

HOUSE BILL NO. 894

INTRODUCED BY SANDS, KITSELMAN, DARKO

BY REQUEST OF THE HOUSE LOCAL
GOVERNMENT COMMITTEE

IN THE HOUSE

February 19, 1985	Introduced and referred to Committee on Local Government.
February 22, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass. Considered correctly engrossed.
February 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Local Government.
March 26, 1985	Committee recommend bill be concurrred in. Report adopted.
March 29, 1985	Second reading, concurrred in. On motion, reconsider its action taken on HB 894 on second reading and rereferred to second reading. Motion adopted.

March 29, 1985

On motion, rules temporarily suspended in order that all bills considered on second reading on the 70th Legislative Day advance to third reading that same day.

April 1, 1985

Second reading, concurred in as amended.

Third reading, concurred in. Ayes, 50; Noes, 0.

Returned to House with amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments concurred in.

On motion, rules suspended and bill placed on third reading this day.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 894
 2 INTRODUCED BY Andy Kitzelmann Nanko
 3 BY REQUEST OF THE HOUSE LOCAL
 4 GOVERNMENT COMMITTEE

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A WATER
 7 DISTRICT MAY EXPAND WHEN IT HAS EXCESS WATER CAPACITY IN THE
 8 SAME MANNER AS A SEWER DISTRICT MAY EXPAND WHEN IT HAS
 9 EXCESS SEWERAGE CAPACITY; REQUIRING CONSENT OF AFFECTED
 10 PROPERTY OWNERS; DELETING THE REQUIREMENT THAT SUCH
 11 EXPANSION MUST BE IN UNINCORPORATED AREAS; AMENDING SECTION
 12 7-13-2341, MCA."
 13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 7-13-2341, MCA, is amended to read:
 16 "7-13-2341. Addition of land to district. (1) Except
 17 as provided in subsection (5), any portion of any county,
 18 any municipality, or both, may be added to any district
 19 organized under the provisions of this part and part 22 at
 20 any time upon petition presented in the manner provided in
 21 this part and part 22 for the organization of such district.
 22 (2) The petition may be granted by ordinance of the
 23 board of directors of such district. Such ordinance shall be
 24 submitted for adoption or rejection to the vote of the
 25 electors in such district and in the proposed addition at a

1 general or special election held, as provided in this part
 2 and part 22, within 70 days after the adoption of such
 3 ordinance.

4 (3) If such ordinance is approved, the president and
 5 secretary of the board of directors shall certify that fact
 6 to the secretary of state and to the county recorder of the
 7 county in which such district is located. Upon the receipt
 8 of such last-mentioned certificate, the secretary of state
 9 shall within 10 days issue his certificate, reciting the
 10 passage of said ordinance and the addition of said territory
 11 to said district. A copy of such certificate shall be
 12 transmitted to and filed with the county clerk of the county
 13 in which such district is situated.

14 (4) From and after the date of such certificate, the
 15 territory named therein shall be deemed added to and form a
 16 part of said district with all the rights, privileges, and
 17 powers set forth in this part and necessarily incident
 18 thereto.

19 (5) If the board of directors determines that a
 20 district has a water facility or a sewer facility with a
 21 capacity greater than required to meet the needs of the
 22 current district, it may by ordinance, upon petition of
 23 contiguous property owners and with the written consent of
 24 all affected property owners, expand the district to include
 25 land ~~in--an--unincorporated--area~~, to the extent of excess



LC 1895/01

1 capacity, without complying with subsections (1) and (2).
2 However, if the board determines that an election should be
3 held or if 40% or more of the members of the district
4 petition for an election, compliance with subsections (1)
5 and (2) is required."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 894
2 INTRODUCED BY Sandra Kitzelmann Shacka
3 BY REQUEST OF THE HOUSE LOCAL
4 GOVERNMENT COMMITTEE
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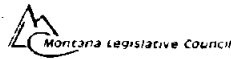
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-2- SECOND READING
HB 894

LC 1895/01

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2 However, if the board determines that an election should be
3 held or if 40% or more of the members of the district
4 petition for an election, compliance with subsections (1)
5 and (2) is required."

-End-

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3 held or if 40% or more of the members of the district
4 petition for an election, compliance with subsections (1)
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-End-

COMMITTEE OF THE WHOLE AMENDMENT

April 1, 1985

~~Mar 30, 1985~~

DATE

8:00

TIME

SENATE

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 894

third reading copy (blue) as follows:
Color

Page 2, line 24.

Following: "all"

Strike: "affected"

Following: "owners"

Insert: "to whom the service is to be extended"

PC3HB894.691

ADOPT

REJECT

HAGER

Hager

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25 EXTENDED, expand the district to include land in---an

REFERENCE BILL

-2-

HB 894
SECOND PRINTING
AS AMENDED

1 ~~unincorporated--area~~, to the extent of excess capacity,
2 without complying with subsections (1) and (2). However, if
3 the board determines that an election should be held or if
4 40% or more of the members of the district petition for an
5 election, compliance with subsections (1) and (2) is
6 required."

-End-