



1 *HOUSE* BILL NO. *119*  
 2 INTRODUCED BY *Bob Ream* *Holby*  
 3

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, if  
 16 refunding bonds are issued pursuant to 7-12-4194, for a  
 17 period not exceeding 30 years; to make the assessments  
 18 payable in installments; and to pay all expenses of whatever  
 19 character incurred in making the improvements with special  
 20 improvement warrants or bonds.

21 (2) Whenever the public interest or convenience  
 22 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;

2 (b) create special improvement districts for acquiring  
 3 by purchase or building and constructing municipal swimming  
 4 pools and other recreation facilities;

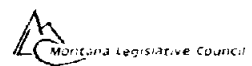
5 (c) create special improvement districts and order the  
 6 whole or any portion or portions, either in length or width,  
 7 of any one or more of the streets, avenues, alleys, or  
 8 places or public ways of the city:

- 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 recoiled;

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,



-2- INTRODUCED BILL  
 HB 119

1 manholes, catchbasins, flush tanks, septic tanks, connecting  
2 sewers, ditches, drains, conduits, channels, and other  
3 appurtenances;

4 (iii) waterworks, water mains, and extensions of water  
5 mains;

6 (iv) pipes, hydrants, hose connections for irrigating  
7 purposes;

8 (v) appliances for fire protection;

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;

13 (vii) the opening of streets, avenues, and alleys and  
14 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  
17 or rights-of-way owned by the city of:

18 (i) tunnels, sewers, ditches, drains, conduits, and  
19 channels for sanitary and/or drainage purposes, with  
20 necessary outlets, cesspools, manholes, catchbasins, flush  
21 tanks, septic tanks, connection sewers, ditches, drains,  
22 conduits, channels, and other appurtenances;

23 (ii) pipes, hose connections for irrigating; hydrants  
24 and appliances for fire protection;

25 (iii) breakwaters, levees, retaining walls, and

1 bulkheads; and

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;

5 (f) create special improvement districts to make  
6 monetary advances or contributions to aid in the  
7 construction of additional natural gas and electric  
8 distribution lines and telecommunications facilities in  
9 order to extend those public utility services;

10 (g) create special improvement districts and order any  
11 work to be done that is considered necessary to improve the  
12 whole or any portion of the streets, avenues, sidewalks,  
13 alleys, places, or public ways, property, or right-of-way of  
14 the city;

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  
19 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

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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 of 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."

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 119  
2 INTRODUCED BY Bob Resum Wallya  
3

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20 improvement warrants or bonds.

21 (2) Whenever the public interest or convenience  
22 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;
- 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, 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 regreveled;
  - 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,



1 manholes, catchbasins, flush tanks, septic tanks, connecting  
 2 sewers, ditches, drains, conduits, channels, and other  
 3 appurtenances;  
 4 (iii) waterworks, water mains, and extensions of water  
 5 mains;  
 6 (iv) pipes, hydrants, hose connections for irrigating  
 7 purposes;  
 8 (v) appliances for fire protection;  
 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;  
 13 (vii) the opening of streets, avenues, and alleys and  
 14 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  
 17 or rights-of-way owned by the city of:  
 18 (i) tunnels, sewers, ditches, drains, conduits, and  
 19 channels for sanitary and/or drainage purposes, with  
 20 necessary outlets, cesspools, manholes, catchbasins, flush  
 21 tanks, septic tanks, connection sewers, ditches, drains,  
 22 conduits, channels, and other appurtenances;  
 23 (ii) pipes, hose connections for irrigating; hydrants  
 24 and appliances for fire protection;  
 25 (iii) breakwaters, levees, retaining walls, and

1 bulkheads; and  
 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;  
 5 (f) create special improvement districts to make  
 6 monetary advances or contributions to aid in the  
 7 construction of additional natural gas and electric  
 8 distribution lines and telecommunications facilities in  
 9 order to extend those public utility services;  
 10 (g) create special improvement districts and order any  
 11 work to be done that is considered necessary to improve the  
 12 whole or any portion of the streets, avenues, sidewalks,  
 13 alleys, places, or public ways, property, or right-of-way of  
 14 the city;  
 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  
 19 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  
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 of 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  
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12 passage of the respective resolutions."

-End-

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INTRODUCED BY HOUSE BILL NO. 119  
Bob Pease Kelly

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."

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:

(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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ditches carrying irrigation or other water;

(b) create special improvement districts for acquiring by purchase or building and constructing municipal swimming 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:

(i) graded or regraded to the official grade;

(ii) planked or replanked;

(iii) paved or repaved;

(iv) macadamized or remacadamized;

(v) graveled or regraveled;

(vi) piled or repiled;

(vii) capped or recapped;

(viii) surfaced or resurfaced;

(ix) oiled or reoiled;

(d) create special improvement districts and order the acquisition, construction, or reconstruction within the districts of:

(i) sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings (including the planting of grassplots and setting out of trees);

(ii) sewers, ditches, drains, conduits, and channels for sanitary and/or drainage purposes, with outlets, cesspools,



1 manholes, catchbasins, flush tanks, septic tanks, connecting  
2 sewers, ditches, drains, conduits, channels, and other  
3 appurtenances;

4 (iii) waterworks, water mains, and extensions of water  
5 mains;

6 (iv) pipes, hydrants, hose connections for irrigating  
7 purposes;

8 (v) appliances for fire protection;

9 (vi) tunnels, viaducts, conduits, subways, breakwaters,  
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11 other material to protect the same from overflow or injury  
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-End-

HOUSE BILL NO. 119

INTRODUCED BY REAM, HALLIGAN

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(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:

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REFERENCE BILL



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