

HOUSE BILL NO. 54

INTRODUCED BY HURWITZ

BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

IN THE HOUSE

January 6, 1981	Introduced and referred to Committee on Local Government.
January 21, 1981	Committee recommend bill do pass. Report adopted.
January 22, 1981	Bill printed and placed on members' desks.
January 23, 1981	Second reading, do pass.
January 24, 1981	Considered correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 26, 1981	Introduced and referred to Committee on Local Government.
March 9, 1981	Committee recommend bill be concurred in. Report adopted.
March 10, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 13, 1981	Returned from Senate. Concurred in. Sent to enrolling. Reported correctly enrolled.
----------------	--

1 HOUSE BILL NO. 54
 2 INTRODUCED BY HURWITZ

3 BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
 6 TO SELECT THE ANNEXATION PROCEDURE APPROPRIATE TO EACH
 7 ANNEXATION SITUATION; AMENDING SECTIONS 7-2-4204, 7-2-4304,
 8 7-2-4408, 7-2-4505, 7-2-4609, AND 7-2-4718, MCA."

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

11 Section 1. Section 7-2-4204, MCA, is amended to read:

12 "7-2-4204. Applicability of part. (1) When the
 13 proceedings for annexation of territory to a municipality
 14 are instituted as provided in this part, the provisions of
 15 this part and no other apply, except where otherwise
 16 explicitly indicated.

17 ~~(2) The governing body of the municipality to which~~
 18 ~~territory is proposed to be annexed may in its discretion~~
 19 ~~select one of the annexation procedures in parts 42 through~~
 20 ~~47 that is appropriate to the circumstances of the~~
 21 ~~particular annexation. The municipal governing body must~~
 22 ~~then follow the specific procedures prescribed in the~~
 23 ~~appropriate part."~~

24 Section 2. Section 7-2-4304, MCA, is amended to read:

25 "7-2-4304. Applicability of part. (1) When the

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

5 ~~(2) The governing body of the municipality to which~~
 6 ~~territory is proposed to be annexed may in its discretion~~
 7 ~~select one of the annexation procedures in parts 42 through~~
 8 ~~47 that is appropriate to the circumstances of the~~
 9 ~~particular annexation. The municipal governing body must~~
 10 ~~then follow the specific procedures prescribed in the~~
 11 ~~appropriate part."~~

12 Section 3. Section 7-2-4408, MCA, is amended to read:

13 "7-2-4408. Applicability of part. (1) When the
 14 proceedings for annexation of territory to a municipality
 15 are instituted as provided in this part, the provisions of
 16 this part and no other apply, except where otherwise
 17 explicitly indicated.

18 ~~(2) The governing body of the municipality to which~~
 19 ~~territory is proposed to be annexed may in its discretion~~
 20 ~~select one of the annexation procedures in parts 42 through~~
 21 ~~47 that is appropriate to the circumstances of the~~
 22 ~~particular annexation. The municipal governing body must~~
 23 ~~then follow the specific procedures prescribed in the~~
 24 ~~appropriate part."~~

25 Section 4. Section 7-2-4505, MCA, is amended to read:

1 "7-2-4505. Applicability of part. (1) When the
2 proceedings for annexation of territory to a municipality
3 are instituted as provided in this part, the provisions of
4 this part and no other apply, except where otherwise
5 explicitly indicated.

6 ~~(2) The governing body of the municipality to which~~
7 ~~territory is proposed to be annexed may in its discretion~~
8 ~~select one of the annexation procedures in parts 42 through~~
9 ~~47 that is appropriate to the circumstances of the~~
10 ~~particular annexation. The municipal governing body must~~
11 ~~then follow the specific procedures prescribed in the~~
12 ~~appropriate part."~~

13 Section 5. Section 7-2-4609, MCA, is amended to read:

14 "7-2-4609. Applicability of part. (1) This part does
15 not repeal parts 43 and 45 having reference to extension of
16 the corporate limits of cities of the first, second, and
17 third classes to include contiguous land but provides an
18 alternative method ~~that the municipal governing body may in~~
19 ~~its discretion choose to use~~ for the annexation of territory
20 or territories to municipal corporations.

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

25 (3) When the proceedings for annexation of territory to

1 a municipality are instituted as provided in this part, the
2 provisions of this part and no other apply, except where
3 otherwise explicitly indicated."

4 Section 6. Section 7-2-4718, MCA, is amended to read:

5 "7-2-4718. Construction. (1) The method of annexation
6 authorized in this part is independent from other methods of
7 annexation authorized by state law.

8 ~~(2) The governing body of the municipality to which~~
9 ~~territory is proposed to be annexed may in its discretion~~
10 ~~select one of the annexation procedures in parts 42 through~~
11 ~~47 that is appropriate to the circumstances of the~~
12 ~~particular annexation. The municipal governing body must~~
13 ~~then follow the specific procedures prescribed in the~~
14 ~~appropriate part."~~

-End-

Approved by Comm.
on Local Government

1 HOUSE BILL NO. 54
2 INTRODUCED BY HURWITZ

3 BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
6 TO SELECT THE ANNEXATION PROCEDURE APPROPRIATE TO EACH
7 ANNEXATION SITUATION; AMENDING SECTIONS 7-2-4204, 7-2-4304,
8 7-2-4408, 7-2-4505, 7-2-4609, AND 7-2-4718, MCA."

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

11 Section 1. Section 7-2-4204, MCA, is amended to read:
12 "7-2-4204. Applicability of part. (1) When the
13 proceedings for annexation of territory to a municipality
14 are instituted as provided in this part, the provisions of
15 this part and no other apply, except where otherwise
16 explicitly indicated.

17 (2) The governing body of the municipality to which
18 territory is proposed to be annexed may in its discretion
19 select one of the annexation procedures in parts 42 through
20 47 that is appropriate to the circumstances of the
21 particular annexation. The municipal governing body must
22 then follow the specific procedures prescribed in the
23 appropriate part."

24 Section 2. Section 7-2-4304, MCA, is amended to read:
25 "7-2-4304. Applicability of part. (1) When the

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

5 (2) The governing body of the municipality to which
6 territory is proposed to be annexed may in its discretion
7 select one of the annexation procedures in parts 42 through
8 47 that is appropriate to the circumstances of the
9 particular annexation. The municipal governing body must
10 then follow the specific procedures prescribed in the
11 appropriate part."

12 Section 3. Section 7-2-4408, MCA, is amended to read:
13 "7-2-4408. Applicability of part. (1) When the
14 proceedings for annexation of territory to a municipality
15 are instituted as provided in this part, the provisions of
16 this part and no other apply, except where otherwise
17 explicitly indicated.

18 (2) The governing body of the municipality to which
19 territory is proposed to be annexed may in its discretion
20 select one of the annexation procedures in parts 42 through
21 47 that is appropriate to the circumstances of the
22 particular annexation. The municipal governing body must
23 then follow the specific procedures prescribed in the
24 appropriate part."

25 Section 4. Section 7-2-4505, MCA, is amended to read:

1 "7-2-4505. Applicability of part. (1) When the
2 proceedings for annexation of territory to a municipality
3 are instituted as provided in this part, the provisions of
4 this part and no other apply, except where otherwise
5 explicitly indicated.

6 ~~(2) The governing body of the municipality to which~~
7 ~~territory is proposed to be annexed may in its discretion~~
8 ~~select one of the annexation procedures in parts 42 through~~
9 ~~47 that is appropriate to the circumstances of the~~
10 ~~particular annexation. The municipal governing body must~~
11 ~~then follow the specific procedures prescribed in the~~
12 ~~appropriate part."~~

13 Section 5. Section 7-2-4609, MCA, is amended to read:

14 "7-2-4609. Applicability of part. (1) This part does
15 not repeal parts 43 and 45 having reference to extension of
16 the corporate limits of cities of the first, second, and
17 third classes to include contiguous land but provides an
18 alternative method ~~that the municipal governing body may in~~
19 ~~its discretion choose to use~~ for the annexation of territory
20 or territories to municipal corporations.

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

25 (3) When the proceedings for annexation of territory to

1 a municipality are instituted as provided in this part, the
2 provisions of this part and no other apply, except where
3 otherwise explicitly indicated."

4 Section 6. Section 7-2-4718, MCA, is amended to read:

5 "7-2-4718. Construction. (1) The method of annexation
6 authorized in this part is independent from other methods of
7 annexation authorized by state law.

8 ~~(2) The governing body of the municipality to which~~
9 ~~territory is proposed to be annexed may in its discretion~~
10 ~~select one of the annexation procedures in parts 42 through~~
11 ~~47 that is appropriate to the circumstances of the~~
12 ~~particular annexation. The municipal governing body must~~
13 ~~then follow the specific procedures prescribed in the~~
14 ~~appropriate part."~~

-End-

1 HOUSE BILL NO. 54
 2 INTRODUCED BY HURWITZ

3 BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
 6 TO SELECT THE ANNEXATION PROCEDURE APPROPRIATE TO EACH
 7 ANNEXATION SITUATION; AMENDING SECTIONS 7-2-4204, 7-2-4304,
 8 7-2-4408, 7-2-4505, 7-2-4609, AND 7-2-4718, MCA."

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

11 Section 1. Section 7-2-4204, MCA, is amended to read:
 12 "7-2-4204. Applicability of part. (1) When the
 13 proceedings for annexation of territory to a municipality
 14 are instituted as provided in this part, the provisions of
 15 this part and no other apply, except where otherwise
 16 explicitly indicated.

17 (2) The governing body of the municipality to which
 18 territory is proposed to be annexed may in its discretion
 19 select one of the annexation procedures in parts 42 through
 20 47 that is appropriate to the circumstances of the
 21 particular annexation. The municipal governing body must
 22 then follow the specific procedures prescribed in the
 23 appropriate part."

24 Section 2. Section 7-2-4304, MCA, is amended to read:
 25 "7-2-4304. Applicability of part. (1) When the

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

5 (2) The governing body of the municipality to which
 6 territory is proposed to be annexed may in its discretion
 7 select one of the annexation procedures in parts 42 through
 8 47 that is appropriate to the circumstances of the
 9 particular annexation. The municipal governing body must
 10 then follow the specific procedures prescribed in the
 11 appropriate part."

12 Section 3. Section 7-2-4408, MCA, is amended to read:
 13 "7-2-4408. Applicability of part. (1) When the
 14 proceedings for annexation of territory to a municipality
 15 are instituted as provided in this part, the provisions of
 16 this part and no other apply, except where otherwise
 17 explicitly indicated.

18 (2) The governing body of the municipality to which
 19 territory is proposed to be annexed may in its discretion
 20 select one of the annexation procedures in parts 42 through
 21 47 that is appropriate to the circumstances of the
 22 particular annexation. The municipal governing body must
 23 then follow the specific procedures prescribed in the
 24 appropriate part."

25 Section 4. Section 7-2-4505, MCA, is amended to read:

1 "7-2-4505. Applicability of part. (1) When the
2 proceedings for annexation of territory to a municipality
3 are instituted as provided in this part, the provisions of
4 this part and no other apply, except where otherwise
5 explicitly indicated.

6 ~~(2) The governing body of the municipality to which~~
7 ~~territory is proposed to be annexed may in its discretion~~
8 ~~select one of the annexation procedures in parts 42 through~~
9 ~~47 that is appropriate to the circumstances of the~~
10 ~~particular annexation. The municipal governing body must~~
11 ~~then follow the specific procedures prescribed in the~~
12 ~~appropriate part."~~

13 Section 5. Section 7-2-4609, MCA, is amended to read:

14 "7-2-4609. Applicability of part. (1) This part does
15 not repeal parts 43 and 45 having reference to extension of
16 the corporate limits of cities of the first, second, and
17 third classes to include contiguous land but provides an
18 alternative method ~~that the municipal governing body may in~~
19 ~~its discretion choose to use~~ for the annexation of territory
20 or territories to municipal corporations.

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

25 (3) When the proceedings for annexation of territory to

1 a municipality are instituted as provided in this part, the
2 provisions of this part and no other apply, except where
3 otherwise explicitly indicated."

4 Section 6. Section 7-2-4718, MCA, is amended to read:

5 "7-2-4718. Construction. (1) The method of annexation
6 authorized in this part is independent from other methods of
7 annexation authorized by state law.

8 ~~(2) The governing body of the municipality to which~~
9 ~~territory is proposed to be annexed may in its discretion~~
10 ~~select one of the annexation procedures in parts 42 through~~
11 ~~47 that is appropriate to the circumstances of the~~
12 ~~particular annexation. The municipal governing body must~~
13 ~~then follow the specific procedures prescribed in the~~
14 ~~appropriate part."~~

-End-

HOUSE BILL NO. 54

INTRODUCED BY HURWITZ

BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES TO SELECT THE ANNEXATION PROCEDURE APPROPRIATE TO EACH ANNEXATION SITUATION; AMENDING SECTIONS 7-2-4204, 7-2-4304, 7-2-4408, 7-2-4505, 7-2-4609, AND 7-2-4718, MCA."

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

Section 1. Section 7-2-4204, MCA, is amended to read:

"7-2-4204. Applicability of part. (1) 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.

(2) The governing body of the municipality to which territory is proposed to be annexed may in its discretion select one of the annexation procedures in parts 42 through 47 that is appropriate to the circumstances of the particular annexation. The municipal governing body must then follow the specific procedures prescribed in the appropriate part."

Section 2. Section 7-2-4304, MCA, is amended to read:

"7-2-4304. Applicability of part. (1) 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.

(2) The governing body of the municipality to which territory is proposed to be annexed may in its discretion select one of the annexation procedures in parts 42 through 47 that is appropriate to the circumstances of the particular annexation. The municipal governing body must then follow the specific procedures prescribed in the appropriate part."

Section 3. Section 7-2-4408, MCA, is amended to read:

"7-2-4408. Applicability of part. (1) 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.

(2) The governing body of the municipality to which territory is proposed to be annexed may in its discretion select one of the annexation procedures in parts 42 through 47 that is appropriate to the circumstances of the particular annexation. The municipal governing body must then follow the specific procedures prescribed in the appropriate part."

Section 4. Section 7-2-4505, MCA, is amended to read:

1 "7-2-4505. Applicability of part. (1) When the
2 proceedings for annexation of territory to a municipality
3 are instituted as provided in this part, the provisions of
4 this part and no other apply, except where otherwise
5 explicitly indicated.

6 (2) The governing body of the municipality to which
7 territory is proposed to be annexed may in its discretion
8 select one of the annexation procedures in parts 42 through
9 47 that is appropriate to the circumstances of the
10 particular annexation. The municipal governing body must
11 then follow the specific procedures prescribed in the
12 appropriate part."

13 Section 5. Section 7-2-4609, MCA, is amended to read:
14 "7-2-4609. Applicability of part. (1) This part does
15 not repeal parts 43 and 45 having reference to extension of
16 the corporate limits of cities of the first, second, and
17 third classes to include contiguous land but provides an
18 alternative method that the municipal governing body may in
19 its discretion choose to use for the annexation of territory
20 or territories to municipal corporations.

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

25 (3) When the proceedings for annexation of territory

1 to a municipality are instituted as provided in this part,
2 the provisions of this part and no other apply, except where
3 otherwise explicitly indicated."

4 Section 6. Section 7-2-4718, MCA, is amended to read:
5 "7-2-4718. Construction. (1) The method of annexation
6 authorized in this part is independent from other methods of
7 annexation authorized by state law.

8 (2) The governing body of the municipality to which
9 territory is proposed to be annexed may in its discretion
10 select one of the annexation procedures in parts 42 through
11 47 that is appropriate to the circumstances of the
12 particular annexation. The municipal governing body must
13 then follow the specific procedures prescribed in the
14 appropriate part."

-End-