

SENATE BILL NO. 222

INTRODUCED BY BOHLINGER, RICE, BLACK, GEBHARDT, MAHLUM, PERRY, SINRUD, STONINGTON,
TASH, TESTER, WANZENRIED, WHEAT, LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING RESORT AREAS TO CREATE MUNICIPALITIES AND ALLOWING THOSE MUNICIPALITIES TO BE CALLED VILLAGES; EXEMPTING RESORT AREA MUNICIPALITIES FROM THE DENSITY REQUIREMENTS IMPOSED ON ORGANIZING MUNICIPALITIES; ESTABLISHING CRITERIA FOR AN AREA TO QUALIFY FOR DESIGNATION AS A RESORT AREA MUNICIPALITY; PROVIDING REQUIREMENTS WHEN A TERRITORY TO BE INCLUDED WITHIN A PROPOSED MUNICIPALITY LIES IN MORE THAN ONE COUNTY; ESTABLISHING CRITERIA FOR VOTING IN MUNICIPAL ELECTIONS HELD IN RESORT AREA MUNICIPALITIES; ALLOWING CERTAIN NONRESIDENT PROPERTY OWNERS TO VOTE IN MUNICIPAL ELECTIONS IF APPROVED BY RESIDENT ELECTORS; AND AMENDING SECTIONS 7-1-4102, 7-2-4101, AND 7-2-4103, MCA."

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

Section 1. Section 7-1-4102, MCA, is amended to read:

"7-1-4102. Name of municipality. (1) Every Except as provided in subsection (2), each city or town organized under this title is entitled "the city of" (naming it) or "the town of" (naming it) and by ~~such its~~ name has perpetual succession.

(2) Each city or town that meets the requirements of 7-2-4103(1)(c) and that is organized under 7-2-4101 may be entitled "the village of" (naming it) and by its name has perpetual succession."

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

"7-2-4101. Petition to organize municipalities. (1) Whenever the inhabitants of any part of a county desire to be organized into a city or town, they may apply by petition in writing, signed by not less than two-thirds of the registered electors but not more than 300 ~~such~~ registered electors, who are residents of the state and residing within the limits of the proposed incorporation, to the board of county commissioners of the county in which the territory is situated.

(2) (a) The petition must describe the limits of the proposed city or town and of the several wards ~~thereof~~ of the proposed city or town, each of which ~~shall~~ must contain 50 or more registered electors and, except for

~~qualifying territories under 7-2-4103(1)(c), must~~ may not exceed 1 square mile for each 500 inhabitants ~~resident therein~~ residing within the limits of the proposed city or town.

(b) The petitioners ~~must annex to~~ shall include with the petition a map of the proposed territory to be incorporated and state the name of the city or town. For petitions for territories qualifying under 7-2-4103(1)(c), the map may be one that had been created for another purpose, such as qualifying the territory as a resort area under 16-4-202.

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

Section 3. 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) the community was a townsite owned and built by the U.S. government prior to April 3, 1981; ~~or~~

(c) the territory proposed for incorporation:

(i) lies wholly within and is equal to or smaller than an existing resort area or resort area district established under Title 7, chapter 6, part 15; OR

(ii) meets all of the requirements of a resort area, as defined in 7-6-1501; ~~or~~

~~— (iii) contains a destination recreational facility that has more than 100,000 visitors a year and that is situated within a resort area or resort area district;~~ 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~~ that legally could annex has refused to annex the proposed territory."

NEW SECTION. Section 4. Municipalities within resort areas -- multiple counties -- elections. The following provisions apply to territories that meet the requirements of 7-2-4103(1)(c):

(1) When a territory to be included within a proposed municipality lies in more than one county, the petition provided for in 7-2-4101 must be presented to the board of county commissioners of each county in which the territory lies and the question of organization must be presented to and approved by the qualified electors in each county.

(2) When the territory lies in more than one county, all applicable procedures, petitions, and elections

provided for in chapter 2 of this title or in this part must be implemented in each county in which the territory lies.

(3) Except as provided in subsection (4), an individual is not entitled to vote at the election required in 7-2-4104 or at any subsequent general or special municipal election unless the individual:

(a) possesses all of the qualifications required of electors under 13-1-111; and

(b) is a resident of the proposed municipality ~~or the owner of taxable real property that is located within the county in which the individual proposes to vote and that is situated within the boundaries of the proposed municipality.~~

(4) An individual who is the owner of taxable real property, ~~as provided in subsection (3)(b)~~, THAT IS SITUATED WITHIN THE BOUNDARIES OF THE MUNICIPALITY IN WHICH THE INDIVIDUAL PROPOSES TO VOTE need not possess the residency qualifications required of an elector in 13-1-111(1)(c) AND MAY VOTE IN ELECTIONS SUBSEQUENT TO THE CREATION OF A MUNICIPALITY if:

(A) the individual is registered to vote in any state of the United States and provides proof of registration or a copy of the individual's current voter registration card to the election administrator; AND

(B) A PETITION SIGNED BY AT LEAST 100 RESIDENT ELECTORS OF THE MUNICIPALITY IS:

(I) FILED WITH THE GOVERNING BODY OF THE MUNICIPALITY NOT LESS THAN 30 DAYS OR MORE THAN 180 DAYS BEFORE A REGULAR, PRIMARY, OR GENERAL ELECTION; AND

(II) APPROVED BY A MAJORITY OF RESIDENT ELECTORS VOTING IN THE ELECTION.

(5) A municipal elector may not cast more than one vote at any election regardless of the amount of taxable real property that the elector owns.

(6) For the purposes of this section, "owner" means a person who holds a recorded present legal or equitable interest, the duration of which is perpetual, a life estate, or a term of 1 year or greater. THE TERM DOES NOT MEAN A TIMESHARE OWNER AS DEFINED IN 37-53-102.

NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 7, chapter 1, part 41, and the provisions of Title 7, chapter 1, part 41, apply to [section 4].

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