

STATEMENT OF PURPOSE

RS27655 / H0489

This legislation repeals Idaho Code Section 50-222 and adds a new simplified and understandable Section 50-222. As Idaho is one of only a few states that still allow forced annexation, the new code section provides protections for landowners by clarifying and changing the procedures for a city of this state to annex privately owned property. The new sections define certain relevant terms, requires the land to be annexed is adjacent to or surrounded by the city, and requires the city to notify each landowner of the intent to annex. The new code section also requires that the city publish a written annexation plan and provide for a public hearing. The new code section requires that the city obtain the consent of at least two-thirds of the landowners, evidenced by a written instrument executed by the landowner or the landowner's authorized agent. The new code section also explains the procedures and effects of annexation on highways, fairgrounds, airports, recreational areas and railroad right-of-ways. The new codes section also provides for tax relief for those landowners that are annexed into a city but are not receiving city services. Finally, the new code section maintains the procedure for judicial review of annexation decisions.

FISCAL NOTE

As annexation is a voluntary procedure undertaken by cities the new legislation will have no impact on the state general fund or any other state funds and will not require any state expenditures. It is not anticipated that there will be any fiscal impact to local governments as the procedures for cities to annex land remain similar to the procedures contained in the repealed and replaced code section. However, it is possible depending on cities current annexation practices that there could be minimal fiscal impacts to local governments as the bill does require notification to all landowners.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).