

FINAL BILL REPORT

HB 1295

C 402 L 09
Synopsis as Enacted

Brief Description: Annexing areas used for agricultural fairs.

Sponsors: Representatives Warnick and Upthegrove.

House Committee on Local Government & Housing
Senate Committee on Agriculture & Rural Economic Development

Background:

State law authorizes multiple methods for municipal annexations. While code and non-code cities and towns have separate statutory requirements for governance and operation, the annexation methods employed are generally similar. A summary of the methods is as follows:

- *resolution/election method* - requires approval of city or town resolutions by voters residing in the proposed annexation area;
- *petition/election method* - includes initiatives petitioned and approved by the voters residing in the proposed annexation area;
- *direct petition method* - requires approval of direct petitions signed by property owners comprising a specific percentage of land value, without voter action. An alternative direct petition method based upon the signatures of qualifying property owners and registered voters was enacted into law in 2003; and
- *resolution only method* - includes annexations for municipal purposes approved by a majority of the city or town legislative body, or other actions not requiring voter or property owner action.

In 2003 legislation enacted an annexation method by which qualifying cities and towns may annex certain territory by ordinance if specific requirements, including the negotiation of interlocal agreements between the participating jurisdictions, are satisfied.

Property owned by a county and used for an agricultural fair is not subject to annexation by code or non-code cities and towns without the consent of the majority of the applicable board of county commissioners.

Summary:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Procedures for the annexation of county-owned fairgrounds by code cities, non-code cities, and towns are established. To initiate the annexation process, the legislative body of the city or town proposing to annex territory owned by a county that is used for an agricultural fair must submit a request for annexation and a legal description of the subject territory to the legislative authority of the county within which the territory is located.

Upon receipt of the request and description, the county legislative authority has 30 days to review the proposal and determine if the annexation proceedings will continue. The legislative authority may modify the proposal, but it may not add territory that was not included in the request and description. Approval of the county legislative authority is a condition precedent to further proceedings upon the request and there is no appeal of the decision of the legislative authority.

If the county legislative authority determines that the proceedings may continue, it must satisfy public notice and hearing requirements. If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

Should the legislative body of the city or town proposing annexation determine to effect the annexation, it must do so by ordinance. The ordinance may not include additional territory that was not in the county resolution, nor may it exclude territory that was in the resolution. Territory annexed through an ordinance in accordance with specified requirements is annexed and becomes a part of the city or town upon the date fixed in the ordinance.

Votes on Final Passage:

House	92	0	
Senate	45	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 2009