
Local Government Committee

BILL ANALYSIS HB 1738

TITLE OF THE BILL: Clarifying annexation procedures for cities and towns annexing populated and nonpopulated areas.

Brief Summary:

- Requires notice (signed by 10% of the property owners in area to be annexed) to the city and the city's approval before an annexation petition may be circulated for signature.
- Makes changes to the procedural provisions for the direct petition method process of annexation.
- Requires published notice of the proposed annexation if the annexation area has a population equal to at least 2% of the city's preannexation population, or 50 residents, whichever is greater.
- Provides a method to request an election within the annexation area on the proposed annexation, when requested by petition, if the annexation area has a population equal to at least 2% or 50 residents, whichever is greater of the city's preannexation population.

SPONSORS: Representatives Boldt and Mielke.

HEARING DATE: Monday, January 24, 2000.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.

FISCAL NOTE: Not requested.

ANALYSIS PREPARED BY: Scott MacColl (786-7106).

BACKGROUND:

There are three methods for cities and towns to annex territory: the election by resolution method, the election by petition method, and the direct petition method. The direct petition method does not require a vote of the people in the affected area; the other two methods requires an election on the question of annexation.

The direct petition method allows for annexation if ten percent or more of the residents of an area, with at least ten percent of the assessed value, petition the legislative body of a city or town. The legislative body of the city or town must then determine whether the plan to annex is valid, and if so, the petition may proceed. The petition must be signed by owners of at least 75% of the of the assessed value in the area to be annexed.

The council must set a date for a hearing within the affected area and publishes notice of the hearing. After the hearing, the legislative body must then decide to accept all, part or none of the annexation, by ordinance. The annexation becomes effective on the date the ordinance is signed.

SUMMARY:

Several changes are made to the direct petition annexation method for cities and towns.

Proponents of a proposal for annexation must file written notice to the legislative body of the city or town. The written notice must be signed by the owners of at least ten percent of real property based on the total assessed valuation. The legislative body must then approve the proposal for petition before the petition may be circulated for signatures. For cities in a county with a boundary review board, the legislative body must file a notice of the proposed annexation with the boundary review board.

An annexation is effective on the date specified in the ordinance, even if the proposal must be submitted to a boundary review board, unless the proposal is altered by the Boundary Review Board. If the boundary review board alters the proposal, the annexation becomes effective on the date fixed by a subsequent ordinance adopted by the city or town approving the modifications.

These annexation procedures are not automatically effective if the annexation area contains at least two percent of a city or town's population prior to the annexation, or fifty people, whichever is greater. In that situation, the annexation is potentially subject to voter approval, and the city or town must publish notice of the annexation locally, including a description of the process in which voters residing in the proposed annexation area may file a petition subjecting the annexation to voter approval.

The petition must be signed by at least ten percent of the registered voters in the proposed annexation area, and filed within forty-five days of the publication notice. The county auditor must certify that the petition contains enough valid signatures. If so, the question of the proposed annexation is submitted to the voters at the next general or special election, at least forty-five days after the petition is certified.

If the city or town requires that the annexation area assume the city or town indebtedness, the legislative body may decide to put the question of the annexation and the indebtedness on a single ballot or on separate ballots. The question of annexation may be decided by a simple majority, however the question of indebtedness requires a supermajority with the total number of voters voting equal to at least forty percent of people that voted in the previous general election.