1	Jenete BILL NO. 30/
2	INTRODUCED BY Brown
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4	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING MUNICIPAL
3	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:
.0	Section 1. There is a new R.C.M. section that reads as
.1	follows:
.2	Purpose and policy. (1) It is hereby declared that
.3	unsanitary or unsafe privately owned dwelling accommodations
.4	exist in urban areas throughout the state and that these
ڌ.	conditions cause an increase in and spread of disease and
.6	crime and constitute a menace to the health, morals and
.7	welfare of the citizens of the state and impair economic
. გ	values; that in many instances the owners of such
L 9	accommodations, due to poverty, unavailability of credit and
0.0	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

provisions hereinafter enacted is hereby declared as a matter of legislative determination to be in the public interest. (2) When it has determined that unsanitary or unsafe privately owned dwelling accommodations exist within the limits of the city or town and when it has further determined that the owners of such accommodations are unable under the prevailing market conditions to finance rehabilitation of their dwellings without assistance, the governing body of any municipal corporation may finance the 10 rehabilitation of such unsanitary or unsafe privately owned 11 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 public body, or from any other source, public or private, 17 for the purpose of this section, and may enter into and 18 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 23 incurred--limitation--additional indebtedness for sewer or 24 water system--procuring water supply system--jurisdiction of public works appurtenances. The city

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payment of the debt.

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 sewers, sawage treatment and disposal plants, bridges, 6 wharves, breakwaters, piers, jetties, moles, 7 waterworks, reservoirs and reservoir sites, lighting plants, supplying the city or town with water by contract, the purchase of fire apparatus, street and other equipment, the 9 construction or purchase of canals or ditches and water 1.0 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 street and to improve the same by constructing, 15 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

taxes; provided, that no money must be borrowed on bonds issued for the construction, purchase, or securing of a water plant, water system, water supply, sawage treatment and disposal plant, or sewerage system, until the proposition has been submitted to a vote and the majority vote cast in favor thereof; and, further provided, that an additional indebtedness shall be incurred, when necessary, to construct a sewerage system or procure a water supply for the said city or town, which shall own or control said water supply and devote the revenue derived therefrom to the

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

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

- procure an appropriate water rights and title to the same, and the necessary real and personal property to make said rights and supply available, by purchase, appropriation, location, condemnation, or otherwise.
- 5 (4) Cities and towns shall have jurisdiction and 6 control over the territory occupied by their public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works, and also over the 1.0 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 water supply, with power to enact all ordinances and 13 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 equitable tax on all consumers of water for the purpose of 18 19 defraving the expenses of its procurement."

-End-

Approved by Comm. on Local Government

2 INTRODUCED BY Rown

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

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

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

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(2) When it has determined that unsanitary or unsafe privately owned dwelling accommodations exist within the limits of the city or town and when it has further determined that the owners of such accommodations are unable under the prevailing market conditions rehabilitation of their dwellings without assistance. the governing body of any municipal corporation may finance the 19 rehabilitation of such unsanitary or unsafe privately owned 11 12 dwelling accommodations through the use of grants of funds 13 or property, direct loans, loan quarantees, and other means; 14 and may apply for, and accept, advances, loans, grants,

from the federal government, the state, county or other public body, or from any other source, public or private,

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- (2) The additional indebtedness authorized, including all indebtedness theretofore contracted, which is unpaid or outstanding, for the construction of a sewerage system, or for the procurement of a water supply, or for both such purposes, shall not exceed in the aggregate ten per centum (10%) over and above the five per centum (5%) heretofore referred to, of the total valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes; and, provided further, that the above limit of five per centum (5%) shall not be extended, unless the question shall have been submitted to a vote and carried in the affirmative by a vote of the majority of the electors who vote upon such question.
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(4) Cities and towns shall have jurisdiction and control over the territory occupied by their public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works, and also over the source of stream for which water is taken, for the enforcement of its sanitary ordinances, the abatement of nuisances, and the general preservation of the purity of its water supply, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city or town shall be authorized to condemn private property in the manner provided by law, and shall have authority to levy a just and equitable tax on all consumers of water for the purpose of defraying the expenses of its procurement."

-End-

44th Legislature S3 0301/02 SB 0301/02

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1	SENATE BILL NO. 301
2	INTRODUCED BY BROWN
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4	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING MUNICIPAL
5	CORPORATIONS TO FINANCE REHABILITATION OF UNSAFE OR
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10	Section 1. There is a new R.C.M. section that reads as
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12	Purpose and policy. (1) It is hereby declared that
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18	values; that in many instances the owners of such
19	accommodations, due to poverty, unavailability of credit and
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such assistance is a public use and purpose for which public

may be spent; and that the necessity for the

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

(2) When it has determined that unsanitary or unsafe privately owned dwelling accommodations exist within the limits of the city or town and when it has further determined that the owners of such accommodations are unable 8 the prevailing market conditions to finance 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, for the purpose of this section, and may enter into and 18 19 carry out contracts in connection therewith.

Section-2:--Section-11-966;-R:C:M:-1947;-is-amended--to read-as-follows:

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

town-council-has-power:-(1)-To-contract-an-indebtedness-on
behalf-of-a-cityortownyuponthecreditthereofyby
borrowing-money-or-issuing-bonds-for-the-following-purposes,
towit:Brectionofpublicbuildingsyconstructionof
sewers,sewagetreatmentanddisposalplants,bridges,
docks,wharves,breakwaters,piers,jetties,moles,
waterworks,-reservoirs-and-reservoir-sites,-lighting-plants,
supplying-the-city-ortownwithwaterbycontractythe
purchaseof-fire-apparatusy-street-and-other-equipmenty-the
construction-or-purchase-ofcanalsorditchesandwater
rightsfor-supplying-the-city-or-town-with-watery-building;
purchasing,-constructing-and-maintaining-devices-intended-to
protect-the-safety-of-the-public-from-open-ditchescarrying
irrigation-or-other-water;-to-acquire;-open-and/or-widen-any
streetandtoimprovethesamebyconstructing;
reconstructing-and-repairing-pavementyguttersycurbsand
wchicleparking-strips-and-to-pay-all-or-any-portion-of-the
cost-thereofy-and-the-funding-ofoutstandingwarrantsand
maturingbonds; the-rehabilitation-of-unsanitary-or-unsafe
privately-owned-dwelling-accommodations; provided;-thatthe
totalamount-of-indebtedness-authorized-to-be-contracted-in
any-formy-including-thethenexistingindebtednessymust
notyatany-timey-exceed-five-per-centum-(5%)-of-the-total
value-of-the-taxablepropertyoftheeityortownyas
ascertainedbythelastassessmentfor-state-and-county

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taxes;-provided;-that-no-money-must--be--borrowed--on--bonds
issued--for--the--construction;--purchase;--or-securing-of-a
water-plant;-water-system;-water--supply;--sewage--treatment
and---disposal---plant;---or---sewerage--system;--until--tne
proposition-has-been-submitted-to-a-wate--and--the--majority
vote--cast--in-favor-thereof;-and;-further-provided;-that-an
additional-indebtedness-shall-be-incurred;--when--necessary;
to-construct-a-sewerage-system-or-procure-a-water-supply-for
the-said-city-or-town;-which-shall-own-or-control-said-water
supply--and--devote--the--revenue--derived--therefrom-to-the
payment-of-the-debt;

(2)--The-additional-indebtedness-authorizedy--including all--indebtedness-theretofore-contractedy-which-is-unpaid-or outstandingy-for-the-construction-of-a-sewerage--systemy--or for--the--procurement--of--a--water-supplyy-or-for-both-such purposesy-shall-not-exceed-in-the-aggregate-ten--per--centum (10%)--over--and--above--the-five-per-centum-(5%)-heretofore referred-toy-of-the-total-valuation-of-the-taxable--property of--the--city--or-town-as-ascertained-by-the-last-assessment for-state-and-county-taxesy-andy-provided-furthery-that--the above--limit--of-five-per-centum-(5%)-shall-not-be-extendedy unless-the-question-shall-have-been-submitted-to-a-vote--and carried--in-the-affirmative-by-a-vote-of-the-majority-of-the electors-who-vote-upon-such-questions

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

SB 301

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S3 301

hasbeen-granted-to;-or-a-contract-made-with;-any-person-or
personsy-corporation-or-corporationsyandsuchpersonor
persons,corporation-or-corporations,-in-pursuance-thereof,
or-otherwise;-have-established-ormaintainedasystemof
watersupply,or-have-valuable-water-rights-or-a-supply-of
vater-desired-by-the-city-or-townforsupplyingthesaid
eityortownwithwaterythe-city-or-town-granting-such
franchise-or-entering-insuchcontractordesiringsuch
watersupply,shall,by-the-passage-of-an-ordinance,-give
noticetosuchpersonorpersons,corporationor
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so-purchase-the-said-plant-or-water-supply7-upon-suchterms
asthepartiesagree;-in-case-they-cannot-agree;-then-the
city-or-town-shall-proceed-to-acquirethesameunderthe
lawsrelatingto-the-taking-of-private-property-for-public
usey-and-any-eity-or-town-acquiring-property-under-thelaws
relatingtothe-taking-of-private-p_operty-for-public-use;
shall-make-payment-to-the-owner-or-owners-oftheplantor
water-supply-of-the-walue-thereof-legally-determined;-within
six(6)months-from-and-after-final-judgment-is-entered-in
the-condemnation-proceedings:-For-the-purposeofproviding
the-city-or-town-with-an-adequate-water-supply-for-municipal
anddomesticpurposes;thecityortowncouncil-shall

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1 procure-an-appropriate-water-rights-and-title-to--the--same; and--the--necessary--real-and-personal-property-to-make-said 3 rights-and-supply--available;--by--purchase;--appropriation; location;-condemnation;-or-otherwise; (4)--Citics--and--towns--shall--have--jurisdiction--and 5 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 enforcement-of-its-sanitary--ordinancesy--the--abatement--of 11 12 nuisancesy-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--heroby--conferred into--effect;--Por--this--purpose--the-city-or-town-shall-be 15 16 authorized -- to -- condemn -- private -- property -- in -- the -- -- manner 17 provided-by-lawy-and-shall-have-authority-to-levy-a-just-and 18 equitable -- tax -- on-all-consumers - of-water - for-the-purpose-of

-End-

defraving-the-expenses-of-its-procurement."

19

44th Legislature SB 0301/03 SD 0301/03

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2	INTRODUCED BY BROWN
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SB 0301/03

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SB 0301/03

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docksywharvesybreakwatersypiersyjettiesymolesy
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purchaseof-fire-apparatusy-street-and-other-equipmenty-the
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rightsfor-supplying-the-city-or-town-with-watery-building;
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irrigation-or-other-watery-to-acquirey-open-and/or-widen-any
streetandtoimprovethesamebyconstructing;
reconstructing-and-repairing-pavement,gutters,curbsand
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Value-of-the-taxablepropertyofthesityortown;as
ascertainedbythelastassessmentfor-state-and-county

taxes;-provided;-that-no-money-must--be--borrowed--on--bonds issued--for--the--construction;--purchase;--or-securing-of-a water-plant;-water-system;-water-supply;--sewage--treatment and---disposal---plant;---or---sewerage--system;--until--the proposition-has-been-submitted-to-a-vote--and--the--majority vote--cast--in-favor-thereof;-and;-further-provided;-that-an additional-indebtedness-shall-be-incurred;--when--necessary; to-construct-a-sewerage-system-or-procure-a-water-supply-for the-said-city-or-town;-which-shall-own-or-control-said-water supply--and--devote--the--revenue--derived--therefrom-to-the payment-of-the-debtr

(2)--The-additional-indebtedness-authorizedy--including all--indebtedness-theretofore-contractedy-which-is-unpaid-or outstandingy-for-the-construction-of-a-sewerage--systemy--or for--the--procurement--of--a--water-supplyy-or-for-both-such purposesy-shall-not-exceed-in-the-aggregate-ten--per--centum (10%)--over--and--above--the-five-per-centum-(5%)-heretofore referred-toy-of-the-total-valuation-of-the-taxable--property of--the--city--or-town-as-ascertained-by-the-last-assessment for-state-and-county-taxesy-andy-provided-furthery-that--the above--limit--of-five-per-centum-(5%)-shall-not-be-extendedy unless-the-question-shall-have-been-submitted-to-a-vote--and carried--in-the-affirmative-by-a-vote-of-the-majority-of-the electors-who-vote-upon-such-question;

(3)--It-is-further-providedy-that-whenever-a--franchise

-3- SB 301

-4- SB 301

SB 0301/03

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has-been-granted-to;-or-a-contract-made-with;-ony-person-or persons,-corporation-or-corporations,--and--such--person--or persons, -- corporation-or-corporations, -in-pursuance-thereof, or-otherwiser-have-established-or--maintained--a--system--of water--supply--or-have-valuable-water-rights-or-a-supply-of water-desired-by-the-eity-or-town--for--supplying--the--said eity--er--town--with--watery--the-eity-er-town-granting-such franchise-or-entering-in--such--contract--or--desiring--such water--supply,--shall,--by-the-passage-of-an-ordinance,-give notice--to--such---person---or--persons;---corporation---or corporations, -- that -- it -- desires -- to -- purchase - the -- plant - and franchise-and--water--supply--of--such--person--or--persons; corporation -- or-corporations, -and-it-shall-have-the-right-to so-purshase-the-said-plant-or-water-supply;-upon-such--terms as--the--parties--agree;-in-case-they-cannot-agree;-then-the eity-or-town-shall-proceed-to-acquire--the--same--under--the laws--relating--to-the-taking-of-private-property-for-public user-and-any-city-or-town-accuiring-property-under-the--laws relating--to--the-taking-of-private-property-for-public-uscy shall-make-payment-to-the-owner-or-owners-of--the--plant--or water-supply-of-the-value-thereof-legally-determined; -within six---16}--months-from-and-after-final-judgment-is-entered-in the-condemnation-proceedings--Per-the-purpose--of--providing the-city-or-town-with-an-adequate-water-supply-for-municipal and--domestie--purposes,--the--eity--or--town--council-shall

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procure-an-appropriate-water-rights-and-title-to--the--same; and--the--necessary--real-and-personal-property-to-make-said rights-and-supply--available;--by--purchase;--appropriation; location;-condemnation;-or-otherwise;

(4)--Eities--and--towns--shall--have--jurisdiction--and control-over-the-territory-occupied-by-their--public--works; and---over--and--along--the--line--of--reservoirs;--streams; trenches;-pipes;-drains;-and-other-appurtenances-used-in-the construction-and-operation-of-such-works;-and-also-over--the source---of--stream--for--which--water--is--taken;--for--the enforcement-of-its-sanitary--ordinances;--the--abatement--of nuisances;-and-the-general-preservation-of-the-purity-of-its water--supply;--with--power--to--enact--all--ordinances--and regulations-necessary-to-earry-the-powers--hereby--conferred into--effect;--For--this--purpose--the-city-or-town-shall-be authorized--to--condemn--private--property--in--the---manner provided-by-lawy-and-shall-have-authority-to-levy-a-just-and equitable--tax--on-all-consumers-of-water-for-the-purpose-of defraying-the-expenses-of-its-procurement;"

-End-