

HOUSE BILL NO. 385

1/23 Introduced
1/23 Referred to Local Government
2/12 Hearing
2/15 Adverse Committee Report
2/18 Bill Killed

1 HOUSE BILL NO. 385
2 INTRODUCED BY Bergme
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXPAND THE LIST OF
5 TYPES OF LAND THAT MAY SEPARATE TERRITORY FROM A
6 MUNICIPALITY AND STILL ALLOW THAT TERRITORY TO BE CONSIDERED
7 CONTIGUOUS FOR THE PURPOSES OF ANNEXATION LAWS; AMENDING
8 SECTIONS 7-2-4301, 7-2-4401, AND 7-2-4704, MCA."
9

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

11 Section 1. Section 7-2-4301, MCA, is amended to read:
12 "7-2-4301. What constitutes contiguous lands. Tracts
13 or parcels of land proposed to be annexed to a city or town
14 under the provisions of this part shall be deemed contiguous
15 to such city or town even though such tracts or parcels of
16 land may be separated from such city or town by:

- 17 (1) a street or other roadway;
- 18 (2) an irrigation ditch, drainage ditch, stream, or
19 river; or;
- 20 (3) a strip of unplatted land too narrow or too small
21 to be platted;
- 22 (4) the right-of-way of a railroad or other public
23 service corporation;
- 24 (5) lands owned by the city or some other political
25 subdivision of the state, including a school district or

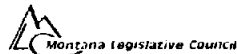
- 1 other public educational institution;
- 2 (6) lands owned by the state; or
- 3 (7) lands restricted from annexation pursuant to Title
4 7, chapter 2, part 45, as identified in 7-2-4503."

5 Section 2. Section 7-2-4401, MCA, is amended to read:
6 "7-2-4401. What constitutes contiguous land for
7 purpose of part. The land proposed to be annexed to a
8 municipality under the provisions of this part shall be
9 deemed contiguous to such municipality even though such land
10 may be separated from such municipality by:

- 11 (1) a street or other roadway, a sidewalk, or a public
12 way of any kind;
- 13 (2) an irrigation ditch or drainage ditch;
- 14 (3) a or-some-other strip of land too small for the
15 erection of houses;
- 16 (4) the right-of-way of a railroad or other public
17 service corporation;
- 18 (5) lands owned by the municipality or some other
19 political subdivision of the state, including a school
20 district or other public educational institution;

- 21 (6) lands owned by the state; or
- 22 (7) lands restricted from annexation pursuant to Title
23 7, chapter 2, part 45, as identified in 7-2-4503."

24 Section 3. Section 7-2-4704, MCA, is amended to read:
25 "7-2-4704. Definitions. The following terms where used



1 in this part have the following meanings except where the
2 context clearly indicates a different meaning:

3 (1) "Contiguous" means any area which, at the time
4 annexation procedures are initiated, either abuts directly
5 on the municipal boundary or is separated from the municipal
6 boundary by:

7 (a) a street or street right-of-way;

8 (b) a creek or river;

9 (c) the right-of-way of a railroad or other public
10 service corporation;

11 (d) lands owned by the city or some other political
12 subdivision ~~or~~ of the state, including a school district or
13 other public educational institution;

14 (e) lands owned by the state; or

15 (f) lands restricted from annexation pursuant to Title
16 7, chapter 2, part 45, as identified in 7-2-4503.

17 (2) "Municipality" means any city or town under
18 Montana law.

19 (3) "Resident freeholder" means a person who maintains
20 his residence on real property in which he holds an estate
21 of life or inheritance or of which he is the purchaser of
22 such an estate under a contract for deed, some memorandum of
23 which has been filed in the office of the county clerk and
24 recorder."

-End-