

Senate Bill 383

In The Senate

February 6, 1981	Introduced and referred to Committee on Taxation.
March 31, 1981	Committee recommend bill do pass. Bill printed and placed on members' desks.
April 2, 1981	Second reading do pass.
April 3, 1981	Correctly engrossed.
April 4, 1981	Third reading passed.

In The House

April 6, 1981	Introduced and referred to Committee on Local Government.
April 23, 1981	Died in Committee.

1 *Sen. Turner* BILL NO. *383*
 2 INTRODUCED BY *Norman Turnage*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DECREASE FROM 50
 5 PERCENT TO 40 PERCENT THE NUMBER OF OWNERS NECESSARY TO
 6 PROTEST THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT OR A
 7 RURAL SPECIAL IMPROVEMENT DISTRICT; AMENDING SECTIONS
 8 7-12-2112 AND 7-12-4113, MCA."

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

11 Section 1. Section 7-12-2112, MCA, is amended to read:

12 "7-12-2112. Sufficient protest to bar proceedings --
 13 exception. (1) Except as provided in subsection (2), no
 14 further proceedings shall be taken for a period of 6 months
 15 from the date when said protest was received by the county
 16 clerk when:

17 (a) the protest is against the proposed work and the
 18 cost thereof is to be assessed upon the property fronting
 19 thereon and the board of county commissioners finds that
 20 such protest is made by the owners of more than 50% ~~40%~~ of
 21 the area fronting on the proposed work; or

22 (b) the protest is against the proposed work and the
 23 cost thereof is to be assessed upon the property within the
 24 extended district and the board finds that such protest is
 25 made by the owners of more than ~~one-half~~ ~~40%~~ of the area of

1 the property to be assessed for such improvements.

2 (2) In case the improvements are the construction of
 3 sanitary sewers, the protests may be overruled by a
 4 unanimous vote of the board."

5 Section 2. Section 7-12-4113, MCA, is amended to read:

6 "7-12-4113. Sufficient protest to bar proceedings --
 7 exceptions. (1) Except as provided in subsections (2) and
 8 (3), no further proceedings shall be taken for a period of 6
 9 months from the date when said sufficient protest shall have
 10 been received by said clerk of the city or town council or
 11 commission when the protest is against the proposed work
 12 and:

13 (a) the cost thereof is to be assessed against
 14 property fronting thereon and the council or commission
 15 finds that such protest is made by the owners of more than
 16 50% ~~40%~~ of the property fronting on the proposed work; or

17 (b) the cost thereof is to be assessed upon the
 18 property within an extended district and the council or
 19 commission finds that such protest is made by the owners of
 20 more than 50% ~~40%~~ of the area of the property to be assessed
 21 for said improvements.

22 (2) The council or commission shall have the right to
 23 overrule any and all objections and pave the proposed block
 24 with gravel and oil surface when the improvement proposed is
 25 the paving, with necessary incidentals, of not more than one

1 cross block to connect with streets or avenues already paved
2 for a continuous distance of three blocks or more running at
3 a right angle (or substantially so) with the single cross
4 block so proposed to be paved.

5 (3) In case the improvement is the construction of a
6 sanitary sewer, such protest may be overruled by an
7 affirmative vote of a majority of the members of the council
8 or commission unless such protest is made by the owners of
9 more than 75% of the property affected, as herein provided,
10 in which event the protest must be sustained as to the
11 construction of such sanitary sewer."

-End-

Approved by Committee
on Taxation

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5 (3) In case the improvement is the construction of a
6 sanitary sewer, such protest may be overruled by an
7 affirmative vote of a majority of the members of the council
8 or commission unless such protest is made by the owners of
9 more than 75% of the property affected, as herein provided,
10 in which event the protest must be sustained as to the
11 construction of such sanitary sewer."

-End-

1 *Sen* BILL NO. 393
 2 INTRODUCED BY Norman Turvey
 3

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