

1 *McCluskey* *Wells* *House* BILL NO. *438*
 2 INTRODUCED BY *Brianard* *McDenny* *HART* *Green* *Jone*
 3 *Storall* *Lewis* *Trud* *Vassar* *Smith* *Boyer*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A CITY TO OBTAIN APPROVAL OF ANNEXATION
 5 BY A MAJORITY VOTE OF THE ELECTORS OF THE AREA TO BE ANNEXED AND BY A MAJORITY VOTE
 6 OF THE ELECTORS OF THE CITY; AMENDING SECTIONS 7-2-4303, 7-2-4311, 7-2-4312, 7-2-4314,
 7 7-2-4501, AND 7-2-4711, MCA; AND REPEALING SECTIONS 7-2-4321, 7-2-4322, 7-2-4323, 7-2-4324,
 8 7-2-4325, AND 7-2-4502, MCA."
 9

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

11
 12 **Section 1.** Section 7-2-4303, MCA, is amended to read:
 13 "7-2-4303. **Restrictions on annexation power.** Land used for industrial, commercial, or
 14 manufacturing purposes ~~shall~~ may not be included in ~~such a~~ city under the provisions of 7-2-4311 through
 15 7-2-4314 and 7-2-4321 through 7-2-4325 without the consent in writing of the owners of ~~such~~ the land."
 16

17 **Section 2.** Section 7-2-4311, MCA, is amended to read:
 18 "7-2-4311. **Annexation of contiguous land by cities of the first class.** Any tracts or parcels of land
 19 ~~which~~ that have been or may hereafter be platted into lots or blocks, streets, and alleys or platted for parks
 20 and the map or plat ~~thereof~~ filed in the office of the county clerk and recorder of the county in which ~~the~~
 21 ~~same~~ they are situated or any unplatted land that has been surveyed and for which a certificate of survey
 22 has been filed, ~~as provided in these codes,~~ which platted or unplatted land ~~shall~~ must be contiguous to any
 23 incorporated city ~~of the first class,~~ may be ~~embraced within~~ annexed into the corporate city limits ~~thereof~~
 24 and the boundaries of ~~such~~ the city ~~of the first class~~ may be extended ~~so as to include the same~~ in the
 25 manner provided in 7-2-4312 through 7-2-4314."
 26

27 **Section 3.** Section 7-2-4312, MCA, is amended to read:
 28 "7-2-4312. **Resolution of intent by first-class city -- notice.** When, in the judgment of ~~any~~ a city
 29 council ~~of a city of the first class~~ expressed by a resolution ~~duly and regularly passed and adopted,~~ it ~~will~~
 30 ~~be to~~ is in the best interest of ~~such~~ the city and the inhabitants of any contiguous platted tracts or parcels

1 of land or unplatted land for which a certificate of survey has been filed that the boundaries of ~~such the~~
 2 city ~~shall~~ be extended ~~so as~~ to include the same land within the corporate city limits thereof, the city clerk
 3 ~~of such city~~ shall:

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

6 (2) cause a notice to be published in the newspaper published nearest ~~such the~~ platted tracts or
 7 parcels of land or unplatted land for which a certificate of survey has been filed, at least once a week for
 8 2 successive weeks."

9
 10 **Section 4.** Section 7-2-4314, MCA, is amended to read:

11 **"7-2-4314. Hearing and election on question of annexation ~~—resolution of annexation.~~** (1) The
 12 clerk shall, at the next regular meeting of the city council ~~of such city of the first class~~ after the expiration
 13 of ~~said the 20 days-day period provided in 7-2-4313, lay before the same~~ submit all communications in
 14 writing ~~so received by him for its the council's~~ consideration. Except as provided in subsection (2), ~~if after~~
 15 ~~considering the same such council shall duly and regularly pass and adopt a resolution to that effect, the~~
 16 ~~boundaries of such city of the first class shall be extended so as to embrace and include such platted tracts~~
 17 ~~or parcels of land or unplatted land for which a certificate of survey has been filed; the time when the same~~
 18 ~~shall go into effect to be fixed by such resolution~~ the council shall place on the ballot, either by special
 19 election or at the next general election, the question of whether the proposed area should be annexed. The
 20 area may not be annexed unless a majority of the resident electors in the area proposed for annexation vote
 21 in favor of annexation and a majority of the electors of the city vote in favor of the annexation.

22 (2) ~~Such resolution shall not be adopted by such council~~ An election on the question of annexation,
 23 as provided for in subsection (1), may not be held if the question of annexation is disapproved in writing
 24 by a majority of the resident freeholders of the territory proposed to be embraced, and no further. Further
 25 resolutions elections relating to the annexation of ~~said the~~ territory or any portion thereof of it may not be
 26 considered or acted upon by the council on its own initiative and without petition for a period of 1 year
 27 from the date of disapproval."
 28

29 **Section 5.** Section 7-2-4501, MCA, is amended to read:

30 **"7-2-4501. Annexation of wholly surrounded land.** A city may include as part of the city any

1 platted or unplatted tract or parcel of land that is wholly surrounded by the city upon passing a resolution
 2 of intent, giving notice, and ~~passing a resolution of conducting an election on the question of annexation-~~
 3 ~~Except as provided in 7-2-4502, the provisions of 7-2-4312 through 7-2-4314 apply to these resolutions~~
 4 ~~and the notice requirement."~~

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6 **Section 6.** Section 7-2-4711, MCA, is amended to read:

7 **"7-2-4711. Ordinance of annexation.** The municipal governing body shall take into consideration
 8 facts presented at the public hearing and ~~shall have authority to~~ may amend the report required by
 9 7-2-4731 and ~~to~~ make changes in the plans for serving the area proposed to be annexed so long as ~~such~~
 10 the changes meet the requirements of 7-2-4731 through 7-2-4733. At any regular or special meeting held
 11 ~~no sooner than 7 days and no later than 60 days following such public hearing, the~~ The governing body
 12 ~~shall have authority to~~ may place on the ballot, at a special or general election, the question of whether the
 13 municipality should adopt an ordinance extending the corporate limits of the municipality to include all or
 14 such part of the area described in the notice of public hearing ~~which that~~ which that meets the requirements of
 15 7-2-4734 and 7-2-4735 and ~~which that~~ which that the governing body has concluded should be annexed. The area
 16 may not be annexed unless a majority of the resident electors in the area proposed for annexation vote in
 17 favor of annexation and a majority of the electors of the municipality vote in favor of the annexation."

18

19 NEW SECTION. **Section 7. Repealer.** Sections 7-2-4321, 7-2-4322, 7-2-4323, 7-2-4324,
 20 7-2-4325, and 7-2-4502, MCA, are repealed.

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