

## HOUSE BILL NO. 426

INTRODUCED BY G. MACLAREN, SONJU, OLSON, C. SMITH, MCGILLVRAY, TUTVEDT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING WRITTEN CONSENT OF PROPERTY OWNERS FOR CERTAIN KINDS OF LAND TO BE INCLUDED IN A PROPOSED NEW CITY OR TOWN; AND AMENDING SECTION 7-2-4101, MCA."

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

**Section 1.** Section 7-2-4101, MCA, is amended to read:

**"7-2-4101. Petition to organize city or town.** (1) Whenever the inhabitants of any part of a county desire to organize as a city or town, the inhabitants may apply by petition, signed by not less than 300 registered electors or two-thirds of the registered electors, whichever is less, who are residents of the state and residing within the limits of the proposed city or town, to the board of county commissioners of the county in which the proposed area is situated.

(2) (a) The petition must describe the limits of the proposed city or town and wards of the proposed city or town. A proposed ward must contain 50 or more registered electors and must have at least 200 inhabitants for each square mile of land area.

(b) The proposed city or town must contain a post office within the proposed area of the city or town.

~~(c) Land used for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose~~ PRODUCTION AGRICULTURE IN TRACTS LARGER THAN 160 ACRES AND LAND AND FACILITIES USED FOR ELECTRIC POWER GENERATION, REFINING, OR SMELTING may not be included in a proposed city or town without the written consent of the owners of the land.

~~(e)~~(d) The petitioners shall attach to the petition a map of the proposed area to be incorporated and state the name of the proposed city or town.

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

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