# CHAPTER NO. 642

## HOUSE BILL NO. 366

## INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS

### IN THE HOUSE

III IIII 1100	
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

	IN THE HOU	SE
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 SEN	ATE
April 13, 1979		Governor's recommendation for amendments submitted to the Senate.
April 16, 1979		Committee of the Whole recommend Senate adopt Governor's amendments.
April 17, 1979		On third reading. Governor's amendments adopted. Trans-mitted to House.
	IN THE HOU	SE
April 18, 1979		Returned from second house. Sent to enrolling.

Reported correctly enrolled.

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1	Howe BILL NO. 366
2	INTRODUCED BY Kessler - FACK A ZZARA LOGEN Kennen
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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. <del>(1) Insofar as the provisions</del>
13	ofthispartareinconsistent-with-the-provisions-of-any
14	other-lawy-the-provisions-of-this-part-shell-be-controllingw
15	(2) The method of annexation authorized in this part
16	shallbeconstruedassupplemental-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.

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

(3) It must be included within and the proposed 3 annexation must conform to a comprehensive plan as prescribed in Title 76, chapter 1. 5 (4)--ko-part-of-the-area-may--be--included--within--the boundaryy--as-existing-at-the-inception-of-such-attempted 7 annexationy-of-any-fire-district-organized-under-any-of--the provisions--of-part-21y-chapter-33y-if-the-fire-district-was originally-organized-at-least-10--years--prior--to---the inception---of---such---attempted---annexation---However---a 10 11 single-ownership-piece-of-land-may--be--transferred--from--e 12 fire-district-to-s-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 codified as three separate sections, each of which is to be 19 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 3 as so codified. 23

boundary of another incorporated aunicipality.

-End-

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HB 366 INTRODUCED BILL 46th Legislature HB 0366/02

Approved by Comm. on Local Government

1	HOUSE BILL NO. 366
2	INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS
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14	other-laws-the-provisions-of-this-part-shall-be-controllings
15	(2) The method of annexation authorized in this part
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17	from other methods of annexation authorized by state law."
18	Section-ZwSection7-2-4734v-MGAy-is-smended-to-read+
19	#7-2-4734+5tandards-to-be-mat-baforeannexationcan
20	occureA-municipol-governing-body-may-extend-the-municipal
21	corporatelimitstoincludeanyareawhichmeetsthe
22	f <del>ollowing-standards</del> +
23	<pre>+ipItmustbecontiguoustothemunicipality*s</pre>
24	boundaries-at-the-time-the-annexation-proceedingisbegun:

{2}--No--port--of--the--orea-way-be-included-within-the

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ı boundary-of-another-incorporated-municipality. 2 {3}--it--must--be--included--within--and--the--proposed 3 ennexetion---must---conform---to--a--comprehensive--plan--as prescribed-in-Title-76v-chapter-1\* 5 t++--No-part-of-the-arca-may--be--included--within--the 6 boundaryy--as--existing--at--the-inception-of-such-attempted 7 annexation--of-any-fire-district-organized-under-any-of--the provisions--of-part-21--chapter-33--if-the-fire-district-was 9 originally--organized--at--least--l0--years--prior--to---the 10 inception--of---such---ottempted---samexation---Howevery---s 11 single-ownership-piace-of-land-may--be--transferred--from--a 12 fire-district-to-o-municipality-by-danaxation-os-provided-in 13 7-33-2127= 14 Section 2. Applicability of part. When the proceedings 15 for annexation of territory to a municipality are instituted as provided in this part, the provisions of this part and no 16 17 other apply: except where otherwise explicitly indicated. 18 Section 3. Codification. Section 3.2 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 Titl: 7, chapter 2; and the provisions contained in Title 7, 22 chapter 2, parts 42, 43, or 44 apply respectively to section 3 2 as so codified.

-End-

46th Legislature HB 0366/02

1 HOUSE BILL NO. 366 INTRODUCED BY KESSLER. FAGG. AZZARA, DOZIER. KEMMIS 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE 4 5 VARIOUS METHODS OF ANNEXATION: REMOVENS-THE-RESTRICTION-ON ANNEXATION -- OF--FIRE--DISTRICTS+ ESTABLISHING THAT EACH 6 ANNEXATION METHOD IS SEPARATE AND DISTINCT: AND AMENDING 7 R SECTIONS SECTION 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)-Insofer-us-the-provisions of--this--part--are--inconsistent-with-the-provisions-of-any 13 other-lawy-the-provisions-of-this-part-shall-be-controllings 14 15 12) The method of annexation authorized in this part shell--be--construct--as--supplemental-to-end is independent 16 from other methods of annexation authorized by state law." 17 18 Section-2--Section--7-2-4734y-M6Ay-is-smended-to-readt 19 #7-2-4734---Standards-to-be-met-before--annexation--can 20 occurv---A-municipal-qoverning-body-may-extend-the-municipal corporate--limits--to--include--eny--erea--which--weets--the 21 22 following-standards+ 23 †1)--It---must--be--contiquous--to--the--municipality\*s 24 boundaries-at-the-time-the-annexation-proceeding--is--beguns

121--No--part--of--the--area-may-be-included-within-the

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boundary-of-another-incorporated-municipality+ 2 #31--it--must--be--included--within--and--the--proposed 3 annaxation---must---conform---to--a--comprehensive--plan--as prescribed-in-Fitle-76,-chapter-iw ++--No-port-of-the-oras-may--be--included--within--the boundaryy--as--existing--at--the-inception-of-such-attempted 7 snnexotiony-of-ony-fire-district-organized-under-ony-of--the 8 p<del>rovisio</del>ns--of-part-2<del>ly-chapter-</del>33<del>y-if-the-fire-district-was</del> \_originally--organized--at--lesst--lf--years--prior--to---the 10 inception---of---such---ettempted---annexation---Hawavery--a single-ownership-piece-of-land-moy--be--transferred--from--a 11 12 fire-district-to-a-municipality-by-annaxation-as-provided-in 13 7-33-2127-\* 14 Section 2. Applicability of part. When the proceedings 15 for annexation of territory to a municipality are instituted as provided in this part, the provisions of this part and no 16 17 other apply: except where otherwise explicitly indicated. 18 Section 3. Codification. Section 3 2 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 2 as so codified.

-End-

46th Legislature HB 0366/03

HOUSE BILL NO. 366 1 2 INTRODUCED BY KESSLER, FAGG, AZZARA, DOZIER, KEMMIS 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO STREAMLINE THE 4 VARIOUS METHODS OF ANNEXATION; REMOVING-THE-RESTRICTION-ON ANNEXATION--OF--FIRE--DISTRICTS: ESTABLISHING THAT EACH ANNEXATION METHOD IS SEPARATE AND DISTINCT; AND AMENDING 7 SECTION 7-2-4718 AND-7-2-4734. MCA.\* 8 9 BE IT FNACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 7-2-4718, MCA, is amended to read: 11 \*7-2-4718. Construction. fil-insefer-es-the-provisions 12 13 of--this--part--are--inconsistent-with-the-provisions-of-any other-lawy-the-provisions-of-this-part-shall-be-controllings 14 +2) The method of annexation authorized in this part 15 sholl--be--construed--as--supplemental-to-and is independent 16 17 from other methods of annexation authorized by state law." Section-2---Section--7-2-4734v-H6Ay-is-amended-to-read+ 18 19 #7-2-4734w--Standards-to-be-met-before--annexation--can occury---A-municipal-qoverning-body-may-extend-the-municipal 20 corporate--limits--to--include--any--area--which--meets--the 21 22 following-standards+ fi)--it---must--be--contiguous--to--the--municipality\*s 23 boundaries-at-the-time-the-annexation-proceeding--is--begun: 24

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1	boundary-of-another-incorporated-municipality:
2	<del>(3)Itmustbeincludedwithin</del> endtheproposed
3	annexationmustconformtoacomprehensiveplanas
4	prescribed-in-fitte-76v-chapter-tw
5	t4jNo-part-of-the-area-maybeincludedwithinthe
6	boundaryasaxistingatthe-incaption-of-such-attempted
7	annexationof-any-fire-district-organized-under-any-ofthe
8	provisionsof-part-21chapter-33if-the-fire-district-was
9	originallyorganizedatleastl0yearspriortothe
10	inceptionofsuchattemptedannexationHowevero
11	single-ownership-piece-of-land-maybetransferredfromo
12	fire-district-to-a-municipality-by-annexation-as-provided-in
13	7-33-2127**
14	SECTION 2. THERE IS A NEW MCA SECTION THAT READS:
15	Provision of services. In all cases of annexation under
16	current Montana law, services will be provided as specified

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.

in Title 7. chapter 2. part 47. except where mutually agreed

upon by the municipality and the freeholders of the area to

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

#### HR 0366/03

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- 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-

HB 366

46th Legislature HB 0366/04

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be codified as three separate sections, each of which is to

boundary-of-another-incorporated-municipality\*

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**HB 366** 

- 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
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-End-

-3-

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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

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 2 is intended to be codified as three FIVE separate sections, each of which

-2- SECOND PRINTING MB 366
REFERENCE BILL

Final Printing
GW. amendments - Dated Winfogenelosed

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be annexed.

HB 0366/05

- 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, QB
- 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:

l. 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"