House Bill 33

In The House

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In The House	
January 6, 1981	Introduced and referred to Committee on Local Government.
	On motion by Chief Sponser Representatives and 2 Senators were added as authors to the pre-filed bill.
February 9, 1981	Committee recommend bill do pass as amended.
February 10, 1981	Bill printed and placed on members' desks.
February 11, 1981	Second reading do pass as amended.
February 12, 1981	Correctly engrossed.
February 13, 1981	Third reading passed.
In The Senate	Ģ
February 14, 1981	Introduced and referred to Committee on Local Government.
March 26, 1981	Committee recommend bill concurred as amended.
March 30, 1981	Motion pass consideration.
March 31, 1981	Second reading concurred as amended.
	On motion rules suspended. Bill placed on Calendar for third reading this day and allowed to be transmitted on the 71st Legislative day. Motion adopted.
	Third reading concurred as amended.

In The House

April	1,	1981	Returned from Senate concurred as amended.
April	8,	1981	Second reading amendment not concurred.

47th Legislature

LC 0118/01

1	HOUSE BILL NO. 33
2	INTRODUCED BYAZZARA
3	BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
6	MUNICIPAL ANNEXATION OF HIGH-DENSITY LAND UNDER CERTAIN
7	CONDITIONS."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Annexation of high-density land. (1) A
11	municipality may annex land contiguous to its corporate
12	limits if:
13	(a) there are within the external boundaries of the
14	land area to be annexed contiguous parcels, each of which
15	meets a density of not less than four dwelling units per
16	acre; or
17	(b) the land being annexed is a planned-unit or cluster
18	development having an overall density of four dwelling units
19	per acre.
20	(2) The governing body of the municipality must adopt a
21	resolution of intent to annex the area and follow the
22	procedures required in 7-2-4311 through 7-2-4314, except
23	that the protest provisions of 7-2-4314(2) do not apply.
24	(3) In addition to the requirements of 7-2-4311 through
25	7-2-4314(1), the governing body of the municipality shall

publish with the notice of intent to annex: 1 (a) a statement detailing the estimated costs in taxes 2 and fees for city services for a typical property within the 3 municipality and within the area to be annexed; and 4 (b) a statement detailing how the electors in the area 5 to be annexed will be equitably represented in the municipal 6 government and the date and type of elections affecting the 7 area proposed to be annexed that will occur within a year of 8 9 the effective date of the annexation. 10 (4) The governing body of the municipality shall provide services to the newly annexed area according to a 11 plan adopted pursuant to 7-2-4732, except: 12 13 (a) when the municipality and freeholders of the area to be annexed mutually agree to the continued provision of 14 services by a rural fire district, other service district, 15 16 or private service provider; and 17 (b) as required under the provisions of 7-2-4236. Section 2. Codification instruction. Section 1 is 18 intended to be codified as an integral part of Title 7. 19 20 chapter 2, part 43, and the provisions of Title 7, chapter

21 2, part 43, apply to section 1.

-End-



47th Legislature

HB 0033/02

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Approved by Comm. on Local Government

1	HOUSE BILL NC+ 33
2	INTRODUCED BY AZZARA, DOVER, FABREGA, SPILKER, SALES,
3	DONALDSON, ROTH, KESSLER, HALLIGAN
4	BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS
5	
ó	A SILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
7	MUNICIPAL ANNEXATION OF HIGH-DENSITY LAND UNDER CERTAIN
8	CONDITIONS."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Annexation of high-density land. (1) 4
12	municipality may annex land contiguous to its corporate
13	limits if:
14	(a) there are within the external boundaries of the
15	land area to be annexed contiguous parcels, each of which
16	meets a density of not less than four dwelling units per
17	acre; or
18	(b) the land being annexed is a planned-unit or
19	cluster development having an overall density of four
20	dwelling units per acre.
21	(2) The governing body of the municipality must adopt
22	a resolution of intent to annex the area and follow the
23	procedures required in 7-2-4311 through 7-2-4314, except
24	that the protest provisionsof7-2-4314t2}donoteppty
25	REQUIRED TO STOP AN ANNEXATION PURSUANT TO THIS PART MUST BE

and the second second

1 SIGNED BY 66 2/3% OF THE FREEHOLDERS.

2 (3) In addition to the requirements of 7-2-4311
3 through 7-2-4314(1), the governing body of the municipality
4 shall publish with the notice of intent to annex:

(a) a statement detailing the estimated costs in taxes
and fees for city services for a typical property within the
municipality and within the area to be annexed; and

6 (b) a statement detailing how the electors in the area 9 to be annexed will be equitably represented in the municipal 10 government and the date and type of elections affecting the 11 area proposed to be annexed that will occur within a year of 12 the effective date of the annexation.

13 (4) The governing body of the municipality shall
14 provide services to the newly annexed area according to a
15 plan adopted pursuant to 7-2-4732, except:

(a) when the-municipality-and <u>51% OF</u> THE freeholders
of the area to be annexed mutually-agree-to <u>PETITION FOR</u> the
continued provision of services by a rural fire district,
other service district, or private service provider; and

20 (b) ∋s required under the provisions of 7-2-4236
 21 7-2-4736.

 22
 (5) IF THE ANNEXED AREA IS TO CONTINUE TO RECEIVE FIRE

 23
 PROTECTION_FROM_A_RURAL_FIRE_DISTRICT_AS_PROVIDED_IN

 24
 SUBSECTION_(4)(A). THE PROPERTY_TAXES_LEVIED_BY_THE

 25
 MUNICIPALITY_ON_THE_FREEHOLDERS_OF_THE_ANNEXED_AREA_SHALL_BE

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SECOND READING

HB 0033/02

HB 33

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1 REDUCED BY THAT AMOUNT WHICH CAN BE DIRECTLY ATTRIBUTED TO

2 THE MUNICIPAL FIRE SERVICE.

3 Section 2. Codification instruction. Section 1 is

4 intended to be codified as an integral part of Title 7,

5 chapter 2, part 43, and the provisions of Title 7, chapter

6 2+ part 43+ apply to section 1.

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HB 0033/03

1 REQUIRED TO STOP AN ANNEXATION PURSUANT TO THIS PART MUST BE HOUSE BILL NO. 33 SIGNED BY 66-2/3% 51% 66% OF THE FREEHOLDERS; AND 2 INTRODUCED BY AZZARA+ DOVER+ FABREGA+ SPILKER+ SALES+ 3 (II) THE PERIOD FOR RECEIVING PROTESTS SHALL BE 60 30 DONALDSON, ROTH, KESSLER, HALLIGAN DAYS. 4 BY-REQUEST-OF-THE-STUBY-COMMITTEE-ON-ANNEXATION-LAWS (3) In addition to the requirements of 7-2-4311 5 through 7-2-4314(1), the governing body of the municipality A SILE FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR 6 MUNICIPAL ANNEXATION OF HIGH-DENSITY LAND UNDER CERTAIN 7 shall publish with the notice of intent to annex: 8 CONDITIONS." (a) a statement detailing the estimated costs in taxes 9 and fees for city services for a typical property within the BE IT ENACTED BY THE LEGISLATURE DE THE STATE OF MONTANA: 10 municipality and within the area to be annexed; and Section 1. Annexation of high-density land. (1) A 11 (b) a statement detailing how the electors in the area to be annexed will be equitably represented in the municipal municipality may annex land contiguous to its corporate 12 limits if: 13 government and the date and type of elections affecting the (a) there are within the external boundaries of the area proposed to be annexed that will occur within a year of 14 land area to be annexed contiguous parcels, each of which 15 the effective date of the annexation. (4) The governing body of the municipality shall meets a density of not less than four dwelling units per 16 provide services to the newly annexed area according to a 17 acre; or plan adopted pursuant to 7-2-4732, except: 18 (b) the land being annexed is a planned-unit or (a) when the municipality and 51% OF _THE freeholders cluster development having an overall density of four 19 of the area to be annexed mutually-agree-to PETITION FOR the 20 dwelling units per acre. 21 continued provision of services by a rural fire district. (2) The governing body of the municipality must adopt other service district, or private service provider; and 22 a resolution of intent to annex the area and follow the 23 (b) as required under the provisions of 7-2-4236 procedures required in 7-2-4311 through 7-2-4314, except 24 1-2-4736. that: (5) IF THE ANNEXED_AREA IS TO CONTINUE TO RECEIVE FIRE 25 [1] the protest provisions-of-7-2-4314(2)-do-not-apply -2-

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THIRD READING

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H8 0033/03

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PROTECTION FROM A RURAL FIRE DISTRICT AS PROVIDED IN 1 2 SUBSECTION (4) (A). THE PROPERTY TAXES LEVIED BY THE 3 MUNICIPALITY ON THE FREEHOLDERS OF THE ANNEXED AREA SHALL BE REDUCED BY THAT AMOUNT WHICH CAN BE DIRECTLY ATTRIBUTED TO 4 5 THE MUNICIPAL FIRE SERVICE. 6 Section 2. Codification instruction. Section 1 is 7 intended to be codified as an integral part of Title 7. chapter 2, part 43, and the provisions of Title 7, chapter 8

-End-

2, part 43, apply to section 1.

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47th Legislature

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HB 0033/04

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1	HOUSE BILL NO. 33	1	REQUIRED-
2	INTRODUCED BY AZZARA, DOVER, FABREGA, SPILKER, SALES,	2	<u>516NE0-87</u>
3	DONALDSON, ROTH, KESSLER, HALLIGAN	3	<u>tīt</u> t
4	8¥-REQUEST-8F-THE-STUDY-CONMITTEE-8N-ANNEXATION-LAWS	4	<u>60</u> days.
5		5	(3)
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR	6	through 7
7	MUNICIPAL ANNEXATION OF HIGH-DENSITY LAND UNDER CERTAIN	7	shall pub
8	CONDITIONS."	8	(a)
9		9	and fees
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	municipal
11	Section L. Annexation of high-density land. (1) A	11	(b)
12	municipality may annex land contiguous to its corporate	12	to be ann
13	limits if:	13	governmen
14	{a} there are within the external boundaries of the	14	area prop
15	land area to be annexed contiguous parcels, each of which	15	the effec
16	meets a density of not less than four dwelling units per	16	(4)
17	acre; or	17	provide
18	(b) the land being annexed is a planned-unit or	18	p lan-adop
19	cluster development having an overall density of four	19	(a)
20	dwelling units per acre.	20	OF THE
21	(2) The governing body of the municipality must adopt	21	mutually-
22	a resolution of intent to annex the area and follow the	22	services
23	procedures required in 7-2-4311 through 7-2-4314, except	23	or privat
24	that <u>+</u>	24	(b)
25	<u>t1</u> ; the-protest-p rovisions-of-7-2-4314(2) -do- not -ap ply	25	<u>7-2-4736</u> .

HB 0033/04

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1	<u>REQUIRED-TO-STOP-AN-ANNEXATION-PURSUANT-TO-THIS-PARI-MUST-BE</u>
2	SIGNED-BY 66-273% SIX 66% SIX OF-THE-FREEHOLDERSI-AND
3	1111 THE PERIOD FOR RECEIVING PROTESTS SHALL BE 60 30
4	<u>60</u> days.
5	(3) In addition to the requirements of 7-2-4311
6	through 7-2-4314 (1) , the governing body of the municipality
7	shall publish with the notice of intent to annex:
8	(a) a statement detailing the estimated costs in taxes
9	and fees for city services for a typical property within the
10	municipality and within the area to be annexed; and
11	(b) a statement detailing how the electors in the area
12	to be annexed will be equitably represented in the municipal
13	government and the date and type of elections affecting the
14	area proposed to be annexed that will occur within a year of
15	the effective date of the annexation.
16	(4) The governing body of the municipality shall
17	provide services to the newly annexed area according to a
18	p lan-adopted-pursuant-to-7-2-4732 <u>IITLE 7, PART 47</u> , except:
19	(a) when the municipality and <u>51%-OF-</u>THE <u>MORE THAN 50%</u>
20	OF THE RESIDENT freeholders of the area to be annexed
21	mutually-agree-to <u>PETITION FOR</u> the continued provision of
22	services by a rural fire district, other service district,
23	or private service provider; and
24	(b) as required under the provisions of 7-2-4236
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REFERENCE BILL

HB 0033/04

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1 (5) IF THE ANNEXED AREA IS TO CONTINUE TO RECEIVE FIRE 2 PROTECTION FROM A RURAL FIRE DISTRICT AS PROVIDED IN 3 SUBSECTION (4) (A). THE PROPERTY TAXES LEVIED BY THE 4 MUNICIPALITY ON THE FREEHOLDERS OF THE ANNEXED AREA SHALL BE 5 REDUCED BY THAT AMOUNT WHICH CAN BE DIRECTLY ATTRIBUTED TO 6 THE MUNICIPAL FIRE SERVICE. 7 Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 7. 8 chapter 2, part 43, and the provisions of Title 7, chapter 9

10 2, part 43; apply to section 1.

-End-

SENATE STANDING COMMITTEE REPORT (Local Government)

That House Bill No. 33 be amended as follows:

1. Page 2, line 2. Following: "51%" Strike: "66%" Insert: "51%" 2. Page 2, line 3. Following: "60" Strike: "30"

Insert: " $\overline{60}$ "

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SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 33, third reading copy, as follows;

1. Page 1, line 24 through page 2, line 3. Following: "that" on line 24. Strike: all language through "(II)" on line 3.

2. Page 2, line 3.
Following: "60"
Strike: "30"
Insert: "60"

3. Page 2, line 6.
Following: "7-2-4314"
Strike: "(1)"

4. Page 2, lines 17 and 18. Following: "according to" Strike: "a plan adopted pursuant to 7-2-4732" Insert: "Title 7, part 47"

5. Page 2, line 19.
Following: "and"
Strike: "51% OF THE"
Insert: "more than 50% of the resident"