

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.

1 *House* BILL NO. *274*  
 2 INTRODUCED BY *Kerrin J. Brown* *Faber* *Historia*  
 3 *Chynock* *Palmer* *Reichert* *Agnew* *Patkaey*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION *Rasmussen*  
 5 7-13-4314, MCA, TO REQUIRE ANNEXATION IF A TRACT IS *Duo*  
 6 RECEIVING WATER OR SEWER SERVICES FROM A CITY OR TOWN."

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

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

10 "7-13-4314. Annexation as a requirement for receiving  
 11 service. (1) Any person, firm, or corporation receiving  
 12 water or sewer service outside of incorporated city limits  
 13 may shall be required by the city or town, as a condition to  
 14 initiate such service, to consent to annexation of the tract  
 15 of property served by the city or town. The consent to  
 16 annexation is limited to that tract or parcel or portion of  
 17 tract or parcel that is clearly and immediately, and not  
 18 potentially, being serviced by the water or sewer service.

19 (2) The city or town may require consent to annex from  
 20 anyone, regardless of the distribution system or the type of  
 21 district that has been established to provide the  
 22 distribution system, if that system is tied into a  
 23 municipally owned water or sewage treatment plant. The  
 24 governing body of a special district shall sign a consent to  
 25 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

HOUSE BILL NO. 274

INTRODUCED BY KESSLER, S. BROWN, FAGG, PISTORIA,

O'CONNELL, PALMER, REICHERT, AZZARA, METCALF,

BLAYLOCK, REGAN, RASMUSSEN, TOWE

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

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, OR WATER AND 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, OR WATER AND 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 sewer, OR WATER AND SEWAGE  
treatment plant. The governing body of a special district  
shall sign a consent to annexation that is binding upon each  
person, firm, or corporation served by the system governed  
by that body.

(3) A person, firm, or corporation receiving water, or  
sewer, OR WATER AND SEWER services outside of the  
incorporated limits of a city or town as of WHERE SERVICE  
COMMENCES ON OR AFTER July 1, 1979, and who continues  
service after July 1, 1979, waives any right to protest,  
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, SEWER OR water and sewer  
service. A person, firm, or corporation is considered to be  
receiving:

(a) water service from a city or town if the water is  
distributed by the city or town or treated in a treatment  
plant owned or operated by the city or town;

(b) sewer service from the city or town if the sewer  
service is provided by the city or town or if sewage is  
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

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

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 MAY, BY RESOLUTION, REQUIRE THAT ALL PERSONS, FIRMS, OR CORPORATIONS receiving water, or sewer, OR WATER AND 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, OR WATER AND 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 sewer, OR WATER AND SEWAGE treatment plant. The governing body of a special district shall sign AN AGREEMENT TO REQUIRE a consent to annexation, UPON UTILIZING THE SERVICES, that is binding upon each person, firm, or corporation served by the system governed by that body.

(3) A person, firm, or corporation receiving water, or sewer, OR WATER AND SEWER service outside of the incorporated limits of a city or town as of WHERE SERVICE COMMENCES ON OR AFTER duty in 1979, and who continues service after duty in 1979, waives any right to protest, 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, SEWER, OR water and sewer services. A person, firm, or corporation is considered to be receiving:

(a) water service from a city or town if the water is distributed by the city or town or treated in a treatment plant owned or operated by the city or town;

(b) sewer service from the city or town if the sewer service is provided by the city or town or if sewage is treated in a plant owned or operated by the city or town."

AR 0274/03

-End-

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HS 274

HOUSE BILL NO. 274

INTRODUCED BY KESSLER, S. BROWN, FAGG, PISTORIA,

O'CONNELL, PALMER, REICHERT, AZZARA, METCALF,

BLAYLOCK, REGAN, RASMUSSEN, TOWE

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

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 A CITY OR TOWN MAY, BY RESOLUTION, REQUIRE THAT ALL PERSONS, FIRMS, OR CORPORATIONS receiving water, or sewer, OR WATER AND 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, OR WATER AND 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 sewer, 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 annexation UPON UTILIZING THE SERVICES, that is binding upon each person, firm, or corporation served by the system--governed--by--that--body, 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.

(3) A person, firm, or corporation receiving water, or sewer, OR WATER AND SEWER services outside of the incorporated limits of a city or town as of WHERE SERVICE COMMENCES ON OR AFTER July 1, 1979, and who continues service after July 1, 1979, waives any right to protest, 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, SEWER, OR water and sewer services. A person, firm, or corporation is considered to be receiving:

(a) water service from a city or town if the water is distributed by the city or town or treated in a treatment

1 plant owned or operated by the city or town;  
2 (b) 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-