

1 SENATE JOINT RESOLUTION NO. 47

2 INTRODUCED BY F. MANDEVILLE, B. BEARD

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF THE PROCESSES TO CREATE NEW INCORPORATED
6 MUNICIPALITIES AND COUNTIES; AND REQUIRING THAT THE RESULTS OF THE STUDY BE
7 REPORTED TO THE 70TH LEGISLATURE.
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9 WHEREAS, Title 7, chapter 2, of the Montana Code Annotated provides for the creation, alteration, and
10 abandonment of local governments, including the creation of new counties by petition and the organization and
11 incorporation of new municipalities; and

12 WHEREAS, section 7-2-4101, MCA, allows for a petition to create a city or town and requires that a
13 proposed ward must contain 50 or more registered electors and have at least 200 inhabitants for each square
14 mile of land area, which requires more density than reasonable to incorporate; and

15 WHEREAS, pursuant to section 7-2-2215, MCA, all registered electors of a county are entitled to vote
16 on the election to create a new county out of a portion of the original county, but the electors of the area
17 proposed to be a new county are the citizens who should have the right to vote on the question; and

18 WHEREAS, some processes may be ineffective or cumbersome to implement, which warrants review;
19 and

20 WHEREAS, areas of the state may benefit from more reasonable methods to incorporate into a city or
21 town or to create a new county.
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23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
24 THE STATE OF MONTANA:

25 That the Legislative Council be requested to designate an appropriate interim committee or statutory
26 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

27 (1) review existing statutory processes for the creation, alteration, and abandonment of local
28 governments;

1 (2) review the history of cities or towns that have successfully used the incorporation processes
2 provided in statute;

3 (3) analyze the requirements in Title 7, chapter 2, and determine if duplicative, redundant, or
4 contradictory requirements exist; and

5 (4) examine whether current requirements are currently appropriate or are in need of
6 modernization.

7 BE IT FURTHER RESOLVED, that the committee engage appropriate stakeholders, including but not
8 limited to the Montana League of Cities and Towns, the Montana Association of Counties, the Montana State
9 University Local Government Center, and county commissioners and community members from areas
10 interested in creating new incorporated cities or towns or counties.

11 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
12 presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

15 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
16 comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

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