection with the center of the
 5 channel of Rock creek; thence running in a northerly
 6 direction following down the center of the channel of Rock
 7 creek to the center of the channel of the Hell Gate river;
 8 thence running in an easterly direction up the center of the
 9 old original channel of said river as the same existed at
 10 the time of the creation of Missoula county, to an
 11 intersection with a line projected due north from the top of
 12 Medicine Tree hill, said natural monument being located in
 13 township eleven (11) north, range fifteen (15) west; thence
 14 running north along said line to the top of the divide
 15 between the Hell Gate and Blackfoot rivers; thence running
 16 in an easterly direction following the summit of said divide
 17 to its intersection with the east line of township twelve
 18 (12) north, range fourteen (14) west; thence running north
 19 along the line between ranges thirteen (13) and fourteen
 20 (14) west, observing the offsets and corrections thereto to
 21 the northeast corner of township sixteen (16) north, range
 22 fourteen (14) west; thence running west along the fourth
 23 standard parallel north to an intersection with a line
 24 heretofore described as being projected due north from the
 25 top of Medicine Tree hill; thence running north along said

1 line to an intersection with the south line of the north
 2 tier of sections of township twenty-one (21) north, range
 3 fifteen (15) west; thence running west along the south line
 4 of the north tier of sections of township twenty-one (21)
 5 north to the place of beginning. The county seat is
 6 Missoula, Montana."

7 Section 2. Section 16-243, R.C.M. 1947, is amended to
 8 read:

9 "Ravalli County. Beginning at the intersection of the
 10 boundary line between Montana and Idaho with the line
 11 dividing townships ten (10) and eleven (11) north, range
 12 twenty-two (22) west, and running thence in a general
 13 southerly direction following said boundary line to an
 14 intersection of the summit of the Bitter Root mountains with
 15 the continental divide, said intersection being six (6)
 16 miles, more or less, northwest of the crossing of the
 17 Dehalonega pass; thence running in a general northeasterly
 18 direction along the top of the continental divide to an
 19 intersection with the summit of the divide between Bitter
 20 Root river and Rock creek; thence following the summit of
 21 said divide in a northerly direction to its intersection
 22 with the north line of township ten (10) north, range
 23 eighteen (18) west; thence following the line between
 24 township ten (10) north and eleven (11) north, west to the
 25 southeast corner of section thirty-one (31), township eleven

1 (11) north, range eighteen (18) west, Principal Meridian,
 2 Montana; thence north to the northeast corner of section
 3 thirty-one (31), township twelve (12) north, range eighteen
 4 (18) west; thence west to the southeast corner of section
 5 twenty-six (26), township twelve (12) north, range twenty
 6 (20) west; thence north to the northeast corner of section
 7 twenty-three (23), township twelve (12) north, range twenty
 8 (20) west; thence west to the southwest corner of section
 9 sixteen (16), township twelve (12) north, range twenty (20)
 10 west; thence north to the Third Standard Parallel North;
 11 thence running west to the northeast corner of section one
 12 (1), township twelve (12) north, range twenty-four (24)
 13 west; thence running south to the southeast corner of
 14 section thirty-six (36), township twelve (12) north, range
 15 twenty-four (24) west; thence running west to the northwest
 16 corner of section six (6), township eleven (11) north, range
 17 twenty-two (22) west; thence running south to the
 18 Montana-Idaho state line; thence running in a general
 19 southeasterly direction following said line to the point of
 20 beginning. The county seat is Hamilton, Montana."

21 NEW SECTION. Section 3. Procedure for change of
 22 boundary. (1) The question of whether the boundaries of
 23 Missoula and Ravalli Counties shall be changed as provided
 24 in sections 1 and 2 shall be placed on the ballots of each
 25 county at a date determined by a joint meeting of the boards

1 of county commissioners of Missoula and Ravalli Counties. If
 2 approved by a majority of those voting on the question in
 3 each of the counties, the boundaries as amended in sections
 4 1 and 2 are effective 120 days after the date of the
 5 election.

6 (2) If the change of boundaries is approved by the
 7 electorate, officials and employees of Missoula and Ravalli
 8 Counties shall cooperate to effect an orderly, expeditious,
 9 and fair transition for the boundary change. Provisions
 10 relating to county records, indebtedness, liabilities,
 11 assets, and taxation shall be as provided in Title 7,
 12 chapter 2, part 1, and 7-2-2102.

13 NEW SECTION. Section 4. Appropriation. There is
 14 appropriated to the Department of Administration \$1,000 from
 15 the general fund for distribution to the Counties of
 16 Missoula and Ravalli, based upon the number of persons in
 17 each county voting on the question presented in section 3,
 18 to be used for the costs of such election.

19 NEW SECTION. Section 5. Effective date. This act is
 20 effective on passage and approval.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN526-85

Form BD-15

In compliance with a written request received March 30, 19 85, there is hereby submitted a Fiscal Note for H.B. 954 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

An act changing the county boundary between Ravalli and Missoula counties in order to include the area known as the Lolo Area in Ravalli county; providing for the approval of the electors of both counties as required by the Montana Constitution; providing for county records, indebtedness, and taxation; providing an appropriation; and providing an immediate effective date.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES

The proposed legislation provides for the transfer of land known as "the Lolo area" from Missoula to Ravalli county upon approval of the voters in each county. The Missoula county assessor's office has indicated that this area is comprised of school districts #6 (Florence Carlton) and #7 (Lolo), which have current taxable values of \$854,500 and \$3,001,691 respectively. Final approval by the voters would result in the transfer of total taxable value of \$3,856,191 from Missoula to Ravalli county. (As a consequence of this action the limit on the bonded indebtedness of Missoula county would fall and that of Ravalli county would rise by a like amount.)

David L. Hunter
BUDGET DIRECTOR
Office of Budget and Program Planning

Date: April 3, 1985

HR 954

1 HOUSE BILL NO. 954

2 INTRODUCED BY THOMAS, SWIFT, FARRELL, SEVERSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE COUNTY
5 BOUNDARY BETWEEN RAVALLI AND MISSOULA COUNTIES IN ORDER TO
6 INCLUDE THE AREA KNOWN AS THE LOLO AREA IN RAVALLI COUNTY;
7 PROVIDING FOR THE APPROVAL OF THE ELECTORS OF BOTH COUNTIES
8 AS REQUIRED BY THE MONTANA CONSTITUTION; PROVIDING FOR
9 COUNTY RECORDS, INDEBTEDNESS, AND TAXATION; AMENDING
10 SECTIONS 16-232 AND 16-243, R.C.M. 1947; PROVIDING AN
11 APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12
13 WHEREAS, Article II, section 1, of the Montana
14 Constitution states, in part, "All political power is vested
15 in and derived from the people. All government of right
16 originates with the people, is founded on their will only
17 ..."; and

18 WHEREAS, Article II, section 2, of the Montana
19 Constitution states, in part, "The people have the exclusive
20 right of governing themselves as a free, sovereign, and
21 independent state."; and

22 WHEREAS, the community of Lolo and the surrounding
23 area, comprising some 351 sections, more or less, is herein
24 referred to as the "Lolo area"; and

25 WHEREAS, Missoula County and Ravalli County are both

1 political subdivisions of the State of Montana, are adjacent
2 to each other, and are both adjacent to the Lolo area; and

3 WHEREAS, MANY OF the people and landowners of the Lolo
4 area find that the philosophies, activities, and spirit of
5 the government of Missoula County are highly urban and
6 academic in nature and are highly incompatible with their
7 own essentially rural lifestyles and attitudes; and

8 WHEREAS, MANY OF the people and landowners of the Lolo
9 area find that the philosophies, activities, and spirit of
10 the government of Ravalli County are much more in harmony
11 with their own lifestyles and attitudes; and

12 WHEREAS, Article XI, sections 2 and 7(c), of the
13 Montana Constitution clearly contemplate the opportunity for
14 land transfers between counties; and

15 WHEREAS, Article XI, section 3(1), of the Montana
16 Constitution provides, in part, "The legislature shall
17 provide methods for governing local government units and
18 procedures for...altering their boundaries..."; and

19 WHEREAS, MANY OF the people of the Lolo area desire to
20 withdraw from Missoula County and join Ravalli County; and

21 WHEREAS, Title 7, chapter 2, parts 1 through 27, MCA,
22 fail to stipulate a specific process for this change.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 Section 1. Section 16-232, R.C.M. 1947, is amended to

1 read:

2 "Missoula County. Beginning at the intersection of the
3 center of the channel of the Flathead river with the south
4 line of the north tier of sections of township twenty-one
5 (21) north; running thence southerly along the center of the
6 main channel of the said Flathead or Pend d'Oreille river to
7 its intersection with the south boundary line of township
8 nineteen (19) north, range twenty-one (21) west, said point
9 being approximately two (2) miles east of the southwest
10 corner of said township; thence east on the line between
11 townships eighteen (18) and nineteen (19) north, to the
12 point where said line intersects the line between ranges
13 twenty (20) and twenty-one (21) west; thence south on said
14 line between ranges twenty (20) and twenty-one (21) west, to
15 the summit of the range of mountains commonly called the
16 Coeur d'Alene, said mountains dividing the waters of the
17 Missoula and Pend d'Oreille or Flathead rivers; thence
18 westerly along said summit of the Coeur d'Alene mountains,
19 to a point where said summit intersects the summit of the
20 watershed dividing the waters of the Missoula and Clarks
21 Fork rivers; thence westerly along said summit dividing the
22 waters of the Missoula and Clarks Fork rivers to the
23 northeast corner of section five (5), township seventeen
24 (17) north, range twenty-five (25) west; thence running
25 south to the southwest corner of section nine (9), township

1 seventeen (17) north, range twenty-five (25) west; thence
2 running east to the southeast corner of said section nine
3 (9); thence running south to the southwest corner of section
4 fifteen (15), township seventeen (17) north, range
5 twenty-five (25) west; thence running east to the northeast
6 corner of section twenty-four (24); township seventeen (17)
7 north, range twenty-five (25) west; thence running south to
8 the southeast corner of section thirty-six (36), township
9 seventeen (17) north, range twenty-five (25) west; thence
10 running east to the northeast corner of section one (1),
11 township sixteen (16) north, range twenty-five (25) west;
12 thence running south to the southeast corner of said section
13 one (1); thence running east to the northeast corner of
14 section eight (8), township sixteen (16) north, range
15 twenty-four (24) west; thence running south to the southeast
16 corner of section seventeen (17), township sixteen (16)
17 north, range twenty-four (24) west; thence running east to
18 the northeast corner of section twenty-one (21), township
19 sixteen (16) north, range twenty-four (24) west; thence
20 running south to the southeast corner of said section
21 twenty-one (21); thence running east to the northeast corner
22 of section twenty-six (26), township sixteen (16) north,
23 range twenty-four (24) west; thence running south to the
24 southwest corner of section thirty-six (36), township
25 sixteen (16) north, range twenty-four (24) west; thence

1 running east to the southeast corner of said section
 2 thirty-six (36); thence running south to the southwest
 3 corner of section seven (7), township fifteen (15) north,
 4 range twenty-three (23) west; thence running east to the
 5 northeast corner of section fifteen (15), township fifteen
 6 (15) north, range twenty-three (23) west; thence running
 7 south to the southwest corner of section twenty-six (26),
 8 township fifteen (15) north, range twenty-three (23) west;
 9 thence running east to the northeast corner of section
 10 thirty-one (31), township fifteen (15) north, range
 11 twenty-two (22) west; thence running south to the southeast
 12 corner of said section thirty-one (31); thence running west
 13 to the quarter corner on the north line of section one (1),
 14 township fourteen (14) north, range twenty-three (23) west;
 15 thence running south to an intersection with the center of
 16 the channel of the Missoula river; thence running in a
 17 northwesterly direction, following the center of the channel
 18 of the Missoula river to its intersection with the line
 19 dividing townships fourteen (14) and fifteen (15) north;
 20 thence running west to the northeast corner of section five
 21 (5), township fourteen (14) north, range twenty-three (23)
 22 west; thence running south to the southeast corner of said
 23 section five (5); thence running west to the southwest
 24 corner of said section five (5); thence running south to the
 25 southeast corner of section eighteen (18), township fourteen

1 (14) north, range twenty-three (23) west; thence running
 2 west to the southwest corner of said section eighteen (18);
 3 said point being on the Lo Lo guide meridian; thence running
 4 south on the Lo Lo guide meridian to the third standard
 5 parallel north; thence running east to the northeast corner
 6 of section one (1), township twelve (12) north, range
 7 twenty-four (24) west; thence running south to the southeast
 8 corner of section thirty-six (36), township twelve (12)
 9 north, range twenty-four (24) west; thence running west to
 10 the northwest corner of section six (6), township eleven
 11 (11) north, range twenty-four (24) west; thence running
 12 south to the Montana-Idaho state line; thence running in a
 13 general southeasterly direction following said line to the
 14 intersection with the south line of township eleven (11)
 15 north, range twenty-two (22) west; to the northeast corner
 16 of section 5, township twelve (12) north, range twenty (20)
 17 west, Principal Meridian, Montana; thence south to the
 18 southwest corner of section sixteen (16), township twelve
 19 (12) north, range twenty (20) west, thence east to the
 20 northeast corner of section twenty-three (23), township
 21 twelve (12) north, range twenty (20) west; thence south to
 22 the southeast corner of section twenty-six (26), township
 23 twelve (12) north, range twenty (20) west; thence east to
 24 the northeast corner of section thirty-one (31), township
 25 eleven (11) north, range eighteen (18) west; thence south to

1 the southeast corner of section thirty-one (31), township
 2 eleven (11) north, range eighteen (18) west; thence running
 3 east along the line between townships ten (10) and eleven
 4 (11) north, to an intersection with the center of the
 5 channel of Rock creek; thence running in a northerly
 6 direction following down the center of the channel of Rock
 7 creek to the center of the channel of the Hell Gate river;
 8 thence running in an easterly direction up the center of the
 9 old original channel of said river as the same existed at
 10 the time of the creation of Missoula county, to an
 11 intersection with a line projected due north from the top of
 12 Medicine Tree hill, said natural monument being located in
 13 township eleven (11) north, range fifteen (15) west; thence
 14 running north along said line to the top of the divide
 15 between the Hell Gate and Blackfoot rivers; thence running
 16 in an easterly direction following the summit of said divide
 17 to its intersection with the east line of township twelve
 18 (12) north, range fourteen (14) west; thence running north
 19 along the line between ranges thirteen (13) and fourteen
 20 (14) west, observing the offsets and corrections thereto to
 21 the northeast corner of township sixteen (16) north, range
 22 fourteen (14) west; thence running west along the fourth
 23 standard parallel north to an intersection with a line
 24 heretofore described as being projected due north from the
 25 top of Medicine Tree hill; thence running north along said

1 line to an intersection with the south line of the north
 2 tier of sections of township twenty-one (21) north, range
 3 fifteen (15) west; thence running west along the south line
 4 of the north tier of sections of township twenty-one (21)
 5 north to the place of beginning. The county seat is
 6 Missoula, Montana."

7 Section 2. Section 16-243, R.C.M. 1947, is amended to
 8 read:

9 "Ravalli County. Beginning at the intersection of the
 10 boundary line between Montana and Idaho with the line
 11 dividing townships ten (10) and eleven (11) north, range
 12 twenty-two (22) west, and running thence in a general
 13 southerly direction following said boundary line to an
 14 intersection of the summit of the Bitter Root mountains with
 15 the continental divide, said intersection being six (6)
 16 miles, more or less, northwest of the crossing of the
 17 Dehalonega pass; thence running in a general northeasterly
 18 direction along the top of the continental divide to an
 19 intersection with the summit of the divide between Bitter
 20 Root river and Rock creek; thence following the summit of
 21 said divide in a northerly direction to its intersection
 22 with the north line of township ten (10) north, range
 23 eighteen (18) west; thence following the line between
 24 township ten (10) north and eleven (11) north, west to the
 25 southeast corner of section thirty-one (31), township eleven

1 (11) north, range eighteen (18) west, Principal Meridian,
 2 Montana; thence north to the northeast corner of section
 3 thirty-one (31), township twelve (12) north, range eighteen
 4 (18) west; thence west to the southeast corner of section
 5 twenty-six (26), township twelve (12) north, range twenty
 6 (20) west; thence north to the northeast corner of section
 7 twenty-three (23), township twelve (12) north, range twenty
 8 (20) west; thence west to the southwest corner of section
 9 sixteen (16), township twelve (12) north, range twenty (20)
 10 west; thence north to the Third Standard Parallel North;
 11 thence running west to the northeast corner of section one
 12 (1), township twelve (12) north, range twenty-four (24)
 13 west; thence running south to the southeast corner of
 14 section thirty-six (36), township twelve (12) north, range
 15 twenty-four (24) west; thence running west to the northwest
 16 corner of section six (6), township eleven (11) north, range
 17 twenty-two (22) west; thence running south to the
 18 Montana-Idaho state line; thence running in a general
 19 southeasterly direction following said line to the point of
 20 beginning. The county seat is Hamilton, Montana."

21 NEW SECTION. Section 3. Procedure for change of
 22 boundary. (1) The question of whether the boundaries of
 23 Missoula and Ravalli Counties shall be changed as provided
 24 in sections 1 and 2 shall be placed on the ballots of each
 25 county at a date determined by a joint meeting of the boards

1 of county commissioners of Missoula and Ravalli Counties. If
 2 approved by a majority of those voting on the question in
 3 each of the counties, the boundaries as amended in sections
 4 1 and 2 are effective 120 days after the date of the
 5 election.

6 (2) If the change of boundaries is approved by the
 7 electorate, officials and employees of Missoula and Ravalli
 8 Counties shall cooperate to effect an orderly, expeditious,
 9 and fair transition for the boundary change. Provisions
 10 relating to county records, indebtedness, liabilities,
 11 assets, and taxation shall be as provided in Title 7,
 12 chapter 2, part 1, and 7-2-2102.

13 NEW SECTION. Section 4. Appropriation. There is
 14 appropriated to the Department of Administration ~~\$1,7000~~ \$1
 15 from the general fund for distribution to the Counties of
 16 Missoula and Ravalli, based upon the number of persons in
 17 each county voting on the question presented in section 3,
 18 to be used for the costs of such election.

19 NEW SECTION. Section 5. Effective date. This act is
 20 effective on passage and approval.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

APR 23, 85
DATE

APRIL 23, 1985

SENATE

3:30
TIME

C

SENATE LOCAL GOVERNMENT COMMITTEE
REPORT OF APRIL 23 ON HOUSE BILL No. 954
MR. CHAIRMAN: I MOVE TO AMEND

Page 2 of 2
HB 954

~~XXXXXXXX~~) as follows:
~~XXXXXXXX~~ **CRK**

1. Amendment No. 3.
Following: "Insert: "7-2-2201,"
Insert: "7-2-2202,"

2. Amendment No. 5.

a. Page 2.
Following: Section 1
Insert: "Section 2. Section 7-2-2202, MCA, is amended to read:
"7-2-2202. Limitations on creation of new counties.
(1) No new county shall be established which shall reduce any county to an assessed valuation of less than \$12 million, inclusive of all assessed valuation as shown by the last preceding assessment.
(2) No new county shall be formed which contains an assessed valuation of property less than \$10 million, inclusive of all assessed valuation, as shown by the last preceding assessment of the county or counties from which such new county is to be established.
(3) No new county shall be established which shall reduce the area of any existing county from which territory is taken to form such new county to less than ~~1,200~~ 500 square miles of surveyed land, exclusive of all forest reserve and Indian reservations within old counties.
(4) No territory shall be taken from one county and added to another county unless its surveyed area is greater than 49 square miles;

~~44~~ (5) No new county shall be formed which contains less than ~~1,000~~ 250 square miles of surveyed land, exclusive of all forest reserve land or Indian reservations not open for settlement."
Renumber: subsequent sections

b. Page 3, Section 3.
Following: subsection (1) (a)
Insert: "(b) a general map, on a separate page or pages, which with shaded areas or darkened boundary lines will display to prospective petition signers the general outlines of the territory described in subsection (a);"
Renumber: subsequent subsections

c. Page 3, Section 3.
Following: "formed" in line 4 of subsection (1) (c)
Strike: ", and"
Insert: ";"
Following: "formation;" in line 6 of subsection (1) (c)
Insert: "and a statement that the surveyed area of the territory proposed to be transferred is greater than 49 square miles;"

d. Page 4, Section 4.
Following: "part." in line 4 of subsection (2)
Insert: "The county attorney shall cooperate with and provide necessary services to the person who submitted the petition to ensure that an adequate and valid legal description is written for the proposed new county boundaries."

e. Page 9, Section 13.
Following: subsection (2) (c)
Insert: "(3) If the proposed new county is to be an existing county enlarged by territory taken from one or more other counties, the question of the election of the county seat may not be submitted to the electors at the election provided for in 7-2-2215."

C

KB

ADOPT
REJECT

Farrell
FARRELL

~~ADOPT~~
~~REJECT~~

(CONTINUED) *Farrell*

C

SENATE STANDING COMMITTEE REPORT

HOUSE BILL 954
PAGE 1 of 11 PAGES

APRIL 23 19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on

HOUSE BILL

954

having had under consideration

No.

THIRD

reading copy (BLUE)

(FULLER WILL CARRY) color

CHANGE BOUNDARY BETWEEN MISSOULA AND RAVALLI COUNTIES IN THE LOLO AREA

Respectfully report as follows: That

HOUSE BILL

No. 954

be amended as follows:

- 1. Title, lines 4 through 6. Following: "AN ACT" on line 4. Strike: remainder of line 4 through "COUNTY" on line 6. Insert: "PROVIDING FOR THE DETACHMENT OF TERRITORY FROM ONE COUNTY AND ITS ANNEXATION TO ANOTHER COUNTY"
2. Title, lines 8 and 9. Following: "CONSTITUTION;" on line 8. Strike: remainder of line 8 through "TAXATION;" on line 9
3. Title, lines 10 and 11. Following: "SECTIONS" on line 10. Strike: remainder of line 10 through "DATE" on line 11. Insert: "7-2-2201, 7-2-2205 through 7-2-2207, 7-2-2215 THROUGH 7-2-2207, 7-2-2215 THROUGH 7-2-2219, 7-2-2221 THROUGH 7-2-2224, AND 7-2-2243, MCA; AND REPEALING SECTIONS 7-2-2203 AND 7-2-2210, MCA"
4. Page 1, line 13 through line 22, page 2. Strike: preamble in its entirety
5. Strike everything after the enacting clause and insert:

(continued)

XXXXXX

XXXXXXXXXX

Handwritten signature/initials

CONTINUED

Chairman.

HOUSE BILL 954
PAGE 2 of 11 PAGES

XXXX APRIL 23 19 85

Section 1. Section 7-2-2201, MCA, is amended to read:

"7-2-2201. Authorization to create new counties. (1) New counties may, from time to time, be formed and created in this state from portions of one or more counties which shall have been created and in existence for a period of more than 2 years, in the manner set forth and provided in this part.

(2) A county enlarged by the addition of territory taken from one or more other counties is a new county under the provisions of this part."

Section 2. Section 7-2-2205, MCA, is amended to read:

"7-2-2205. Petition for creation of new county. (1) Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of the then-existing county or counties, a petition shall be presented to the board of county commissioners of the county from which the new county is to be formed, in case said proposed new county is to be formed from but one county, or to the board of county commissioners of the county from which the largest area of territory is proposed to be taken for the formation of such new county, in case said new county is to be formed from portions of two or more existing counties.

(2) (a) ~~The~~ If the proposed new county is to be formed from a portion of only one existing county, the petition shall must be signed by at least 50% of the registered electors of the proposed new county.

(b) ~~in-cases-where~~ If the proposed new county is to be formed from portions of two or more counties, separate petitions must be presented from the territory taken from each county, and each of the petitions must be signed by at least 50% of the registered electors of the proposed portions.

(c) If the proposed new county is to be an existing county enlarged by territory taken from one or more other counties, a separate petition must be presented from each such territory, and each petition must be signed by at least 50% of the registered electors of the territory.

(d) The signatures need not all be appended to one paper but may be signed to several petitions, which must be similar in form. When so signed, the several petitions may be fastened together and shall be treated and presented as one petition."

Handwritten signature/initials

CONTINUED

APRIL 23 19 85

Section 3. Section 7-2-2206, MCA, is amended to read:
"7-2-2206. Contents of petition. (1) Such petition or petitions shall must contain:

~~41) (a) a particular legal description of the boundaries of the proposed new county territory proposed to be taken from the county in which the petition is circulated;~~

~~42) a statement that no line thereof passes within 15 miles of the courthouse situated at the county seat of any county proposed to be divided, except as otherwise provided in this part;~~

~~43) (b) a statement of the assessed valuation of such proposed county as shown by the last preceding assessment, inclusive of all assessed valuation;~~

~~44) (c) a statement of the surveyed area, in square miles, which will remain in the county or counties from which territory is taken to form such new county after such county is formed, and a statement of the surveyed area in square miles, which will be in the new county after formation;~~

~~(d) a warning that a person is subject to a \$500 fine or 6 months in jail, or both, if he purposefully:~~

~~(i) signs a name other than his own to the petition;~~

~~(ii) signs more than once for the same issue; or~~

~~(iii) signs when not a legally registered voter residing in the territory to be added to the proposed new county.~~

~~45) (e) if the proposed new county is to be formed from one existing county, or from portions of two or more existing counties, the name of the proposed new county; and~~

~~46) a prayer that such proposed new county be organized into a new county under the provisions of this part; and~~

~~(f) If the proposed new county is to be an existing county enlarged by territory taken from one or more other counties, a prayer that this territory be added to the proposed new county under the provisions of this part.~~

(2) Each person must sign his name and address in substantially the same manner as on his voter registry card, or the signature will not be counted.

(3) Numbered lines must be provided for signatures. Each numbered line must contain spaces for the signature, the printed last name of the signer, and the signer's address."

APRIL 23 19 85

NEW SECTION. Section 4. Submission of petition for approval. (1) Before a petition may be circulated for signatures, a sample petition must be submitted to the county election administrator in the form in which it will be circulated for approval as to form.

(2) The county election administrator shall refer a copy of the sample petition to the county attorney, who shall review the sample petition to ensure compliance with the requirements of this part.

(3) If the petition is rejected as to form, the county election administrator shall within 10 days after submission of the sample send written notice to the person who submitted the petition.

(4) If the petition is approved as to form, the election administrator shall within 21 days after submission of the sample send written notice to the person who submitted the petition. Thereafter the petition may not be challenged except with regard to the number and validity of signatures appended to it.

NEW SECTION. Section 5. Number of signatures required -- time allowed for collecting them. (1) For the purpose of determining the number of signatures needed on a petition to meet the percentage requirements of this part, the number of registered electors in a territory proposed to be included in a new county is the number of people registered to vote in that territory in the most recent general election.

(2) All petition signatures must be collected and filed within 120 days of the date of the notice that the petition has been approved as to form.

Section 6. Section 7-2-2207, MCA, is amended to read:

"7-2-2207. Affidavits to be attached to petition. ~~41) There shall be attached and filed with said each sheet or section of the petition or petitions an affidavit of five qualified electors residing within each county sought to be divided, to the effect that: -----(a) they have read said petition and examined the signatures affixed thereto and they believe that the statements therein are true; the person who circulated the petition, stating that it is his belief that:~~

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(b) (1) it is signed by at least 50% of the qualified electors, as herein provided, of the proposed new county or of the proposed portion thereof taken from each existing county, where the proposed new county is to be formed from portions of two or more existing counties;

(c) (2) the signatures affixed thereto are genuine; and

(d) (3) each of such persons so signing was, at the date of signing, a qualified elector of such county therein sought to be divided; the proposed new county or of the portion thereof taken from an existing county.

~~(2) Such petition or petitions, so verified, and the verification thereof shall be accepted in all proceedings permitted or provided for in this part as prima facie evidence of the truth of the matters and facts therein set forth.~~

NEW SECTION. Section 7. Verification of signatures by county clerk. The clerk of the county receiving the petition shall check the names of all signers to verify that they are registered electors of the proposed territory to be taken from the county. In addition, the county clerk shall randomly select signatures on each sheet or section of the petition and compare them with the signatures of the electors as they appear on the registration records of the office. If all of the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the registration records of the office.

Section 8. Section 7-2-2215, MCA, is amended to read:

"7-2-2215. Election on question of creating new county -- proclamation and notice. (1) Within 2 weeks after its determination of the truth of the allegations of the petition, the board of county commissioners shall order and give proclamation and notice of an election to be held on a specified day, not less than 90 60 days or more than 120 days thereafter, in the territory which is proposed to be taken for the new county, for the purpose of determining whether such territory the territory proposed to be taken from the county shall be established and organized into a new or enlarged county and for the election of officers and location of a county seat therefor

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in case the vote at the election is in favor of the establishment and organization of the a new county formed from a portion of one existing county or from portions of two or more existing counties.

(2) The question of determining whether the proposed territory shall be taken from the county and added to the proposed new county must be included on the ballot for the next countywide primary, general, or school election scheduled not less than 60 days after the date of the proclamation and notice.

(3) All registered electors residing within the proposed new county who are registered electors of the county or counties from which territory is taken to form the proposed new county and who are to be registered under the provisions of the registration laws of the state shall be entitled to vote at the election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in Montana.

~~(3) The proclamation and notice of election shall be published as provided in 13-1-106, and a copy thereof shall be mailed immediately by the election administrator of the county in which the petition is filed to the election administrator of each county from which territory is to be taken for the proposed new county.~~

~~(4) The proclamation calling the election and the notice thereof provided for in this part shall be made and given exclusively by the board with which the petition for the formation and establishment of the new county is filed.~~

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

Section 9. Section 7-2-2216, MCA, is amended to read:

"7-2-2216. Establishment of election precincts. Said The board of county commissioners of the county in which the petition was filed shall also, if necessary for the purpose of the election provided for in 7-2-2215 7-2-2215(1), change the boundaries of the election precincts in said the old county or counties to make the same conform to the boundaries of the proposed new county,

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provided that the boundary lines of no such precinct shall extend beyond the boundary lines of the then-existing county in which it is located and from which the territory is proposed to be taken."

Section 10. Section 7-2-2217, MCA, is amended to read:

"7-2-2217. Appointment of election officials. The board of county commissioners of the county concerned shall appoint election judges to act at the election provided for in ~~7-2-2215~~ 7-2-2215(1) or 7-2-2215(4) and to be paid by the board."

Section 11. Section 7-2-2218, MCA, is amended to read:

"7-2-2218. Form of ballot. (1) ~~The~~ If the proposed new county is to be formed from one county, or from portions of two or more existing counties, the ballot shall be in the following form: (a) proclamation and notice required by 7-2-2215 shall require the electors to cast ballots which shall contain the words "For the new county of (giving the name of the proposed new county) -- Yes" and "For the new county of (giving the name of the proposed new county) -- No"; and each elector desiring to vote for the establishment and organization of the new county shall mark a cross (X) opposite the words "For the new county of ----- Yes" in the manner now required by law in other elections, and each elector desiring to vote against the establishment and organization of the new county shall mark a cross (X) opposite the words "For the new county of ----- No" in the manner now required by law in other elections.

~~(2)~~ (b) The ballots shall also contain the names of individuals to be voted for to fill the various elective offices designated in the proclamation for counties of the class to which the proposed county will belong, as determined by the board of county commissioners, as herein otherwise provided.

~~(3)~~ (c) There shall also be printed upon the ballot the words "For the county seat" and the names of all cities or towns which may have filed with the election administrator a petition, signed by at least 25 registered electors, nominating any city or town within the proposed new county for the county seat. The elector shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot.

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(2) If the proposed new county is to be an existing county enlarged by territory taken from one or more other counties, the proclamation and notice required by 7-2-2215 (1) shall require the electors to cast ballots which shall contain the legal description of the territory to be taken from the county in which the election is held, together with any name or names for the territory that may be in common use, and the words "For the territory described (or commonly known as) to be detached from County and added to County -- Yes" and "For the territory described (or commonly known as) to be detached from County and added to County -- No".

Section 12. Section 7-2-2219, MCA, is amended to read:

"7-2-2219. Conduct of election. (1) (a) The board issuing the proclamation and notice of election pursuant to 7-2-2215 shall cause the county election administrator to furnish to the election judges of each precinct in the proposed new county all election supplies and equipment necessary to conduct the election and which are not specifically directed to be furnished by the election administrator of another county or counties.

(b) The election administrator of each county from which territory is taken for the proposed new county shall, not less than 5 days before the date of the election, furnish for each precinct within the proposed new county a precinct register for the precincts of the proposed new county which are within their respective counties.

(2) The ~~election elections~~ provided for in 7-2-2215 shall be governed and controlled by the general election laws of the state, so far as the same are applicable and except as otherwise provided herein. The provisions of the election laws relating to preparation, printing, and distribution of sample ballots, except the provisions of these laws relating to primary elections in this state, apply to any election provided for in this part. All returns of an election shall be made to and canvassed by the board of county commissioners calling the election.

(3) All nominations of candidates for offices required to be filled at the election shall be made in the manner provided by law for the nomination of candidates by petition."

CONTINUED

Section 13. Section 7-2-2221, MCA, is amended to read:

"7-2-2221. Determination of county seat -- temporary county seat. (1) ~~At the special election to be held as provided in 7-2-2215~~ If the proposed new county is to be formed from one county or from portions of two or more existing counties, the question of the election of the county seat is hereby provided to be submitted to the qualified electors of the proposed new county at the election provided for in 7-2-2215(1), and the majority of all the votes cast therefor shall determine the election thereon.

(2) (a) In case any city or town fails to receive a majority of all the votes cast, then the city or town receiving the highest number of all votes cast shall be designated as the temporary county seat. The temporary county seat selected upon the organization of such county shall remain as such county seat until the permanent county seat shall be established as provided by law.

(b) In case any city or town is not the choice of the election for the county seat by a majority of all the votes cast, the question of choice between the two cities or towns for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors at the next general election thereafter.

(c) When the county seat shall have been selected as herein provided, it shall not thereafter be changed except in the manner provided by law."

Section 14. Section 7-2-2222, MCA, is amended to read:

"7-2-2222. Effect of election -- resolution by county commissioners. (1) If, upon the canvass of the votes cast at the election, it appears that more than 50% of the votes cast by those voting in an election under 7-2-2215(1) in the county, by those voting in the same election in the territory proposed to be taken from the county, and by those voting in an election held under 7-2-2215(4) are affirmative, on the issue are "For the new county" of "Yes", the board of county commissioners shall, by a resolution entered upon its minutes, declare the new or enlarged county such territory duly formed and created as a county of this state, of the class to which the same belongs and under the name of County, and, if appropriate, that the city or town receiving the highest number of votes cast at the election for county seat

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shall be the county seat of the county until removed in the manner provided by law and designate and declare the individuals receiving, respectively, the highest number of votes for the several offices to be filled at the election to be duly elected to the offices.

(2) However, if upon such canvass it appears that more than 50% of the votes cast on the issue by those voting in the county, or by those voting in the territory proposed to be taken from the county, or by those voting in an election held under 7-2-2215(4) are negative at the election are ~~"For the new county" of "Yes"~~ "No", the board canvassing the vote as provided herein shall pass a resolution in accordance therewith, and thereupon the proceedings relating to division of such county or counties shall cease. No other proceedings in relation to any other division of the old county or counties shall be instituted for at least 2 1/2 years after such determination."

Section 15. Section 7-2-2223, MCA, is amended to read:

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


(1) The board of county commissioners shall immediately file a copy of its resolution, authorized by 7-2-2222(1) and duly certified, together with a legal description of the new boundaries of each affected county, in the office of the secretary of state. Ninety days after the date of such filing:

- (a) the new county is considered to be fully created;
- (b) the organization thereof is considered completed;

and

(c) the any new county officers, other than the county commissioners and the county clerk, are entitled to enter upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties, as required by the laws of the state.

(2) The election administrator of the county with which the petition was filed must immediately make out and deliver to each of the individuals declared and designated to be elected a certificate of election authenticated by his signature and the seal of the county. The individuals elected members of the board and the county clerk shall, immediately upon receiving their certificates of election, assume the duties of their respective offices."

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APRIL 23 1985

Section 16. Section 7-2-2224, MCA, is amended to read:

"7-2-2224. Offices and supplies for new county. ~~The~~
If the new county has a new county seat under 7-2-2221, the
board of county commissioners of the new county may
provide a suitable place for the county officers and
purchase supplies necessary for the proper conduct of the
county government."

Section 17. Section 7-2-2243, MCA, is amended to read:

"7-2-2243. Compensation of commission members. Members
of the board of commissioners provided for under
7-2-2241 shall receive a compensation of not to exceed ~~60~~
\$25 per day for every day they are actually employed
under the provisions of this part. All of which
expenses, together with the reasonable expenses of
stationery, postage, and incidental expenses, shall be
borne in equal proportions by the counties affected by
such division, including said new county. The amounts
payable by each county shall be paid by the
treasurers of the respective counties after the same shall
have been presented to and allowed by the board of county
commissioners as is provided by law for claims against any
county."

NEW SECTION. Section 18. Repealer. Sections 7-2-2203 and
7-2-2210, MCA, are repealed.

NEW SECTION. Section 19. Codification instruction.
Sections 4, 5, and 7 are intended to be codified as an
integral part of Title 7, chapter 2, part 22, and the
provisions of Title 7, chapter 2, part 22 apply to section
4, 5, and 7.

Jo
AND AS AMENDED

BE CONCURRED IN


Senator Dave Fuller, Chairman *ml*

1 HOUSE BILL NO. 954

2 INTRODUCED BY THOMAS, SWIFT, FARRELL, SEVERSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING--THE--COUNTY
5 BOUNDARY--BETWEEN--RAVALLI-AND-MISSOULA-COUNTIES-IN-ORDER-TO
6 INCLUDE-THE-AREA-KNOWN-AS-THE-BOLO-AREA--IN--RAVALLI--COUNTY
7 PROVIDING FOR THE DETACHMENT OF TERRITORY FROM ONE COUNTY
8 AND ITS ANNEXATION TO ANOTHER COUNTY; PROVIDING FOR THE
9 APPROVAL OF THE ELECTORS OF BOTH COUNTIES AS REQUIRED BY THE
10 MONTANA CONSTITUTION; PROVIDING---FOR---COUNTY--RECORDS,
11 INDEBTEDNESS, AND TAXATION; AMENDING SECTIONS 16-232--AND
12 16-243,---R.C.M.---1947,--PROVIDING--AN--APPROPRIATION,--AND
13 PROVIDING AN IMMEDIATE EFFECTIVE--DATE 7-2-2201, 7-2-2202,
14 7-2-2205 THROUGH 7-2-2207, 7-2-2215 THROUGH 7-2-2219,
15 7-2-2221 THROUGH 7-2-2224, AND 7-2-2243, MCA; AND REPEALING
16 SECTIONS 7-2-2203 AND 7-2-2210, MCA."

17
18 WHEREAS,---Article---II,---section---1,---of---the---Montana
19 Constitution states, in part, "All political power is vested
20 in and derived from the people; All government of right
21 originates with the people, is founded on their will only
22 ---"; and

23 WHEREAS,---Article---II,---section---2,---of---the---Montana
24 Constitution states, in part, "The people have the exclusive
25 right of governing themselves as a free, sovereign, and

1 independent state"; and

2 WHEREAS, the community of Bolo and the surrounding
3 area, comprising some 351 sections, more or less, is herein
4 referred to as the "Bolo area"; and

5 WHEREAS, Missoula County and Ravalli County are both
6 political subdivisions of the State of Montana, are adjacent
7 to each other, and are both adjacent to the Bolo area; and

8 WHEREAS, MANY-OF the people and landowners of the Bolo
9 area find that the philosophies, activities, and spirit of
10 the government of Missoula County are highly urban and
11 academic in nature and are highly incompatible with their
12 own essentially rural lifestyles and attitudes; and

13 WHEREAS, MANY-OF the people and landowners of the Bolo
14 area find that the philosophies, activities, and spirit of
15 the government of Ravalli County are much more in harmony
16 with their own lifestyles and attitudes; and

17 WHEREAS, Article XI, sections 2 and 7(c), of the
18 Montana Constitution clearly contemplate the opportunity for
19 land transfers between counties; and

20 WHEREAS, Article XI, section 3(i), of the Montana
21 Constitution provides, in part, "The legislature shall
22 provide methods for governing local government units and
23 procedures for altering their boundaries"; and

24 WHEREAS, MANY-OF the people of the Bolo area desire to
25 withdraw from Missoula County and join Ravalli County; and

1 WHEREAS, ~~Title 7, chapter 2, parts 1 through 27, MCA,~~
2 ~~fail to stipulate a specific process for this change.~~

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 (Refer to Third Reading Bill)

6 Strike everything after the enacting clause and insert:

7 Section 1. Section 7-2-2201, MCA, is amended to read:

8 "7-2-2201. Authorization to create new counties. (1)

9 New counties may, from time to time, be formed and created
10 in this state from portions of one or more counties which
11 shall have been created and in existence for a period of
12 more than 2 years, in the manner set forth and provided in
13 this part.

14 (2) A county enlarged by the addition of territory
15 taken from one or more other counties is a new county under
16 the provisions of this part."

17 SECTION 2. SECTION 7-2-2202, MCA, IS AMENDED TO READ:

18 "7-2-2202. Limitations on creation of new counties.

19 (1) No new county shall be established which shall reduce
20 any county to an assessed valuation of less than \$12
21 million, inclusive of all assessed valuation as shown by the
22 last preceding assessment.

23 (2) No new county shall be formed which contains an
24 assessed valuation of property less than \$10 million,
25 inclusive of all assessed valuation, as shown by the last

1 preceding assessment of the county or counties from which
2 such new county is to be established.

3 (3) No new county shall be established which shall
4 reduce the area of any existing county from which territory
5 is taken to form such new county to less than ~~1,200~~ 500
6 square miles of surveyed land, exclusive of all forest
7 reserve and Indian reservations within old counties.

8 (4) No territory shall be taken from one county and
9 added to another county unless its surveyed area is greater
10 than 49 square miles;

11 ~~(4)~~ (5) No new county shall be formed which contains
12 less than ~~1,000~~ 250 square miles of surveyed land, exclusive
13 of all forest reserve land or Indian reservations not open
14 for settlement."

15 Section 3. Section 7-2-2205, MCA, is amended to read:

16 "7-2-2205. Petition for creation of new county. (1)

17 Whenever it is desired to divide any county or counties and
18 form a new county out of a portion of the territory of the
19 then-existing county or counties, a petition shall be
20 presented to the board of county commissioners of the county
21 from which the new county is to be formed, in case said
22 proposed new county is to be formed from but one county, or
23 to the board of county commissioners of the county from
24 which the largest area of territory is proposed to be taken
25 for the formation of such new county, in case said new

1 county is to be formed from portions of two or more existing
2 counties.

3 (2) (a) ~~The~~ If the proposed new county is to be formed
4 from a portion of only one existing county, the petition
5 shall must be signed by at least 50% of the registered
6 electors of the proposed new county.

7 (b) ~~In-cases-where~~ If the proposed new county is to be
8 formed from portions of two or more counties, separate
9 petitions shall be presented from the territory taken from
10 each county, and each of the petitions shall be signed by at
11 least 50% of the registered electors of the proposed
12 portions.

13 (c) If the proposed new county is to be an existing
14 county enlarged by territory taken from one or more other
15 counties, a separate petition must be presented from each
16 such territory, and each petition must be signed by at least
17 50% of the registered electors of the territory.

18 (d) The signatures need not all be appended to one
19 paper but may be signed to several petitions, which must be
20 similar in form. When so signed, the several petitions may
21 be fastened together and shall be treated and presented as
22 one petition."

23 Section 4. Section 7-2-2206, MCA, is amended to read:
24 "7-2-2206. Contents of petition. (1) Such petition or
25 petitions ~~shall~~ must contain:

1 (1)(a) a particular legal description of the
2 boundaries--of-the-proposed-new-county territory proposed to
3 be taken from the county in which the petition is
4 circulated;

5 (B) A GENERAL MAP, ON A SEPARATE PAGE OR PAGES, WHICH
6 WITH SHADED AREAS OR DARKENED BOUNDARY LINES WILL DISPLAY TO
7 PROSPECTIVE PETITION SIGNERS THE GENERAL OUTLINES OF THE
8 TERRITORY DESCRIBED IN SUBSECTION (A);

9 (2)--a--statement--that--no--line--thereof--passes--within--15
10 miles--of--the--courthouse--situated--at--the--county--seat--of--any
11 county--proposed--to--be--divided--except--as--otherwise--provided
12 in--this--part;

13 (3)(b)(C) a statement of the assessed valuation of
14 such proposed county as shown by the last preceding
15 assessment, inclusive of all assessed valuation;

16 (4)(c)(D) a statement of the surveyed area, in square
17 miles, which will remain in the county or counties from
18 which territory is taken to form such new county after such
19 county is formed; and a statement of the surveyed area in
20 square miles, which will be in the new county after
21 formation; AND A STATEMENT THAT THE SURVEYED AREA OF THE
22 TERRITORY PROPOSED TO BE TRANSFERRED IS GREATER THAN 49
23 SQUARE MILES;

24 (e)(E) a warning that a person is subject to a \$500
25 fine or 6 months in jail, or both, if he purposefully;

1 (i) signs a name other than his own to the petition;
 2 (ii) signs more than once for the same issue; or
 3 (iii) signs when not a legally registered voter
 4 residing in the territory to be added to the proposed new
 5 county;

6 (5)(f)(F) if the proposed new county is to be formed
 7 from one existing county, or from portions of two or more
 8 existing counties, the name of the proposed new county; and

9 (6) a prayer that such proposed new county be organized
 10 into a new county under the provisions of this part; and

11 (f)(G) if the proposed new county is to be an existing
 12 county enlarged by territory taken from one or more other
 13 counties, a prayer that this territory be added to the
 14 proposed new county under the provisions of this part.

15 (2) Each person must sign his name and address in
 16 substantially the same manner as on his voter registry card,
 17 or the signature will not be counted.

18 (3) Numbered lines must be provided for signatures.
 19 Each numbered line must contain spaces for the signature,
 20 the printed last name of the signer, and the signer's
 21 address."

22 NEW SECTION. Section 5. Submission of petition for
 23 approval. (1) Before a petition may be circulated for
 24 signatures, a sample petition must be submitted to the
 25 county election administrator in the form in which it will

1 be circulated for approval as to form.

2 (2) The county election administrator shall refer a
 3 copy of the sample petition to the county attorney, who
 4 shall review the sample petition to ensure compliance with
 5 the requirements of this part. THE COUNTY ATTORNEY SHALL
 6 COOPERATE WITH AND PROVIDE NECESSARY SERVICES TO THE PERSON
 7 WHO SUBMITTED THE PETITION TO ENSURE THAT AN ADEQUATE AND
 8 VALID LEGAL DESCRIPTION IS WRITTEN FOR THE PROPOSED NEW
 9 COUNTY BOUNDARIES.

10 (3) If the petition is rejected as to form, the county
 11 election administrator shall within 10 days after submission
 12 of the sample send written notice to the person who
 13 submitted the petition.

14 (4) If the petition is approved as to form, the
 15 election administrator shall within 21 days after submission
 16 of the sample send written notice to the person who
 17 submitted the petition. Thereafter the petition may not be
 18 challenged except with regard to the number and validity of
 19 signatures appended to it.

20 NEW SECTION. Section 6. Number of signatures required
 21 -- time allowed for collecting them. (1) For the purpose of
 22 determining the number of signatures needed on a petition to
 23 meet the percentage requirements of this part, the number of
 24 registered electors in a territory proposed to be included
 25 in a new county is the number of people registered to vote

1 in that territory in the most recent general election.

2 (2) All petition signatures must be collected and
3 filed within 120 days of the date of the notice that the
4 petition has been approved as to form.

5 Section 7. Section 7-2-2207, MCA, is amended to read:

6 "7-2-2207. Affidavits to be attached to petition. ~~{†}~~
7 There shall be attached and filed with said each sheet or
8 section of the petition or petitions an affidavit of five
9 ~~qualified electors residing within each county sought to be~~
10 ~~divided, to the effect that:~~

11 ~~{a}--they have read said petition and examined the~~
12 ~~signatures affixed thereto and they believe that the~~
13 ~~statements therein are true; the person who circulated the~~
14 ~~petition, stating that it is his belief that:~~

15 ~~{b}(1) it is signed by at least 50% of the qualified~~
16 ~~electors, as herein provided, of the proposed new county or~~
17 ~~of the proposed portion thereof taken from each existing~~
18 ~~county, where the proposed new county is to be formed from~~
19 ~~portions of two or more existing counties;~~

20 ~~{c}(2) the signatures affixed thereto are genuine; and~~

21 ~~{d}(3) each of such persons so signing was, at the~~
22 ~~date of such signing, a qualified elector of such county~~
23 ~~therein sought to be divided; the proposed new county or of~~
24 ~~the portion thereof taken from an existing county.~~

25 ~~{†}--Such petition or petitions, so verified, and the~~

1 ~~verification thereof shall be accepted in all proceedings~~
2 ~~permitted or provided for in this part as prima facie~~
3 ~~evidence of the truth of the matters and facts therein set~~
4 ~~forth."~~

5 NEW SECTION. Section 8. Verification of signatures by
6 county clerk. The clerk of the county receiving the petition
7 shall check the names of all signers to verify that they are
8 registered electors of the proposed territory to be taken
9 from the county. In addition, the county clerk shall
10 randomly select signatures on each sheet or section of the
11 petition and compare them with the signatures of the
12 electors as they appear on the registration records of the
13 office. If all of the randomly selected signatures appear to
14 be genuine, the number of signatures of registered electors
15 on the sheet or section may be certified without further
16 comparison of signatures. If any of the randomly selected
17 signatures do not appear to be genuine, all signatures on
18 that sheet or section must be compared with the registration
19 records of the office.

20 Section 9. Section 7-2-2215, MCA, is amended to read:

21 "7-2-2215. Election on question of creating new county
22 -- proclamation and notice. (1) Within 2 weeks after its
23 determination of the truth of the allegations of the
24 petition, the board of county commissioners shall order and
25 give proclamation and notice of an election to be held on a

1 specified day, not less than ~~90~~ 60 days ~~or more than 120~~
 2 days thereafter, ~~in the territory which is proposed to be~~
 3 ~~taken for the new county,~~ for the purpose of determining
 4 whether ~~such territory~~ the territory proposed to be taken
 5 from the county shall be established and organized into a
 6 new or enlarged county and for the election of officers and
 7 location of a county seat therefor in case the vote at the
 8 election is in favor of the establishment and organization
 9 of the a new county; formed from a portion of one existing
 10 county or from portions of two or more existing counties.

11 (2) The question of determining whether the proposed
 12 territory shall be taken from the county and added to the
 13 proposed new county must be included on the ballot for the
 14 next countywide primary, general, or school election
 15 scheduled not less than 60 days after the date of the
 16 proclamation and notice.

17 ~~(2)(3) All registered electors residing within the~~
 18 ~~proposed new county who are registered electors of the~~
 19 ~~county or counties from which territory is taken to form the~~
 20 ~~proposed new county and who are to be registered under the~~
 21 ~~provisions of the registration laws of the state shall be~~
 22 entitled to vote at the election. Registration and transfers
 23 of registration shall be made and shall close in the manner
 24 and at a time provided by law for registration and transfers
 25 of registration for a general election in Montana.

1 ~~(3) The proclamation and notice of election shall be~~
 2 ~~published as provided in 13-1-108, and a copy thereof shall~~
 3 ~~be mailed immediately by the election administrator of the~~
 4 ~~county in which the petition is filed to the election~~
 5 ~~administrator of each county from which territory is to be~~
 6 ~~taken for the proposed new county.~~

7 ~~(4) The proclamation calling the election and the~~
 8 ~~notice thereof provided for in this part shall be made and~~
 9 ~~given exclusively by the board with which the petition for~~
 10 ~~the formation and establishment of the new county is filed.~~

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

16 Section 10. Section 7-2-2216, MCA, is amended to read:
 17 "7-2-2216. Establishment of election precincts. Said
 18 The board of county commissioners of the county in which the
 19 petition was filed shall also, if necessary for the purpose
 20 of the election provided for in 7-2-2215 7-2-2215(1), change
 21 the boundaries of the election precincts in said the old
 22 county ~~or counties~~ to make the same conform to the
 23 boundaries of the proposed new county, provided that the
 24 boundary lines of no such precinct shall extend beyond the
 25 boundary lines of the then-existing county in which it is

1 located and from which the territory is proposed to be
2 taken."

3 Section 11. Section 7-2-2217, MCA, is amended to read:

4 "7-2-2217. Appointment of election officials. The
5 board of county commissioners of the county concerned shall
6 appoint election judges to act at the election provided for
7 in ~~7-2-2215~~ 7-2-2215(1) or 7-2-2215(4) and to be paid by the
8 board."

9 Section 12. Section 7-2-2218, MCA, is amended to read:

10 "7-2-2218. Form of ballot. (1) The If the proposed new
11 county is to be formed from one county, or from portions of
12 two or more existing counties, the ballot shall be in the
13 following form:

14 (a) proclamation and notice required by 7-2-2215 shall
15 require the electors to cast ballots which shall contain the
16 words "For the new county of (giving the name of the
17 proposed new county) -- Yes" and "For the new county of
18 (giving the name of the proposed new county) -- No"7. and
19 ~~each elector desiring to vote for the establishment and~~
20 ~~organization of the new county shall mark a cross (X)~~
21 ~~opposite the words "For the new county of ----- Yes" in~~
22 ~~the manner now required by law in other elections, and each~~
23 ~~elector desiring to vote against the establishment and~~
24 ~~organization of the new county shall mark a cross (X)~~
25 ~~opposite the words "For the new county of ----- No" in~~

1 ~~the manner now required by law in other elections.~~

2 (2)(b) The ballots shall also contain the names of
3 individuals to be voted for to fill the various elective
4 offices designated in the proclamation for counties of the
5 class to which the proposed county will belong, as
6 determined by the board of county commissioners, as herein
7 otherwise provided.

8 (3)(c) There shall also be printed upon the ballot the
9 words "For the county seat" and the names of all cities or
10 towns which may have filed with the election administrator a
11 petition, signed by at least 25 registered electors,
12 nominating any city or town within the proposed new county
13 for the county seat. The elector shall designate his choice
14 for county seat by marking a cross (X) opposite the name of
15 the city or town for which he desires to cast his ballot.

16 (2) If the proposed new county is to be an existing
17 county enlarged by territory taken from one or more other
18 counties, the proclamation and notice required by
19 7-2-2215(1) shall require the electors to cast ballots which
20 shall contain the legal description of the territory to be
21 taken from the county in which the election is held,
22 together with any name or names for the territory that may
23 be in common use, and the words "For the territory described
24 (or commonly known as) to be detached from County
25 and added to County -- Yes" and "For the territory

1 described (or commonly known as) to be detached from
 2 County and added to County -- No"."

3 Section 13. Section 7-2-2219, MCA, is amended to read:

4 "7-2-2219. Conduct of election. (1) (a) The board
 5 issuing the proclamation and notice of election pursuant to
 6 7-2-2215 shall cause the county election administrator to
 7 furnish to the election judges of each precinct in the
 8 proposed new county all election supplies and equipment
 9 necessary to conduct the election and which are not
 10 specifically directed to be furnished by the election
 11 administrator of another county or counties.

12 (b) The election administrator of each county from
 13 which territory is taken for the proposed new county shall,
 14 not less than 5 days before the date of the election,
 15 furnish for each precinct within the proposed new county a
 16 precinct register for the precincts of the proposed new
 17 county which are within their respective counties.

18 (2) The election elections provided for in 7-2-2215
 19 shall be governed and controlled by the general election
 20 laws of the state, so far as the same are applicable and
 21 except as otherwise provided herein. The provisions of the
 22 election laws relating to preparation, printing, and
 23 distribution of sample ballots, except the provisions of
 24 these laws relating to primary elections in this state,
 25 apply to any election provided for in this part. All

1 returns of an election shall be made to and canvassed by the
 2 board of county commissioners calling the election.

3 (3) All nominations of candidates for offices required
 4 to be filled at the election shall be made in the manner
 5 provided by law for the nomination of candidates by
 6 petition."

7 Section 14. Section 7-2-2221, MCA, is amended to read:

8 "7-2-2221. Determination of county seat -- temporary
 9 county seat. (1) ~~At the special election to be held as~~
 10 provided in 7-2-2215 if the proposed new county is to be
 11 formed from one county or from portions of two or more
 12 existing counties, the question of the election of the
 13 county seat is hereby provided to be submitted to the
 14 qualified electors of the proposed new county at the
 15 election provided for in 7-2-2215(1), and the majority of
 16 all the votes cast therefor shall determine the election
 17 thereon.

18 (2) (a) In case any city or town fails to receive a
 19 majority of all the votes cast, then the city or town
 20 receiving the highest number of all votes cast shall be
 21 designated as the temporary county seat. The temporary
 22 county seat selected upon the organization of such county
 23 shall remain as such county seat until the permanent county
 24 seat shall be established as provided by law.

25 (b) In case any city or town is not the choice of the

1 election for the county seat by a majority of all the votes
 2 cast, the question of choice between the two cities or towns
 3 for which the highest number of votes shall have been cast
 4 shall be submitted in like manner to the qualified electors
 5 at the next general election thereafter.

6 (c) When the county seat shall have been selected as
 7 herein provided, it shall not thereafter be changed except
 8 in the manner provided by law.

9 (3) IF THE PROPOSED NEW COUNTY IS TO BE AN EXISTING
 10 COUNTY ENLARGED BY TERRITORY TAKEN FROM ONE OR MORE OTHER
 11 COUNTIES, THE QUESTION OF THE ELECTION OF THE COUNTY SEAT
 12 MAY NOT BE SUBMITTED TO THE ELECTORS AT THE ELECTION
 13 PROVIDED FOR IN 7-2-2215."

14 Section 15. Section 7-2-2222, MCA, is amended to read:

15 "7-2-2222. Effect of election -- resolution by county
 16 commissioners. (1) If, upon the canvass of the votes cast at
 17 the election, it appears that more than 50% of the votes
 18 cast on-the-issue-are-"For-the-new-county-of------Yes",
 19 by those voting in an election under 7-2-2215(1) in the
 20 county, by those voting in the same election in the
 21 territory proposed to be taken from the county, and by those
 22 voting in an election held under 7-2-2215(4) are
 23 affirmative, the board of county commissioners shall, by a
 24 resolution entered upon its minutes, declare ~~such territory~~
 25 the new or enlarged county duly formed and created as a

1 county of this state, of the class to which the same belongs
 2 and under the name of County, and, if appropriate, that
 3 the city or town receiving the highest number of votes cast
 4 at the election for county seat shall be the county seat of
 5 the county until removed in the manner provided by law and
 6 designate and declare the individuals receiving,
 7 respectively, the highest number of votes for the several
 8 offices to be filled at the election to be duly elected to
 9 the offices.

10 (2) However, if upon such canvass it appears that more
 11 than 50% of the votes cast on the issue ~~at-the-election-are~~
 12 "For-the-new-county-of------No" by those voting in the
 13 county, or by those voting in the territory proposed to be
 14 taken from the county, or by those voting in an election
 15 held under 7-2-2215(4) are negative, the board canvassing
 16 the vote as provided herein shall pass a resolution in
 17 accordance therewith, and thereupon the proceedings relating
 18 to division of such county or counties shall cease. No other
 19 proceedings in relation to any other division of the old
 20 county or counties shall be instituted for at least 2 4
 21 years after such determination."

22 Section 16. Section 7-2-2223, MCA, is amended to read:

23 "7-2-2223. Procedure to complete creation of county.
 24 (1) The board of county commissioners shall immediately file
 25 a copy of its resolution, authorized by 7-2-2222(1) and duly

1 certified, together with a legal description of the new
 2 boundaries of each affected county, in the office of the
 3 secretary of state. Ninety days after the date of such
 4 filing:

5 (a) the new county is considered to be fully created;
 6 (b) the organization thereof is considered completed;
 7 and

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

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

22 Section 17. Section 7-2-2224, MCA, is amended to read:
 23 "7-2-2224. Offices and supplies for new county. The If
 24 the new county has a new county seat under 7-2-2221, the
 25 board of county commissioners of the new county may provide

1 a suitable place for the county officers and purchase
 2 supplies necessary for the proper conduct of the county
 3 government."

4 Section 18. Section 7-2-2243, MCA, is amended to read:
 5 "7-2-2243. Compensation of commission members. Members
 6 of the board of commissioners provided for under 7-2-2241
 7 shall receive a compensation of not to exceed ~~90~~ \$25 per day
 8 for every day they are actually employed under the
 9 provisions of this part. All of which expenses, together
 10 with the reasonable expenses of stationery, postage, and
 11 incidental expenses, shall be borne in equal proportions by
 12 the counties affected by such division, including said new
 13 county. The amounts payable by each county shall be paid by
 14 the treasurers of the respective counties after the same
 15 shall have been presented to and allowed by the board of
 16 county commissioners as is provided by law for claims
 17 against any county."

18 NEW SECTION. Section 19. Repealer. Sections 7-2-2203
 19 and 7-2-2210, MCA, are repealed.

20 NEW SECTION. Section 20. Codification instruction.
 21 Sections 4, 5, and 7 are intended to be codified as an
 22 integral part of Title 7, chapter 2, part 22, and the
 23 provisions of Title 7, chapter 2, part 22, apply to sections
 24 4, 5, and 7.

-End-