

House Bill 33

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

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.

Approved by Comm.
on Local Government

HOUSE BILL NO. 33

INTRODUCED BY AZZARA, DOVER, FABREGA, SPILKER, SALES,

ODNALDSON, ROTH, KESSLER, HALLIGAN

BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
MUNICIPAL ANNEXATION OF HIGH-DENSITY LAND UNDER CERTAIN
CONDITIONS."

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

Section 1. Annexation of high-density land. (1) A
municipality may annex land contiguous to its corporate
limits if:

(a) there are within the external boundaries of the
land area to be annexed contiguous parcels, each of which
meets a density of not less than four dwelling units per
acre; or

(b) the land being annexed is a planned-unit or
cluster development having an overall density of four
dwelling units per acre.

(2) The governing body of the municipality must adopt
a resolution of intent to annex the area and follow the
procedures required in 7-2-4311 through 7-2-4314, except
that the protest provisions--of--7-2-4314(2)--do--not--apply
REQUIRED TO STOP AN ANNEXATION PURSUANT TO THIS PART MUST BE

SIGNED BY 66 2/3% OF THE FREEHOLDERS.

(3) In addition to the requirements of 7-2-4311
through 7-2-4314(1), the governing body of the municipality
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

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

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

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

(b) as required under the provisions of ~~7-2-4236~~
7-2-4736.

(5) IF THE ANNEXED AREA IS TO CONTINUE TO RECEIVE FIRE
PROTECTION FROM A RURAL FIRE DISTRICT AS PROVIDED IN
SUBSECTION (4)(A), THE PROPERTY TAXES LEVIED BY THE
MUNICIPALITY ON THE FREEHOLDERS OF THE ANNEXED AREA SHALL BE

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.

-End-

HOUSE BILL NO. 33

INTRODUCED BY AZZARA, DOVER, FABREGA, SPILKER, SALES,
DONALDSON, ROTH, KESSLER, HALLIGAN
~~BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS~~

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR
MUNICIPAL ANNEXATION OF HIGH-DENSITY LAND UNDER CERTAIN
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municipality may annex land contiguous to its corporate
limits if:

(a) there are within the external boundaries of the
land area to be annexed contiguous parcels, each of which
meets a density of not less than four dwelling units per
acre; or

(b) the land being annexed is a planned-unit or
cluster development having an overall density of four
dwelling units per acre.

(2) The governing body of the municipality must adopt
a resolution of intent to annex the area and follow the
procedures required in 7-2-4311 through 7-2-4314, except
that:

~~(1) the protest provisions of 7-2-4314(2) do not apply~~

REQUIRED TO STOP AN ANNEXATION PURSUANT TO THIS PART MUST BE
SIGNED BY ~~66-2/3%~~ 51% 66% OF THE FREEHOLDERS; AND

(II) THE PERIOD FOR RECEIVING PROTESTS SHALL BE ~~60~~ 30
DAYS.

(3) In addition to the requirements of 7-2-4311
through 7-2-4314(1), the governing body of the municipality
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

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

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

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

(b) as required under the provisions of 7-2-4236
7-2-4736.

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

1 PROTECTION FROM A RURAL FIRE DISTRICT AS PROVIDED IN
2 SUBSECTION (4)(A), THE PROPERTY TAXES LEVIED BY THE
3 MUNICIPALITY ON THE FREEHOLDERS OF THE ANNEXED AREA SHALL BE
4 REDUCED BY THAT AMOUNT WHICH CAN BE DIRECTLY ATTRIBUTED TO
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,
8 chapter 2, part 43, and the provisions of Title 7, chapter
9 2, part 43, apply to section 1.

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Section 1. Annexation of high-density land. (1) A
municipality may annex land contiguous to its corporate
limits if:

(a) there are within the external boundaries of the
land area to be annexed contiguous parcels, each of which
meets a density of not less than four dwelling units per
acre; or

(b) the land being annexed is a planned-unit or
cluster development having an overall density of four
dwelling units per acre.

(2) The governing body of the municipality must adopt
a resolution of intent to annex the area and follow the
procedures required in 7-2-4311 through 7-2-4314, except
that:

~~the protest provisions of 7-2-4314(2) do not apply~~

~~REQUIRED TO STOP AN ANNEXATION PURSUANT TO THIS PART MUST BE
SIGNED BY 66-2/3% 51% 66% 51% OF THE FREEHOLDERS; AND~~

~~THE PERIOD FOR RECEIVING PROTESTS SHALL BE 60 30~~
60 days.

(3) In addition to the requirements of 7-2-4311
through 7-2-4314~~(1)~~, the governing body of the municipality
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

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

(4) The governing body of the municipality shall
provide services to the newly annexed area according to a
~~plan adopted pursuant to 7-2-4732~~ TITLE 7, PART 47, except:

(a) when the municipality and ~~51% OF THE MORE THAN 50%~~
OF THE RESIDENT freeholders of the area to be annexed
~~mutually agree to~~ PETITION FOR the continued provision of
services by a rural fire district, other service district,
or private service provider; and

(b) as required under the provisions of 7-2-4236
~~7-2-4736.~~

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
8 intended to be codified as an integral part of Title 7,
9 chapter 2, part 43, and the provisions of Title 7, chapter
10 2, part 43, apply to section 1.

-End-

March 26, 1981

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: "60"

March 31, 1981

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"