

SENATE BILL NO. 345

INTRODUCED BY HALLIGAN

IN THE SENATE

January 31, 1981	Introduced and referred to Committee on Taxation.
March 2, 1981	Committee recommend bill do pass as amended. Report adopted.
March 3, 1981	Bill printed and placed on members' desks.
March 4, 1981	Second reading, do pass.
March 5, 1981	Correctly engrossed.
March 6, 1981	Third reading, passed. Ayes, 43; Noes, 3. Transmitted to House.

IN THE HOUSE

March 7, 1981	Introduced and referred to Committee on Local Government.
March 20, 1981	Committee recommend bill be concurred in. Report adopted.
March 27, 1981	Second reading, pass consideration.
March 28, 1981	Second reading, concurred in.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in. Ayes, 79; Noes, 19.

IN THE SENATE

April 1, 1981

Returned from House. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

1 *Sen. Hallgren* BILL NO. 345
2 INTRODUCED BY *Hallgren*-----
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW RURAL AND CITY
5 SPECIAL IMPROVEMENT DISTRICTS TO EXTEND WITHIN OR OUTSIDE
6 CITY BOUNDARIES, RESPECTIVELY, UNDER CERTAIN CIRCUMSTANCES;
7 AMENDING SECTIONS 7-12-2102 AND 7-12-4102, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "7-12-2102. Authorization to create rural improvement
12 districts upon petition. (1) Whenever the public interest or
13 convenience may require and upon the petition of 60% of the
14 freeholders affected thereby, the board of county
15 commissioners is hereby authorized and empowered to order
16 and create special improvement districts in thickly
17 populated localities outside of the limits of incorporated
18 towns and cities for the purpose of building, constructing,
19 or acquiring by purchase devices intended to protect the
20 safety of the public from open ditches carrying irrigation
21 or other water and maintaining sanitary and storm sewers,
22 light systems, waterworks plants, water systems, sidewalks,
23 and such other special improvements as may be petitioned
24 for.

25 (2) The board of county commissioners may order and

1 ~~create special improvement districts covering projects~~
2 ~~abutting the city limits and include properties inside the~~
3 ~~city where the rural improvement district abuts and benefits~~
4 ~~that property. Property owners inside the city may be~~
5 ~~included in the rural special improvement district only if a~~
6 ~~majority of those property owners approve of the rural~~
7 ~~special improvement district. The property inside the city~~
8 ~~must be treated in a similar manner, as to improvements,~~
9 ~~notices, and assessments, as the property outside the city~~
10 ~~limits. A joint resolution of the city and county must be~~
11 ~~passed agreeing to the terms of the rural special~~
12 ~~improvement district prior to passing the resolution of~~
13 ~~intention or resolution creating the rural special~~
14 ~~improvement district. A copy of the resolution of intention~~
15 ~~and the resolution creating the rural special improvement~~
16 ~~district must be provided to the city clerk upon the passage~~
17 ~~of the respective resolutions."~~

18 Section 2. Section 7-12-4102, MCA, is amended to read:

19 "7-12-4102. Authorization for creation of special
20 improvement districts. (1) The city or town council has
21 power to create special improvement districts, designating
22 the same by number; to extend the time for payment of
23 assessments levied upon such districts for the improvements
24 thereon for a period not exceeding 20 years; to make such
25 assessments payable in installments; and to pay all expenses

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1 of whatever character incurred in making such improvements
2 with special improvement warrants.

3 (2) Whenever the public interest or convenience may
4 require, the city council is hereby authorized and empowered
5 to:

6 (a) create special improvement districts for building,
7 constructing, and maintaining devices intended to protect
8 the safety of the public from open ditches carrying
9 irrigation or other water;

10 (b) create special improvement districts for building
11 and constructing municipal swimming pools and other
12 recreation facilities;

13 (c) create special improvement districts and order the
14 whole or any portion or portions, either in length or width,
15 of any one or more of the streets, avenues, alleys, or
16 places or public ways of any such city:

17 (i) graded or regraded to the official grade;

18 (ii) planked or replanked;

19 (iii) paved or repaved;

20 (iv) macadamized or remacadamized;

21 (v) graveled or regraveled;

22 (vi) piled or repiled;

23 (vii) capped or recapped;

24 (viii) surfaced or resurfaced;

25 (ix) oiled or reoiled;

1 (d) create special improvement districts and order the
2 construction or reconstruction therein of:

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

6 (ii) sewers, ditches, drains, conduits, and channels
7 for sanitary and/or drainage purposes, with outlets,
8 cesspools, manholes, catchbasins, flush tanks, septic tanks,
9 connecting sewers, ditches, drains, conduits, channels, and
10 other appurtenances;

11 (iii) waterworks, water mains, and extensions of water
12 mains;

13 (iv) pipes, hydrants, hose connections for irrigating
14 purposes;

15 (v) appliances for fire protection;

16 (vi) tunnels, viaducts, conduits, subways, breakwaters,
17 levees, retaining walls, bulkheads, and walls of rock or
18 other material to protect the same from overflow or injury
19 by water;

20 (vii) the opening of streets, avenues, and alleys and
21 the planting of trees thereon;

22 (e) create special improvement districts and order the
23 construction or reconstruction in, over, or through property
24 or rights-of-way owned by such city of:

25 (i) tunnels, sewers, ditches, drains, conduits, and

1 channels for sanitary and/or drainage purposes, with
2 necessary outlets, cesspools, manholes, catchbasins, flush
3 tanks, septic tanks, connection sewers, ditches, drains,
4 conduits, channels, and other appurtenances;

5 (ii) pipes, hose connections for irrigating; hydrants
6 and appliances for fire protection;

7 (iii) breakwaters, levees, retaining walls, and
8 bulkheads; and

9 (iv) walls of rock or other material to protect the
10 streets, avenues, lanes, alleys, courts, places, public
11 ways, and other property in any such city from overflow by
12 water;

13 (f) create special improvement districts and order any
14 work to be done which shall be deemed necessary to improve
15 the whole or any portion of such streets, avenues,
16 sidewalks, alleys, places, or public ways, property, or
17 right-of-way of such city; and

18 (g) maintain, preserve, and care for any and all of
19 the improvements herein mentioned.

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 outside the city may be included~~
25 ~~in the special improvement district only if a majority of~~

1 ~~those property owners approve of the special improvement~~
2 ~~district. The property outside the city must be treated in a~~
3 ~~similar manner, as to improvements, notices, and~~
4 ~~assessments, as the property inside the city limits. A joint~~
5 ~~resolution of the city and county must be passed agreeing to~~
6 ~~the terms of the special improvement district prior to~~
7 ~~passing the resolution of intention or the resolution~~
8 ~~creating the special improvement district. A copy of the~~
9 ~~resolution of intention and the resolution creating the~~
10 ~~special improvement district must be provided to the county~~
11 ~~commissioners upon the passage of the respective~~
12 ~~resolutions."~~

-End-

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Approved by Committee
on Taxation

SENATE BILL NO. 345
INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW RURAL AND CITY
SPECIAL IMPROVEMENT DISTRICTS TO EXTEND WITHIN OR OUTSIDE
CITY BOUNDARIES, RESPECTIVELY, UNDER CERTAIN CIRCUMSTANCES;
AMENDING SECTIONS 7-12-2102 AND 7-12-4102, MCA."

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

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

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

(2) The board of county commissioners may UPON

COMPLIANCE WITH SUBSECTION (1) order and create special
improvement districts covering projects abutting the city
limits and include properties inside the city where the
rural improvement district abuts and benefits that property.
Property owners WITHIN THE PROPOSED DISTRICT BOUNDARIES
inside the city may be included in the rural special
improvement district only if a majority 60% of those
property owners approve of the rural special improvement
district. The property inside the city must be treated in a
similar manner, as to improvements, notices, and
assessments, as the property outside the city limits. A
joint resolution of the city and county must be passed
agreeing to the terms of the rural special improvement
district prior to passing the resolution of intention or
resolution creating the rural special improvement district.
A copy of the resolution of intention and the resolution
creating the rural special improvement district must be
provided to the city clerk upon the passage of the
respective resolutions."

Section 2. 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
the same by number; to extend the time for payment of
assessments levied upon such districts for the improvements

1 thereon for a period not exceeding 20 years; to make such
2 assessments payable in installments; and to pay all expenses
3 of whatever character incurred in making such improvements
4 with special improvement warrants.

5 (2) Whenever the public interest or convenience may
6 require, the city council is hereby authorized and empowered
7 to:

8 (a) create special improvement districts for building,
9 constructing, and maintaining devices intended to protect
10 the safety of the public from open ditches carrying
11 irrigation or other water;

12 (b) create special improvement districts for building
13 and constructing municipal swimming pools and other
14 recreation facilities;

15 (c) create special improvement districts and order the
16 whole or any portion or portions, either in length or width,
17 of any one or more of the streets, avenues, alleys, or
18 places or public ways of any such city:

19 (i) graded or regraded to the official grade;

20 (ii) planked or replanked;

21 (iii) paved or repaved;

22 (iv) macadamized or remacadamized;

23 (v) graveled or regraveled;

24 (vi) piled or repiled;

25 (vii) capped or recapped;

1 (viii) surfaced or resurfaced;

2 (ix) oiled or reoiled;

3 (d) create special improvement districts and order the
4 construction or reconstruction therein of:

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

8 (ii) sewers, ditches, drains, conduits, and channels
9 for sanitary and/or drainage purposes, with outlets,
10 cesspools, manholes, catchbasins, flush tanks, septic tanks,
11 connecting sewers, ditches, drains, conduits, channels, and
12 other appurtenances;

13 (iii) waterworks, water mains, and extensions of water
14 mains;

15 (iv) pipes, hydrants, hose connections for irrigating
16 purposes;

17 (v) appliances for fire protection;

18 (vi) tunnels, viaducts, conduits, subways, breakwaters,
19 levees, retaining walls, bulkheads, and walls of rock or
20 other material to protect the same from overflow or injury
21 by water;

22 (vii) the opening of streets, avenues, and alleys and
23 the planting of trees thereon;

24 (e) create special improvement districts and order the
25 construction or reconstruction in, over, or through property

1 or rights-of-way owned by such city of:

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3 channels for sanitary and/or drainage purposes, with
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10 bulkheads; and

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12 streets, avenues, lanes, alleys, courts, places, public
13 ways, and other property in any such city from overflow by
14 water;

15 (f) create special improvement districts and order any
16 work to be done which shall be deemed necessary to improve
17 the whole or any portion of such streets, avenues,
18 sidewalks, alleys, places, or public ways, property, or
19 right-of-way of such city; and

20 (g) maintain, preserve, and care for any and all of
21 the improvements herein mentioned.

22 [3] The city governing body may order and create
23 special improvement districts covering projects abutting the
24 city limits and include properties outside the city where
25 the special improvement district abuts and benefits that

1 property. Property owners WITHIN THE PROPOSED DISTRICT
2 BOUNDARIES outside the city may be included in the special
3 improvement district only if a majority 60% of those
4 property owners approve of the special improvement district.
5 The property outside the city must be treated in a similar
6 manner, as to improvements, notices, and assessments, as the
7 property inside the city limits. A joint resolution of the
8 city and county must be passed agreeing to the terms of the
9 special improvement district prior to passing the resolution
10 of intention or the resolution creating the special
11 improvement district. A copy of the resolution of intention
12 and the resolution creating the special improvement district
13 must be provided to the county commissioners upon the
14 passage of the respective resolutions.*

-End-

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25 (2) The board of county commissioners may UPON

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22 (3) The city governing body may order and create
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