

HOUSE BILL NO. 605

INTRODUCED BY N. SCHWADERER

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PROCESS FOR ANNEXATION OF PROPERTY INTO A RESORT AREA DISTRICT; REQUIRING A PROPOSAL FOR ANNEXATION AND A REVIEW FEE TO BE SUBMITTED TO THE DEPARTMENT OF COMMERCE FOR DESIGNATION AS A RESORT AREA; REQUIRING AN ELECTION IN THE AREA PROPOSED TO BE ANNEXED; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Annexation of property into resort area district. (1) Property may be annexed into a resort area district as provided in this section.

(2) The board may recommend that property contiguous to an existing resort area district be annexed into the resort area district.

(3) If the board recommends annexation, the board shall submit its recommendation to the board of county commissioners, along with a description or map of the existing district and a description or map of the area proposed to be annexed.

(4) (a) Upon receipt of the board's recommendation, the board of county commissioners shall submit the description or map of the existing district and the description or map of the area proposed to be annexed into the resort area district to the department of commerce, along with a review fee of \$250 and any other information required by the department as necessary to determine whether the existing district with the proposed annexation qualifies as a resort area under 7-6-1501.

(b) The department of commerce shall determine whether the existing district with the proposed annexation qualifies as a resort area under 7-6-1501 and shall notify the board of county commissioners of its determination. If the existing district with the proposed annexation does not qualify as a resort area, the board of county commissioners may take no further action on the proposed annexation for a period of at least 1 year. If the existing district with the proposed annexation does qualify as a resort area, the board of county commissioners shall give notice of an election to be held in the area proposed to be annexed.

(5) The board of county commissioners shall give notice of the election to be held in the area proposed

1 to be annexed. The election must be held in conjunction with a regular or primary election and must be conducted
2 as provided in 7-6-1537.

3 (6) A person is not entitled to vote at an election on the proposed annexation unless the person
4 possesses all of the qualifications required of electors under the general election laws of this state and is a
5 resident of the area proposed to be annexed.

6 (7) If a majority of the votes cast on the question of annexation of the property into the resort area district
7 are in favor of the annexation, the board of county commissioners shall enter into its minutes an order, by
8 resolution, annexing the property into the district and shall cause to be created a map of the district that includes
9 the annexed area. Immediately following the adoption of the resolution, the board of county commissioners shall
10 file with the secretary of state and the county clerk and recorder a copy of the resolution and the map.

11 (8) The secretary of state shall issue a certificate of incorporation as provided in 7-6-1540.

12 (9) The resort area district board that governed the district before annexation shall continue to operate
13 and the members shall continue to serve the members' terms. Upon occurrence of a vacancy or the expiration
14 of a member's term, residents of the area that has been annexed are eligible for election or appointment to the
15 board under the provisions of 7-6-1543 through 7-6-1546.

16 (10) If the area proposed to be annexed includes property in more than one county, the boards of county
17 commissioners of each county must comply with the provisions of this section.

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19 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
20 integral part of Title 7, chapter 6, part 15, and the provisions of Title 7, chapter 6, part 15, apply to [section 1].

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22 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

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