

HOUSE BILL 274

IN THE HOUSE

January 19, 1979	Introduced and referred to Committee on Local Government.
February 8, 1979	Committee recommend bill, as amended.
February 9, 1979	Printed and placed on members' desks.
February 10, 1979	Second reading, pass consideration, as amended.
February 12, 1979	Second reading, as amended.
February 13, 1979	Correctly engrossed.
February 14, 1979	Third reading, not passed.
February 15, 1979	On motion, previous action reconsidered.
	On motion, taken from third reading and referred to second reading for the 40th Legislative day.
February 17, 1979	Second reading, as amended.
February 19, 1979	Considered correctly engrossed.
February 20, 1979	Third reading, not passed.
February 21, 1979	On motion, previous action reconsidered.
	Third reading, not passed.

House BILL NO. 274

1 INTRODUCED BY *Keeler, J. Bevan Fager Astoria*
2 *Allynne* *Palmer Richard, Agawak McKay*
3 *Blaylock* *Reichert, Rossmann*
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 7-13-4314, MCA, TO REQUIRE ANNEXATION IF A TRACT IS
6 RECEIVING WATER OR SEWER SERVICES FROM A CITY OR TOWN."
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8

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

Section 1. Section 7-13-4314, MCA, is amended to read:
"7-13-4314. Annexation as a requirement for receiving
service. (1) Any person, firm, or corporation receiving
water or sewer service outside of incorporated city limits
may shall be required by the city or town, as a condition to
initiate such service, to consent to annexation of the tract
of property served by the city or town. The consent to
annexation is limited to that tract or parcel or portion of
tract or parcel that is clearly and immediately, and not
potentially, being serviced by the water or sewer service.

(2) The city or town may require consent to annex from
anyone, regardless of the distribution system or the type of
district that has been established to provide the
distribution system, if that system is tied into a
municipally owned water or sewage treatment plant. The
governing body of a special district shall sign a consent to
annexation that is binding upon each person, firm, or

1 corporation served by the system governed by that body.
2 (3) A person, firm, or corporation receiving water or
3 sewer services outside of the incorporated limits of a city
4 or town as of July 1, 1979, and who continues service after
5 July 1, 1979, waives any right to protest, object, or
6 disapprove of annexation by a city or town providing the
7 service to the tracts that are clearly and immediately
8 serviced by the water and sewer service. A person, firm, or
9 corporation is considered to be receiving:
10 (a) water service from a city or town if the water is
11 distributed by the city or town or treated in a treatment
12 plant owned or operated by the city or town;
13 (b) sewer service from the city or town if the sewer
14 service is provided by the city or town or if sewage is
15 treated in a plant owned or operated by the city or town."

-End-

HB274

INTRODUCED BILL

Approved by Comm.
on Local Government

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

12 Section 1. Section 7-13-4314, MCA, is amended to read:

13 "7-13-4314. Annexation as a requirement for receiving

14 service. (1) Any person, firm, or corporation receiving

15 water, or sewer, OR WATER AND SEWER service outside of

16 incorporated city limits may shall be required by the city

17 or town, as a condition to initiate such service, to consent

18 to annexation of the tract of property served by the city or

19 town. The consent to annexation is limited to that tract or

20 parcel or portion of tract or parcel that is clearly and

21 immediately, and not potentially, being serviced by the

22 water, or sewer, OR WATER AND SEWER service.

23 121. The city or town may require consent to annex from
24 anyone, regardless of the distribution system or the type of
25 district that has been established to provide the

1 distribution system, if that system is tied into a
2 municipally owned water or sewage OR WATER AND SEWAGE
3 treatment plants. The governing body of a special district
4 shall sign a consent to annexation that is binding upon each
5 person, firm, or corporation served by the system governed
6 by that body.

7 (3) A person, firm, or corporation receiving water or
8 sewer, OR WATER AND SEWER services outside of the
9 incorporated limits of a city or town as of WHERE SERVICE
10 COMMENCES ON OR AFTER July 1, 1979, and who continues
11 service after July 1, 1979, waives any right to protest,
12 object, or disapprove of annexation by a city or town
13 providing the service to the tracts that are clearly and
14 immediately serviced by the WATER, SEWER OR water and sewer
15 services. A person, firm, or corporation is considered to be
16 receiving:

17 fail water service from a city or town if the water is
18 distributed by the city or town or treated in a treatment
19 plant owned or operated by the city or town;

20 lbl_sewer_service_from_the_city_or_town_if_the_sewer
21 service_is_provided_by_the_city_or_town_or_if_sewage_is
22 treated_in_a_plant_owned_or_operated_by_the_city_or_town."

-End-

HOUSE BILL NO. 274

INTRODUCED BY KESSLER, S. BROWN, FAGG, PISTORIA,
O'CONNELL, PALMER, REICHERT, AZZARA, METCALF,
BLAYLOCK, REGAN, RASMUSSEN, TOWE

5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
6 7-13-4314, MCA, TO REQUIRE ANNEXATION IF A TRACT IS
7 RECEIVING WATER, OR SEWER, OR WATER AND SEWER SERVICES FROM
8 A CITY OR TOWN."

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

12 Section 1. Section 7-13-4314, MCA, is amended to read:
13 "7-13-4314. Annexation as a requirement for receiving
14 service. 111 Any-persons-firm-or-corporation A CITY OR TOWN
15 MAY, BY RESOLUTION, REQUIRE THAT ALL PERSONS, FIRMS, OR
16 CORPORATIONS receiving water, OR WATER AND SEWER
17 service outside of incorporated city limits may shall be
18 required--by--the--city--or--town, as a condition to initiate
19 such service, to consent to annexation of the tract of
20 property served by the city or town. The consent to
21 annexation is limited to that tract or parcel or portion of
22 tract or parcel that is clearly and immediately, and not
23 potentially, being serviced by the water, OR WATER
24 AND SEWER service.

25 (2) The city or town may require consent to annex from

1 anyone, regardless of the distribution system or the type of
2 district that has been established to provide the
3 distribution system. If that system is tied into a
4 municipally owned water or sewage OR WATER AND SEWAGE
5 treatment plant. The governing body of a special district
6 shall sign AN AGREEMENT TO REQUIRE a consent to annexation
7 UPON UTILIZING THE SERVICES, that is binding upon each
8 person, firm, or corporation served by the system governed
9 by that body.

10 13) -- A person, firm, or corporation receiving water or
11 sewer, OR, WATER, AND SEWER services outside of the
12 incorporated limits of a city or town as of WHERE SERVICE
13 COMMENCES ON OR AFTER July 1, 1979, and who continues
14 service after July 1, 1979, unless any right to protest
15 object or disapprove of annexation by a city or town
16 providing the service to the tracts that are clearly and
17 immediately serviced by the WATER, SEWER, OR water and sewer
18 services. A person, firm, or corporation is considered to be
19 receiving:

19 if a water service from a city or town if the water is
20 distributed by the city or town or treated in a treatment
21 plant owned or operated by the city or town;

23 for sewer service from the city or town if the sewer
24 service is provided by the city or town or if sewage is
25 treated in a plant owned or operated by the city or town."

AB 0274/03

-End-

HOUSE BILL NO. 274

INTRODUCED BY KESSLER, S. BROWN, FAGG, PISTORIA,
O'CONNELL, PALMER, REICHERT, AZZARA, METCALF,
BLAYLOCK, REGAN, RASMUSSEN, TOWE

6 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
7 7-13-4314, MCA, TO REQUIRE ANNEXATION IF A TRACT IS
8 RECEIVING WATER, OR SEWER, OR WATER AND SEWER SERVICES FROM
9 A CITY OR TOWN."

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

12 Section 1. Section 7-13-4314, MCA, is amended to read:

13 "7-13-4314. Annexation as a requirement for receiving

14 service. ~~III Any-person--firm--or--corporation A CITY OR TOWN~~

15 ~~MAY, BY RESOLUTION, REQUIRE THAT ALL PERSONS, FIRMS, OR~~

16 ~~CORPORATIONS receiving water₂ or sewers₂ OR WATER AND SEWER~~

17 service outside of incorporated city limits may shall be

18 required--by--the--city--or--town, as a condition to initiate

19 such service, to consent to annexation of the tract of

20 property served by the city or town. The consent to

21 annexation is limited to that tract or parcel or portion of

22 tract or parcel that is clearly and immediately, and not

23 potentially, being serviced by the water₂ or sewers₂ OR WATER

24 AND SEWER service.

25 (2) -- The city or town may require consent to annex from

anyone, regardless of the distribution system or the type of district that has been established to provide the distribution system, if that system is tied into a municipally owned water or sewage, OR WATER AND SEWAGE treatment plant AFTER JULY 1, 1979. The governing body of a special district shall sign AN AGREEMENT TO REQUIRE a consent to annexationx-UPON-WITNESSING-THE-SERVICESx that--is binding upon each personx-firmx-or-corporation-served-by-the system--governed--by--that--bodyx BY EACH PERSON, FIRM, OR CORPORATION WITHIN THE DISTRICT DESIRING TO RECEIVE SUCH SERVICES FOR THE FIRST TIME. THE CONSENT IS REQUIRED AS A CONDITION TO RECEIVING THE SERVICES AND IS BINDING ON EACH PERSON, FIRM, OR CORPORATION SO CONSENTING.

131--a-personx-firmx-or-corporation-receiving-waterx-or-sewerx---OR---WATER---AND---SEWER---services---outside---of---the incorporated limits of a city or town as---of---WHERE---SERVICES COMMENCE---ON---08---AFTER---duly---is---1979---and---who---continues service---after---duly---is---1979---waives---any---right---to---protectx object---or---disapprove---of---annexation---by---a---city---or---town providing---the---service---to---the---tracts---that---are---clearly---and immediately---serviced---by---the---WATER---SEWERx---OR---water---and---sewer services A person, firm, or corporation is considered to be receiving:

1 plant owned or operated by the city or town
2 if the sewer service from the city or town if the sewer
3 service is provided by the city or town or if sewage is
4 treated in a plant owned or operated by the city or town"

-End-