

CHAPTER NO. 641

HOUSE BILL NO. 365

INTRODUCED BY KESSLER, FAGG, AZZARA,  
DOZIER, KEMMIS

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Local Government.
February 5, 1979	Committee recommend bill do pass as amended. Report adopted.
February 6, 1979	Printed and placed on members' desks.
February 7, 1979	Second reading, do pass.
February 8, 1979	Considered correctly engrossed.
February 9, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 10, 1979	Introduced and referred to Committee on Local Government.
March 22, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1979	Second reading, concurred in.
March 27, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 28, 1979	Returned from second house. Concurred in as amended.
March 31, 1979	Second reading, amendments rejected.  On motion Joint Conference Committee requested.

April 2, 1979	Joint Conference Committee appointed.
April 12, 1979	Joint Conference Committee reported.
April 13, 1979	Second reading, adopted.
April 16, 1979	Third reading, adopted.
April 17, 1979	Second house, adopted.
April 18, 1979	Sent to enrolling.
	Reported correctly enrolled.

1 HOUSE BILL NO. 365  
 2 INTRODUCED BY Kueker - FARR - AGUIAR - Dejes - Kemura  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE  
 5 ANNEXATION BY PETITION BY ELIMINATING THE ELECTION IN  
 6 CERTAIN CIRCUMSTANCES; TO EXTEND THE PROCEEDING TO ALL  
 7 MUNICIPALITIES; AND AMENDING SECTION 7-2-4609, MCA."  
 8

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

10 NEW SECTION. Section 1. When annexation election not  
 11 needed. (1) The governing body of a municipality, upon  
 12 receiving a written petition containing a description of  
 13 territory requested to be annexed and signed by 50% or more  
 14 of the resident freeholder electors of the territory to be  
 15 annexed, need not submit the question of annexation to the  
 16 qualified electors as provided in 7-2-4601. The governing  
 17 body may approve or disapprove the petition upon its merits.  
 18 When the governing body approves the petition, it shall pass  
 19 a resolution providing for the annexation.

20 (2) The resolution must include:

21 (a) a statement that a petition has been filed with  
 22 the governing body containing the signatures of 50% or more  
 23 of the resident freeholder electors of the territory to be  
 24 annexed;

25 (b) a description of the boundaries of the territory

1 to be annexed; and

2 (c) a statement that the boundaries of the  
 3 municipality are to be extended to include the territory  
 4 described in the petition for annexation.

5 (3) The resolution shall be incorporated in the  
 6 minutes of the governing body.

7 (4) Upon incorporation in the minutes, the resolution  
 8 must be filed and becomes effective as provided in 7-2-4607.

9 Section 2. Section 7-2-4609, MCA, is amended to read:  
 10 "7-2-4609. Applicability of part. (1) This part shall  
 11 ~~not be applicable to cities having a population as shown by~~  
 12 ~~the last preceding federal census of less than 20,000 and~~  
 13 ~~shall~~ does not repeal parts 43 and 45 having reference to  
 14 extension of the corporate limits of cities of the first,  
 15 second, and third classes to include contiguous land but is  
 16 intended and does provide an alternative method for the  
 17 annexation of territory or territories to municipal  
 18 corporations.

19 (2) When any proceedings for annexation of territory  
 20 or territories to any municipal corporation are commenced  
 21 under this part, the provisions of this part and no other  
 22 shall apply to such proceedings."

-End-

Approved by Comm.  
on Local Government

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(2) The resolution must include:

(a) a statement that a petition has been filed with the governing body containing the signatures of MORE THAN 50% ~~or--more~~ of the resident freeholder electors of the

territory to be annexed;

(b) a description of the boundaries of the territory to be annexed; and

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Section 2. Section 7-2-4609, MCA, is amended to read:

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(2) When any proceedings for annexation of territory or territories to any municipal corporation are commenced under this part, the provisions of this part and no other shall apply to such proceedings."

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-End-

REFERENCE BILL: INCLUDES JOINT  
CONFERENCE COMMITTEE REPORT.  
DATED 4/11/99

March 22, 1979

SENATE STANDING COMMITTEE REPORT  
(Local Government)

That House Bill No. 365, third reading bill, be amended as follows:

1. Page 1, line 14.

Strike: "MORE THAN"

2. Page 1, line 15.

Following: "50%"

Insert: "or more"

3. Page 1, line 24.

Strike: "MORE THAN"

4. Page 1, line 25.

Following: "50%"

Insert: "or more"