

REVENUE: No Revenue Impact
FISCAL: Has minimal fiscal impact
SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: James LaBar, Administrator

Meeting Dates: 5/13, 6/3

WHAT THE MEASURE DOES: Prohibits city from requiring consent to annexation of landowner's property in exchange for city providing county service as agent of county. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

(-3 amendment): Adds new provision that the legislative body of city shall annex a territory without submitting the proposal to the city's voters for an election if: 1) the territory is within a city's urban growth boundary, but outside the city limits; 2) the territory is subject to the city's acknowledged comprehensive plan; 3) the owners petition to annex that property into the city, and 4) the owners comply with all requirements for annexation into the city. Creates exclusion from new provision for territory within Metro.

BACKGROUND:

Ambiguity in current law allows cities to require consent to eventual annexation of a landowner's property in exchange for extraterritorial services.

In an opinion dated January 9, 2006, Legislative Counsel determined that a requirement that property owners consent to eventual annexation of property to obtain approval of a building permit for that property is "beyond the scope of the building inspection program."

House Bill 2938 would put in statute a prohibition on cities requiring consent to annexation of a landowner's property in exchange for the city providing county services as an agent of the county.

The vote count in the Rural Communities, Land Use and Water Committee was 7-0, and the House vote count was 59-1.