

1 *Senate* BILL NO. 301
 2 INTRODUCED BY Brown
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING MUNICIPAL
 5 CORPORATIONS TO FINANCE REHABILITATION OF UNSAFE OR
 6 UNSANITARY PRIVATELY OWNED HOUSING AND TO INCUR INDEBTEDNESS
 7 THEREFOR; AND AMENDING SECTION 11-966, R.C.M. 1947."
 8

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

10 Section 1. There is a new R.C.M. section that reads as
 11 follows:

12 Purpose and policy. (1) It is hereby declared that
 13 unsanitary or unsafe privately owned dwelling accommodations
 14 exist in urban areas throughout the state and that these
 15 conditions cause an increase in and spread of disease and
 16 crime and constitute a menace to the health, morals and
 17 welfare of the citizens of the state and impair economic
 18 values; that in many instances the owners of such
 19 accommodations, due to poverty, unavailability of credit and
 20 increased costs, are unable to finance the rehabilitation of
 21 their dwellings; that the municipal corporations of the
 22 state are uniquely able to render financial assistance to
 23 these owners of unsafe and unsanitary dwellings and that
 24 such assistance is a public use and purpose for which public
 25 money may be spent; and that the necessity for the

1 provisions hereinafter enacted is hereby declared as a
 2 matter of legislative determination to be in the public
 3 interest.

4 (2) When it has determined that unsanitary or unsafe
 5 privately owned dwelling accommodations exist within the
 6 limits of the city or town and when it has further
 7 determined that the owners of such accommodations are unable
 8 under the prevailing market conditions to finance
 9 rehabilitation of their dwellings without assistance, the
 10 governing body of any municipal corporation may finance the
 11 rehabilitation of such unsanitary or unsafe privately owned
 12 dwelling accommodations through the use of grants of funds
 13 or property, direct loans, loan guarantees, and other means;
 14 and may apply for, and accept, advances, loans, grants,
 15 contributions and any other form of financial assistance
 16 from the federal government, the state, county or other
 17 public body, or from any other source, public or private,
 18 for the purpose of this section, and may enter into and
 19 carry out contracts in connection therewith.

20 Section 2. Section 11-966, R.C.M. 1947, is amended to
 21 read as follows:

22 "11-966. Purposes for which indebtedness may be
 23 incurred--limitation--additional indebtedness for sewer or
 24 water system--procuring water supply and
 25 system--jurisdiction of public works appurtenances. The city

1 or town council has power: (1) to contract an indebtedness
 2 on behalf of a city or town, upon the credit thereof, by
 3 borrowing money or issuing bonds for the following purposes,
 4 to wit: Erection of public buildings, construction of
 5 sewers, sewage treatment and disposal plants, bridges,
 6 docks, wharves, breakwaters, piers, jetties, moles,
 7 waterworks, reservoirs and reservoir sites, lighting plants,
 8 supplying the city or town with water by contract, the
 9 purchase of fire apparatus, street and other equipment, the
 10 construction or purchase of canals or ditches and water
 11 rights for supplying the city or town with water, building,
 12 purchasing, constructing and maintaining devices intended to
 13 protect the safety of the public from open ditches carrying
 14 irrigation or other water, to acquire, open and/or widen any
 15 street and to improve the same by constructing,
 16 reconstructing and repairing pavement, gutters, curbs and
 17 vehicle parking strips and to pay all or any portion of the
 18 cost thereof, and the funding of outstanding warrants and
 19 maturing bonds; the rehabilitation of unsanitary or unsafe
 20 privately owned dwelling accommodations; provided, that the
 21 total amount of indebtedness authorized to be contracted in
 22 any form, including the then existing indebtedness, must
 23 not, at any time, exceed five per centum (5%) of the total
 24 value of the taxable property of the city or town, as
 25 ascertained by the last assessment for state and county

1 taxes; provided, that no money must be borrowed on bonds
 2 issued for the construction, purchase, or securing of a
 3 water plant, water system, water supply, sewage treatment
 4 and disposal plant, or sewerage system, until the
 5 proposition has been submitted to a vote and the majority
 6 vote cast in favor thereof; and, further provided, that an
 7 additional indebtedness shall be incurred, when necessary,
 8 to construct a sewerage system or procure a water supply for
 9 the said city or town, which shall own or control said water
 10 supply and devote the revenue derived therefrom to the
 11 payment of the debt.

12 (2) The additional indebtedness authorized, including
 13 all indebtedness theretofore contracted, which is unpaid or
 14 outstanding, for the construction of a sewerage system, or
 15 for the procurement of a water supply, or for both such
 16 purposes, shall not exceed in the aggregate ten per centum
 17 (10%) over and above the five per centum (5%) heretofore
 18 referred to, of the total valuation of the taxable property
 19 of the city or town as ascertained by the last assessment
 20 for state and county taxes; and, provided further, that the
 21 above limit of five per centum (5%) shall not be extended,
 22 unless the question shall have been submitted to a vote and
 23 carried in the affirmative by a vote of the majority of the
 24 electors who vote upon such question.

25 (3) It is further provided, that whenever a franchise

1 has been granted to, or a contract made with, any person or
 2 persons, corporation or corporations, and such person or
 3 persons, corporation or corporations, in pursuance thereof,
 4 or otherwise, have established or maintained a system of
 5 water supply, or have valuable water rights or a supply of
 6 water desired by the city or town for supplying the said
 7 city or town with water, the city or town granting such
 8 franchise or entering in such contract or desiring such
 9 water supply, shall, by the passage of an ordinance, give
 10 notice to such person or persons, corporation or
 11 corporations, that it desires to purchase the plant and
 12 franchise and water supply of such person or persons,
 13 corporation or corporations, and it shall have the right to
 14 so purchase the said plant or water supply, upon such terms
 15 as the parties agree; in case they cannot agree, then the
 16 city or town shall proceed to acquire the same under the
 17 laws relating to the taking of private property for public
 18 use, and any city or town acquiring property under the laws
 19 relating to the taking of private property for public use,
 20 shall make payment to the owner or owners of the plant or
 21 water supply of the value thereof legally determined, within
 22 six (6) months from and after final judgment is entered in
 23 the condemnation proceedings. For the purpose of providing
 24 the city or town with an adequate water supply for municipal
 25 and domestic purposes, the city or town council shall

1 procure an appropriate water rights and title to the same,
 2 and the necessary real and personal property to make said
 3 rights and supply available, by purchase, appropriation,
 4 location, condemnation, or otherwise.

5 (4) Cities and towns shall have jurisdiction and
 6 control over the territory occupied by their public works,
 7 and over and along the line of reservoirs, streams,
 8 trenches, pipes, drains, and other appurtenances used in the
 9 construction and operation of such works, and also over the
 10 source of stream for which water is taken, for the
 11 enforcement of its sanitary ordinances, the abatement of
 12 nuisances, and the general preservation of the purity of its
 13 water supply, with power to enact all ordinances and
 14 regulations necessary to carry the powers hereby conferred
 15 into effect. For this purpose the city or town shall be
 16 authorized to condemn private property in the manner
 17 provided by law, and shall have authority to levy a just and
 18 equitable tax on all consumers of water for the purpose of
 19 defraying the expenses of its procurement."

-End-

Approved by Comm.
on Local Government

1 Senate BILL NO. 301
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17 welfare of the citizens of the state and impair economic
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19 accommodations, due to poverty, unavailability of credit and
20 increased costs, are unable to finance the rehabilitation of
21 their dwellings; that the municipal corporations of the
22 state are uniquely able to render financial assistance to
23 these owners of unsafe and unsanitary dwellings and that
24 such assistance is a public use and purpose for which public
25 money may be spent; and that the necessity for the

1 provisions hereinafter enacted is hereby declared as a
2 matter of legislative determination to be in the public
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4 (2) When it has determined that unsanitary or unsafe
5 privately owned dwelling accommodations exist within the
6 limits of the city or town and when it has further
7 determined that the owners of such accommodations are unable
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10 governing body of any municipal corporation may finance the
11 rehabilitation of such unsanitary or unsafe privately owned
12 dwelling accommodations through the use of grants of funds
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16 from the federal government, the state, county or other
17 public body, or from any other source, public or private,
18 for the purpose of this section, and may enter into and
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20 Section 2. Section 11-966, R.C.M. 1947, is amended to
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24 water system--procuring water supply and
25 system--jurisdiction of public works appurtenances. The city

1 or town council has power: (1) To contract an indebtedness
 2 on behalf of a city or town, upon the credit thereof, by
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22 ~~"11-9667--Purposes---for---which---indebtedness---may---be~~
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24 ~~or--water--system-----procuring--water-supply-and-system---~~
25 ~~jurisdiction-of-public-works--appurtenances:---The--city--or~~

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 2 behalf--of--a--city--or--town,--upon--the--credit--thereof,--by
 3 borrowing--money--or--issuing--bonds--for--the--following--purposes,
 4 to--wit:--Erection--of--public--buildings,--construction--of
 5 sewers,--sewage--treatment--and--disposal--plants,--bridges,
 6 docks,--wharves,--breakwaters,--piers,--jetties,--moles,
 7 waterworks,--reservoirs--and--reservoir--sites,--lighting--plants,
 8 supplying--the--city--or--town--with--water--by--contract,--the
 9 purchase--of--fire--apparatus,--street--and--other--equipment,--the
 10 construction--or--purchase--of--canals--or--ditches--and--water
 11 rights--for--supplying--the--city--or--town--with--water,--building,
 12 purchasing,--constructing--and--maintaining--devices--intended--to
 13 protect--the--safety--of--the--public--from--open--ditches--carrying
 14 irrigation--or--other--water,--to--acquire,--open--and/or--widen--any
 15 street--and--to--improve--the--same--by--constructing,
 16 reconstructing--and--repairing--pavement,--gutters,--curbs--and
 17 vehicle--parking--strips--and--to--pay--all--or--any--portion--of--the
 18 cost--thereof,--and--the--funding--of--outstanding--warrants--and
 19 maturing--bonds, the--rehabilitation--of--unsanitary--or--unsafe
 20 privately--owned--dwelling--accommodations, provided,--that--the
 21 total--amount--of--indebtedness--authorized--to--be--contracted--in
 22 any--form,--including--the--then--existing--indebtedness,--must
 23 not,--at--any--time,--exceed--five--per--centum--(5%)--of--the--total
 24 value--of--the--taxable--property--of--the--city--or--town,--as
 25 ascertained--by--the--last--assessment--for--state--and--county

1 taxes,--provided,--that--no--money--must--be--borrowed--on--bonds
 2 issued--for--the--construction,--purchase,--or--securing--of--a
 3 water--plant,--water--system,--water--supply,--sewage--treatment
 4 and--disposal--plant,--or--sewerage--system,--until--the
 5 proposition--has--been--submitted--to--a--vote--and--the--majority
 6 vote--cast--in--favor--thereof,--and,--further--provided,--that--an
 7 additional--indebtedness--shall--be--incurred,--when--necessary,
 8 to--construct--a--sewerage--system--or--procure--a--water--supply--for
 9 the--said--city--or--town,--which--shall--own--or--control--said--water
 10 supply--and--devote--the--revenue--derived--therefrom--to--the
 11 payment--of--the--debt.

12 (2)--The--additional--indebtedness--authorized,--including
 13 all--indebtedness--theretofore--contracted,--which--is--unpaid--or
 14 outstanding,--for--the--construction--of--a--sewerage--system,--or
 15 for--the--procurement--of--a--water--supply,--or--for--both--such
 16 purposes,--shall--not--exceed--in--the--aggregate--ten--per--centum
 17 (10%)--over--and--above--the--five--per--centum--(5%)--heretofore
 18 referred--to,--of--the--total--valuation--of--the--taxable--property
 19 of--the--city--or--town--as--ascertained--by--the--last--assessment
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 24 electors--who--vote--upon--such--question.

25 (3)--It--is--further--provided,--that--whenever--a--franchise

1 has--been--granted--to,--or--a--contract--made--with,--any--person--or
 2 persons,--corporation--or--corporations,--and--such--person--or
 3 persons,--corporation--or--corporations,--in--pursuance--thereof,
 4 or--otherwise,--have--established--or--maintained--a--system--of
 5 water--supply,--or--have--valuable--water--rights--or--a--supply--of
 6 water--desired--by--the--city--or--town--for--supplying--the--said
 7 city--or--town--with--water,--the--city--or--town--granting--such
 8 franchise--or--entering--in--such--contract--or--desiring--such
 9 water--supply,--shall,--by--the--passage--of--an--ordinance,--give
 10 notice--to--such--person--or--persons,--corporation--or
 11 corporations,--that--it--desires--to--purchase--the--plant--and
 12 franchise--and--water--supply--of--such--person--or--persons,
 13 corporation--or--corporations,--and--it--shall--have--the--right--to
 14 so--purchase--the--said--plant--or--water--supply,--upon--such--terms
 15 as--the--parties--agree,--in--case--they--cannot--agree,--then--the
 16 city--or--town--shall--proceed--to--acquire--the--same--under--the
 17 laws--relating--to--the--taking--of--private--property--for--public
 18 use,--and--any--city--or--town--acquiring--property--under--the--laws
 19 relating--to--the--taking--of--private--property--for--public--use,
 20 shall--make--payment--to--the--owner--or--owners--of--the--plant--or
 21 water--supply--of--the--value--thereof--legally--determined,--within
 22 six--(6)--months--from--and--after--final--judgment--is--entered--in
 23 the--condemnation--proceedings,--For--the--purpose--of--providing
 24 the--city--or--town--with--an--adequate--water--supply--for--municipal
 25 and--domestic--purposes,--the--city--or--town--council--shall

1 procure--an--appropriate--water--rights--and--title--to--the--same,
 2 and--the--necessary--real--and--personal--property--to--make--said
 3 rights--and--supply--available,--by--purchase,--appropriation,
 4 location,--condemnation,--or--otherwise:
 5 (4)--Cities--and--towns--shall--have--jurisdiction--and
 6 control--over--the--territory--occupied--by--their--public--works,
 7 and--over--and--along--the--line--of--reservoirs,--streams,
 8 trenches,--pipes,--drains,--and--other--appurtenances--used--in--the
 9 construction--and--operation--of--such--works,--and--also--over--the
 10 source--of--stream--for--which--water--is--taken,--for--the
 11 enforcement--of--its--sanitary--ordinances,--the--abatement--of
 12 nuisances,--and--the--general--preservation--of--the--purity--of--its
 13 water--supply,--with--power--to--enact--all--ordinances--and
 14 regulations--necessary--to--carry--the--powers--hereby--conferred
 15 into--effect,--For--this--purpose--the--city--or--town--shall--be
 16 authorized--to--condemn--private--property--in--the--manner
 17 provided--by--law,--and--shall--have--authority--to--levy--a--just--and
 18 equitable--tax--on--all--consumers--of--water--for--the--purpose--of
 19 defraying--the--expenses--of--its--procurement."

-End-