

SENATE BILL 270

IN THE SENATE

January 26, 1979	Introduced and referred to Committee on Taxation.
March 20, 1979	Committee recommend bill, do not pass.
March 21, 1979	On motion, Senate reconsider its action taken on Adverse Committee Report. Motion adopted.
April 20, 1979	Died in Committee.

1 *Sen. Nelson* BILL NO. *270*  
 2 INTRODUCED BY *Sen. Nelson*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 5 7-12-2102, 7-12-2113, AND 7-12-2140, MCA, TO ALLOW FOR THE  
 6 EXPEDITIOUS CREATION OF A RURAL IMPROVEMENT DISTRICT UPON  
 7 PETITION OF ALL REAL PROPERTY OWNERS IN THE PROPOSED  
 8 DISTRICT."

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

11 Section 1. Section 7-12-2102, MCA, is amended to read:

12 "7-12-2102. Authorization to create rural improvement  
 13 districts upon petition. (1) Whenever the public interest or  
 14 convenience may require and upon the petition of 60% of the  
 15 freeholders affected thereby, the board of county  
 16 commissioners is hereby authorized and empowered to order  
 17 and create special improvement districts in thickly  
 18 populated localities outside of the limits of incorporated  
 19 towns and cities for the purpose of building, constructing,  
 20 or acquiring by purchase devices intended to protect the  
 21 safety of the public from open ditches carrying irrigation  
 22 or other water and maintaining sanitary and storm sewers,  
 23 light systems, waterworks plants, water systems, sidewalks,  
 24 improvements authorized for cities and towns under  
 25 7-12-2102, and such other special improvements as may be

1 petitioned for.

2 (2) If a petition for the formation of an improvement  
 3 district authorized under this part is presented to the  
 4 governing body purporting to be signed by all of the real  
 5 property owners in the proposed district, exclusive of  
 6 mortgagees and other lienholders, the governing body, after  
 7 verifying the ownership and making a finding of fact, shall  
 8 adopt a resolution of intention to order the improvement as  
 9 provided in 7-12-2103 and shall have immediate jurisdiction  
 10 to adopt the resolution creating the district without the  
 11 necessity of the publication and posting of the resolution  
 12 of intention provided in 7-12-2103 or without having to  
 13 comply with the protest provisions of this part."

14 Section 2. Section 7-12-2113, MCA, is amended to read:

15 "7-12-2113. Resolution creating district -- power to  
 16 order improvements. (1) Before ordering any of the proposed  
 17 improvements, the ~~board of county commissioners~~ county  
 18 governing body shall pass a resolution creating the special  
 19 improvement district in accordance with the resolution of  
 20 intention theretofore introduced and passed by the ~~board~~  
 21 governing body.

22 (2) The ~~board governing body~~ shall be deemed to have  
 23 acquired jurisdiction to order improvements immediately upon  
 24 the occurrence of the following conditions:

25 (a) when no protests have been delivered to the county

1 clerk within 15 days after the date of the first publication  
2 of the notice of the passing of the resolution of intention;

3 (b) when a protest shall have been found by said board  
4 ~~governing body~~ to be insufficient or shall have been  
5 overruled; or

6 (c) when a protest against the extending of the  
7 proposed district shall have been heard and denied; or

8 ~~(d) when a petition satisfying the requirements of~~  
9 ~~7-12-2102(2) has been received and verified by the governing~~  
10 ~~body.~~"

11 Section 3. Section 7-12-2140, MCA, is amended to read:  
12 "7-12-2140. Procedure for objection to proceedings.

13 (1) At any time within 60 days from the date of the awarding  
14 of a contract, any owner or other person having any interest  
15 in any lot, tract, or plot of land liable to assessment who  
16 claims that any of the previous acts or proceedings relating  
17 to said improvements are irregular, defective, erroneous, or  
18 faulty or that his property will be damaged by the making of  
19 any of the improvements in the manner contemplated may file  
20 with the county clerk a written notice specifying in what  
21 respect said acts or proceedings are irregular, defective,  
22 erroneous, or faulty or in what manner and to what extent  
23 his property will be damaged by the making of said  
24 improvements.

25 (2) Said notice shall state that it is made in

1 pursuance of this section.

2 (3) All objections in any act or proceeding or in  
3 relation to the making of said improvements must be made in  
4 writing and in the manner and at the time aforesaid. All  
5 claims for damages therefor shall be waived by such property  
6 owner in case no written objection is filed by him, provided  
7 that notice of the passage of the resolution of intention  
8 has been actually published and the notice of improvements  
9 posted as provided in this part.

10 ~~(4) This section does not apply if a petition~~  
11 ~~satisfying the requirements of 7-12-2102(2) has been~~  
12 ~~received by the county governing body."~~

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