

SENATE BILL 299

IN THE SENATE

January 30, 1979	Introduced and referred to Committee on Taxation.
January 31, 1979	Fiscal note requested.
February 6, 1979	Fiscal note returned.
March 20, 1979	Committee recommend bill, do not pass.

1 Smith BILL NO. 399  
 2 INTRODUCED BY Thomas

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A COUNTY  
 5 GOVERNING BODY TO PROCEED WITH THE CREATION OF A RURAL  
 6 IMPROVEMENT DISTRICT WITHOUT THE NECESSITY OF THE  
 7 PUBLICATION AND POSTING OF THE RESOLUTION OF INTENTION TO  
 8 CREATE THE DISTRICT OR WITHOUT CERTAIN PROTEST PROVISIONS IF  
 9 A PETITION IS SIGNED BY ALL OF THE REAL PROPERTY OWNERS IN  
 10 THE DISTRICT; AMENDING SECTIONS 7-12-2102, 7-12-2113, AND  
 11 7-12-2140, MCA."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

1 light systems, waterworks plants, water systems, sidewalks,  
 2 improvements authorized by 7-12-4102(2), and such other  
 3 special improvements as may be petitioned for.

4 ~~(2) If a petition for the formation of a rural  
 5 improvement district under the provisions of this part is  
 6 presented to the county governing body purporting to be  
 7 signed by all of the real property owners in the proposed  
 8 district, exclusive of mortgagees and other lienholders, the  
 9 governing body, after verifying the ownership and making a  
 10 finding of fact, shall adopt a resolution of intention to  
 11 order the improvement as provided in 7-12-2103 and shall  
 12 have immediate jurisdiction to adopt the resolution ordering  
 13 the improvements pursuant to 7-12-2113, without the  
 14 necessity of the publication and posting of the resolution  
 15 of intention provided for in 7-12-2105."~~

16 Section 2. Section 7-12-2113, MCA, is amended to read:  
 17 "7-12-2113. Resolution creating district — power to  
 18 order improvements. (1) Before ordering any of the proposed  
 19 improvements, the board--of county commissioners governing  
 20 body shall pass a resolution creating the special  
 21 improvement district in accordance with the resolution of  
 22 intention theretofore introduced and passed by the board.

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

1 (a) when no protests have been delivered to the county  
2 clerk within 15 days after the date of the first publication  
3 of the notice of the passing of the resolution of intention;

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

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

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

12 Section 3. Section 7-12-2140, MCA, is amended to read:

13 "7-12-2140. Procedure for objection to proceedings.

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

1 (2) Said notice shall state that it is made in  
2 pursuance of this section.

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

11 ~~(4) This section does not apply if the county~~  
12 ~~governing body receives a petition satisfying the~~  
13 ~~requirements of 7-12-2102(2)."~~

-End-

STATE OF MONTANA

REQUEST NO. 189-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 6, 19 79, there is hereby submitted a Fiscal Note for SB 299 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION:

SB 299 will allow a county governing body to proceed with the creation of a rural improvement district without necessity of publication if a petition is signed by all the real property owners in the district.

FISCAL IMPACT:

Minimal.

*Richard L. Frantz*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/6/79