

HOUSE BILL NO. 682
INTRODUCED BY G. FORRESTER

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

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

Section 1. Section 7-33-2122, MCA, is amended to read:

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

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

(3) The county commissioners shall, on the day fixed for hearing ~~such~~ the petition, (or on any legally postponed day), proceed to hear the petition."

Section 2. Section 7-33-2123, MCA, is amended to read:

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

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

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

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

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

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

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

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

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2003.

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