

HOUSE BILL NO. 865

2/18 Introduced
2/18 Referred to Local Government
2/21 Hearing
Died in Committee

1 HOUSE BILL NO. 865
2 INTRODUCED BY Hand

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT THE
5 RIGHT TO PROTEST THE FORMATION OF A RURAL SPECIAL
6 IMPROVEMENT DISTRICT OR A SPECIAL IMPROVEMENT DISTRICT MAY
7 NOT BE WAIVED; PROVIDING THAT A LOCAL GOVERNMENT AND A
8 DEVELOPER OF LAND MAY AGREE ON THE PROVISION OF IMPROVEMENTS
9 TO LAND BEING DEVELOPED; AMENDING SECTIONS 7-12-2109 AND
10 7-12-4110, MCA."

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

13 Section 1. Section 7-12-2109, MCA, is amended to read:

14 "7-12-2109. Right to protest creation or extension of
15 district. (1) At any time within 15 days after the date of
16 the first publication of the notice of the passage of the
17 resolution of intention, any owner of property liable to be
18 assessed for said work may make written protest against the
19 proposed work or against the extending or creation of the
20 district to be assessed, or both. Such protest must be in
21 writing and be delivered to the county clerk, who shall
22 endorse thereon the date of its receipt by him.

23 (2) The right to protest granted by this section may
24 not be waived by an owner or by a predecessor in interest of
25 an owner. This subsection does not prevent the county and a

1 developer of several lots, parcels, or tracts of land from
2 agreeing on the construction or acquisition of improvements
3 to the land being developed."

4 Section 2. Section 7-12-4110, MCA, is amended to read:

5 "7-12-4110. Protest against proposed work or district.

6 (1) (a) At any time within 15 days after the date of the
7 first publication of the notice of the passage of the
8 resolution of intention, any owner of property liable to be
9 assessed for said work may make written protest against the
10 proposed work or against the extent or creation of the
11 district to be assessed or both.

12 (b) The right to protest granted by this section may
13 not be waived by an owner or by a predecessor in interest of
14 an owner. This subsection (b) does not prevent the city and
15 a developer of several lots, parcels, or tracts of land from
16 agreeing on the construction or acquisition of improvements
17 to the land being developed.

18 (2) Such protest must be in writing and be delivered
19 to the clerk of the city or town council or commission not
20 later than 5 p.m. of the last day within said 15-day period.
21 Said clerk shall endorse thereon the date and hour of its
22 receipt by him."

-End-

