

House Bill 56

In The House

January 6, 1981	Introduced and referred to Committee on Local Government.
January 29, 1981	Committee recommend bill do not pass. Objection. Minority report adopted.
January 30, 1981	Bill printed and placed on members' desks.
January 31, 1981	Second reading pass consideration.
February 2, 1981	Second reading pass consideration.
February 3, 1981	Second reading pass consideration.
February 5, 1981	Second reading pass consideration.
February 6, 1981	Correctly engrossed.
February 7, 1981	Third reading not passed. Placed back on second reading.
February 9, 1981	Second reading do pass.
February 11, 1981	Third reading passed.

In The Senate

February 12, 1981	Introduced and referred to Committee on Local Government.
March 30, 1981	Committee recommend bill not concurred.

In The House

March 31, 1981	Returned from Senate not concurred.
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1 HOUSE BILL NO. 56
 2 INTRODUCED BY KESSLER
 3 BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT DELETING RESTRICTIONS
 6 ON ANNEXATION OF LAND USED FOR INDUSTRIAL, MANUFACTURING,
 7 AND OTHER PURPOSES; AMENDING SECTION 7-2-4608, MCA;
 8 REPEALING SECTION 7-2-4303, MCA."
 9

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

11 Section 1. Section 7-2-4608, MCA, is amended to read:
 12 "7-2-4608. Restrictions on annexation power. (1) No
 13 territory which, at the time such petition for such proposed
 14 annexation is presented to such council or legislative body,
 15 forms any part of any incorporated city or town shall be
 16 annexed under the provisions of this part.

17 (2) No parcel of land which, at the time such petition
 18 for such proposed annexation is presented to such council or
 19 legislative body, is used in whole or in part for bona fide
 20 ~~agricultural, mining, smelting, refining, transportation, or~~
 21 ~~any industrial or manufacturing purpose or any purpose~~
 22 ~~incident thereto~~ purposes shall be annexed under the
 23 provisions of this part."

24 Section 2. Repealer. Section 7-2-4303, MCA, is
 25 repealed.

-End-

INTRODUCED BILL
 HB 56

Comm.
on Local Government
Minority report adopted

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18 for such proposed annexation is presented to such council or
19 legislative body, is used in whole or in part for bona fide
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23 provisions of this part."

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25 repealed.

-End-

SECOND READING
HB 56

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 16 annexed under the provisions of this part.

17 (2) No parcel of land which, at the time such petition
 18 for such proposed annexation is presented to such council or
 19 legislative body, is used in whole or in part for bona fide
 20 agricultural, mining, smelting, refining, transportation, or
 21 any--industrial--or--manufacturing--purpose--or--any-purpose
 22 incident-thereto purposes AS DEFINED IN 15-7-202 shall be
 23 annexed under the provisions of this part."

24 NEW SECTION SECTION 2. SERVICE CONTINUATION --
 25 INDUSTRIAL ANNEXATION. (1) IF AN INDUSTRIAL, MANUFACTURING,

1 MINING, SMELTING, REFINING, OR TRANSPORTATION FACILITY IS TO
 2 BE ANNEXED UNDER THE PROVISIONS OF THIS PART AND PRIOR TO
 3 ANNEXATION THE FACILITY HAD SELF-PROVIDED SERVICES THAT
 4 WOULD OTHERWISE BE PROVIDED BY THE MUNICIPALITY THE FACILITY
 5 MAY CONTINUE TO PROVIDE SUCH SERVICES AS PROVIDED IN THIS
 6 SECTION.

7 (2) DIRECT SERVICES OR FEES FOR A SERVICE MAY INCLUDE,
 8 BUT ARE NOT LIMITED TO:

9 (A) FIRE PROTECTION;

10 (B) POLICE AND SECURITY PROTECTION;

11 (C) FEES FOR BUILDING INSPECTION;

12 (D) SOLID WASTE DISPOSAL AND RELATED FEES;

13 (E) WATER AND SEWER AND RELATED FEES.

14 (3) IF THE FACILITY IS TO CONTINUE TO PROVIDE SUCH
 15 SERVICES IT MUST ENTER INTO A SERVICE CONTINUATION AGREEMENT
 16 WITH THE MUNICIPAL GOVERNMENT. THE SERVICE CONTINUATION
 17 AGREEMENT MUST BE MUTUALLY AGREED UPON BY BOTH THE
 18 MUNICIPALITY AND THE FACILITY TO BE ANNEXED BEFORE
 19 ANNEXATION CAN OCCUR. THE MUNICIPALITY SHALL THEREAFTER
 20 REDUCE ANY PROPERTY TAXES AND FEES LEVIED BY THE
 21 MUNICIPALITY ON THE FACILITY BY THAT AMOUNT WHICH CAN BE
 22 DIRECTLY ATTRIBUTED TO THE NON-PROVIDED MUNICIPAL SERVICE
 23 AND SHALL BE SET FORTH IN THE SERVICE CONTINUATION
 24 AGREEMENT. THE SERVICE CONTINUATION AGREEMENT:

25 (A) SHALL DESCRIBE THE SERVICE OR SERVICES THAT SHALL

1 BE PROVIDED BY THE FACILITY;

2 (B) SHALL SET FORTH PROPERTY TAX AND FEE REDUCTION
3 PROVISIONS;

4 (C) SHALL STATE THAT THE MUNICIPALITY IS NOT TO
5 PROVIDE THE SERVICES AT THE FACILITY AND THAT THE FACILITY
6 ABSOLVES THE MUNICIPALITY OF ANY LIABILITY FOR NOT PROVIDING
7 THE SERVICE AND SHALL INDEMNIFY THE MUNICIPALITY FOR ANY
8 CIVIL DAMAGES ON BEHALF OF A THIRD PARTY BECAUSE OF THE LACK
9 OF THE MUNICIPAL SERVICE; AND

10 (D) MAY BE AMENDED OR REVOKED BY MUTUAL AGREEMENT OF
11 THE FACILITY AND THE MUNICIPALITY.

12 Section 3. Repealer. Section 7-2-4303, MCA, is
13 repealed.

14 SECTION 4. CODIFICATION INSTRUCTION. SECTION 2 IS
15 INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 7,
16 CHAPTER 2, PART 43, AND AS AN INTEGRAL PART OF TITLE 7,
17 CHAPTER 2, PART 46.

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