

## HOUSE BILL NO. 682

INTRODUCED BY G. FORRESTER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING FIRE DISTRICTS;  
5 PROVIDING THAT A PETITION FOR DETRACTION OF PROPERTY FROM A FIRE DISTRICT MAY NOT  
6 CREATE AN AREA THAT IS WHOLLY SURROUNDED BY THE FIRE DISTRICT; AUTHORIZING FIRE  
7 DISTRICTS TO ANNEX WHOLLY SURROUNDED LAND AND PROHIBITING PROTESTS AGAINST  
8 ANNEXATION OF WHOLLY SURROUNDED LAND; AMENDING SECTIONS 7-33-2122, 7-33-2123, AND  
9 7-33-2125, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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13 **Section 1.** Section 7-33-2122, MCA, is amended to read:  
14 **"7-33-2122. Petition for division -- hearing and notice.** (1) ~~Whenever~~ Subject to subsection (2), a  
15 petition in writing shall may be made submitted to the county commissioners, signed by the owners of 20% or  
16 more of the privately owned lands of an area proposed to be detracted from the original district, ~~who~~ The  
17 petitioners must constitute 20% or more of the taxpayers who are ~~freeholders~~ property owners within ~~such the~~  
18 proposed detracted area and whose names appear upon the last-completed assessment roll; Upon receipt of  
19 a valid petition, the county commissioners shall, within 10 days from the receipt of ~~such the~~ petition, give notice  
20 of the hearing of the petition by mailing a copy of the notice by first-class mail to each ~~freeholder~~ property owner  
21 in the district at the address shown in the assessment roll and by ~~causing posting~~ a notice thereof to be posted,  
22 at least 10 days prior to the time appointed by ~~them~~ the commissioners for the consideration of the petition, in  
23 at least three of the most public places within the proposed detracted area and also in at least three of the most  
24 public places within the remaining area.

25 (2) The petition for detraction ~~shall~~ must describe the boundaries of the proposed detracted area and  
26 the boundaries of the remaining area. A petition for detraction may not create a detracted area that is completely  
27 surrounded by the remainder of the territory of the fire district.

28 (3) The county commissioners shall, on the day fixed for hearing ~~such the~~ petition, ~~(or on any legally~~  
29 ~~postponed day),~~ proceed to hear the petition."  
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1           **Section 2.** Section 7-33-2123, MCA, is amended to read:

2           **"7-33-2123. Decision on petition for division -- protest.** ~~The~~ Subject to the restriction in 7-33-2122(2),  
 3 the petition shall ~~shall~~ must be granted and the original districts shall ~~thereupon~~ must be divided into separate districts  
 4 unless, at the time of the hearing on such the petition, protests shall ~~be~~ are presented by the owners of 50% or  
 5 more of the area of the privately owned lands included within the entire original district who constitute a majority  
 6 of the taxpayers who are ~~freeholders~~ property owners of the entire original district and whose names appear  
 7 upon the last-completed assessment roll. If such the required amount of protests are presented, the petition for  
 8 division shall ~~shall~~ must be disallowed."

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10           **Section 3.** Section 7-33-2125, MCA, is amended to read:

11           **"7-33-2125. Annexation of adjacent territory not contained in a fire district.** (1) Adjacent territory  
 12 that is not already a part of a fire district may be annexed in the following manner:

13           (a) A petition in writing by the owners of 50% or more of the area of privately owned lands of the  
 14 adjacent area proposed to be annexed who constitute a majority of the ~~taxpaying freeholders~~ property owners  
 15 within the proposed area to be annexed and whose names appear upon the last completed assessment roll must  
 16 be presented to the board of trustees of the district for approval. If the proposed annexation is approved by the  
 17 board of trustees, the petition must be presented to the board of county commissioners.

18           (b) At the first regular meeting of the board of county commissioners after the presentation of the  
 19 petition, the commissioners shall set a date to hold a hearing on the petition. The date of the hearing may not  
 20 be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners. The  
 21 board of county commissioners shall publish notice of the hearing as provided in 7-1-2121.

22           (2) On the date set for the hearing, the board of county commissioners shall consider the petition and  
 23 any objections to the annexation. ~~The~~ Subject to subsection (4), the board shall approve the annexation unless  
 24 a protest petition signed by a majority of the ~~landowners~~ property owners of the area proposed for annexation  
 25 is presented at the hearing, in which case the annexation must be disapproved.

26           (3) The annexed territory is liable for any outstanding warrant and bonded indebtedness of the original  
 27 district.

28           (4) A fire district may annex wholly surrounded land, and the owner of wholly surrounded land may not  
 29 protest the annexation."

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