

CHAPTER NO. 642

HOUSE BILL NO. 366

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	On motion, taken from second reading and referred to printing.
February 8, 1979	On motion, taken from printing and referred to second reading on the 33rd Legislative Day.
February 9, 1979	Second reading, pass consideration.
February 12, 1979	Second reading, do pass as amended.
February 13, 1979	Correctly engrossed.
February 14, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 15, 1979	Introduced and referred to Committee on Local Government.
March 23, 1979	Committee recommend bill be concurred in. Report adopted.
March 24, 1979	Second reading, concurred in.
March 27, 1979	Third reading, concurred in.

IN THE HOUSE

March 28, 1979 Returned from second house.
Concurred in. Sent to
enrolling.

April 2, 1979 Correctly enrolled.

 Signed by Speaker.

April 3, 1979 Signed by President.

April 4, 1979 Delivered to Governor.

April 9, 1979 Returned from Governor with
recommended amendments.

April 11, 1979 On motion, Governor's amend-
ments placed on second reading
for the 84th Legislative Day.

April 12, 1979 Second reading, amendments
adopted.

April 13, 1979 Third reading, amendments
adopted. Transmitted to
second house.

IN THE SENATE

April 13, 1979 Governor's recommendation
for amendments submitted to
the Senate.

April 16, 1979 Committee of the Whole recom-
mend Senate adopt Governor's
amendments.

April 17, 1979 On third reading. Governor's
amendments adopted. Trans-
mitted to House.

IN THE HOUSE

April 18, 1979 Returned from second house.
Sent to enrolling.

 Reported correctly enrolled.

1 House BILL NO. 366
 2 INTRODUCED BY Kesler - FARR - Azzam - Dwyer - Hamner
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE
 5 VARIOUS METHODS OF ANNEXATION; REMOVING THE RESTRICTION ON
 6 ANNEXATION OF FIRE DISTRICTS; ESTABLISHING THAT EACH
 7 ANNEXATION METHOD IS SEPARATE AND DISTINCT; AND AMENDING
 8 SECTIONS 7-2-4718 AND 7-2-4734, MCA."
 9

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

11 Section 1. Section 7-2-4718, MCA, is amended to read:

12 "7-2-4718. Construction. ~~{1} insofar as the provisions~~
 13 ~~of this part are inconsistent with the provisions of any~~
 14 ~~other law the provisions of this part shall be controlling~~

15 ~~{2} The method of annexation authorized in this part~~
 16 ~~shall be construed as supplemental to and is independent~~
 17 ~~from other methods of annexation authorized by state law."~~

18 Section 2. Section 7-2-4734, MCA, is amended to read:

19 "7-2-4734. Standards to be met before annexation can
 20 occur. A municipal governing body may extend the municipal
 21 corporate limits to include any area which meets the
 22 following standards:

23 (1) It must be contiguous to the municipality's
 24 boundaries at the time the annexation proceeding is begun.

25 (2) No part of the area may be included within the

1 boundary of another incorporated municipality.

2 (3) It must be included within and the proposed
 3 annexation must conform to a comprehensive plan as
 4 prescribed in Title 76, chapter 1.

5 ~~{4} No part of the area may be included within the~~
 6 ~~boundaries as existing at the inception of such attempted~~
 7 ~~annexation of any fire district organized under any of the~~
 8 ~~provisions of part 21, chapter 33, if the fire district was~~
 9 ~~originally organized at least 10 years prior to the~~
 10 ~~inception of such attempted annexation. However, a~~
 11 ~~single ownership piece of land may be transferred from a~~
 12 ~~fire district to a municipality by annexation as provided in~~
 13 ~~7-33-2127."~~

14 Section 3. Applicability of part. When the proceedings
 15 for annexation of territory to a municipality are instituted
 16 as provided in this part, the provisions of this part and no
 17 other apply, except where otherwise explicitly indicated.

18 Section 4. Codification. Section 3 is intended to be
 19 codified as three separate sections, each of which is to be
 20 an integral part of parts 42, 43, and 44 respectively, of
 21 Title 7, chapter 2; and the provisions contained in Title 7,
 22 chapter 2, parts 42, 43, or 44 apply respectively to section
 23 3 as so codified.

-End-

HB 366
 -2- INTRODUCED BILL

Approved by Comm.
on Local Government

HOUSE BILL NO. 366

INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE
VARIOUS METHODS OF ANNEXATION; REMOVING THE RESTRICTION ON
ANNEXATION OF FIRE DISTRICTS; ESTABLISHING THAT EACH
ANNEXATION METHOD IS SEPARATE AND DISTINCT; AND AMENDING
SECTIONS SECTION 7-2-4718 AND 7-2-4734, MCA."

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

Section 1. Section 7-2-4718, MCA, is amended to read:

"7-2-4718. Construction. ~~{1} Insofar as the provisions
of this part are inconsistent with the provisions of any
other law the provisions of this part shall be controlling.~~

~~{2} The method of annexation authorized in this part
shall be construed as supplemental to and is independent
from other methods of annexation authorized by state law."~~

Section 2. Section 7-2-4734, MCA, is amended to read:

"7-2-4734. Standards to be met before annexation can
occur. A municipal governing body may extend the municipal
corporate limits to include any area which meets the
following standards:

~~{1} It must be contiguous to the municipality's
boundaries at the time the annexation proceeding is begun.~~

~~{2} No part of the area may be included within the~~

~~boundary of another incorporated municipality.~~

~~{3} It must be included within and the proposed
annexation must conform to a comprehensive plan as
prescribed in Title 76, chapter 2.~~

~~{4} No part of the area may be included within the
boundary as existing at the inception of such attempted
annexation of any fire district organized under any of the
provisions of part 21, chapter 33, if the fire district was
originally organized at least 10 years prior to the
inception of such attempted annexation. However, a
single ownership piece of land may be transferred from a
fire district to a municipality by annexation as provided in
7-33-2127."~~

Section 2. Applicability of part. When the proceedings
for annexation of territory to a municipality are instituted
as provided in this part, the provisions of this part and no
other apply, except where otherwise explicitly indicated.

Section 3. Codification. Section 3 2 is intended to be
codified as three separate sections, each of which is to be
an integral part of parts 42, 43, and 44 respectively, of
Title 7, chapter 2; and the provisions contained in Title 7,
chapter 2, parts 42, 43, or 44 apply respectively to section
3 2 as so codified.

-End-

HOUSE BILL NO. 366

INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE VARIOUS METHODS OF ANNEXATION; REMOVING THE RESTRICTION ON ANNEXATION OF FIRE DISTRICTS; ESTABLISHING THAT EACH ANNEXATION METHOD IS SEPARATE AND DISTINCT; AND AMENDING SECTIONS SECTION 7-2-4718 AND 7-2-4734, MCA."

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

Section 1. Section 7-2-4718, MCA, is amended to read:

"7-2-4718. Construction. (1) Insofar as the provisions of this part are inconsistent with the provisions of any other law, the provisions of this part shall be controlling.

(2) The method of annexation authorized in this part shall be construed as supplemental to and is independent from other methods of annexation authorized by state law."

Section 2. Section 7-2-4734, MCA, is amended to read:

"7-2-4734. Standards to be met before annexation can occur. A municipal governing body may extend the municipal corporate limits to include any area which meets the following standards:

(1) It must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) No part of the area may be included within the

~~boundary of another incorporated municipality.~~

~~(3) It must be included within and the proposed annexation must conform to a comprehensive plan as prescribed in Title 76, chapter 1.~~

~~(4) No part of the area may be included within the boundary as existing at the inception of such attempted annexation of any fire district organized under any of the provisions of part 21, chapter 33, if the fire district was originally organized at least 10 years prior to the inception of such attempted annexation. However, a single ownership piece of land may be transferred from a fire district to a municipality by annexation as provided in 7-33-2127."~~

Section 2. Applicability of part. When the proceedings for annexation of territory to a municipality are instituted as provided in this part, the provisions of this part and no other apply, except where otherwise explicitly indicated.

Section 3. Codification. Section 3 2 is intended to be codified as three separate sections, each of which is to be an integral part of parts 42, 43, and 44 respectively, of Title 7, chapter 2; and the provisions contained in Title 7, chapter 2, parts 42, 43, or 44 apply respectively to section 3 2 as so codified.

-End-

HOUSE BILL NO. 366

INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE VARIOUS METHODS OF ANNEXATION; REMOVING THE RESTRICTION ON ANNEXATION OF FIRE DISTRICTS; ESTABLISHING THAT EACH ANNEXATION METHOD IS SEPARATE AND DISTINCT; AND AMENDING SECTIONS SECTION 7-2-4718 AND 7-2-4734, MCA."

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

Section 1. Section 7-2-4718, MCA, is amended to read:

"7-2-4718. Construction. (1) Insofar as the provisions of this part are inconsistent with the provisions of any other law the provisions of this part shall be controlling"

(2) The method of annexation authorized in this part shall be construed as supplemental to and is independent from other methods of annexation authorized by state law."

Section 2. Section 7-2-4734, MCA, is amended to read:

"7-2-4734. Standards to be met before annexation can occur. A municipal governing body may extend the municipal corporate limits to include any area which meets the following standards:

(1) It must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun"

(2) No part of the area may be included within the

boundary of another incorporated municipality

(3) It must be included within and the proposed annexation must conform to a comprehensive plan as prescribed in Title 7, chapter 2

(4) No part of the area may be included within the boundary as existing at the inception of such attempted annexation of any fire district organized under any of the provisions of part 21, chapter 33, if the fire district was originally organized at least 10 years prior to the inception of such attempted annexation. However, a single ownership piece of land may be transferred from a fire district to a municipality by annexation as provided in 7-33-2127."

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

Provision of services. In all cases of annexation under current Montana law, services will be provided as specified in Title 7, chapter 2, part 47, except where mutually agreed upon by the municipality and the freeholders of the area to be annexed.

Section 3. Applicability of part. When the proceedings for annexation of territory to a municipality are instituted as provided in this part, the provisions of this part and no other apply, except where otherwise explicitly indicated.

Section 4. Codification. Section 3 2 3 is intended to be codified as three separate sections, each of which is to

1 be an integral part of parts 42, 43, and 44 respectively, of
2 Title 7, chapter 2; and the provisions contained in Title 7,
3 chapter 2, parts 42, 43, or 44 apply respectively to section
4 3 2 3 as so codified.

-End-

HOUSE BILL NO. 366

INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE VARIOUS METHODS OF ANNEXATION; REMOVING THE RESTRICTION ON ANNEXATION OF FIRE DISTRICTS; ESTABLISHING THAT EACH ANNEXATION METHOD IS SEPARATE AND DISTINCT; AND AMENDING SECTIONS SECTION 7-2-4718 AND 7-2-4734, MCA."

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

Section 1. Section 7-2-4718, MCA, is amended to read:

"7-2-4718. Construction. ~~(1) Insofar as the provisions of this part are inconsistent with the provisions of any other law, the provisions of this part shall be controlling.~~

~~(2) The method of annexation authorized in this part shall be construed as supplemental to and is independent from other methods of annexation authorized by state law."~~

Section 2. Section 7-2-4734, MCA, is amended to read:

"7-2-4734. Standards to be met before annexation can occur. A municipal governing body may extend the municipal corporate limits to include any area which meets the following standards:

(1) It must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun;

(2) No part of the area may be included within the

boundary of another incorporated municipality;

~~(3) It must be included within and the proposed annexation must conform to a comprehensive plan as prescribed in Title 76, chapter 2;~~

~~(4) No part of the area may be included within the boundary as existing at the inception of such attempted annexation of any fire district organized under any of the provisions of part 21, chapter 33, if the fire district was originally organized at least 18 years prior to the inception of such attempted annexation. However, a single ownership piece of land may be transferred from a fire district to a municipality by annexation as provided in 7-33-2127."~~

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

Provision of services. In all cases of annexation under current Montana law, services will be provided as specified in Title 7, chapter 2, part 47, except where mutually agreed upon by the municipality and the freeholders of the area to be annexed.

Section 3. Applicability of part. When the proceedings for annexation of territory to a municipality are instituted as provided in this part, the provisions of this part and no other apply, except where otherwise explicitly indicated.

Section 4. Codification. Section 3 2 3 is intended to be codified as three separate sections, each of which is to

1 be an integral part of parts 42, 43, and 44 respectively, of
2 Title 7, chapter 2; and the provisions contained in Title 7,
3 chapter 2, parts 42, 43, or 44 apply respectively to section
4 3 2 2 as so codified.

-End-

HOUSE BILL NO. 366

INTRODUCED BY KESSLER, FAGG, AZPARRA, DOZIER, KEMMIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE VARIOUS METHODS OF ANNEXATION; REMOVING THE RESTRICTION ON ANNEXATION OF FIRE DISTRICTS; ESTABLISHING THAT EACH ANNEXATION METHOD IS SEPARATE AND DISTINCT; AND AMENDING SECTIONS SECTION 7-2-4718 AND 7-2-4734, MCA."

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

Section 1. Section 7-2-4718, MCA, is amended to read:

"7-2-4718. Construction. (1) Insofar as the provisions of this part are inconsistent with the provisions of any other law the provisions of this part shall be controlling.

(2) The method of annexation authorized in this part shall be construed as supplemental to and is independent from other methods of annexation authorized by state law."

Section 2. Section 7-2-4734, MCA, is amended to read:

"7-2-4734. Standards to be met before annexation can occur. A municipal governing body may extend the municipal corporate limits to include any area which meets the following standards:

(1) It must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun.

(2) No part of the area may be included within the

boundary of another incorporated municipality.

(3) It must be included within and the proposed annexation must conform to a comprehensive plan as prescribed in title 76, chapter 16.

(4) No part of the area may be included within the boundary as existing at the inception of such attempted annexation of any fire district organized under any of the provisions of part 21, chapter 33, if the fire district was originally organized at least 10 years prior to the inception of such attempted annexation. However, a single ownership piece of land may be transferred from a fire district to a municipality by annexation as provided in 7-33-2127."

SECTION 2. THERE IS A NEW MCA SECTION THAT READS:

Provision of services. In all cases of annexation under current Montana law, services will be provided as specified in Title 7, chapter 2, part 47, except where mutually agreed upon by the municipality and the freeholders of the area to be annexed.

Section 3. Applicability of part. When the proceedings for annexation of territory to a municipality are instituted as provided in this part, the provisions of this part and no other apply, except where otherwise explicitly indicated.

Section 4. Codification. Section 3 2 3 is intended to be codified as three EIVE separate sections, each of which

Final Printing
Gov. amendments - Dated 4/19/79 enclosed

1 is to be an integral part of parts 42, 43, ~~and 44, 45, AND~~
2 ~~46~~ respectively, of Title 7, chapter 2; and the provisions
3 contained in Title 7, chapter 2, parts 42, 43, ~~or 44, 45, OR~~
4 ~~46~~ apply respectively to section 3 2 3 as so codified.

-End-

HOUSE OF REPRESENTATIVES

April 10, 1979

Governor's Proposed Amendments to House Bill No. 366, reference bill, as follows:

1. Page 2, line 25.

Following: "as"

Strike: "three"

Insert: "five"

2. Page 3, line 1.

Following: "43,"

Strike: "and"

Following: "44"

Insert: ", 45, and 46"

3. Page 3, line 3.

Following: "43,"

Strike: "or"

Following: "44"

Insert: ", 45, or 46"