

SB 148 INTRODUCED BY BISHOP
REDUCE PERCENTAGE OF SIGNERS NEEDED TO PETITION TO
CREATE NEW COUNTIES

1/20 INTRODUCED
1/20 REFERRED TO LOCAL GOVERNMENT
1/27 HEARING
1/27 TABLED IN COMMITTEE

1 Senate BILL NO. 148
2 INTRODUCED BY Cl Bishop
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE NUMBER OF
5 SIGNATURES NEEDED TO PETITION FOR AN ELECTION ON THE
6 CREATION OF A NEW COUNTY FROM 50 PERCENT TO 10 PERCENT OF
7 THE REGISTERED ELECTORS OF THE PROPOSED NEW COUNTY; AND
8 AMENDING SECTIONS 7-2-2205, 7-2-2207, AND 7-2-2211 THROUGH
9 7-2-2214, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 7-2-2205, MCA, is amended to read:
13 "7-2-2205. Petition for creation of new county --
14 number of signatures required. (1) Whenever it is desired to
15 divide any county or counties and form a new county out of a
16 portion of the territory of the then-existing county or
17 counties, a petition shall be presented to the board of
18 county commissioners of the county from which the new county
19 is to be formed, in case said proposed new county is to be
20 formed from but one county, or to the board of county
21 commissioners of the county from which the largest area of
22 territory is proposed to be taken for the formation of such
23 new county, in case said new county is to be formed from
24 portions of two or more existing counties.

25 (2) (a) If the proposed new county is to be formed

1 from a portion of only one existing county, the petition
2 must be signed by at least 50% 10% of the registered
3 electors of the proposed new county.

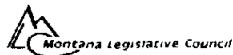
4 (b) If the proposed new county is to be formed from
5 portions of two or more counties, separate petitions shall
6 be presented from the territory taken from each county, and
7 each of the petitions shall be signed by at least 50% 10% of
8 the registered electors of the proposed portions.

9 (c) If the proposed new county is to be an existing
10 county enlarged by territory taken from one or more other
11 counties, a separate petition must be presented from each
12 such territory, and each petition must be signed by at least
13 50% 10% of the registered electors of the territory.

14 (3) For the purpose of determining the number of
15 signatures needed on a petition to meet the percentage
16 requirements of this section, the number of registered
17 electors in a territory proposed to be included in a new
18 county is the number of people registered to vote in that
19 territory in the most recent general election."

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

21 "7-2-2207. Affidavits to be attached to petition --
22 verification of signatures. (1) There shall be attached and
23 filed with each sheet or section of the petition or
24 petitions an affidavit of the person who circulated the
25 petition, stating that it is his belief that:



1 (a) it is signed by at least 50% 10% of the qualified
2 electors, as herein provided, of the proposed new county or
3 of the proposed portion thereof taken from each existing
4 county, where the proposed new county is to be formed from
5 portions of two or more existing counties;

6 (b) the signatures affixed thereto are genuine; and

7 (c) each of such persons so signing was, at the date
8 of such signing, a qualified elector of the proposed new
9 county or of the portion thereof taken from an existing
10 county.

11 (2) The clerk of the county receiving the petition
12 shall check the names of all signers to verify that they are
13 registered electors of the proposed territory to be taken
14 from the county. In addition, the county clerk shall
15 randomly select signatures on each sheet or section of the
16 petition and compare them with the signatures of the
17 electors as they appear on the registration records of the
18 office. If all of the randomly selected signatures appear to
19 be genuine, the number of signatures of registered electors
20 on the sheet or section may be certified without further
21 comparison of signatures. If any of the randomly selected
22 signatures do not appear to be genuine, all signatures on
23 that sheet or section must be compared with the registration
24 records of the office."

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

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

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

13 (b) A petition for the exclusion of territory shall
14 contain the names of not less than 50% 10% of the registered
15 electors of any territory to be excluded.

16 (c) All such territory being excluded must be in one
17 block containing an area of not less than 36 square miles
18 and be totally within one county and contiguous thereto.

19 (3) No withdrawals of signatures to the original
20 petition for the creation of a proposed county shall be
21 filed or considered which have not been filed with the
22 county clerk on or before the date fixed for the hearing. No
23 withdrawals of any signatures from the petition for the
24 exclusion of territory may be received or considered which
25 are not filed within 5 days after the filing of the petition

1 for such exclusion of territory."

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

3 "7-2-2212. Exclusions and additions of territory upon
4 petition. (1) Except as provided in subsection (3), on final
5 hearing, the board of commissioners, upon petition of not
6 less than ~~50%~~ 10% of the registered electors (as shown by
7 the official registration records on the day of the filing
8 of the petition) of any territory lying within the proposed
9 new county and contiguous to the boundary line of the
10 proposed new county and of the old county from which such
11 territory is proposed to be taken and lying entirely within
12 the single old county and described in the petition, asking
13 that this territory not be included within the proposed new
14 county, must make such changes in the proposed boundaries as
15 will exclude the territory from the new county and shall
16 establish and define the boundaries. Petitions for exclusion
17 shall be disposed of in the order in which they are filed
18 with the clerk of the board.

19 (2) Except as provided in subsection (3), on final
20 hearing, the board, upon petition of not less than ~~50%~~ 10%
21 of the registered electors of any territory lying outside
22 the proposed new county and contiguous to the boundary line
23 of the proposed new county and of the old county or counties
24 from which such territory is proposed to be taken, asking
25 that this territory be included within the proposed new

1 county, must make such changes in the proposed boundaries as
2 will include such territory in the new county and shall
3 establish and define the boundaries.

4 (3) (a) The segregation of the territory from any old
5 county or counties may not leave the county or counties with
6 less than \$12 million of assessed valuation, based upon the
7 last assessment roll.

8 (b) No change or changes so made may result in
9 reducing the valuation of the proposed new county to less
10 than an assessed valuation of \$10 million, inclusive of all
11 assessed valuation.

12 (c) No change may be made which leaves the territory
13 so excluded separate and apart from and without the county
14 of which it was formerly a part.

15 (4) On final determination of boundaries, no changes
16 in the boundaries originally proposed may be made except as
17 prayed for in the petition or petitions or to correct
18 clerical errors or uncertainties."

19 Section 5. Section 7-2-2213, MCA, is amended to read:

20 "7-2-2213. Resolution of board of county
21 commissioners. The board of county commissioners, on the
22 final hearing of such petition or petitions, shall, by a
23 resolution entered on its minutes, determine:

24 (1) the boundaries of the proposed new county, and the
25 boundaries so determined by the board shall be the

1 boundaries of the proposed new county if it is created as
2 herein provided;

3 (2) whether the petition contains the genuine
4 signatures of at least 50% 10% of the registered electors of
5 the proposed new county as herein required or, in cases
6 where separate petitions are presented from portions of two
7 or more existing counties as herein required, whether each
8 petition is signed by at least 50% 10% of the registered
9 electors of that portion of each of the existing counties
10 which is proposed to be taken into the proposed new county;

11 (3) whether any line of the proposed new county passes
12 within 15 miles of the courthouse situated at the county
13 seat of any county proposed to be divided, except as
14 otherwise provided;

15 (4) whether the proposed new county will contain
16 property, according to the last preceding assessment, which
17 will equal in amount at least \$4 million, inclusive of all
18 assessed valuation;

19 (5) whether the area of any existing county from which
20 territory is taken to form the new county will be reduced to
21 less than 1,200 square miles of surveyed land by taking the
22 territory proposed to be taken therefrom to form the new
23 county;

24 (6) whether the area of the proposed new county will
25 contain at least 1,000 square miles of surveyed land to form

1 the new county;

2 (7) the class to which the proposed new county will
3 belong after its creation and the name of the proposed new
4 county as stated in the petition;

5 (8) whether the area embraced within the proposed new
6 county will be reasonably compact."

7 Section 6. Section 7-2-2214, MCA, is amended to read:

8 "7-2-2214. Division of territory of proposed county
9 into various districts. The board of county commissioners
10 shall divide the proposed new county into a convenient
11 number of township, road, and school districts; define their
12 boundaries; and designate the names of such districts if the
13 board determines that:

14 (1) the formation of the proposed new county will not
15 reduce any county from which any territory is taken to an
16 assessed valuation of less than \$12 million, inclusive of
17 the assessed valuation, or the area thereof to less than
18 1,200 square miles of surveyed land;

19 (2) the proposed new county contains property of an
20 assessed valuation of at least \$10 million, inclusive of all
21 assessed valuation, and the proposed new county has an area
22 of at least 1,000 square miles of land;

23 (3) no line of the proposed new county passes within
24 15 miles of the courthouse situated at the county seat of
25 any county proposed to be divided, except as otherwise

1 provided; and

2 (4) the petition contains the genuine signatures of at
3 least ~~50%~~ 10% of the registered electors of the proposed new
4 county or, in cases where separate petitions are presented
5 from portions of two or more existing counties as herein
6 required, each of the petitions contains the genuine
7 signatures of at least ~~50%~~ 10% of the registered electors of
8 that portion of the proposed new county from which it is
9 taken."

-End-