# HOUSE BILL NO. 646

# INTRODUCED BY STANG, MCCALLUM

## IN THE HOUSE

FEBRUARY 7, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.		
FEBRUARY 14, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.		
FEBRUARY 16, 1987	PRINTING REPORT.		
FEBRUARY 17, 1987	SECOND READING, DO PASS.		
FEBRUARY 18, 1987	ENGROSSING REPORT.		
	THIRD READING, PASSED. AYES, 86; NOES, 1.		
	TRANSMITTED TO SENATE.		
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Δ.	N IND SERALE		
	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.		
	INTRODUCED AND REFERRED TO COMMITTEE		
FEBRUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.  COMMITTEE RECOMMEND BILL BE		
FEBRUARY 19, 1987 MARCH 4, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.  COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.		
FEBRUARY 19, 1987  MARCH 4, 1987  MARCH 7, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.  COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.  SECOND READING, CONCURRED IN.  THIRD READING, CONCURRED IN.		

RECEIVED FROM SENATE.

SENT TO ENROLLING.

MARCH 11, 1987

1 House BILL NO. 646
2 INTRODUCED BY Stang Milliams.

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT OR RURAL IMPROVEMENT DISTRICT FOR THE PURPOSE OF ERECTING FACILITIES FOR TELECOMMUNICATIONS AND FOR THE TRANSMISSION OF ELECTRICITY AND NATURAL GAS; AND AMENDING SECTION 7-12-4102, MCA."

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

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

- (2) Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to:
- (a) create special improvement districts for acquiring

by purchase, building, constructing, or maintaining devices

2 intended to protect the safety of the public from open

3 ditches carrying irrigation or other water;

4 (b) create special improvement districts for acquiring 5 by purchase or building and constructing municipal swimming

6 pools and other recreation facilities;

7 (c) create special improvement districts and order the

8 whole or any portion or portions, either in length or width,

of any one or more of the streets, avenues, alleys, or

10 places or public ways of any such city:

(i) graded or regraded to the official grade;

12 (ii) planked or replanked;

13 (iii) paved or repaved;

14 (iv) macadamized or remacadamized:

15 (v) graveled or regraveled;

16 (vi) piled or repiled;

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(vii) capped or recapped;

18 (viii) surfaced or resurfaced;

19 (ix) oiled or reoiled;

20 (d) create special improvement districts and order the

21 acquisition, construction, or reconstruction therein of:

22 (i) sidewalks, crosswalks, culverts, bridges, gutters.

23 curbs, steps, parkings (including the planting of grassplots

24 and setting out of trees);

25 (ii) sewers, ditches, drains, conduits, and channels

Montana Legislative Council

INTRODUCED BILL

LC 1459/01

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for sanitary and/or drainage purposes, with outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances;

- 5 (iii) waterworks, water mains, and extensions of water
  6 mains;
- (iv) pipes, hydrants, hose connections for irrigating
  purposes;
- 9 (v) appliances for fire protection;

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- (vi) tunnels, viaducts, conduits, subways, breakwaters, levees, retaining walls, bulkheads, and walls of rock or other material to protect the same from overflow or injury by water;
- (vii) the opening of streets, avenues, and alleys and the planting of trees thereon;
- 16 <u>(viii) facilities for telecommunications and for the</u>
  17 transmission of electricity and natural gas;
  - (e) create special improvement districts and order the construction or reconstruction in, over, or through property or rights-of-way owned by such city of:
  - (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary and/or drainage purposes, with necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels, and other appurtenances;

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

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- 3 (iii) breakwaters, levees, retaining walls, and 4 bulkheads; and
  - (iv) walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways, and other property in any such city from overflow by water;
- 9 (f) create special improvement districts and order any 10 work to be done which shall be deemed necessary to improve 11 the whole or any portion of such streets, avenues, 12 sidewalks, alleys, places, or public ways, property, or 13 right-of-way of such city; and
- 14 (g) maintain, preserve, and care for any and all of 15 the improvements herein mentioned.
  - special improvement districts covering projects abutting the city limits and include properties outside the city where the special improvement district abuts and benefits that property. Property owners within the proposed district boundaries outside the city may not be included in the special improvement district if 40% of those property owners protest the creation of the special improvement district. The property outside the city must be treated in a similar manner as to improvements, notices, and assessments as the

property inside the city limits. A joint resolution of the city and county must be passed agreeing to the terms of the special improvement district prior to passing the resolution of intention or the resolution creating the special improvement district. A copy of the resolution of intention and the resolution creating the special improvement district must be provided to the county commissioners upon the passage of the respective resolutions."

## APPROVED BY COMM. ON LOCAL GOVERNMENT

1	HOUSE BILL NO. 646
2	INTRODUCED BY STANG, MCCALLUM
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5	CREATION OF A SPECIAL IMPROVEMENT DISTRICT OR RURAL
6	IMPROVEMENT DISTRICT FOR THE PURPOSE OF ERECTING
7	FACILITATING THE CONSTRUCTION OF FACILITIES FOR
8	TELECOMMUNICATIONS AND FOR THE TRANSMISSION OF ELECTRICITY
9	AND NATURAL GAS; AND AMENDING SECTION 7-12-4102, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 7-12-4102, MCA, is amended to read:
13	"7-12-4102. Authorization for creation of special
14	improvement districts. (1) The city or town council has
15	power to create special improvement districts, designating
16	the same by number; to extend the time for payment of
17	assessments levied upon such districts for the improvements
18	thereon for a period not exceeding 20 years; to make such
19	assessments payable in installments; and to pay all expenses
20	of whatever character incurred in making such improvements
21	with special improvement warrants or bonds.
22	(2) Whenever the public interest or convenience may
23	require, the city council is hereby authorized and empowered
24	to:
2 5	(a) greate enemial improvement districts for sequiring

1	by purchase, building, constructing, or maintaining device
2	intended to protect the safety of the public from ope
3	ditches carrying irrigation or other water;
4	(b) create special improvement districts for acquiring
5	by purchase or building and constructing municipal swimmin
6	pools and other recreation facilities;
7	(c) create special improvement districts and order th
8	whole or any portion or portions, either in length or width
9	of any one or more of the streets, avenues, alleys, o
10	places or public ways of any such city:
Ll	(i) graded or regraded to the official grade;
12	(ii) planked or replanked;
1.3	(iii) paved or repaved;
14	(iv) macadamized or remacadamized;
15	<pre>(v) graveled or regraveled;</pre>
16	<pre>(vi) piled or repiled;</pre>
17	(vii) capped or recapped;
18	(viii) surfaced or resurfaced;
19	<pre>(ix) oiled or reoiled;</pre>
20	(d) create special improvement districts and order th
21	acquisition, construction, or reconstruction therein of:
22	(i) sidewalks, crosswalks, culverts, bridges, gutters

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curbs, steps, parkings (including the planting of grassplots

(ii) sewers, ditches, drains, conduits, and channels

and setting out of trees);

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- for sanitary and/or drainage purposes, with outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances;
- 5 (iii) waterworks, water mains, and extensions of water
  6 mains;
- 7 (iv) pipes, hydrants, hose connections for irrigating 8 purposes:
- 9 (v) appliances for fire protection;

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- 10 (vi) tunnels, viaducts, conduits, subways, breakwaters,
  11 levees, retaining walls, bulkheads, and walls of rock or
  12 other material to protect the same from overflow or injury
  13 by water;
- (vii) the opening of streets, avenues, and alleys and the planting of trees thereon;
- 16 <u>(viii)-facilities--for--telecommunications--and-for-the</u>
  17 transmission-of-electricity-and-natural-gas;
  - (e) create special improvement districts and order the construction or reconstruction in, over, or through property or rights-of-way owned by such city of:
  - (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary and/or drainage purposes, with necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels, and other appurtenances;

- 1 (ii) pipes, hose connections for irrigating; hydrants
  2 and appliances for fire protection;
- 3 (iii) breakwaters, levees, retaining walls, and 4 bulkheads: and
- 5 (iv) walls of rock or other material to protect the 6 streets, avenues, lanes, alleys, courts, places, public 7 ways, and other property in any such city from overflow by 8 water;
- 9 (F) CREATE SPECIAL IMPROVEMENT DISTRICTS TO MAKE
  10 MONETARY ADVANCES OR CONTRIBUTIONS TO AID IN THE
  11 CONSTRUCTION OF ADDITIONAL NATURAL GAS AND ELECTRIC
  12 DISTRIBUTION LINES AND TELECOMMUNICATIONS FACILITIES IN
  13 ORDER TO EXTEND SUCH PUBLIC UTILITY SERVICES;
- 14 (f)(G) create special improvement districts and order
  15 any work to be done which shall be deemed necessary to
  16 improve the whole or any portion of such streets, avenues,
  17 sidewalks, alleys, places, or public ways, property, or
  18 right-of-way of such city; and
- 19 (g)(H) maintain, preserve, and care for any and all of 20 the improvements herein mentioned.
- 21 (3) The city governing body may order and create
  22 special improvement districts covering projects abutting the
  23 city limits and include properties outside the city where
  24 the special improvement district abuts and benefits that
  25 property. Property owners within the proposed district

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1 boundaries outside the city may not be included in the 2 special improvement district if 40% of those property owners 3 protest the creation of the special improvement district. The property outside the city must be treated in a similar 4 5 manner as to improvements, notices, and assessments as the 6 property inside the city limits. A joint resolution of the 7 city and county must be passed agreeing to the terms of the В special improvement district prior to passing the resolution 9 of intention or the resolution creating the special 10 improvement district. A copy of the resolution of intention 11 and the resolution creating the special improvement district 12 must be provided to the county commissioners upon the passage of the respective resolutions." 13

•	NOOSE SILD NO. 646
2	INTRODUCED BY STANG, MCCALLUM
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4	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5	CREATION OF A SPECIAL IMPROVEMENT DISTRICT OR RURAL
6	IMPROVEMENT DISTRICT FOR THE PURPOSE OF ERBETING
7	FACILITATING THE CONSTRUCTION OF FACILITIES FOR
8	TELECOMMUNICATIONS AND FOR THE TRANSMISSION OF ELECTRICITY
9	AND NATURAL GAS; AND AMENDING SECTION 7-12-4102, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 7-12-4102, MCA, is amended to read:
13	"7-12-4102. Authorization for creation of special
14	improvement districts. (1) The city or town council has
15	power to create special improvement districts, designating
16	the same by number; to extend the time for payment of
17	assessments levied upon such districts for the improvements
18	thereon for a period not exceeding 20 years; to make such
19	assessments payable in installments; and to pay all expenses
20	of whatever character incurred in making such improvements
21	with special improvement warrants or bonds.
22	(2) Whenever the public interest or convenience may
23	require, the city council is hereby authorized and empowered
24	to:
25	(a) create special improvement districts for acquiring

1	by purchase, building, constructing, or maintaining device
2	intended to protect the safety of the public from ope
3	ditches carrying irrigation or other water;
4	(b) create special improvement districts for acquiring
5	by purchase or building and constructing municipal swimming
6	pools and other recreation facilities;
7	(c) create special improvement districts and order the
8	whole or any portion or portions, either in length or width
9	of any one or more of the streets, avenues, alleys, or
10	places or public ways of any such city:
11	<ul><li>(i) graded or regraded to the official grade;</li></ul>
12	(ii) planked or replanked;
13	(iii) paved or repaved;
14	(iv) macadamized or remacadamized;
15	<pre>(v) graveled or regraveled;</pre>
16	<pre>(vi) piled or repiled;</pre>
17	<pre>(vii) capped or recapped;</pre>
18	(viii) surfaced or resurfaced;
19	(ix) oiled or reoiled;
20	(d) create special improvement districts and order the
21	acquisition, construction, or reconstruction therein of:
22	<ul><li>(i) sidewalks, crosswalks, culverts, bridges, gutters,</li></ul>
23	curbs, steps, parkings (including the planting of grassplots
24	and setting out of trees):

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(ii) sewers, ditches, drains, conduits, and channels

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1 for sanitary and/or drainage purposes, with outlets, 2 cesspools, manholes, catchbasins, flush tanks, septic tanks, 3 connecting sewers, ditches, drains, conduits, channels, and 4 other appurtenances: 5 (iii) waterworks, water mains, and extensions of water 6 mains: 7 (iv) pipes, hydrants, hose connections for irrigating 8 purposes; 9 (v) appliances for fire protection; 10 (vi) tunnels, viaducts, conduits, subways, breakwaters, 11 levees, retaining walls, bulkheads, and walls of rock or 12 other material to protect the same from overflow or injury 13 by water; 14 (vii) the opening of streets, avenues, and alleys and 15 the planting of trees thereon; 16 (viii)-facilities--for--telecommunications--and-for-the 17 transmission-of-electricity-and-natural-gas; 18 (e) create special improvement districts and order the

construction or reconstruction in, over, or through property

channels for sanitary and/or drainage purposes, with

necessary outlets, cesspools, manholes, catchbasins, flush

tanks, septic tanks, connection sewers, ditches, drains,

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

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

conduits, channels, and other appurtenances;

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1 (ii) pipes, hose connections for irrigating; hydrants 2 and appliances for fire protection; 3 (iii) breakwaters, levees, retaining 4 bulkheads; and (iv) walls of rock or other material to protect the 5 streets, avenues, lanes, alleys, courts, places, public ways, and other property in any such city from overflow by 7 8 water: 9 (F) CREATE SPECIAL IMPROVEMENT DISTRICTS TO MAKE MONETARY ADVANCES OR CONTRIBUTIONS 10 TO CONSTRUCTION OF ADDITIONAL NATURAL GAS AND ELECTRIC 11 DISTRIBUTION LINES AND TELECOMMUNICATIONS FACILITIES IN 12 13 ORDER TO EXTEND SUCH PUBLIC UTILITY SERVICES: 14

the improvements herein mentioned.

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

walls,

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and

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(3) The city governing body may order and create special improvement districts covering projects abutting the city limits and include properties outside the city where the special improvement district abuts and benefits that property. Property owners within the proposed district

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boundaries outside the city may not be included in the 1 special improvement district if 40% of those property owners 2 protest the creation of the special improvement district. 3 The property outside the city must be treated in a similar 4 manner as to improvements, notices, and assessments as the 5 property inside the city limits. A joint resolution of the 6 city and county must be passed agreeing to the terms of the 7 special improvement district prior to passing the resolution of intention or the resolution creating the special 9 improvement district. A copy of the resolution of intention 10 and the resolution creating the special improvement district 11 must be provided to the county commissioners upon the 12 13 passage of the respective resolutions."

ı	HOUSE BILL NO. 646
2	INTRODUCED BY STANG, MCCALLUM
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4	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
5	CREATION OF A SPECIAL IMPROVEMENT DISTRICT OR RURAL
6	IMPROVEMENT DISTRICT FOR THE PURPOSE OF ERECTING
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1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
2	Section 1. Section 7-12-4102, MCA, is amended to read:
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4	improvement districts. (1) The city or town council has
5	power to create special improvement districts, designating
6	the same by number; to extend the time for payment of
7	assessments levied upon such districts for the improvements
8	thereon for a period not exceeding 20 years; to make such
9	assessments payable in installments; and to pay all expenses
0	of whatever character incurred in making such improvements
1	with special improvement warrants or bonds.
2	(2) Whenever the public interest or convenience may
3	require, the city council is hereby authorized and empowered
4	to:
5	(a) create special improvement districts for acquiring

1	by purchase, building, constructing, or maintaining devices
2	intended to protect the safety of the public from oper
3	ditches carrying irrigation or other water;
4	(b) create special improvement districts for acquiring
5	by purchase or building and constructing municipal swimming
6	pools and other recreation facilities;
7	(c) create special improvement districts and order the
8	whole or any portion or portions, either in length or width,
9	of any one or more of the streets, avenues, alleys, or
10	places or public ways of any such city:
11	<ol> <li>graded or regraded to the official grade;</li> </ol>
12	<pre>(ii) planked or replanked;</pre>
13	(iii) paved or repaved;
14	(iv) macadamized or remacadamized;
15	<pre>(v) graveled or regraveled;</pre>
16	<pre>(vi) piled or repiled;</pre>
17	<pre>(vii) capped or recapped;</pre>
18	<pre>(viii) surfaced or resurfaced;</pre>
19	(ix) oiled or reoiled;
20	(d) create special improvement districts and order the
21	acquisition, construction, or reconstruction therein of:
22	(i) sidewalks, crosswalks, culverts, bridges, gutters,
23	curbs, steps, parkings (including the planting of grassplots

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and setting out of trees);

(ii) sewers, ditches, drains, conduits, and channels

1	for sani	tary and/	or drainage	purposes,	with outlets,
2	cesspools	, manholes	, catchbasi	ns, flush tan	ıks, septic tanks,
3	connectin	g sewers,	ditches, di	ains, condui	ts, channels, and
4	other app	ourtenances	;		

- (iii) waterworks, water mains, and extensions of watermains;
- 7 (iv) pipes, hydrants, hose connections for irrigating 8 purposes;
- 9 (v) appliances for fire protection;

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- 10 (vi) tunnels, viaducts, conduits, subways, breakwaters,
  11 levees, retaining walls, bulkheads, and walls of rock or
  12 other material to protect the same from overflow or injury
  13 by water;
- 14 (vii) the opening of streets, avenues, and alleys and
  15 the planting of trees thereon;

# transmission-of-electricity-and-natural-gas?

- 18 (e) create special improvement districts and order the
  19 construction or reconstruction in, over, or through property
  20 or rights-of-way owned by such city of:
  - (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary and/or drainage purposes, with necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches, drains, conduits, channels, and other appurtenances;

- 1 (ii) pipes, hose connections for irrigating; hydrants
  2 and appliances for fire protection;
- 3 (iii) breakwaters, levees, retaining walls, and 4 bulkheads; and
- 5 (iv) walls of rock or other material to protect the 6 streets, avenues, lanes, alleys, courts, places, public 7 ways, and other property in any such city from overflow by 8 water:
- 9 (F) CREATE SPECIAL IMPROVEMENT DISTRICTS TO MAKE
  10 MONETARY ADVANCES OR CONTRIBUTIONS TO AID IN THE
  11 CONSTRUCTION OF ADDITIONAL NATURAL GAS AND ELECTRIC
  12 DISTRIBUTION LINES AND TELECOMMUNICATIONS FACILITIES IN
  13 ORDER TO EXTEND SUCH PUBLIC UTILITY SERVICES;
- tf†(G) create special improvement districts and order
  any work to be done which shall be deemed necessary to
  improve the whole or any portion of such streets, avenues,
  sidewalks, alleys, places, or public ways, property, or
  right-of-way of such city; and
- 19 (g)(H) maintain, preserve, and care for any and all of 20 the improvements herein mentioned.
- 21 (3) The city governing body may order and create 22 special improvement districts covering projects abutting the 23 city limits and include properties outside the city where 24 the special improvement district abuts and benefits that 25 property. Property owners within the proposed district

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boundaries outside the city may not be included in the 1 2 special improvement district if 40% of those property owners protest the creation of the special improvement district. 3 The property outside the city must be treated in a similar 4 manner as to improvements, notices, and assessments as the 5 property inside the city limits. A joint resolution of the 6 7 city and county must be passed agreeing to the terms of the 8 special improvement district prior to passing the resolution 9 intention or the resolution creating the special 10 improvement district. A copy of the resolution of intention and the resolution creating the special improvement district 11 must be provided to the county commissioners upon the 12 passage of the respective resolutions." 13