

HOUSE BILL NO. 841

2/15 Introduced
2/15 Referred to Local Government
2/21 Hearing
Died in Committee

1 HOUSE BILL NO. 841
2 INTRODUCED BY Embrey
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LAW CONCERNING ANNEXATION; REVISING WHAT MUST BE CONTAINED
6 IN A PLAN FOR EXTENSION OF SERVICES; REQUIRING A NOTICE TO
7 CONTAIN A STATEMENT OF THE NUMBER OF FREEHOLDERS AFFECTED;
8 INCREASING THE NOTICE PERIOD; AMENDING SECTIONS 7-2-4205,
9 7-2-4305, 7-2-4312 THROUGH 7-2-4314, 7-2-4323, 7-2-4324,
10 7-2-4405, 7-2-4501, 7-2-4506, 7-2-4610, AND 7-2-4732, MCA."

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

12 Section 1. Section 7-2-4205, MCA, is amended to read:
13 "7-2-4205. Provision of services. In all cases of
14 annexation under current Montana law, services will be
15 provided according to a plan provided by the municipality as
16 specified in 7-2-4731(1) and 7-2-4732, except:

- 17 (1) as provided in 7-2-4736; and
- 18 (2) in first-class cities, where otherwise mutually
- 19 agreed upon by the municipality and the freeholders of the
- 20 area to be annexed."

21 Section 2. Section 7-2-4305, MCA, is amended to read:

22 "7-2-4305. Provision of services. In all cases of
23 annexation under current Montana law, services will be
24 provided according to a plan provided by the municipality as
25

1 specified in 7-2-4731(1) and 7-2-4732, except:

- 2 (1) as provided in 7-2-4736; and
- 3 (2) in first-class cities, where otherwise mutually
- 4 agreed upon by the municipality and the freeholders of the
- 5 area to be annexed."

6 Section 3. Section 7-2-4312, MCA, is amended to read:

7 "7-2-4312. Resolution of intent by first-class city --
8 notice. When, in the judgment of any city council of a city
9 of the first class expressed by a resolution duly and
10 regularly passed and adopted, it will be to the best
11 interest of such city and the inhabitants of any contiguous
12 platted tracts or parcels of land or unplatted land for
13 which a certificate of survey has been filed that the
14 boundaries of such city shall be extended so as to include
15 the same within the corporate limits thereof, the city clerk
16 of such city shall:

- 17 (1) immediately notify in writing, addressed to the
- 18 address to which tax notices are sent, all owners and
- 19 purchasers under contracts for deed of property in the
- 20 territory to be embraced; and

- 21 (2) cause a notice to be published in the newspaper
- 22 published nearest such platted tracts or parcels of land or
- 23 unplatted land for which a certificate of survey has been
- 24 filed, at least once a week for 2 successive weeks. The
- 25 notice must contain accurate statistics on how many resident



1 freeholders are in the area to be annexed."

2 Section 4. Section 7-2-4313, MCA, is amended to read:
3 "7-2-4313. Contents of notice -- protest period. The
4 notice shall be to the effect that:

5 (1) such resolution has been duly and regularly
6 passed; and

7 (2) for a period of ~~20~~ 30 days after the first
8 publication of such notice, such city clerk will receive
9 expressions, in writing, of approval or disapproval of the
10 proposed extensions of the boundaries of such city of the
11 first class from freeholders of the territory proposed to be
12 embraced therein."

13 Section 5. Section 7-2-4314, MCA, is amended to read:

14 "7-2-4314. Hearing on question of annexation --
15 resolution of annexation. (1) The clerk shall, at the next
16 regular meeting of the city council of such city of the
17 first class after the expiration of said ~~20~~ 30 days, lay
18 before the same all communications in writing so received by
19 him for its consideration. Except as provided in subsection
20 (2), if after considering the same such council shall duly
21 and regularly pass and adopt a resolution to that effect,
22 the boundaries of such city of the first class shall be
23 extended so as to embrace and include such platted tracts or
24 parcels of land or unplatted land for which a certificate of
25 survey has been filed; the time when the same shall go into

1 effect to be fixed by such resolution.

2 (2) Such resolution shall not be adopted by such
3 council if disapproved in writing by a majority of the
4 resident freeholders of the territory proposed to be
5 embraced, and no further resolutions relating to the
6 annexation of said territory or any portion thereof may be
7 considered or acted upon by the council on its own
8 initiative and without petition for a period of 1 year from
9 the date of disapproval."

10 Section 6. Section 7-2-4323, MCA, is amended to read:

11 "7-2-4323. Contents of notice -- protest period. The
12 notice shall be to the effect that:

13 (1) such resolution has been duly and regularly
14 passed; and

15 (2) for a period of ~~20~~ 30 days after the first
16 publication of such notice, such city or town clerk will
17 receive expressions in writing of approval or disapproval of
18 the proposed extensions of the boundaries of such city or
19 town from freeholders of the territory proposed to be
20 embraced therein."

21 Section 7. Section 7-2-4324, MCA, is amended to read:

22 "7-2-4324. Hearing on question of annexation --
23 resolution of annexation. (1) The clerk shall, at the next
24 regular meeting of the city or town council after the
25 expiration of said ~~20~~ 30 days, lay before the same all

1 communications in writing so received by him for its
 2 consideration. Except as provided in subsection (2), if
 3 after considering the same such council shall duly and
 4 regularly pass and adopt a resolution to that effect, the
 5 boundaries of such city or town of the second or third class
 6 shall be extended so as to embrace and include such tracts
 7 or parcels of land; the time when the same shall go into
 8 effect to be fixed by such resolution.

9 (2) Such resolution shall not be adopted by such
 10 council if disapproved in writing by a majority of the
 11 freeholders of the territory proposed to be embraced."

12 Section 8. Section 7-2-4405, MCA, is amended to read:

13 "7-2-4405. Notice of resolution -- protest period. The
 14 clerk of the municipality shall forthwith cause to be
 15 published in the newspaper nearest such land, at least once
 16 a week for 2 successive weeks, a notice that such resolution
 17 has been duly and regularly passed and that for a period of
 18 ~~20~~ 30 days after the first publication of such notice, such
 19 clerk will receive expressions of approval or disapproval,
 20 in writing, of the proposed alterations of the boundaries of
 21 the municipality. Said notice shall also state the time and
 22 place set for the public hearing on the proposed
 23 annexation."

24 Section 9. Section 7-2-4501, MCA, is amended to read:

25 "7-2-4501. Annexation of wholly surrounded land. A

1 city may include as part of the city any platted or
 2 unplatted tract or parcel of land of 10 acres or less that
 3 is wholly surrounded by the city upon passing a resolution
 4 of intent, giving notice, and passing a resolution of
 5 annexation. Except as provided in 7-2-4502, the provisions
 6 of 7-2-4312 through 7-2-4314 apply to these resolutions and
 7 the notice requirement. Tracts or parcels of more than 10
 8 acres must be annexed according to the provisions of Title
 9 7, chapter 2, part 43."

10 Section 10. Section 7-2-4506, MCA, is amended to read:

11 "7-2-4506. Provision of services. In all cases of
 12 annexation under current Montana law, services will be
 13 provided according to a plan provided by the municipality as
 14 specified in 7-2-4731(1) and 7-2-4732, except:

- 15 (1) as provided in 7-2-4736; and
 16 (2) in first-class cities, where otherwise mutually
 17 agreed upon by the municipality and the freeholders of the
 18 area to be annexed."

19 Section 11. Section 7-2-4610, MCA, is amended to read:

20 "7-2-4610. Provision of services. In all cases of
 21 annexation under current Montana law, services will be
 22 provided according to a plan provided by the municipality as
 23 specified in 7-2-4731(1) and 7-2-4732, except:

- 24 (1) as provided in 7-2-4736; and
 25 (2) in first-class cities, where otherwise mutually

1 agreed upon by the municipality and the freeholders of the
2 area to be annexed."

3 Section 12. Section 7-2-4732, MCA, is amended to read:

4 "7-2-4732. Contents of plan for extension of services.

5 (1) Specifically, the plans for the extension of services
6 shall provide a long-range plan for extension of services
7 and the acquisition of properties outside the corporate
8 limits. This plan must show anticipated development a
9 minimum of 5 years into the future, showing on a yearly
10 basis how the municipality plans to extend services, develop
11 and add sections to the city.

12 (2) The plans shall:

13 (a) provide for extending police protection, fire
14 protection, garbage collection, and streets and street
15 maintenance services to the area to be annexed on
16 substantially the same basis and in the same manner as such
17 services are provided within the rest of the municipality
18 prior to annexation;

19 (b) provide for future extension of streets and of
20 major trunk water mains, sewer outfall lines, and other
21 utility services into the area to be annexed, so that when
22 such streets and utility lines become necessary and are
23 constructed, property owners in the area to be annexed will
24 be able to secure such services, according to the policies
25 in effect in such municipality for extending such services

1 to individual lots or subdivisions;

2 (c) if extension of streets and water, sewer, or other
3 utility lines into the area to be annexed is necessary, set
4 forth a proposed timetable for construction of such streets
5 and utility lines;

6 (d) contain a statement detailing how the electors in
7 the area to be annexed will be equitably represented in the
8 municipal government and the dates and types of elections
9 affecting the area proposed to be annexed that will occur
10 within 1 year of the effective date of the annexation.

11 (3) A method must be set forth by which the
12 municipality plans to finance extension of services into the
13 area to be annexed. If the area is serviced currently by
14 adequate water and sewage services, streets, curbs, and
15 gutters and no capital improvements are needed to provide
16 adequate services stipulated by this section and 7-2-4731,
17 the municipality must provide the area to be annexed with a
18 plan of how they plan to finance other services to be
19 included within the district--mainly, police protection,
20 fire protection, garbage collection, street, and street
21 maintenance services, as well as continued utility service.

22 (4) In this annexation plan, it must be clearly stated
23 that the entire municipality tends to share the tax burden
24 for these services, and if so, the area may be annexed
25 without a bond issue under the provisions of this part."

-End-