

## SENATE BILL NO. 60

INTRODUCED BY J. O'NEIL

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE PROHIBITION AGAINST ORGANIZING A MUNICIPALITY IF THE PROPOSED TERRITORY IS WITHIN 3 MILES OF AN EXISTING MUNICIPALITY; AND AMENDING SECTION 7-2-4103, MCA."

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

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

**"7-2-4103. Prerequisites to organization of municipality.** ~~No~~ A municipal corporation may not be formed unless:

(1) ~~(a)~~ the number of inhabitants is 300 or ~~upwards~~ more; or  
(~~b~~)(2) the community was a townsite owned and built by the U.S. government prior to April 3, 1981; ~~and~~  
~~—— (2) the boundary of the proposed territory to be incorporated is more than 3 miles from the boundary, measured from the nearest point between the two, of any presently incorporated city or town or there is presented to the board appropriate evidence that any presently incorporated city or town within 3 miles which legally could annex has refused to annex the proposed territory.~~"

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