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**Spies. Terrorists. Hackers. Pedophiles. Mobsters. Gang leaders and serial killers. We investigate them all, and many more besides.**

The very heart of FBI operations lies in our investigations—which serve, as our mission states, “to protect and defend the United States against terrorist and foreign intelligence threats and to enforce the criminal laws of the United States.” We currently have jurisdiction over violations of more than 200 categories of federal law, and you can find the major ones below, grouped within our three national security priorities and our five criminal priorities. Also visit our Intelligence program site, which underpins and informs all our investigative programs.

**National Security Priorities**

**Criminal Priorities**

**1. Terrorism**

- International Terrorism
- Domestic Terrorism
- Weapons of Mass Destruction

**2. Counterintelligence**

- Counterespionage
- Counterproliferation
- Economic Espionage

**3. Cyber Crime**

- Computer Intrusions
- Online Predators
- Piracy/Intellectual Property Theft
- Internet Fraud
- Identity Theft

**4. Public Corruption**

- Government Fraud
- Election Fraud
- Foreign Corrupt Practices

**5. Civil Rights**

- Hate Crime
- Human Trafficking
- Color of Law
- Freedom of Access to Clinics

**6. Organized Crime**

- Italian Mafia/LCN
- Eurasian
- Balkan
- Middle Eastern
- Asian
- African
- Sports Bribery

**7. White-Collar Crime**

- Antitrust
- Bankruptcy Fraud
- Corporate/Securities Fraud
- Health Care Fraud
- Insurance Fraud
- Mass Marketing Fraud
- Money Laundering
- Mortgage Fraud
- More White-Collar Frauds

**8. Violent Crime and Major Thefts**

- Art Theft
- Bank Robbery
- Cargo Theft
- Crimes Against Children
- Cruise Ship Crime
- Gangs
- Indian Country Crime
- Jewelry and Gem Theft
- Retail Theft
- Vehicle Theft

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**22-1-309. Trustees -- powers and duties.** The library board of trustees shall have exclusive control of the expenditure of the public library fund, of construction or lease of library buildings, and of the operation and care of the library. The library board of trustees of every public library shall:

(1) adopt bylaws and rules for its own transaction of business and for the government of the library, not inconsistent with law;

(2) establish and locate a central public library and may establish branches thereof at such places as are deemed necessary;

(3) have the power to contract, including the right to contract with regions, counties, cities, school districts, educational institutions, the state library, and other libraries, to give and receive library service, through the boards of such regions, counties, and cities and the district school boards, and to pay out or receive funds to pay costs of such contracts;

(4) have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold real and personal property in the name of the city or county or both, as the case may be, for the use and purposes of the library and to sell, exchange or otherwise dispose of property real or personal, when no longer required by the library and to insure the real and personal property of the library;

(5) pay necessary expenses of members of the library staff when on business of the library;

(6) prepare an annual budget, indicating what support and maintenance of the public library will be required from public funds, for submission to the appropriate agency of the governing body. A separate budget request shall be submitted for new construction or for capital improvement of existing library property.

(7) make an annual report to the governing body of the city or county on the condition and operation of the library, including a financial statement. The trustees shall also provide for the keeping of such records as shall be required by the Montana state library in its request for an annual report from the public libraries and shall submit such an annual report to the state library.

(8) have the power to accept gifts, grants, donations, devises, or bequests of property, real or personal, from whatever source and to expend or hold, work, and improve the same for the specific purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and bequests shall be kept separate from regular library funds and are not subject to reversion at the end of the fiscal year.

(9) exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library.

**History:** Ap. p. Sec. 5, Ch. 260, L. 1967; Sec. 44-222, R.C.M. 1947; Ap. p. Sec. 1, Ch. 47, L. 1927; re-en. Sec. 5668.17, R.C.M. 1935; Sec. 11-1006, R.C.M. 1947; R.C.M. 1947, 11-1006(part), 44-222.

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**SOCIAL SECURITY ADMINISTRATION**

Refer To [REDACTED] 2705

Office of Disability Adjudication and Review  
SSA ODAR Hearing Ofc  
Suite 500  
2900 4th Ave North  
Billings, MT 59101-1266

Date: May 11, 2011

Michael E. Spreadbury

[REDACTED]  
Hamilton, MT 59840

**Notice of Decision – Fully Favorable**

I carefully reviewed the facts of your case and made the enclosed fully favorable decision. Please read this notice and my decision.

Another office will process my decision and decide if you meet the non-disability requirements for Supplemental Security Income payments. That office may ask you for more information. If you do not hear anything within 60 days of the date of this notice, please contact your local office. The contact information for your local office is at the end of this notice.

**If You Disagree With My Decision**

If you disagree with my decision, you may file an appeal with the Appeals Council.

**How To File An Appeal**

To file an appeal you or your representative must ask in writing that the Appeals Council review my decision. You may use our Request for Review form (HA-520) or write a letter. The form is available at [www.socialsecurity.gov](http://www.socialsecurity.gov). Please put the Social Security number shown above on any appeal you file. If you need help, you may file in person at any Social Security or hearing office.

Please send your request to:

**Appeals Council  
Office of Disability Adjudication and Review  
5107 Leesburg Pike  
Falls Church, VA 22041-3255**

**Time Limit To File An Appeal**

You must file your written appeal **within 60 days** of the date you get this notice. The Appeals Council assumes you got this notice 5 days after the date of the notice unless you show you did not get it within the 5-day period.

The Appeals Council will dismiss a late request unless you show you had a good reason for not

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Form HA-L76 (03-2010)

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# **MONTANA MUNICIPAL INSURANCE AUTHORITY**

## **MEMORANDUM OF LIABILITY COVERAGE**

**EFFECTIVE July 1, 2007**

In consideration of the payment of the premium, the Montana Municipal Insurance Authority (Authority) agrees, subject to the LIMITS OF LIABILITY, EXCLUSIONS, CONDITIONS and other terms of this Memorandum and DECLARATIONS, to pay on behalf of the named Entity in the DECLARATIONS (the Entity) as follows:

### **I. COVERAGE**

The Authority agrees to pay on behalf of the Entity all sums in excess of the DEDUCTIBLE which the Entity shall become legally obligated to pay as Damages because of:

- A. Bodily Injury
- B. Personal Injury
- C. Property Damage
- D. Public Officials Errors and Omissions

As those terms are herein defined and to which the Memorandum applies, caused by an Occurrence during the COVERAGE PERIOD.

### **II. DEFENSE, JUDGMENT, AND SETTLEMENT**

The Authority shall have the right and duty to defend any suit against the Entity claiming monetary damages for which coverage is afforded under this Memorandum for an Occurrence during the COVERAGE PERIOD, even if any of the allegations of the suit are groundless, false, or fraudulent, and may make such investigation and settlement of any claim or suit as it deems expedient. The Authority's duty to defend shall arise when the complaint or claim alleges facts which would obligate the Authority to indemnify the insured if the alleged facts were proven. The Authority shall be responsible for payment of all reasonable attorney fees and costs for defense of a COVERED PARTY and shall only be responsible for payment of that portion of a settlement or judgment which relates to claims for which coverage is afforded under the terms of this Memorandum. Provided, however, the Authority shall not be obligated to pay any settlement or judgment or to defend any suit after the applicable LIMITS OF LIABILITY have been exhausted by payment of settlements or judgments.

### III. COVERED PARTY

Each one of the following is a COVERED PARTY under this Memorandum:

- A. The Entity
- B. While acting within the scope of his or her duties for the Entity:
  - 1. Those individuals who were, or are now, elected or appointed officials of the Entity, whether or not compensated (including volunteers), including members of the Entity's governing body or any other committees, boards, commissions or special districts of the Entity, while acting for or on behalf of the Entity during the Coverage Period.
  - 2. Past or present employees of the Entity, whether or not compensated (including volunteers), while acting for or on behalf of the Entity during the Coverage Period.
  - 3. Any peace officer or law enforcement entity which may render assistance during the Coverage Period upon request of a peace officer or law enforcement organization of the Entity pursuant to applicable law. (Retro-active to 7/1/96 and each Policy Year thereafter).
  - 4. Any firefighter or firefighting entity which may render assistance upon request of a firefighter or firefighting organization of the Entity pursuant to a Mutual Aid Agreement entered into under the authority of MCA 7-3-4112, (2002), or pursuant to a request for assistance made under MCA 10-3-209, (2002).
- C. A governmental or intergovernmental agency, board or commission which is governed directly by the Entity by having a majority of the members of such agency, board, or commission representing or appointed by the Entity.
- D. Additional Covered Party.

### IV. TERRITORY

This Memorandum applies to any Personal Injury, Property Damage, Bodily Injury, or Public Officials Error or Omission occurring during the Coverage Period anywhere in the world provided a claim is made or suit is brought within the United States of America, its territories or possessions, or Canada.

### V. DEFINITIONS

The following definitions shall govern the meaning of the defined terms for the purpose

## X. ADDITIONAL COVERED PARTY

- A. In order to obtain an Additional Covered Party Endorsement, a Member Entity must submit a written request to the MMIA for issuance of an Additional Covered Party Endorsement stating the name, address, and description of the person or entity to be named in the Endorsement, including a description of the need for such Endorsement and the time period for which an Endorsement is sought. Such request shall also contain information including, but not limited to, the criteria set forth in Paragraph B, below; and include the person or entity to be named in the Endorsement's executed agreement to abide by the terms of the applicable Memorandum of Liability Coverage if such Endorsement is granted. It shall also include an acknowledgment by the Member Entity that it is aware that Losses and Defense Costs paid on behalf of the Additional Covered Party will be assessed to the Member Entity pursuant to the MMIA's Program and Interlocal Agreements.
- B. MMIA staff will maintain absolute discretion in determining whether to issue an Additional Covered Party Endorsement, and will review requests and make decisions on the issuance of an Endorsement based on such criteria that may include, but is not limited to:
- a. Proposed Additional Covered Party's authority to conduct business in Montana.
  - b. Experience and expertise in the Proposed Additional Covered Party's area of service or purpose
  - c. Risk management training, practices or programs by the person or entity seeking to be named in the Endorsement.
  - d. Loss or lawsuit history of the person or entity seeking to be named in the Endorsement.
  - e. Risk associated with service provided or purpose of the person or entity seeking to be named in the Endorsement.
  - f. Time period of Endorsement.
  - g. Any other criteria MMIA staff determines to be applicable.
- C. The MMIA may either issue the Endorsement as requested, issue the Endorsement with conditions, request additional information before making a decision, or deny the request for Endorsement.
- D. The MMIA reserves the right to deny an Endorsement for coverage for Proposed Additional Covered Party that in the MMIA's estimation poses unreasonable risk or exposure to the Liability Program.
- E. The MMIA's decision to deny or conditionally approve a request for an Additional Covered Party Endorsement may be appealed to the MMIA Underwriting Committee pursuant to the provisions of the Memorandum of Liability Coverage.

IN THE SUPREME COURT OF THE STATE OF MONTANA

Cause No. DA-11-0017

21<sup>st</sup> Montana District Court cause # DV-10-93

Hamilton Municipal Court cause # CV-2009-168

NANSU RODDY	)	
Petitioner and Appellee	)	<b>RESPONDENT INVOKES</b>
v.	)	<b>RULE 20; PETITION FOR</b>
MICHAEL E. SPREADBURY	)	<b>REHEARING</b>
Respondent and Appellant	)	
_____	)	

Comes now the Respondent, invoking rule 20 on court for non-adherence to controlling decision, statute, lower court adherence to rules of procedure.

Municipal Court in Hamilton, Montana, Judge Michael J. Reardon presiding did not issue findings of fact as required Mont. R. C. P. Rule 52(a) in order dated December 28, 2009. Judge Reardon further decreed:

*As is often the case in the motions for misdemeanor cause filed while the defendant was a self represented litigant, the Court's response does not let itself to a findings of fact—opinions—conclusions of law format because the basic problem is simply the defendants limited understanding of law and procedure.( Appendix A)*

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In an order denying a statutory de-novo review in District Court, Judge John Larson dated May 18, 2010 (Exhibit B) Judge Larson mentions Judge Reardon's December 28, 2009 order, agrees with it, and also does not find facts per Mont. R. C. P. 52 (a). The notice for removal, and de-novo hearing at District court was February 17, 2010 (TR. #1). MCA§ 40-15-302 indicates *immediate* review. Judge Larson did not grant hearing in District Court, and did not immediately review in violation of MCA§40-15-302. The ultimate law making body in Montana is the Legislature, the Supreme Court cannot conflict with established statute *Wallace v. Helena Elect. Ry. Co. 10 Mont. 24 (1894)*.

This court will only reverse a decision to continue, amend, or make permanent an order of protection of a District court if it is an abuse of discretion *Brock v. Smith 326 Mont. 123 (2005) citing Schiller v. Schiller 309 Mont. 431 (2002) and Stoneman v. Dollinger 302 Mont. 107 (2000)*. Judge Reardon, Judge Larson did not set up finding of fact, conclusion of law or establish Spreadbury's guilt of MCA§ 45-5-220 Stalking, and MCA§ 45-5-201 Assault to enact order of protection *Elden v. Bonemarte 162 P3d. 847 (2007)*. A pending charge of Intimidation MCA§ 45-5-203, a presumed charge of trespassing on public property (which violates established liberty interest) fails to implicate Spreadbury on an order of protection for a non-family member as defined in MCA§ 40-15-102 (2)(a). A pending charge is not sufficient evidence, Mont. R. C. P. Rule 52 (a) challenges

res judicata issues *Snaveley v. St. John* 333 Mont. 16 (2006) *Edelen v. Bonemarte* 162 P3d. 847 (MT Supra 2007).

In the *Snaveley* court, if the reasoning of a District Court is not established by way of findings of fact, and conclusions of law, the Supreme Court cannot make appellate review *ibid*. Therefore, since this court “could not find anything” in review in the aforementioned, it must remand this issue to the District court for new hearing ¶ 19 *Snaveley v. St. John* 333 Mont. 16 (2006) ¶ 19 due to abuse of discretion by the District Court. Since Judge Larson’ May 18 2010 order did not set up a reasoning based upon findings of fact, conclusions of law in a manner sufficient to allow appellate review, this court must remand them back to determine these facts, and format per Mont. R. C. P. 52(a) *Sharmel v. Canyon Resources Corp.* 319 Mont. 132 (2003).

In Judge Larson’s December 9, 2010 order denying Respondents motion to modify order (TR. #42) an admission of no contest in a criminal matter does not establish finding of fact to meet MCA§ 45-5-220 Stalking and MCA§ 45-5-201 Assault as required by MCA§40-15-102 for non-family members *Edelen*. In Spreadbury’s case, lower courts in Montana did not satisfy requirements governing mandatory hearings, rules of court, statutory requirements for hearings on petitions for an order of protection *Keller v. Tull* 337 Mont. 188 (2007).

Spreadbury's procedural due process rights violated by Montana Courts, denied access to fully and fairly litigate issues *Baltrusch v. Baltrusch* 331 Mont. 281 (2006). Spreadbury's liberty interest in being free from criminal charges from sitting on public property, liberty interest in moving freely in Hamilton, MT are violated by Montana courts, establishes erroneous deprivation through procedures used *Mathews v. Eldridge* 424 US 319 (1976).

The Montana Supreme Court reviews for abuse of discretion in a District Court's decision to continue, amend, or make permanent an order based upon District Courts conclusion of law, when not discernable, remand back to District Court *Boe v. Court Adm'r for the Mon. Jud. Branch* 335 Mont. 228 (2007) *Snavely v. St. John* 333 Mont. 16 (2006).

The grounds for a new trial MCA§ 25-11-102 include

- 1) irregularity in proceedings, abuse of discretion in either party prevented in having fair trial (no finding of fact, or Spreadbury allowed to present evidence).
- 3) accident or surprise (no District Court hearing for Spreadbury)
- 4) New evidence (Hamilton Police report with Petitioner merely "felt threatened")
- 5) excessive damages (Spreadbury loss of liberty for 5 years).
- 6) Insufficient evidence to justify verdict (no establishment of factual evidence) .

7) error in law (no coherent statement of facts, finding of law, Roddy false swearing to judge; appearance of City attorney in violation of law).

Standards of Review MCA§ 2-4-704

- a) decisions by Judges were in violation of Rule 52 (a)
- b) procedure of judges were arbitrary and violated Spreadbury's liberty, procedural due process, and equal process of the hearing to fully litigate the matter.
- c) the process was clearly erroneous by not allowing immediate statutory review, not establishing fact in Municipal and District Courts, and no District Court hearing in the aforementioned for Spreadbury.

Spreadbury was a pre-trial inmate in the Missoula County Detention Center with inmate # 311635 from November 9, 2009 to time of Municipal Court Hearing November 20, 2009. To fully adjudicate a matter, Spreadbury would be able to present evidence, be prepared for hearing. Although Spreadbury requested hearing (TR. # 1) no hearing was granted in District Court. This is an abuse of discretion by Judge Larson 4<sup>th</sup> Judicial district Missoula, MT.

Procedural Due Process violation by District Court by not issuing Spreadbury hearing , questions of constitutional law are subject to plenary *review State v. Webb 325 Mont. 317 (2005)*. A clearly erroneous finding by the District court,

such as no findings of fact for order of protection can be reversed by this court *State v. Leitheiser* 331 Mont. 464 (2006). Spreadbury bears burden of establishing error in a district court decision *In Re: T.H.* 328 Mont. 428 (2005). Judge Larson in May 20, 2010 order (TR. #20) lists criminal charges against Spreadbury which fails to establish fact, conclusion of law pertinent to order of protection *Edelen v. Bonemarte* 162 P3d. 847 (MT Supra 2007). Bonemarte was successful in staying order, made permanent in District Court due to no establishment of fact, conclusion of law that pending criminal charges satisfies the criteria for a permanent order of protection. In the instant case, Spreadbury was charged with trespassing on public property, a protected right under 1<sup>st</sup> Amendment of the United States Constitution, Art. II Section 7 Montana Constitution. Not given hearing in District court, although violation of Rule 52(a) in instant case has case similarities as *Edelen v. Bonemarte* 162 P3d. 487 (2007).

In *arguendo*, if Spreadbury threatened Roddy as Bonemarte admitted, that action in the *Edelen* court was determined not meet MCA§ 45-5-220 Stalking and MCA§ 45-5-201 Assault required in a non-family member order of protection as in MCA§ 40-15-102 (2)(a). The court in *Edelen* found an abuse of discretion in the District court's decision to implicate Bonemarte for the order of protection with respect to pending criminal charges, proper in the instant case for Spreadbury, consistent with MCA§ 40-15-102 (2)(a).

The order from Judge Reardon, and Judge Larson lack logical reasoned analysis of the facts in this instant case (Exhibit A&B). To implicate a party due to pending charges has been determined in the *Edelen* court to be short of the required work in Mont. R. C. P. Rule 52(a). When this court cannot determine facts or reasoning from the lower court judges, no appellate review is possible ¶ 19 *Snavely*. Further Jurists Reardon in Municipal Court, Larson in District Court failed to support facts finding Spreadbury caused Roddy apprehension of bodily harm in finding of facts Mont. R. C. P. 52(a) ¶ 18 *Snavely v. St. John* 333 Mont. 16 (2006) ¶ 18, ¶ 11 *Edelen v. Bonemarte* 162 P3d. 847 (2007) ¶ 11.

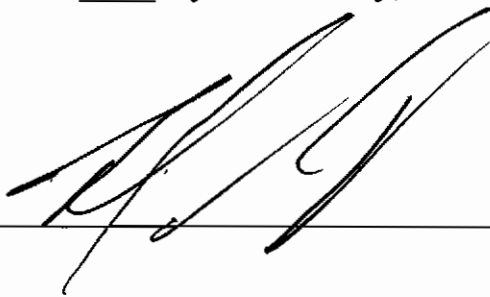
With respect to res judicata in this case, an abuse of discretion of the courts with respect to Rule 52(a), and procedural due process violation (rejection of a District Court hearing), and Spreadbury's status as a pre-trial inmate prior to the November 20, 2009 hearing did not allow full adjudication for Spreadbury. Kenneth S. Bell, Hamilton City Attorney did act outside statutory jurisdiction as Roddy's first counsel as City Attorney MCA§ 7-4-4604 violating Spreadbury's protected due process. Bell conducted an unauthorized *ex parte* communication with Judge Reardon, which established Bell's criminal appearance in violation of MCA§ 45-7-401 Official Misconduct. Roddy's second and current counsel is engaging in misuse of public funds claiming Roddy as City employee, a false premise. Bell engaged in felonious behavior in November 20, 2009 hearing in instant case

amounting to witness tampering MCA§ 45-7-206. Statutory mandated appeal to district court MCA§ 40-15-302 was eluded in this matter for Spreadbury.

WHEREFORE, Spreadbury imposes Appellate Rule 20 by Rule 52(a), statutory authority as presented in this request, and case precedent in *Snavely v. St. John* 333 Mont. 16 (2006), *Edelen v. Bonemarte* 162 P3d. 847 (2007) before this court.

Spreadbury's procedural due process violated by District Court. Due to abuse of discretion by Judge Reardon, Judge Larson in not setting up finding of facts, conclusion of law as proper in a Montana courtroom, Spreadbury seeks remand to District Court by or reversal by well established practice, statutory requirement under MCA§ 40-15-302, well established case precedent in Supreme Court for the State of Montana with respect to orders of protection MCA§ 40-15-102 (2)(a) as stated herein.

Signed this 19<sup>th</sup> day of February, 2011



Michael E. Spreadbury, self-represented litigant.  
700 S. 4<sup>th</sup> St.  
Hamilton, MT 59840  
(406) 363-3877

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Michael E. Spreadbury  
700 S. Fourth St.  
Hamilton, MT 59840  
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mspread@hotmail.com

IN THE SUPREME COURT FOR THE STATE OF MONTANA

Cause No. DA-11-00017

NANSU RODDY	)	
Petitioner and Appellant,	)	<b>Rule 20, Petition for rehearing</b>
v.	)	<b>addendum to include</b>
MICHAEL E. SPREADBURY	)	<b>Certificate of Compliance</b>
Respondent and Appellant,	)	

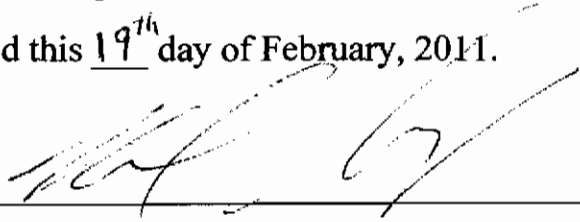
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Comes now the Respondent, with Certificate of Compliance to adhere to courts  
Rule 20, Petition for rehearing. Certificate was missing from original document.

**Certificate of Compliance**

Pursuant to Rule 16, Mont. R. App. P., I certify this Rule 20 pleading, along with its supporting authority is printed with a proportionally spaced Times New Roman text typeface of 14 points; is double spaced; and the word count is 1638 words, which complies with this courts maximum of 2500 words for this pleading.

Dated this 19<sup>th</sup> day of February, 2011.



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Michael E. Spreadbury, self-represented Respondent and Appellant.

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**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, contract postal unit, or other similar unit operated by or under contract with the United States postal service within the proposed area of the city or town.

(c) Land used for 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.

(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.

**History:** En. Sec. 315, 5th Div. Comp. Stat. 1887; re-en. Sec. 4720, Pol. C. 1895; re-en. Sec. 3208, Rev. C. 1907; amd. Sec. 1, Ch. 56, L. 1909; re-en. Sec. 4961, R.C.M. 1921; re-en. Sec. 4961, R.C.M. 1935; amd. Sec. 1, Ch. 86, L. 1973; amd. Sec. 1, Ch. 515, L. 1973; R.C.M. 1947, 11-203(part); amd. Sec. 289, Ch. 571, L. 1979; amd. Sec. 1, Ch. 255, L. 1981; amd. Sec. 1, Ch. 274, L. 2007; amd. Sec. 1, Ch. 90, L. 2011; amd. Sec. 1, Ch. 177, L. 2011.

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**7-2-4102. Census of proposed municipality.** Upon filing the petition, the board of county commissioners, at its next regular or special meeting, must appoint some suitable person to take a house-to-house census of the residents of the territory to be incorporated. After taking the census, the person appointed to take the same must return the list to the board, and the same must be filed by it in the county clerk's office.

**History:** En. Sec. 315, 5th Div. Comp. Stat. 1887; re-en. Sec. 4720, Pol. C. 1895; re-en. Sec. 3208, Rev. C. 1907; amd. Sec. 1, Ch. 56, L. 1909; re-en. Sec. 4961, R.C.M. 1921; re-en. Sec. 4961, R.C.M. 1935; amd. Sec. 1, Ch. 86, L. 1973; amd. Sec. 1, Ch. 515, L. 1973; R.C.M. 1947, 11-203(part).

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**7-2-4103. Prerequisites to organization of municipality.** No municipal corporation may be formed unless:

(1) (a) the number of inhabitants is 300 or upwards; or

(b) 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.

**History:** En. Sec. 315, 5th Div. Comp. Stat. 1887; re-en. Sec. 4720, Pol. C. 1895; re-en. Sec. 3208, Rev. C. 1907; amd. Sec. 1, Ch. 56, L. 1909; re-en. Sec. 4961, R.C.M. 1921; re-en. Sec. 4961, R.C.M. 1935; amd. Sec. 1, Ch. 86, L. 1973; amd. Sec. 1, Ch. 515, L. 1973; R.C.M. 1947, 11-203(part); amd. Sec. 2, Ch. 255, L. 1981.

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**7-2-4104. Election on question of organization.** (1) After filing the petition and census, if there is the requisite number of inhabitants for the formation of a municipal corporation as required in [7-2-4103](#), the county commissioners shall call an election of all the registered electors residing in the territory described in the petition.

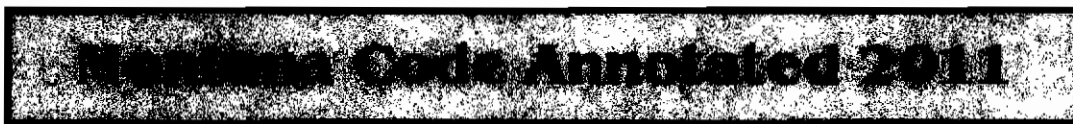
(2) The election must be held at a convenient place within the territory described in the petition, to be designated by the board. If possible, the election must be held in conjunction with a regular or primary election.

(3) The ballots used at the election must contain the words "For incorporation" or "Against incorporation", and all elections must be conducted as provided in Title 13.

**History:** En. Sec. 316, 5th Div. Comp. Stat. 1887; amd. Sec. 2, p. 178, L. 1889; re-en. Sec. 4721, Pol. C. 1895; re-en. Sec. 3209, Rev. C. 1907; re-en. Sec. 4962, R.C.M. 1921; re-en. Sec. 4962, R.C.M. 1935; R.C.M. 1947, 11-204(part); amd. Sec. 290, Ch. 571, L. 1979; amd. Sec. 4, Ch. 387, L. 1995.

*Provided by Montana Legislative Services*

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**7-2-4105. Notice of election on question of organization.** Notice of the election shall be published as provided in [13-1-108](#). The notice shall contain a description of the boundaries of the city or town.

**History:** En. Sec. 316, 5th Div. Comp. Stat. 1887; amd. Sec. 2, p. 178, L. 1889; re-en. Sec. 4721, Pol. C. 1895; re-en. Sec. 3209, Rev. C. 1907; re-en. Sec. 4962, R.C.M. 1921; re-en. Sec. 4962, R.C.M. 1935; R.C.M. 1947, 11-204(part); amd. Sec. 291, Ch. 571, L. 1979.

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**7-2-2103. Qualifications for municipality or village to be county seat.** No city, town, or village shall become the temporary or permanent county seat of any county organized under the provisions of part 22 or created by an act of the legislature unless such city or town shall have been incorporated in the manner provided by law or unless such village shall have been regularly platted and a plat thereof filed in the office of the county clerk and recorder and there be fifty qualified electors residing within the boundaries of such platted village.

**History:** En. Sec. 1, Ch. 16, Ex. L. 1919; re-en. Sec. 4392, R.C.M. 1921; re-en. Sec. 4392, R.C.M. 1935; R.C.M. 1947, 16-503(part).

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