



1 House BILL NO. 646  
 2 INTRODUCED BY Stang McCallister  
 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 FACILITIES  
 7 FOR TELECOMMUNICATIONS AND FOR THE TRANSMISSION OF  
 8 ELECTRICITY AND NATURAL GAS; AND AMENDING SECTION 7-12-4102,  
 9 MCA."

10 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 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,
- 9 of any one or more of the streets, avenues, alleys, or
- 10 places or public ways of any such city:
  - 11 (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;
  - 17 (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



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  
19 construction or reconstruction in, over, or through property  
20 or rights-of-way owned by such city of:

21 (i) tunnels, sewers, ditches, drains, conduits, and  
22 channels for sanitary and/or drainage purposes, with  
23 necessary outlets, cesspools, manholes, catchbasins, flush  
24 tanks, septic tanks, connection sewers, ditches, drains,  
25 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 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.

16 (3) The city governing body may order and create  
17 special improvement districts covering projects abutting the  
18 city limits and include properties outside the city where  
19 the special improvement district abuts and benefits that  
20 property. Property owners within the proposed district  
21 boundaries outside the city may not be included in the  
22 special improvement district if 40% of those property owners  
23 protest the creation of the special improvement district.  
24 The property outside the city must be treated in a similar  
25 manner as to improvements, notices, and assessments as the

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

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 646  
 2 INTRODUCED BY STANG, MCCALLUM  
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
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 7 FACILITATING THE CONSTRUCTION OF FACILITIES FOR  
 8 TELECOMMUNICATIONS AND FOR THE TRANSMISSION OF ELECTRICITY  
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 7-12-4102, MCA, is amended to read:

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 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 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,  
 9 of any one or more of the streets, avenues, alleys, or  
 10 places or public ways of any such city:

- 11 (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;
- 17 (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



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  
19 construction or reconstruction in, over, or through property  
20 or rights-of-way owned by such city of:

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2 and appliances for fire protection;

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4 bulkheads; and

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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

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.  
4 The property outside the city must be treated in a similar  
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  
8 special improvement district prior to passing the resolution  
9 of intention or the resolution creating the special  
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