

HOUSE BILL NO. 53

1/07 Introduced
1/07 Referred to Judiciary
1/14 Hearing
1/17 Referred to Local Government
2/02 Hearing
Died in Committee

1 HOUSE BILL NO. 53
 2 INTRODUCED BY HANNAH

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE BINDING
 5 EFFECT OF A CONSENT TO ANNEX TO THE SIGNERS OF THE CONSENT;
 6 PROVIDING THAT FUTURE PROPERTY OWNERS MAY RECEIVE MUNICIPAL
 7 SERVICES THAT WERE PROVIDED AS CONSIDERATION FOR A CONSENT
 8 TO ANNEX; PROVIDING THAT A CONSENT TO ANNEX IS VOID IF
 9 EXECUTED TO PREVENT AN UNFAVORABLE ALTERATION OF A MUNICIPAL
 10 SERVICE."

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

13 Section 1. Consent to annex -- not binding on future
 14 owners. (1) As used in this section, a "consent to annex"
 15 means an instrument in which a property owner consents to
 16 the annexation of the property or waives the right to
 17 protest or object to the annexation of the property.

18 (2) A consent to annex is binding only on the parties
 19 who executed it and does not run with the land.

20 (3) A consent to annex that was executed in
 21 consideration for receiving a municipal service establishes
 22 the availability of that service for all future owners of
 23 the property, subject to the right of the municipality to
 24 discontinue the service and the right of owners to
 25 reestablish the service in conformance with general

1 provisions applicable to the delivery of that service to all
 2 other municipal and nonmunicipal recipients.

3 (4) A consent to annex executed for the purpose of
 4 preventing the discontinuance, diminution, or increase in
 5 the cost of a municipal service is void.

6 Section 2. Codification instruction. Section 1 is
 7 intended to be codified as an integral part of Title 7,
 8 chapter 2, parts 43, 46, and 47, and the provisions of Title
 9 7, chapter 2, parts 43, 46, and 47, apply to section 1.

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