HOUSE BILL NO. 119

INTRODUCED BY REAM, HALLIGAN

IN THE HOUSE

JANUARY 9, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
JANUARY 18, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 19, 1991	PRINTING REPORT.
JANUARY 22, 1991	SECOND READING, DO PASS.
JANUARY 23, 1991	ENGROSSING REPORT.
JANUARY 24, 1991	THIRD READING, PASSED. AYES, 84; NOES, 14.
	TRANSMITTED TO SENATE.
	IN THE SENATE
JANUARY 25, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 25, 1991	
JANUARY 25, 1991 FEBRUARY 15, 1991	ON LOCAL GOVERNMENT.
	ON LOCAL GOVERNMENT. FIRST READING. COMMITTEE RECOMMEND BILL BE
FEBRUARY 15, 1991	ON LOCAL GOVERNMENT. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 15, 1991 FEBRUARY 16, 1991	ON LOCAL GOVERNMENT. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
FEBRUARY 15, 1991 FEBRUARY 16, 1991	ON LOCAL GOVERNMENT. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 30; NOES, 19.
FEBRUARY 15, 1991 FEBRUARY 16, 1991	ON LOCAL GOVERNMENT. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 30; NOES, 19. RETURNED TO HOUSE.
FEBRUARY 15, 1991 FEBRUARY 16, 1991 FEBRUARY 18, 1991	ON LOCAL GOVERNMENT. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 30; NOES, 19. RETURNED TO HOUSE. IN THE HOUSE

REPORTED CORRECTLY ENROLLED.

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1	HOUSE BILL NOT 1/9
2	INTRODUCED BY Bob Ream ballya
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE CREATION
5	OF A SPECIAL IMPROVEMENT DISTRICT TO ACQUIRE PARK LAND; AND
6	AMENDING SECTION 7-12-4102, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 7-12-4102, MCA, is amended to read:
10	"7-12-4102. Authorization for creation of special
11	improvement districts. (1) The city or town council has
12	power to create special improvement districts, designating
13	them by number; to extend the time for payment of
14	assessments levied upon the districts for district
15	improvements for a period not exceeding 20 years or, is
16	refunding bonds are issued pursuant to 7-12-4194, for
17	period not exceeding 30 years; to make the assessment
18	payable in installments; and to pay all expenses of whatever
19	character incurred in making the improvements with specia
20	improvement warrants or bonds.
21	(2) Whenever the public interest or convenienc
22	requires, the city council may:

(a) create special improvement districts for acquiring

by purchase, building, constructing, or maintaining devices

intended to protect the safety of the public from open

1	ditches carrying irrigation or other water;
2	(b) create special improvement districts for acquiring
3	by purchase or building and constructing municipal swimming
4	pools and other recreation facilities;
5	(c) create special improvement districts and order the
6	whole or any portion or portions, either in length or width
7	of any one or more of the streets, avenues, alleys, o
8	places or public ways of the city:
9	(i) graded or regraded to the official grade;
10	<pre>(ii) planked or replanked;</pre>
11	(iii) paved or repaved;
12	<pre>(iv) macadamized or remacadamized;</pre>
13	<pre>(v) graveled or regraveled;</pre>
14	<pre>(vi) piled or repiled;</pre>
15	<pre>(vii) capped or recapped;</pre>
16	<pre>(viii) surfaced or resurfaced;</pre>
17	(ix) oiled or reciled;
18	(d) create special improvement districts and order th
19	acquisition, construction, or reconstruction within th
20	districts of:
21	(i) sidewalks, crosswalks, culverts, bridges, gutters

curbs, steps, parkings (including the planting of grassplots

sanitary and/or drainage purposes, with outlets, cesspools,

(ii) sewers, ditches, drains, conduits, and channels for

and setting out of trees);

- manholes, catchbasins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances;
- 4 (iii) waterworks, water mains, and extensions of water 5 mains:
- (iv) pipes, hydrants, hose connections for irrigating 6 7 purposes;
 - (v) appliances for fire protection;

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- 9 (vi) tunnels, viaducts, conduits, subways, breakwaters, 10 levees, retaining walls, bulkheads, and walls of rock or other material to protect the same from overflow or injury 11 1.2 by water;
- (vii) the opening of streets, avenues, and alleys and 1.3 the planting of trees on the streets, avenues, and alleys;
- (e) create special improvement districts and order the 15 construction or reconstruction in, over, or through property 16 or rights-of-way owned by the city of: 17
 - (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary and/or drainage purposes, necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels, and other appurtenances;
- 23 (ii) pipes, hose connections for irrigating; hydrants 24 and appliances for fire protection;
- (iii) breakwaters, levees, retaining walls, 25

bulkheads; and

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- (iv) walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways, and other property in the city from overflow by water;
- (f) create special improvement districts to make monetary advances or contributions to aid in construction of additional natural gas and electric distribution lines and telecommunications facilities in order to extend those public utility services;
- (g) create special improvement districts and order any 10 work to be done that is considered necessary to improve the 11 whole or any portion of the streets, avenues, sidewalks, 12 alleys, places, or public ways, property, or right-of-way of 13 14 the city;
 - (h) create special improvement districts to acquire and improve by purchase, gift, bequest, lease, or other means land to be designated as public park or open-space land; and
 - (h)(i) maintain, preserve, and care for any and all of the improvements authorized in this section.
 - (3) The city governing body may order and create special improvement districts covering projects abutting the city limits and include properties outside the city where the special improvement district abuts and benefits that property. Property owners within the proposed district boundaries outside the city may not be included in the

1 special improvement district if 40% of those property owners 2 protest the creation of the special improvement district. 3 The property outside the city must be treated in a similar 4 manner as to improvements, notices, and assessments as the 5 property inside the city limits. A joint resolution of the 6 city and county must be passed agreeing to the terms of the 7 special improvement district prior to passing the resolution 8 intention or the resolution creating the special 9 imp:ovement district. A copy of the resolution of intention 10 and the resolution creating the special improvement district 11 must be provided to the county commissioners upon the 12 passage of the respective resolutions."

APPROVED BY COMM. ON LOCAL GOVERNMENT

1 HOUSE BILL NO! 1/9
2 INTRODUCED BY Bob Reau Jollys

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT TO ACQUIRE PARK LAND; AND AMENDING SECTION 7-12-4102, MCA."

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

Section 1. Section 7-12-4102, MCA, is amended to read:

"7-12-4102. Authorization for creation of special improvement districts. (1) The city or town council has power to create special improvement districts, designating them by number; to extend the time for payment of assessments levied upon the districts for district improvements for a period not exceeding 20 years or, if refunding bonds are issued pursuant to 7-12-4194, for a period not exceeding 30 years; to make the assessments payable in installments; and to pay all expenses of whatever character incurred in making the improvements with special improvement warrants or bonds.

- (2) Whenever the public interest or convenience requires, the city council may:
- 23 (a) create special improvement districts for acquiring
 24 by purchase, building, constructing, or maintaining devices
 25 intended to protect the safety of the public from open

1	ditches	carrying	irrigation	or	other	water
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- 2 (b) create special improvement districts for acquiring
 3 by purchase or building and constructing municipal swimming
 4 pools and other recreation facilities;
- (c) create special improvement districts and order the whole or any portion or portions, either in length or width, of any one or more of the streets, avenues, alleys, or places or public ways of the city:
- 9 (i) graded or regraded to the official grade;
- 10 (ii) planked or replanked;
- 11 (iii) paved or repaved;
- 12 (iv) macadamized or remacadamized;
- (v) graveled or regraveled;
- 14 (vi) piled or repiled;
- 15 (vii) capped or recapped;
- (viii) surfaced or resurfaced;
- 17 (ix) oiled or reoiled;
- (d) create special improvement districts and order the
- 19 acquisition, construction, or reconstruction within the
- 20 districts of:
- 21 (i) sidewalks, crosswalks, culverts, bridges, qutters,
- 22 curbs, steps, parkings (including the planting of grassplots
- 23 and setting out of trees);
- 24 (ii) sewers, ditches, drains, conduits, and channels for
- 25 sanitary and/or drainage purposes, with outlets, cesspools,



- manholes, catchbasins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances;
- 4 (iii) waterworks, water mains, and extensions of water 5 mains;
- 6 (iv) pipes, hydrants, hose connections for irrigating7 purposes;
 - (v) appliances for fire protection;

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- 9 (vi) tunnels, viaducts, conduits, subways, breakwaters,
 10 levees, retaining walls, bulkheads, and walls of rock or
 11 other material to protect the same from overflow or injury
 12 by water;
- (vii) the opening of streets, avenues, and alleys and the planting of trees on the streets, avenues, and alleys;
 - (e) create special improvement districts and order the construction or reconstruction in, over, or through property or rights-of-way owned by the city of:
 - (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary and/or drainage purposes, with necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels, and other appurtenances;
- (ii) pipes, hose connections for irrigating; hydrantsand appliances for fire protection;
- 25 (iii) breakwaters, levees, retaining walls, and

bulkheads; and

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- 2 (iv) walls of rock or other material to protect the 3 streets, avenues, lanes, alleys, courts, places, public 4 ways, and other property in the city from overflow by water;
 - (f) create special improvement districts to make monetary advances or contributions to aid in the construction of additional natural gas and electric distribution lines and telecommunications facilities in order to extend those public utility services;
 - (g) create special improvement districts and order any work to be done that is considered necessary to improve the whole or any portion of the streets, avenues, sidewalks, alleys, places, or public ways, property, or right-of-way of the city;
 - (h) create special improvement districts to acquire and improve by purchase, gift, bequest, lease, or other means land to be designated as public park or open-space land; and
 - (h)(i) maintain, preserve, and care for any and all of the improvements authorized in this section.
- 20 (3) The city governing body may order and create
 21 special improvement districts covering projects abutting the
 22 city limits and include properties outside the city where
 23 the special improvement district abuts and benefits that
 24 property. Property owners within the proposed district
 25 boundaries outside the city may not be included in the

1 special improvement district if 40% of those property owners 2 protest the creation of the special improvement district. 3 The property outside the city must be treated in a similar manner as to improvements, notices, and assessments as the 4 5 property inside the city limits. A joint resolution of the 6 city and county must be passed agreeing to the terms of the 7 special improvement district prior to passing the resolution 8 intention or the resolution creating the special 9 improvement district. A copy of the resolution of intention 10 and the resolution creating the special improvement district 11 must be provided to the county commissioners upon the 12 passage of the respective resolutions."

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1	HOUSE BILL NOT 1/9
2	INTRODUCED BY Bob Reau Jellya
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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT TO ACQUIRE PARK LAND; AND

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- (2) Whenever the public interest or convenience requires, the city council may:
- (a) create special improvement districts for acquiring by purchase, building, constructing, or maintaining devices intended to protect the safety of the public from open

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- (b) create special improvement districts for acquiring
 by purchase or building and constructing municipal swimming
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- 5 (c) create special improvement districts and order the 6 whole or any portion or portions, either in length or width, 7 of any one or more of the streets, avenues, alleys, or 8 places or public ways of the city:
- 9 (i) graded or regraded to the official grade;
- 10 (ii) planked or replanked;
- 11 (iii) paved or repaved;
- 12 (iv) macadamized or remacadamized;
- 13 (v) graveled or regraveled;
- 14 (vi) piled or repiled;
- 15 (vii) capped or recapped;
- 16 (viii) surfaced or resurfaced;
- 17 (ix) oiled or reoiled:
- 18 (d) create special improvement districts and order the
- 19 acquisition, construction, or reconstruction within the
- 20 districts of:
- 21 (i) sidewalks, crosswalks, culverts, bridges, gutters,
- 22 curbs, steps, parkings (including the planting of grassplots
- 23 and setting out of trees);
- 24 (ii) sewers, ditches, drains, conduits, and channels for
- 25 sanitary and/or drainage purposes, with outlets, cesspools,

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THIRD READING

- manholes, catchbasins, flush tanks, septic tanks, connecting 1 sewers, ditches, drains, conduits, channels, and other 2 appurtenances; 3
- (iii) waterworks, water mains, and extensions of water 5 mains;
- (iv) pipes, hydrants, hose connections for irrigating 6 7 purposes;
- 8 (v) appliances for fire protection;

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- 9 (vi) tunnels, viaducts, conduits, subways, breakwaters, 10 levees, retaining walls, bulkheads, and walls of rock or 11 other material to protect the same from overflow or injury 12 by water;
 - (vii) the opening of streets, avenues, and alleys and the planting of trees on the streets, avenues, and alleys;
- 15 (e) create special improvement districts and order the 16 construction or reconstruction in, over, or through property or rights-of-way owned by the city of: 17
 - (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary and/or drainage purposes, with necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels, and other appurtenances;
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- 25 (iii) breakwaters, levees, retaining walls, and

bulkheads: and

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- (iv) walls of rock or other material to protect the 2 streets, avenues, lames, alleys, courts, places, public 3 ways, and other property in the city from overflow by water;
- (f) create special improvement districts to make monetary advances or contributions to aid in additional natural gas and electric 7 construction of distribution lines and telecommunications facilities in order to extend those public utility services;
- (q) create special improvement districts and order any 10 work to be done that is considered necessary to improve the 11 whole or any portion of the streets, avenues, sidewalks, 12 alleys, places, or public ways, property, or right-of-way of 13 14 the city;
 - (h) create special improvement districts to acquire and improve by purchase, gift, bequest, lease, or other means land to be designated as public park or open-space land; and th; (i) maintain, preserve, and care for any and all of the improvements authorized in this section.
 - (3) The city governing body may order and create special improvement districts covering projects abutting the city limits and include properties outside the city where the special improvement district abuts and benefits that property. Property owners within the proposed district boundaries outside the city may not be included in the

1 special improvement district if 40% of those property owners 2 protest the creation of the special improvement district. 3 The property outside the city must be treated in a similar manner as to improvements, notices, and assessments as the 4 property inside the city limits. A joint resolution of the 5 city and county must be passed agreeing to the terms of the 6 7 special improvement district prior to passing the resolution 8 of intention or the resolution creating the special 9 imp: ovement district. A copy of the resolution of intention 10 and the resolution creating the special improvement district 11 must be provided to the county commissioners upon the 12 passage of the respective resolutions."

52nd Legislature

HB 0119/02

1	HOUSE BILL NO. 119	1	ditches carrying irrigation or other water;
2	INTRODUCED BY REAM, HALLIGAN	2	(b) create special improvement districts for acquiring
3		3	by purchase or building and constructing municipal swimming
4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE CREATION	4	pools and other recreation facilities;
5	OF A SPECIAL IMPROVEMENT DISTRICT TO ACQUIRE PARK LAND; AND	5	(c) create special improvement districts and order the
6	AMENDING SECTION 7-12-4102, MCA."	6	whole or any portion or portions, either in length or width,
7		7	of any one or more of the streets, avenues, alleys, or
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	places or public ways of the city:
9	Section 1. Section 7-12-4102, MCA, is amended to read:	9	(i) graded or regraded to the official grade;
10	"7-12-4102. Authorization for creation of special	10	(ii) planked or replanked;
11	improvement districts. (1) The city or town council has	11	(iii) paved or repaved;
12	power to create special improvement districts, designating	12	(iv) macadamized or remacadamized;
13	them by number; to extend the time for payment of	13	(v) graveled or regraveled;
14	assessments levied upon the districts for district	14	<pre>(vi) piled or repiled;</pre>
15	improvements for a period not exceeding 20 years or, if	15	<pre>(vii) capped or recapped;</pre>
16	refunding bonds are issued pursuant to 7-12-4194, for a	16	(viii) surfaced or resurfaced;
17	period not exceeding 30 years; to make the assessments	17	<pre>(ix) oiled or reoiled;</pre>
18	payable in installments; and to pay all expenses of whatever	18	(d) create special improvement districts and order the
19	character incurred in making the improvements with special	19	acquisition, construction, or reconstruction within the
20	improvement warrants or bonds.	20	districts of:
21	(2) Whenever the public interest or convenience	21	(i) sidewalks, crosswalks, culverts, bridges, gutters,
22	requires, the city council may:	22	curbs, steps, parkings (including the planting of grassplots
23	(a) create special improvement districts for acquiring	23	and setting out of trees);
24	by purchase, building, constructing, or maintaining devices	24	(ii) sewers, ditches, drains, conduits, and channels for
25	intended to protect the safety of the public from open	25	sanitary and/or drainage purposes, with outlets, cesspools,

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- manholes, catchbasins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances;
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- 9 (vi) tunnels, viaducts, conduits, subways, breakwaters,
 10 levees, retaining walls, bulkheads, and walls of rock or
 11 other material to protect the same from overflow or injury
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 14 the city;

order to extend those public utility services;

- 15 (h) create special improvement districts to acquire and
 16 improve by purchase, gift, bequest, lease, or other means
 17 land to be designated as public park or open-space land; and
 18 (h)(i) maintain, preserve, and care for any and all of
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HB 0119/02

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