

1 *Senate* BILL NO. 116  
2 INTRODUCED BY *Flynn*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN  
5 ALTERNATIVE PROCEDURE FOR DETRACTING A SINGLE PIECE OF LAND  
6 FROM A FIRE DISTRICT AND ANNEXING THE SAME TO A  
7 MUNICIPALITY; AMENDING AND CLARIFYING SECTIONS 11-519 AND  
8 11-2008, R.C.M. 1947."  
9

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

11 Section 1. Section 11-519, R.C.M. 1947, is amended to  
12 read as follows:

13 "11-519. Standards to be met before annexation can  
14 occur. (1) A municipal governing body may extend the  
15 municipal corporate limits to include any area which meets  
16 the general standards of subsection (2) of this section.

17 (2) The total area to be annexed must meet the  
18 following standards:

19 (a) it must be contiguous to the ~~municipalities~~  
20 ~~municipality's~~ boundaries at the time the annexation  
21 proceeding is begun;

22 (b) no part of the area ~~shall~~ may be included within  
23 the boundary of another incorporated municipality;

24 (c) it must be included within and the proposed  
25 annexation must conform to a comprehensive plan as

1 prescribed in Title 11, chapter 38, R.C.M. 1947; and  
2 (d) no part of the area ~~shall~~ may be included within  
3 the boundary, as existing at the inception of such attempted  
4 annexation, of any fire district organized under any of the  
5 provisions of chapter 20, Title 11, ~~R.C.M. 1947,~~ provided  
6 ~~that--such~~ if the fire district was originally organized at  
7 least ~~ten--(10)~~ years prior to the inception of such  
8 attempted annexation. However, a single-ownership piece of  
9 land may be transferred from a fire district to a  
10 municipality by annexation as provided in 11-2008(5).

11 (3) In fixing new municipal boundaries, a municipal  
12 governing body shall, wherever practical, use natural  
13 topographic features such as ~~ridge--lines~~ ridgelines and  
14 streams and creeks as boundaries, and if a street is used as  
15 a boundary, include within the municipality land on both  
16 sides of the street, and such outside boundary may not  
17 extend more than ~~two--hundred--(200)~~ feet beyond the  
18 right-of-way of the street."

19 Section 2. Section 11-2009, R.C.M. 1947, is amended to  
20 read as follows:

21 "11-2009. Fire protection -- creation of fire  
22 districts -- contracts with cities, towns, and private  
23 service -- dissolution and change of boundaries. ~~(a)(1)~~ The  
24 board of county commissioners is authorized to establish  
25 fire districts in any unincorporated territory, or town or

*S.B. 116*

1 ~~village~~ upon presentation of a petition in writing signed by  
 2 the owners of ~~fifty-per-cent-(50%)~~ or more of the area of  
 3 the privately owned lands included within the proposed  
 4 district who constitute a majority of the taxpayers who are  
 5 freeholders of such area, and whose names appear upon the  
 6 last completed assessment roll; ~~the~~ The board shall, within  
 7 ~~ten-(10)~~ days after the receipt of such ~~the~~ petition; give  
 8 notice of the hearing thereof at least ~~ten-(10)~~ days prior  
 9 ~~thereto to the hearing~~ by mailing a copy of the notice by  
 10 first class mail to each freeholder in the district at the  
 11 address ~~above~~ shown in the assessment roll, by causing  
 12 notices of the time and place of such hearing to be posted  
 13 in at least three ~~(3)~~ of the most public places within the  
 14 area proposed to be established as a fire district, and  
 15 ~~published by publishing the notice~~ at least once not less  
 16 than ~~ten-(10)~~ or more than ~~twenty-(20)~~ days prior to the time  
 17 of ~~said the~~ hearing in a newspaper regularly published in  
 18 the county in which such proposed district is situated. The  
 19 board shall proceed to hear the ~~said~~ petition at the time  
 20 set ~~therefor~~ or at any time within ~~five-(5)~~ days thereafter  
 21 to which the same ~~shall-have-been~~ is postponed or continued  
 22 with due notice, and may grant the same unless it ~~shall-be~~  
 23 is established thereat that the petition bears insufficient  
 24 signatures as above required, or, if originally sufficient,  
 25 that by reason of written withdrawals thereof it has become

1 insufficient. The board shall render its decision within  
 2 ~~thirty-(30)~~ days after ~~said the~~ hearing. At the time of the  
 3 annual levy of taxes the board of county commissioners may  
 4 levy a special tax upon all property within such districts  
 5 for the purpose of buying or maintaining fire protection  
 6 facilities and apparatus for such districts, or for the  
 7 purpose of paying to a city, town, or private fire service  
 8 the consideration provided for in any contract with the  
 9 council of such city, town, or private fire service for the  
 10 purpose of furnishing fire protection service to property  
 11 within such district, and such tax must be collected as are  
 12 other taxes. ~~That-the~~ The relationship between fire district  
 13 and the city, town, or private fire service shall be that of  
 14 an independent contractor.

15 ~~(b)(2)~~ Any fire district organized under this act may  
 16 be dissolved by the board of county commissioners upon  
 17 presentation of a petition therefor signed by the owners of  
 18 ~~fifty--per--cent--(50%)~~ or more of the area of the privately  
 19 owned lands included within such fire district and who  
 20 constitute a majority of the taxpayers who are freeholders  
 21 of such area, and whose names appear upon the last completed  
 22 assessment roll. The procedure and requirements outlined in  
 23 subsection ~~(a)(1)~~ above shall apply to such requests for  
 24 dissolution of fire districts.

25 ~~(c)(1)~~ Change of boundaries -- division. Fire

1 districts may be divided in the following manner: Whenever a  
 2 petition in writing shall be made to the county  
 3 commissioners, signed by the owners of ~~twenty-per-cent~~  
 4 ~~{20%}~~ or more of the privately owned lands of an area  
 5 proposed to be detracted from the original district, ~~and~~ who  
 6 constitute ~~twenty-per-cent-{20%}~~ or more of the taxpayers  
 7 who are freeholders within such proposed detracted area  
 8 whose names appear upon the last completed assessment roll,  
 9 the county commissioners shall, within ~~ten--{10}~~ days from  
 10 the receipt of such petition, give notice of the hearing of  
 11 ~~said the~~ petition by mailing a copy of the notice by first  
 12 class mail to each freeholder in the district at the address  
 13 shown in the assessment roll, ~~and~~ by causing to be posted, a  
 14 notice thereof at least ~~ten--{10}~~ days prior to the time  
 15 appointed by them for the consideration of ~~said the~~  
 16 petition, in at least three ~~{3}~~ of the most public places  
 17 within the proposed detracted area, and also in at least  
 18 three ~~{3}~~ of the most public places within the remaining  
 19 area. The petition for detraction shall describe the  
 20 boundaries of the proposed detracted area, ~~and also~~ the  
 21 boundaries of the remaining area. The county commissioners  
 22 shall, on the day fixed for hearing such petition (or on any  
 23 legally postponed day), proceed to hear ~~said the~~ petition,  
 24 ~~and-said the~~ petition shall be granted, and the original  
 25 districts shall thereupon be divided into separate

1 districts, unless at the time of the hearing on such  
 2 petition protests shall be presented by the owners of ~~fifty~~  
 3 ~~per-cent-{50%}~~ or more of the area of the privately owned  
 4 lands included within the entire original district, ~~and~~ who  
 5 constitute a majority of the taxpayers who are freeholders  
 6 of the entire original district, and whose names appear upon  
 7 the last completed assessment roll. If such required amount  
 8 of protests are presented, the petition for division shall  
 9 be disallowed. Upon the division of districts, moneys on  
 10 hand shall be apportioned between the divided areas  
 11 according to their respective taxable valuations; all other  
 12 assets of the original district shall become the property of  
 13 the remaining area, but a reasonable value shall be placed  
 14 upon such "other assets" and the remaining area shall become  
 15 indebted to the detracted area for its proportionate share  
 16 thereof, based upon taxable valuations. Provided, however,  
 17 that any detracted area shall remain liable for any existing  
 18 warrant and bonded indebtedness of the original district.

19 ~~{d}{4}~~ (a) Change of boundaries -- annexation.  
 20 Adjacent territory that is not already a part of a fire  
 21 district may be annexed in the following manner: A petition  
 22 in writing by the owners of ~~fifty-per-cent-{50%}~~ or more of  
 23 the area of privately owned lands of the adjacent area  
 24 proposed to be annexed, ~~and~~ who constitute a majority of the  
 25 taxpaying freeholders within such proposed area to be

1 annexed, and whose names appear upon the last completed  
 2 assessment roll, shall be presented to the board of county  
 3 commissioners. The commissioners shall hold a hearing on  
 4 such petition in accordance with the procedure outlined in  
 5 subsection (c)(3) above, and shall allow the annexation of  
 6 such proposed adjacent territory, unless protests are  
 7 presented at the hearing by the owners of fifty-per-cent  
 8 (50%) or more of the area of the privately owned lands  
 9 included within the original district, and who constitute a  
 10 majority of the taxpaying freeholders within the original  
 11 district. Such annexed territory shall become liable for any  
 12 outstanding warrant and bonded indebtedness of the original  
 13 district.

14 (b) Adjacent territory that is already a part of a  
 15 fire district may withdraw from such fire district and  
 16 become annexed to another fire district in the following  
 17 manner: A petition in writing by the owners of fifty-per-  
 18 cent (50%) or more of the privately owned lands of an area  
 19 which is part of any organized fire district, and who  
 20 constitute a majority of the taxpaying freeholders within  
 21 such area, according to the last completed assessment roll,  
 22 shall be presented to the county commissioners asking that  
 23 such area be transferred to, and included in, any other  
 24 organized fire district to which said area is adjacent. ~~and~~  
 25 The petition must set forth the change of boundaries to be

1 affected by such proposed transfer of area. The  
 2 commissioners shall hold a hearing on the petition in  
 3 accordance with the procedure outlined in subsection (c)(3)  
 4 above, and the withdrawal and annexation shall be allowed  
 5 unless protests are presented at the hearing by the owners  
 6 of fifty-per-cent (50%) or more of the area of the  
 7 privately owned lands included within either district  
 8 affected, and who constitute a majority of the taxpaying  
 9 freeholders of either district, according to the last  
 10 completed assessment roll, and provided that such the  
 11 withdrawals and annexation shall be allowed only upon a  
 12 showing of more advantageous proximity and communications  
 13 with the fire-fighting firefighting facilities of the other  
 14 district.

15 (5) In lieu of the detraction procedure set forth in  
 16 subsection (3), whenever a person owns land adjacent to a  
 17 city or town and wishes to have that land only annexed to  
 18 the city or town, the land may be detracted as follows:

19 (a) The owner shall mail notice to the chairman of the  
 20 trustees of the fire district or, if none, to the board of  
 21 county commissioners of his intention to request annexation.

22 (b) The owner shall attach a copy of this notice of  
 23 intention to his petition to the municipal governing body  
 24 requesting annexation.

25 (c) Following adoption of the annexation order under

LC 0270/01

1 11-521, the land is detracted from the fire district."

-End-

Approved by Comm.  
on Local Government

*Senate* BILL NO. 116  
*Flynn*

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14 occur. (1) A municipal governing body may extend the  
15 municipal corporate limits to include any area which meets  
16 the general standards of subsection (2) of this section.

17 (2) The total area to be annexed must meet the  
18 following standards:

19 (a) it must be contiguous to the municipalities  
20 municipality's boundaries at the time the annexation  
21 proceeding is begun;

22 (b) no part of the area ~~shall~~ may be included within  
23 the boundary of another incorporated municipality;

24 (c) it must be included within and the proposed  
25 annexation must conform to a comprehensive plan as

1 prescribed in Title 11, chapter 38, R.C.M. 1947; and  
2 (d) no part of the area ~~shall~~ may be included within  
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12 governing body shall, wherever practical, use natural  
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18 right-of-way of the street."

19 Section 2. Section 11-2008, R.C.M. 1947, is amended to  
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21 "11-2008. Fire protection -- creation of fire  
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25 fire districts in any unincorporated territory or town or

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 4 ~~{20%}~~ or more of the privately owned lands of an area  
 5 proposed to be detracted from the original district, ~~and who~~  
 6 constitute ~~twenty-per-cent-{20%}~~ or more of the taxpayers  
 7 who are freeholders within such proposed detracted area,  
 8 whose names appear upon the last completed assessment roll,  
 9 the county commissioners shall, within ~~ten--{10}~~ days from  
 10 the receipt of such petition, give notice of the hearing of  
 11 ~~said the~~ petition by mailing a copy of the notice by first  
 12 class mail to each freeholder in the district at the address  
 13 shown in the assessment roll, ~~and~~ by causing to be posted, a  
 14 notice thereof at least ~~ten--{10}~~ days prior to the time  
 15 appointed by them for the consideration of ~~said the~~  
 16 petition, in at least three ~~{3}~~ of the most public places  
 17 within the proposed detracted area, and also in at least  
 18 three ~~{3}~~ of the most public places within the remaining  
 19 area. The petition for detraction shall describe the  
 20 boundaries of the proposed detracted area, ~~and also~~ the  
 21 boundaries of the remaining area. The county commissioners  
 22 shall, on the day fixed for hearing such petition (or on any  
 23 legally postponed day), proceed to hear ~~said the~~ petition,  
 24 ~~and-said the~~ petition shall be granted, and the original  
 25 districts shall thereupon be divided into separate

1 districts, unless at the time of the hearing on such  
 2 petition protests shall be presented by the owners of ~~ffty~~  
 3 ~~per-cent-{50%}~~ or more of the area of the privately owned  
 4 lands included within the entire original district, ~~and who~~  
 5 constitute a majority of the taxpayers who are freeholders  
 6 of the entire original district, and whose names appear upon  
 7 the last completed assessment roll. If such required amount  
 8 of protests are presented, the petition for division shall  
 9 be disallowed. Upon the division of districts, moneys on  
 10 hand shall be apportioned between the divided areas  
 11 according to their respective taxable valuations; all other  
 12 assets of the original district shall become the property of  
 13 the remaining area, but a reasonable value shall be placed  
 14 upon such "other assets" and the remaining area shall become  
 15 indebted to the detracted area for its proportionate share  
 16 thereof, based upon taxable valuations. Provided, however,  
 17 that any detracted area shall remain liable for any existing  
 18 warrant, and bonded indebtedness of the original district.

19 ~~{d}{4}~~ (a) Change of boundaries -- annexation.  
 20 Adjacent territory that is not already a part of a fire  
 21 district may be annexed in the following manner: A petition  
 22 in writing by the owners of ~~ffty-per-cent-{50%}~~ or more of  
 23 the area of privately owned lands of the adjacent area  
 24 proposed to be annexed, ~~and who~~ constitute a majority of the  
 25 taxpaying freeholders within such proposed area to be

1 annexed ~~and~~ whose names appear upon the last completed  
 2 assessment roll, shall be presented to the board of county  
 3 commissioners. The commissioners shall hold a hearing on  
 4 such petition in accordance with the procedure outlined in  
 5 subsection ~~(e)(3)~~ above and shall allow the annexation of  
 6 such proposed adjacent territory, unless protests are  
 7 presented at the hearing by the owners of ~~fifty-per-cent~~  
 8 ~~{50%}~~ or more of the area of the privately owned lands  
 9 included within the original district ~~and~~ who constitute a  
 10 majority of the taxpaying freeholders within the original  
 11 district. Such annexed territory shall become liable for any  
 12 outstanding warrant and bonded indebtedness of the original  
 13 district.

14 (b) Adjacent territory that is already a part of a  
 15 fire district may withdraw from such fire district and  
 16 become annexed to another fire district in the following  
 17 manner: A petition in writing by the owners of ~~fifty-per~~  
 18 ~~cent~~ ~~{50%}~~ or more of the privately owned lands of an area  
 19 which is part of any organized fire district ~~and~~ who  
 20 constitute a majority of the taxpaying freeholders within  
 21 such area, according to the last completed assessment roll,  
 22 shall be presented to the county commissioners asking that  
 23 such area be transferred to and included in any other  
 24 organized fire district to which said area is adjacent. Said  
 25 The petition must set forth the change of boundaries to be

1 affected by such proposed transfer of area. The  
 2 commissioners shall hold a hearing on the petition in  
 3 accordance with the procedure outlined in subsection ~~(e)(3)~~  
 4 above, and the withdrawal and annexation shall be allowed  
 5 unless protests are presented at the hearing by the owners  
 6 of ~~fifty-per-cent~~ ~~{50%}~~ or more of the area of the  
 7 privately owned lands included within either district  
 8 affected ~~and~~ who constitute a majority of the taxpaying  
 9 freeholders of either district, according to the last  
 10 completed assessment roll, ~~and provided that such~~ The  
 11 withdrawals and annexation shall be allowed only upon a  
 12 showing of more advantageous proximity and communications  
 13 with the ~~fire-fighting~~ firefighting facilities of the other  
 14 district.

15 (5) In lieu of the detraction procedure set forth in  
 16 subsection (3), whenever a person owns land adjacent to a  
 17 city or town and wishes to have that land only annexed to  
 18 the city or town, the land may be detracted as follows:

19 (a) The owner shall mail notice to the chairman of the  
 20 trustees of the fire district or, if none, to the board of  
 21 county commissioners of his intention to request annexation.

22 (b) The owner shall attach a copy of this notice of  
 23 intention to his petition to the municipal governing body  
 24 requesting annexation.

25 (c) Following adoption of the annexation order under

LC 0270/01

1 11-521, the land is detracted from the fire district."

-End-

1 SENATE BILL NO. 116  
 2 INTRODUCED BY FLYNN  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN  
 5 ALTERNATIVE PROCEDURE FOR DETRACTING A SINGLE PIECE OF LAND  
 6 FROM A FIRE DISTRICT AND ANNEXING THE SAME TO A  
 7 MUNICIPALITY; AMENDING AND CLARIFYING SECTIONS 11-519 AND  
 8 11-2008, R.C.M. 1947."  
 9

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

11 Section 1. Section 11-519, R.C.M. 1947, is amended to  
12 read as follows:

13 "11-519. Standards to be met before annexation can  
14 occur. (1) A municipal governing body may extend the  
15 municipal corporate limits to include any area which meets  
16 the general standards of subsection (2) of this section.

17 (2) The total area to be annexed must meet the  
18 following standards:

19 (a) it must be contiguous to the ~~municipalities~~  
20 ~~municipality's~~ boundaries at the time the annexation  
21 proceeding is begun;

22 (b) no part of the area ~~shall~~ may be included within  
23 the boundary of another incorporated municipality;

24 (c) it must be included within and the proposed  
25 annexation must conform to a comprehensive plan as

1 prescribed in Title 11, chapter 38, R.C.M. 1947; and  
 2 (j) no part of the area ~~shall~~ may be included within  
 3 the boundary, as existing at the inception of such attempted  
 4 annexation, of any fire district organized under any of the  
 5 provisions of chapter 20, Title 11, ~~R.C.M. 1947, provided~~  
 6 ~~that--such if the~~ fire district was originally organized at  
 7 least ~~ten--{10}~~ years prior to the inception of such  
 8 attempted annexation. However, a single-ownership piece of  
 9 land may be transferred from a fire district to a  
 10 municipality by annexation as provided in 11-2008(5).

11 (3) In fixing new municipal boundaries, a municipal  
12 governing body shall, wherever practical, use natural  
13 topographic features such as ~~ridge--lines~~ ridgelines and  
14 streams and creeks as boundaries, and if a street is used as  
15 a boundary, include within the municipality land on both  
16 sides of the street; and such outside boundary may not  
17 extend more than ~~two--hundred--{200}~~ feet beyond the  
18 right-of-way of the street."

19 Section 2. Section 11-2008, R.C.M. 1947, is amended to  
20 read as follows:

21 "11-2008. Fire protection -- creation of fire  
22 districts -- contracts with cities, towns, and private  
23 service -- dissolution and change of boundaries. ~~{1}~~ The  
24 board of county commissioners is authorized to establish  
25 fire districts in any unincorporated territory, or town or



1 ~~village~~ upon presentation of a petition in writing signed by  
 2 the owners of ~~fifty-per-cent-(50%)~~ or more of the area of  
 3 the privately owned lands included within the proposed  
 4 district who constitute a majority of the taxpayers who are  
 5 freeholders of such area~~y~~ and whose names appear upon the  
 6 last completed assessment roll~~;~~ ~~the~~ ~~the~~ board shall~~;~~ within  
 7 ~~ten-(10)~~ days after the receipt of such ~~the~~ petition~~;~~ give  
 8 notice of the hearing thereof at least ~~ten-(10)~~ days prior  
 9 ~~thereto to the hearing~~ by mailing a copy of the notice by  
 10 first class mail to each freeholder in the district at the  
 11 address above shown in the assessment roll, by causing  
 12 notices of the time and place of such hearing to be posted  
 13 in at least three ~~(3)~~ of the most public places within the  
 14 area proposed to be established as a fire district, and  
 15 ~~published by publishing the notice~~ at least once not less  
 16 than ~~ten-(10)~~ or more than ~~twenty-(20)~~ days prior to the time  
 17 of ~~said the~~ hearing in a newspaper regularly published in  
 18 the county in which such proposed district is situated. The  
 19 board shall proceed to hear the ~~said~~ petition at the time  
 20 set ~~therefor~~ or at any time within ~~five-(5)~~ days thereafter  
 21 to which the same ~~shall-have-been~~ ~~is~~ postponed or continued  
 22 with due notice~~y~~ and may grant the same unless it ~~shall-be~~  
 23 ~~is~~ established thereat that the petition bears insufficient  
 24 signatures as above required~~y~~ or, if originally sufficient,  
 25 that by reason of written withdrawals thereof it has become

1 insufficient. The board shall render its decision within  
 2 ~~thirty-(30)~~ days after ~~said the~~ hearing. At the time of the  
 3 annual levy of taxes the board of county commissioners may  
 4 levy a special tax upon all property within such districts  
 5 for the purpose of buying or maintaining fire protection  
 6 facilities and apparatus for such districts~~y~~ or for the  
 7 purpose of paying to a city, town~~;~~ or private fire service  
 8 the consideration provided for in any contract with the  
 9 council of such city, town~~;~~ or private fire service for the  
 10 purpose of furnishing fire protection service to property  
 11 within such district, and such tax must be collected as are  
 12 other taxes. ~~That-the~~ ~~the~~ relationship between fire district  
 13 and the city, town~~;~~ or private fire service shall be that of  
 14 an independent contractor.

15 ~~(b)(2)~~ Any fire district organized under this act may  
 16 be dissolved by the board of county commissioners upon  
 17 presentation of a petition therefor signed by the owners of  
 18 ~~fifty--per--cent--(50%)~~ or more of the area of the privately  
 19 owned lands included within such fire district and who  
 20 constitute a majority of the taxpayers who are freeholders  
 21 of such area~~y~~ and whose names appear upon the last completed  
 22 assessment roll. The procedure and requirements outlined in  
 23 subsection ~~(c)(1)~~ above shall apply to such requests for  
 24 dissolution of fire districts.

25 ~~(c)(3)~~ Change of boundaries -- division. Fire

1 districts may be divided in the following manner: Whenever a  
 2 petition in writing shall be made to the county  
 3 commissioners, signed by the owners of ~~twenty-per-cent~~  
 4 ~~{20%}~~ or more of the privately owned lands of an area  
 5 proposed to be detracted from the original district ~~and~~ who  
 6 constitute ~~twenty-per-cent-{20%}~~ or more of the taxpayers  
 7 who are freeholders within such proposed detracted area  
 8 whose names appear upon the last completed assessment roll,  
 9 the county commissioners shall, within ~~ten--{10}~~ days from  
 10 the receipt of such petition, give notice of the hearing of  
 11 ~~said the~~ petition by mailing a copy of the notice by first  
 12 class mail to each freeholder in the district at the address  
 13 shown in the assessment roll ~~and~~ by causing to be posted a  
 14 notice thereof at least ~~ten--{10}~~ days prior to the time  
 15 appointed by them for the consideration of ~~said the~~  
 16 petition in at least three ~~{3}~~ of the most public places  
 17 within the proposed detracted area ~~and~~ also in at least  
 18 three ~~{3}~~ of the most public places within the remaining  
 19 area. The petition for detraction shall describe the  
 20 boundaries of the proposed detracted area ~~and also~~ the  
 21 boundaries of the remaining area. The county commissioners  
 22 shall, on the day fixed for hearing such petition (or on any  
 23 legally postponed day), proceed to hear ~~said the~~ petition,  
 24 ~~and-said the~~ petition shall be granted ~~and~~ the original  
 25 districts shall thereupon be divided into separate

1 districts, unless at the time of the hearing on such  
 2 petition protests shall be presented by the owners of ~~fifty~~  
 3 ~~per-cent-{50%}~~ or more of the area of the privately owned  
 4 lands included within the entire original district ~~and~~ who  
 5 constitute a majority of the taxpayers who are freeholders  
 6 of the entire original district ~~and~~ whose names appear upon  
 7 the last completed assessment roll. If such required amount  
 8 of protests are presented, the petition for division shall  
 9 be disallowed. Upon the division of districts, moneys on  
 10 hand shall be apportioned between the divided areas  
 11 according to their respective taxable valuations; all other  
 12 assets of the original district shall become the property of  
 13 the remaining area, but a reasonable value shall be placed  
 14 upon such "other assets" and the remaining area shall become  
 15 indebted to the detracted area for its proportionate share  
 16 thereof, based upon taxable valuations. Provided, however,  
 17 that any detracted area shall remain liable for any existing  
 18 warrant and bonded indebtedness of the original district.

19 ~~{d}{4}{a}~~ Change of boundaries -- annexation.  
 20 Adjacent territory that is not already a part of a fire  
 21 district may be annexed in the following manner: A petition  
 22 in writing by the owners of ~~fifty-per-cent-{50%}~~ or more of  
 23 the area of privately owned lands of the adjacent area  
 24 proposed to be annexed ~~and~~ who constitute a majority of the  
 25 taxpaying freeholders within such proposed area to be

1 annexed ~~and~~ whose names appear upon the last completed  
 2 assessment roll ~~y~~ shall be presented to the board of county  
 3 commissioners. The commissioners shall hold a hearing on  
 4 such petition ~~y~~ in accordance with the procedure outlined in  
 5 subsection ~~(c)~~(3) above ~~+~~ and shall allow the annexation of  
 6 such proposed adjacent territory ~~y~~ unless protests are  
 7 presented at the hearing by the owners of fifty--per--cent  
 8 ~~(50%)~~ ~~y~~ or more ~~y~~ of the area of the privately owned lands  
 9 included within the original district ~~y~~ ~~and~~ who constitute a  
 10 majority of the taxpaying freeholders within the original  
 11 district. Such annexed territory shall become liable for any  
 12 outstanding warrant and bonded indebtedness of the original  
 13 district.

14 (b) Adjacent territory that is already a part of a  
 15 fire district may withdraw from such fire district and  
 16 become annexed to another fire district in the following  
 17 manner: A petition in writing by the owners of fifty--per  
 18 cent--~~(50%)~~ ~~y~~ or more ~~y~~ of the privately owned lands of an area  
 19 which is part of any organized fire district ~~y~~ ~~and~~ who  
 20 constitute a majority of the taxpaying freeholders within  
 21 such area, according to the last completed assessment roll,  
 22 shall be presented to the county commissioners asking that  
 23 such area be transferred to ~~y~~ and included in ~~y~~ any other  
 24 organized fire district to which said area is adjacent. ~~5~~~~+~~  
 25 ~~The~~ petition must set forth the change of boundaries to be

1 affected by such proposed transfer of area. The  
 2 commissioners shall hold a hearing on the petition in  
 3 accordance with the procedure outlined in subsection ~~(c)~~(3) ~~y~~  
 4 above ~~y~~ and the withdrawal and annexation shall be allowed  
 5 unless protests are presented at the hearing by the owners  
 6 of fifty--per--cent--~~(50%)~~ ~~y~~ or more ~~y~~ of the area of the  
 7 privately owned lands included within either district  
 8 affected ~~y~~ ~~and~~ who constitute a majority of the taxpaying  
 9 freeholders of either district, according to the last  
 10 completed assessment roll ~~y~~ ~~and~~ ~~provided~~ ~~y~~ ~~that~~ ~~such~~ ~~The~~  
 11 withdrawals and annexation shall be allowed only upon a  
 12 showing of more advantageous proximity and communications  
 13 with the ~~fire-fighting~~ firefighting facilities of the other  
 14 district.

15 (5) In lieu of the detraction procedure set forth in  
 16 subsection (3), whenever a person owns land adjacent to a  
 17 city or town and wishes to have that land only annexed to  
 18 the city or town, the land may be detracted as follows:

19 (a) The owner shall mail notice to the chairman of the  
 20 trustees of the fire district or, if none, to the board of  
 21 county commissioners of his intention to request annexation.

22 (b) The owner shall attach a copy of this notice of  
 23 intention to his petition to the municipal governing body  
 24 requesting annexation.

25 (c) Following adoption of the annexation order under

SB 0116/02

1 11-221, the land is detracted from the fire district."

-End-

SB 116