

SENATE BILL NO. 63  
INTRODUCED BY WELDON

IN THE SENATE

JANUARY 2, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
JANUARY 4, 1993	FIRST READING.
JANUARY 21, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 22, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 23, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 46; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 25, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 13, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 16, 1993	THIRD READING, CONCURRED IN. AYES, 90; NOES, 10.
MARCH 17, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 19, 1993	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 20, 1993

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 63

INTRODUCED BY WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE SPECIAL IMPROVEMENT DISTRICT LAWS; ALLOWING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT FOR THE CONVERSION OF OVERHEAD UTILITIES; CONFORMING THE SPECIAL IMPROVEMENT DISTRICT BID OPENING TIMELINE TO THE BID OPENING TIMELINE FOR MUNICIPAL PURCHASES AND FRANCHISES; AMENDING SECTIONS 7-12-2131, 7-12-4102, 7-12-4132, 7-12-4141, 69-4-311, AND 69-4-312, MCA; AND REPEALING SECTIONS 69-4-315, 69-4-316, 69-4-317, 69-4-318, 69-4-319, 69-4-320, 69-4-321, 69-4-322, 69-4-323, 69-4-324, 69-4-325, 69-4-326, 69-4-327, 69-4-328, 69-4-329, 69-4-330, 69-4-331, 69-4-332, AND 69-4-333, MCA."

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

**Section 1.** Section 7-12-2131, MCA, is amended to read:

"7-12-2131. Bids for district work -- exception. (1) The Except as provided in subsection (3), the board of county commissioners may call for bids for proposals for several kinds or types of materials for any of the improvements proposed, reserving the right to select the kind of or type or of materials to be used in making any or ~~all~~ of ~~said~~ the improvements after the bids or proposals ~~therefor-shall~~ have been opened, examined, and declared.

(2) All proposals or bids offered ~~shall~~ must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. ~~Such~~ The proposals or bids ~~shall~~ must be delivered to the county clerk.

(3) If the proposed improvement is the conversion of overhead utilities to an underground location as provided for in 7-12-4102(2)(i), the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

**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 them by number; to extend the time for payment of assessments levied upon the districts for district improvements for a period not exceeding 20 years or, if refunding bonds are issued pursuant to 7-12-4194, for a period not exceeding 30 years; to make the assessments payable in installments; and to pay all expenses of whatever character incurred in making the improvements with special improvement warrants or bonds.

(2) Whenever the public interest or convenience requires, the city council may:

(a) create special improvement districts for acquiring by purchase, building, constructing, or maintaining devices

1 intended to protect the safety of the public from open  
2 ditches carrying irrigation or other water;

3 (b) create special improvement districts for acquiring  
4 by purchase or building and constructing municipal swimming  
5 pools and other recreation facilities;

6 (c) create special improvement districts and order the  
7 whole or any a portion or ~~portions~~, either in length or  
8 width, of any one or more of the streets, avenues, alleys,  
9 or places or public ways of the city:

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

11 (ii) planked or replanked;

12 (iii) paved or repaved;

13 (iv) macadamized or remacadamized;

14 (v) graveled or regraveled;

15 (vi) piled or repiled;

16 (vii) capped or recapped;

17 (viii) surfaced or resurfaced;

18 (ix) oiled or reoiled;

19 (d) create special improvement districts and order the  
20 acquisition, construction, or reconstruction within the  
21 districts 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 for

1 sanitary and/or drainage purposes, with outlets, cesspools,  
2 manholes, catchbasins, flush tanks, septic tanks, connecting  
3 sewers, ditches, drains, conduits, channels, and other  
4 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~~ them from overflow or  
13 injury by water;

14 (vii) the opening of streets, avenues, and alleys and  
15 the planting of trees on the streets, avenues, and alleys;

16 (e) create special improvement districts and order the  
17 construction or reconstruction in, over, or through property  
18 or rights-of-way owned by the city of:

19 (i) tunnels, sewers, ditches, drains, conduits, and  
20 channels for sanitary and/or drainage purposes, with  
21 necessary outlets, cesspools, manholes, catchbasins, flush  
22 tanks, septic tanks, connection sewers, ditches, drains,  
23 conduits, channels, and other appurtenances;

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

1 (iii) breakwaters, levees, retaining walls, and  
2 bulkheads; and

3 (iv) walls of rock or other material to protect the  
4 streets, avenues, lanes, alleys, courts, places, public  
5 ways, and other property in the city from overflow by water;

6 (f) create special improvement districts to make  
7 monetary advances or contributions to aid in the  
8 construction of additional natural gas and electric  
9 distribution lines and telecommunications facilities in  
10 order to extend those public utility services;

11 (g) create special improvement districts and order any  
12 work to be done that is considered necessary to improve the  
13 whole or any a portion of the streets, avenues, sidewalks,  
14 alleys, places, or public ways, property, or right-of-way of  
15 the city;

16 (h) create special improvement districts to acquire and  
17 improve by purchase, gift, bequest, lease, or other means  
18 land to be designated as public park or open-space land; and

19 (i) create special improvement districts for the  
20 conversion of overhead utilities to underground locations in  
21 accordance with 69-4-311; and

22 ~~(j)~~ (j) maintain, preserve, and care for any ~~and all~~ of  
23 the improvements authorized in this section.

24 (3) The city governing body may order and create  
25 special improvement districts covering projects abutting the

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

17 **Section 3.** Section 7-12-4132, MCA, is amended to read:

18 "7-12-4132. Power to require underground placement of  
19 utilities within district. (1) ~~it is provided that~~ Unless  
20 the purpose of the special improvement district is the  
21 conversion of existing overhead utilities to an underground  
22 location, the city council ~~shall have~~ has the same  
23 jurisdiction and powers as provided in 7-12-4102 and  
24 7-12-4103 (before doing any of the work mentioned in this  
25 part) to require any a public service corporation or

company, firm, or person occupying ~~such~~ the streets, avenues, or alleys, at their own expense and within a reasonable time to be fixed by the council, to place in an underground conduit, in ~~such a~~ a manner as may be directed by the council, all wires; electric conduits; or telephone, telegraph, power, or power transmission lines or appurtenances ~~thereto to them~~ or appliances owned, held, or enjoyed in connection ~~therewith with them~~.

(2) The whole cost so assessed ~~shall~~ may at no time exceed the sum of \$1.50 per lineal foot plus the cost of the pipe."

**Section 4.** Section 7-12-4141, MCA, is amended to read:

"7-12-4141. Bid for work -- exception. (1) ~~The~~ Except as provided in subsection (4), the city council may call for bids or proposals for several kinds and types of materials for ~~any the~~ the improvements proposed to be made under this part and part 42, reserving the right to select the kind or type of material to be used in making ~~any-such the~~ the improvements after the bids or proposals ~~therefor-shall~~ have been opened, examined, and declared.

(2) Notice inviting proposals and referring to the specifications on file ~~shall~~ must be published at least twice in a daily, semiweekly, or weekly newspaper published and circulated in ~~said the~~ the city and designated by the council for that purpose, and in case there is no newspaper

published in ~~said the~~ the city, then it ~~shall~~ must be posted in at least three public places.

(3) The time fixed for the opening of bids ~~shall-be~~ may not ~~be~~ be less than ~~10 5~~ 5 days ~~or more than 12 days~~ from the time of the final publication of ~~said the~~ the notice. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for opening bids. ~~All~~ The proposals or bids offered ~~shall~~ must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. ~~Said The~~ The proposals or bids ~~shall~~ must be delivered to the clerk of the city council.

(4) If the proposed improvement is the conversion of overhead utilities to an underground location, the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

**Section 5.** Section 69-4-311, MCA, is amended to read:

"69-4-311. Authorization to create special improvement districts. (1) The governing body of ~~every a~~ every a county is ~~hereby~~ authorized and empowered to create special improvement districts under ~~this-part~~ Title 7, chapter 12, part 21, within the unincorporated portion of ~~such the~~ the county. The governing body of ~~every a~~ every a city ~~and or~~ and town is ~~hereby~~ authorized and empowered to create special improvement districts under ~~this-part~~ Title 7, chapter 12,

parts 41 and 42, within its territorial limits. ~~Said~~ The special improvement districts ~~shall~~ must provide for the conversion of existing overhead electrical and communication facilities to underground locations and the construction, reconstruction, or relocation of any other electric or communication facilities ~~which~~ that may be incidental thereto to the conversion~~---pursuant-to-the-provisions-of this-part.~~

(2) ~~Any-such~~ A special improvement district ~~shall~~ must include an area having a frontage of not less than 1,000 feet upon a public street, road, highway, or utilities easement along which overhead electric or communication facilities are located."

**Section 6.** Section 69-4-312, MCA, is amended to read:

"69-4-312. Procedure to initiate creation of district -- resolution for feasibility study. (1) ~~Any~~ A governing body, on its own initiative or upon a petition signed by at least 60% of the property owners owning at least 60% of the assessable land of ~~any~~ a proposed district requesting the creation of a special improvement district, as provided for in this part, may pass a resolution at ~~any~~ a regular or special meeting, declaring that it finds that the special improvement district is in the public interest. The governing body shall make a finding that the formation of the special improvement district, for the purposes set out

in this part, will promote the public convenience, necessity, and welfare.

(2) The resolution ~~shall~~ must state that the costs and expenses will be levied and assessed upon the property benefited and further request that each public utility serving ~~such~~ the area by overhead electric or communication facilities shall, within 120 days after the receipt of the resolution, make a study of the cost of conversion of its facilities in ~~such~~ the area to underground service. The report of ~~said~~ the study ~~shall~~ must be provided to the governing body and made available for inspection in the office of the governing body and each public utility. The governing body may not pass a resolution of intention to create a special improvement district until it has received the report. The resolution of the governing body ~~shall~~ must require that each public utility be provided with the name and address of the owner of each parcel or lot within the proposed improvement district, if known, and if not known, the description of the property and ~~such~~ other matters as may be required by the public utilities in order to perform the work involved in the cost study. The resolution ~~shall~~ must further state the area in square feet of each lot or parcel within the proposed conversion service area."

NEW SECTION. **Section 7. Repealer.** Sections 69-4-315, 69-4-316, 69-4-317, 69-4-318, 69-4-319, 69-4-320, 69-4-321,

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- 1 69-4-322, 69-4-323, 69-4-324, 69-4-325, 69-4-326, 69-4-327,
- 2 69-4-328, 69-4-329, 69-4-330, 69-4-331, 69-4-332, and
- 3 69-4-333, MCA, are repealed.

-End-



APPROVED BY COMM.  
ON LOCAL GOVERNMENT

SENATE BILL NO. 63

INTRODUCED BY WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE SPECIAL IMPROVEMENT DISTRICT LAWS; ALLOWING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT FOR THE CONVERSION OF OVERHEAD UTILITIES; REVISING ASSESSMENT COSTS FOR UNDERGROUND PLACEMENT OF UTILITIES WITHIN A DISTRICT; CONFORMING THE SPECIAL IMPROVEMENT DISTRICT BID OPENING TIMELINE TO THE BID OPENING TIMELINE FOR MUNICIPAL PURCHASES AND FRANCHISES; AMENDING SECTIONS 7-12-2131, 7-12-4102, 7-12-4132, 7-12-4141, 69-4-311, AND 69-4-312, MCA; AND REPEALING SECTIONS 69-4-315, 69-4-316, 69-4-317, 69-4-318, 69-4-319, 69-4-320, 69-4-321, 69-4-322, 69-4-323, 69-4-324, 69-4-325, 69-4-326, 69-4-327, 69-4-328, 69-4-329, 69-4-330, 69-4-331, 69-4-332, AND 69-4-333, MCA."

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"7-12-2131. Bids for district work -- exception. (1) The Except as provided in subsection (3), the board of county commissioners may call for bids for proposals for several kinds or types of materials for any of the improvements proposed, reserving the right to select the kind of or type or of materials to be used in making any or

~~all~~ of ~~said~~ the improvements after the bids or proposals therefor-~~shall~~ have been opened, examined, and declared.

(2) All proposals or bids offered ~~shall~~ must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. ~~Such~~ The proposals or bids ~~shall~~ must be delivered to the county clerk.

(3) If the proposed improvement is the conversion of overhead utilities to an underground location as provided for in 7-12-4102(2)(i), the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

**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 them by number; to extend the time for payment of assessments levied upon the districts for district improvements for a period not exceeding 20 years or, if refunding bonds are issued pursuant to 7-12-4194, for a period not exceeding 30 years; to make the assessments payable in installments; and to pay all expenses of whatever character incurred in making the improvements with special improvement warrants or bonds.

(2) Whenever the public interest or convenience requires, the city council may:

1 (a) create special improvement districts for acquiring  
 2 by purchase, building, constructing, or maintaining devices  
 3 intended to protect the safety of the public from open  
 4 ditches carrying irrigation or other water;

5 (b) create special improvement districts for acquiring  
 6 by purchase or building and constructing municipal swimming  
 7 pools and other recreation facilities;

8 (c) create special improvement districts and order the  
 9 whole or any a portion ~~or-portions~~, either in length or  
 10 width, of any one or more of the streets, avenues, alleys,  
 11 or places or public ways of the city:

12 (i) graded or regraded to the official grade;  
 13 (ii) planked or replanked;  
 14 (iii) paved or repaved;  
 15 (iv) macadamized or remacadamized;  
 16 (v) graveled or regraveled;  
 17 (vi) piled or repiled;  
 18 (vii) capped or recapped;  
 19 (viii) surfaced or resurfaced;  
 20 (ix) oiled or reoiled;

21 (d) create special improvement districts and order the  
 22 acquisition, construction, or reconstruction within the  
 23 districts of:

24 (i) sidewalks, crosswalks, culverts, bridges, gutters,  
 25 curbs, steps, parkings (including the planting of grassplots

1 and setting out of trees);

2 (ii) sewers, ditches, drains, conduits, and channels for  
 3 sanitary and/or drainage purposes, with outlets, cesspools,  
 4 manholes, catchbasins, flush tanks, septic tanks, connecting  
 5 sewers, ditches, drains, conduits, channels, and other  
 6 appurtenances;

7 (iii) waterworks, water mains, and extensions of water  
 8 mains;

9 (iv) pipes, hydrants, hose connections for irrigating  
 10 purposes;

11 (v) appliances for fire protection;

12 (vi) tunnels, viaducts, conduits, subways, breakwaters,  
 13 levees, retaining walls, bulkheads, and walls of rock or  
 14 other material to protect ~~the-same~~ them from overflow or  
 15 injury by water;

16 (vii) the opening of streets, avenues, and alleys and  
 17 the planting of trees on the streets, avenues, and alleys;

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 the 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;

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

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

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

(f) create special improvement districts to make  
monetary advances or contributions to aid in the  
construction of additional natural gas and electric  
distribution lines and telecommunications facilities in  
order to extend those public utility services;

(g) create special improvement districts and order ~~any~~  
work to be done that is considered necessary to improve the  
whole or ~~any~~ a portion of the streets, avenues, sidewalks,  
alleys, places, or public ways, property, or right-of-way of  
the city;

(h) create special improvement districts to acquire and  
improve by purchase, gift, bequest, lease, or other means  
land to be designated as public park or open-space land; and

(i) create special improvement districts for the  
conversion of overhead utilities to underground locations in  
accordance with 69-4-311 THROUGH 69-4-314; and

~~††(j)~~ maintain, preserve, and care for any ~~and-all~~ of  
the improvements authorized in this section.

(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  
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."

**Section 3.** Section 7-12-4132, MCA, is amended to read:

"7-12-4132. Power to require underground placement of  
utilities within district. ~~(1) It is--provided--that~~ Unless  
the purpose of the special improvement district is the  
conversion of existing overhead utilities to an underground  
location, the city council ~~shall--have~~ has the same  
jurisdiction and powers as provided in 7-12-4102 and

7-12-4103 (before doing any of the work mentioned in this part) to require any a public service corporation or company, firm, or person occupying such the streets, avenues, or alleys, at their own expense and within a reasonable time to be fixed by the council, to place in an underground conduit, in such a manner as may be directed by the council, all wires; electric conduits; or telephone, telegraph, power, or power transmission lines or appurtenances thereto to them or appliances owned, held, or enjoyed in connection therewith with them.

(2) The whole cost so assessed shall may at no time exceed the sum-of-\$1-50-per-linear-foot-plus-the-cost-of-the pipe COSTS INCURRED."

**Section 4.** Section 7-12-4141, MCA, is amended to read:

"7-12-4141. Bid for work -- exception. (1) The Except as provided in subsection (4), the city council may call for bids or proposals for several kinds and types of materials for any the improvements proposed to be made under this part and part 42, reserving the right to select the kind or type of material to be used in making any-such the improvements after the bids or proposals therefor-shall have been opened, examined, and declared.

(2) Notice inviting proposals and referring to the specifications on file shall must be published at least twice in a daily, semiweekly, or weekly newspaper published

and circulated in said the city and designated by the council for that purpose, and in case there is no newspaper published in said the city, then it shall must be posted in at least three public places.

(3) The time fixed for the opening of bids shall-be may not be less than 10 5 days or more than 12 days from the time of the final publication of said the notice. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for opening bids. All The proposals or bids offered shall must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. Said The proposals or bids shall must be delivered to the clerk of the city council.

(4) If the proposed improvement is the conversion of overhead utilities to an underground location, the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

**Section 5.** Section 69-4-311, MCA, is amended to read:

"69-4-311. Authorization to create special improvement districts. (1) The governing body of every a county is hereby authorized and empowered to create special improvement districts under this-part Title 7, chapter 12, part 21, AND THIS PART, within the unincorporated portion of such the county. The governing body of every a city and or

1 town is hereby authorized and empowered to create special  
 2 improvement districts under ~~this part~~ Title 7, chapter 12,  
 3 parts 41 and 42, AND THIS PART, within its territorial  
 4 limits. ~~Said~~ The special improvement districts ~~shall~~ must  
 5 provide for the conversion of existing overhead electrical  
 6 and communication facilities to underground locations and  
 7 the construction, reconstruction, or relocation of any other  
 8 electric or communication facilities ~~which~~ that may be  
 9 incidental thereto to the conversion--pursuant--to--the  
 10 provisions-of-this-part.

11 (2) ~~Any--such A~~ special improvement district ~~shall~~ must  
 12 include an area having a frontage of not less than 1,000  
 13 feet upon a public street, road, highway, or utilities  
 14 easement along which overhead electric or communication  
 15 facilities are located."

16 **Section 6.** Section 69-4-312, MCA, is amended to read:

17 "69-4-312. Procedure to initiate creation of district  
 18 -- resolution for feasibility study. (1) Any A governing  
 19 body, on its own initiative or upon a petition signed by at  
 20 least 60% of the property owners owning at least 60% of the  
 21 assessable land of any a proposed district requesting the  
 22 creation of a special improvement district, as provided for  
 23 in this part, may pass a resolution at any a regular or  
 24 special meeting, declaring that it finds that the special  
 25 improvement district is in the public interest. The

1 governing body shall make a finding that the formation of  
 2 the special improvement district, for the purposes set out  
 3 in this part, will promote the public convenience,  
 4 necessity, and welfare.

5 (2) The resolution ~~shall~~ must state that the costs and  
 6 expenses will be levied and assessed upon the property  
 7 benefited and further request that each public utility  
 8 serving ~~such the~~ area by overhead electric or communication  
 9 facilities shall, within 120 days after the receipt of the  
 10 resolution, make a study of the cost of conversion of its  
 11 facilities in ~~such the~~ area to underground service. The  
 12 report of ~~said the~~ study ~~shall~~ must be provided to the  
 13 governing body and made available for inspection in the  
 14 office of the governing body and each public utility. The  
 15 governing body may not pass a resolution of intention to  
 16 create a special improvement district until it has received  
 17 the report. The resolution of the governing body ~~shall~~ must  
 18 require that each public utility be provided with the name  
 19 and address of the owner of each parcel or lot within the  
 20 proposed improvement district, if known, and if not known,  
 21 the description of the property and ~~such~~ other matters as  
 22 may be required by the public utilities in order to perform  
 23 the work involved in the cost study. The resolution ~~shall~~  
 24 must further state the area in square feet of each lot or  
 25 parcel within the proposed conversion service area."

SB 0063/02

1        NEW SECTION.   **Section 7. Repealer.**   Sections 69-4-315,  
2        69-4-316,   69-4-317, 69-4-318, 69-4-319, 69-4-320, 69-4-321,  
3        69-4-322, 69-4-323, 69-4-324, 69-4-325, 69-4-326,   69-4-327,  
4        69-4-328,   69-4-329,   69-4-330, 69-4-331, 69-4-332,   and  
5        69-4-333, MCA, are repealed.

-End-

## SENATE BILL NO. 63

INTRODUCED BY WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE SPECIAL IMPROVEMENT DISTRICT LAWS; ALLOWING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT FOR THE CONVERSION OF OVERHEAD UTILITIES; REVISING ASSESSMENT COSTS FOR UNDERGROUND PLACEMENT OF UTILITIES WITHIN A DISTRICT; CONFORMING THE SPECIAL IMPROVEMENT DISTRICT BID OPENING TIMELINE TO THE BID OPENING TIMELINE FOR MUNICIPAL PURCHASES AND FRANCHISES; AMENDING SECTIONS 7-12-2131, 7-12-4102, 7-12-4132, 7-12-4141, 69-4-311, AND 69-4-312, MCA; AND REPEALING SECTIONS 69-4-315, 69-4-316, 69-4-317, 69-4-318, 69-4-319, 69-4-320, 69-4-321, 69-4-322, 69-4-323, 69-4-324, 69-4-325, 69-4-326, 69-4-327, 69-4-328, 69-4-329, 69-4-330, 69-4-331, 69-4-332, AND 69-4-333, MCA."

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

**Section 1.** Section 7-12-2131, MCA, is amended to read:

"7-12-2131. Bids for district work -- exception. (1) The Except as provided in subsection (3), the board of county commissioners may call for bids for proposals for several kinds or types of materials for any of the improvements proposed, reserving the right to select the kind of or type or of materials to be used in making any or

~~all~~ of said the improvements after the bids or proposals therefor-~~shall~~ have been opened, examined, and declared.

(2) All proposals or bids offered ~~shall~~ must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. ~~Such The~~ proposals or bids ~~shall~~ must be delivered to the county clerk.

(3) If the proposed improvement is the conversion of overhead utilities to an underground location as provided for in 7-12-4102(2)(i), the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

**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 them by number; to extend the time for payment of assessments levied upon the districts for district improvements for a period not exceeding 20 years or, if refunding bonds are issued pursuant to 7-12-4194, for a period not exceeding 30 years; to make the assessments payable in installments; and to pay all expenses of whatever character incurred in making the improvements with special improvement warrants or bonds.

(2) Whenever the public interest or convenience requires, the city council may:

1 (a) create special improvement districts for acquiring  
2 by purchase, building, constructing, or maintaining devices  
3 intended to protect the safety of the public from open  
4 ditches carrying irrigation or other water;

5 (b) create special improvement districts for acquiring  
6 by purchase or building and constructing municipal swimming  
7 pools and other recreation facilities;

8 (c) create special improvement districts and order the  
9 whole or any a portion or-portions, either in length or  
10 width, of any one or more of the streets, avenues, alleys,  
11 or places or public ways of the city:

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

13 (ii) planked or replanked;

14 (iii) paved or repaved;

15 (iv) macadamized or remacadamized;

16 (v) graveled or regraveled;

17 (vi) piled or repiled;

18 (vii) capped or recapped;

19 (viii) surfaced or resurfaced;

20 (ix) oiled or reoiled;

21 (d) create special improvement districts and order the  
22 acquisition, construction, or reconstruction within the  
23 districts of:

24 (i) sidewalks, crosswalks, culverts, bridges, gutters,  
25 curbs, steps, parkings (including the planting of grassplots

1 and setting out of trees);

2 (ii) sewers, ditches, drains, conduits, and channels for  
3 sanitary and/or drainage purposes, with outlets, cesspools,  
4 manholes, catchbasins, flush tanks, septic tanks, connecting  
5 sewers, ditches, drains, conduits, channels, and other  
6 appurtenances;

7 (iii) waterworks, water mains, and extensions of water  
8 mains;

9 (iv) pipes, hydrants, hose connections for irrigating  
10 purposes;

11 (v) appliances for fire protection;

12 (vi) tunnels, viaducts, conduits, subways, breakwaters,  
13 levees, retaining walls, bulkheads, and walls of rock or  
14 other material to protect the-same them from overflow or  
15 injury by water;

16 (vii) the opening of streets, avenues, and alleys and  
17 the planting of trees on the streets, avenues, and alleys;

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 the 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, and hose connections for irrigating;  
 2 hydrants 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 the city from overflow by water;  
 8 (f) create special improvement districts to make  
 9 monetary advances or contributions to aid in the  
 10 construction of additional natural gas and electric  
 11 distribution lines and telecommunications facilities in  
 12 order to extend those public utility services;  
 13 (g) create special improvement districts and order any  
 14 work to be done that is considered necessary to improve the  
 15 whole or any a portion of the streets, avenues, sidewalks,  
 16 alleys, places, or public ways, property, or right-of-way of  
 17 the city;  
 18 (h) create special improvement districts to acquire and  
 19 improve by purchase, gift, bequest, lease, or other means  
 20 land to be designated as public park or open-space land; and  
 21 (i) create special improvement districts for the  
 22 conversion of overhead utilities to underground locations in  
 23 accordance with 69-4-311 THROUGH 69-4-314; and  
 24 ~~(i)(j)~~ maintain, preserve, and care for any and all of  
 25 the improvements authorized in this section.

1 (3) The city governing body may order and create  
 2 special improvement districts covering projects abutting the  
 3 city limits and include properties outside the city where  
 4 the special improvement district abuts and benefits that  
 5 property. Property owners within the proposed district  
 6 boundaries outside the city may not be included in the  
 7 special improvement district if 40% of those property owners  
 8 protest the creation of the special improvement district.  
 9 The property outside the city must be treated in a similar  
 10 manner as to improvements, notices, and assessments as the  
 11 property inside the city limits. A joint resolution of the  
 12 city and county must be passed agreeing to the terms of the  
 13 special improvement district prior to passing the resolution  
 14 of intention or the resolution creating the special  
 15 improvement district. A copy of the resolution of intention  
 16 and the resolution creating the special improvement district  
 17 must be provided to the county commissioners upon the  
 18 passage of the respective resolutions."

19 **Section 3.** Section 7-12-4132, MCA, is amended to read:  
 20 "7-12-4132. Power to require underground placement of  
 21 utilities within district. (1) ~~It is--provided--that Unless~~  
 22 the purpose of the special improvement district is the  
 23 conversion of existing overhead utilities to an underground  
 24 location, the city council ~~shall--have~~ has the same  
 25 jurisdiction and powers as provided in 7-12-4102 and

1 7-12-4103 (before doing any of the work mentioned in this  
 2 part) to require any a public service corporation or  
 3 company, firm, or person occupying such the streets,  
 4 avenues, or alleys, at their own expense and within a  
 5 reasonable time to be fixed by the council, to place in an  
 6 underground conduit, in such a manner as may be directed by  
 7 the council, all wires; electric conduits; or telephone,  
 8 telegraph, power, or power transmission lines or  
 9 appurtenances thereto to them or appliances owned, held, or  
 10 enjoyed in connection therewith with them.

11 (2) The whole cost so assessed shall may at no time  
 12 exceed the sum-of-\$1750-per-linear-foot-plus-the-cost-of-the  
 13 pipe COSTS INCURRED."

14 **Section 4.** Section 7-12-4141, MCA, is amended to read:

15 "7-12-4141. Bid for work -- exception. (1) The Except  
 16 as provided in subsection (4), the city council may call for  
 17 bids or proposals for several kinds and types of materials  
 18 for any the improvements proposed to be made under this part  
 19 and part 42, reserving the right to select the kind or type  
 20 of material to be used in making any-such the improvements  
 21 after the bids or proposals therefor-shall have been opened,  
 22 examined, and declared.

23 (2) Notice inviting proposals and referring to the  
 24 specifications on file shall must be published at least  
 25 twice in a daily, semiweekly, or weekly newspaper published

1 and circulated in said the city and designated by the  
 2 council for that purpose, and in case there is no newspaper  
 3 published in said the city, then it shall must be posted in  
 4 at least three public places.

5 (3) The time fixed for the opening of bids shall-be may  
 6 not be less than 10 5 days or more than 12 days from the  
 7 time of the final publication of said the notice. If the  
 8 advertisement is made by posting, 15 days must elapse,  
 9 including the day of posting, between the time of the  
 10 posting of the advertisement and the day set for opening  
 11 bids. All The proposals or bids offered shall must be  
 12 accompanied by bid security as provided for in Title 18,  
 13 chapter 1, part 2. Said The proposals or bids shall must be  
 14 delivered to the clerk of the city council.

15 (4) If the proposed improvement is the conversion of  
 16 overhead utilities to an underground location, the work must  
 17 be performed by the public utility responsible for the cost  
 18 and feasibility report required under 69-4-313."

19 **Section 5.** Section 69-4-311, MCA, is amended to read:

20 "69-4-311. Authorization to create special improvement  
 21 districts. (1) The governing body of every a county is  
 22 hereby authorized and empowered to create special  
 23 improvement districts under this-part Title 7, chapter 12,  
 24 part 21, AND THIS PART, within the unincorporated portion of  
 25 such the county. The governing body of every a city and or

town is hereby authorized and empowered to create special improvement districts under this-part Title 7, chapter 12, parts 41 and 42, AND THIS PART, within its territorial limits. ~~Said~~ The special improvement districts ~~shall~~ must provide for the conversion of existing overhead electrical and communication facilities to underground locations and the construction, reconstruction, or relocation of any other electric or communication facilities which that may be incidental thereto to the conversion--~~pursuant--to--the provisions-of-this-part.~~

(2) ~~Any--such A~~ special improvement district ~~shall~~ must include an area having a frontage of not less than 1,000 feet upon a public street, road, highway, or utilities easement along which overhead electric or communication facilities are located."

**Section 6.** Section 69-4-312, MCA, is amended to read:

"69-4-312. Procedure to initiate creation of district -- resolution for feasibility study. (1) Any A governing body, on its own initiative or upon a petition signed by at least 60% of the property owners owning at least 60% of the assessable land of any a proposed district requesting the creation of a special improvement district, as provided for in this part, may pass a resolution at any a regular or special meeting, declaring that it finds that the special improvement district is in the public interest. The

governing body shall make a finding that the formation of the special improvement district, for the purposes set out in this part, will promote the public convenience, necessity, and welfare.

(2) The resolution ~~shall~~ must state that the costs and expenses will be levied and assessed upon the property benefited and further request that each public utility serving such the area by overhead electric or communication facilities shall, within 120 days after the receipt of the resolution, make a study of the cost of conversion of its facilities in such the area to underground service. The report of ~~said the~~ study ~~shall~~ must be provided to the governing body and made available for inspection in the office of the governing body and each public utility. The governing body may not pass a resolution of intention to create a special improvement district until it has received the report. The resolution of the governing body ~~shall~~ must require that each public utility be provided with the name and address of the owner of each parcel or lot within the proposed improvement district, if known, and if not known, the description of the property and such other matters as may be required by the public utilities in order to perform the work involved in the cost study. The resolution ~~shall~~ must further state the area in square feet of each lot or parcel within the proposed conversion service area."

SB 0063/02

1        NEW SECTION.   **Section 7.**   Repealer.   Sections   69-4-315,  
2   69-4-316,   69-4-317,   69-4-318,   69-4-319,   69-4-320,   69-4-321,  
3   69-4-322,   69-4-323,   69-4-324,   69-4-325,   69-4-326,   69-4-327,  
4   69-4-328,   69-4-329,   69-4-330,   69-4-331,   69-4-332,   and  
5   69-4-333,   MCA,   are repealed.

-End-

HOUSE COMMITTEE OF THE WHOLE AMENDMENT  
Senate Bill 63  
Representative S.J. Hansen

March 10, 1993 11:40 am  
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 63 (third reading copy -- blue).

Signed:   
Representative S.J. Hansen

And, that such amendments to Senate Bill 63 read as follows:

1. Title, line 12.

Following: "MCA;"

Strike: "AND"

2. Title, line 16.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 11, line 6.

Following: line 5

Insert: "NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 1993."

-END-

ADOPT

REJECT

HOUSE  
SB 63

541128CW.Hpf

SENATE BILL NO. 63  
INTRODUCED BY WELDON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE SPECIAL IMPROVEMENT DISTRICT LAWS; ALLOWING THE CREATION OF A SPECIAL IMPROVEMENT DISTRICT FOR THE CONVERSION OF OVERHEAD UTILITIES; REVISING ASSESSMENT COSTS FOR UNDERGROUND PLACEMENT OF UTILITIES WITHIN A DISTRICT; CONFORMING THE SPECIAL IMPROVEMENT DISTRICT BID OPENING TIMELINE TO THE BID OPENING TIMELINE FOR MUNICIPAL PURCHASES AND FRANCHISES; AMENDING SECTIONS 7-12-2131, 7-12-4102, 7-12-4132, 7-12-4141, 69-4-311, AND 69-4-312, MCA; AND REPEALING SECTIONS 69-4-315, 69-4-316, 69-4-317, 69-4-318, 69-4-319, 69-4-320, 69-4-321, 69-4-322, 69-4-323, 69-4-324, 69-4-325, 69-4-326, 69-4-327, 69-4-328, 69-4-329, 69-4-330, 69-4-331, 69-4-332, AND 69-4-333, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 7-12-2131, MCA, is amended to read:

"7-12-2131. Bids for district work -- exception. (1) The Except as provided in subsection (3), the board of county commissioners may call for bids for proposals for several kinds or types of materials for any of the improvements proposed, reserving the right to select the

kind of or type or of materials to be used in making any or ~~all~~ of ~~said~~ the improvements after the bids or proposals therefor-~~shall~~ have been opened, examined, and declared.

(2) All proposals or bids offered ~~shall~~ must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. ~~Such~~ The proposals or bids ~~shall~~ must be delivered to the county clerk.

(3) If the proposed improvement is the conversion of overhead utilities to an underground location as provided for in 7-12-4102(2)(i), the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

**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 them by number; to extend the time for payment of assessments levied upon the districts for district improvements for a period not exceeding 20 years or, if refunding bonds are issued pursuant to 7-12-4194, for a period not exceeding 30 years; to make the assessments payable in installments; and to pay all expenses of whatever character incurred in making the improvements with special improvement warrants or bonds.

(2) Whenever the public interest or convenience

1 requires, the city council may:

2 (a) create special improvement districts for acquiring  
3 by purchase, building, constructing, or maintaining devices  
4 intended to protect the safety of the public from open  
5 ditches carrying irrigation or other water;

6 (b) create special improvement districts for acquiring  
7 by purchase or building and constructing municipal swimming  
8 pools and other recreation facilities;

9 (c) create special improvement districts and order the  
10 whole or ~~any a portion or--portions~~, either in length or  
11 width, of ~~any~~ one or more of the streets, avenues, alleys,  
12 or places or public ways of the city:

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

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15 (iii) paved or repaved;

16 (iv) macadamized or remacadamized;

17 (v) graveled or regraveled;

18 (vi) piled or repiled;

19 (vii) capped or recapped;

20 (viii) surfaced or resurfaced;

21 (ix) oiled or reoiled;

22 (d) create special improvement districts and order the  
23 acquisition, construction, or reconstruction within the  
24 districts of:

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1 curbs, steps, parkings (including the planting of grassplots  
2 and setting out of trees);

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

8 (iii) waterworks, water mains, and extensions of water  
9 mains;

10 (iv) pipes, hydrants, hose connections for irrigating  
11 purposes;

12 (v) appliances for fire protection;

13 (vi) tunnels, viaducts, conduits, subways, breakwaters,  
14 levees, retaining walls, bulkheads, and walls of rock or  
15 other material to protect ~~the same~~ them from overflow or  
16 injury by water;

17 (vii) the opening of streets, avenues, and alleys and  
18 the planting of trees on the streets, avenues, and alleys;

19 (e) create special improvement districts and order the  
20 construction or reconstruction in, over, or through property  
21 or rights-of-way owned by the city of:

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

1 conduits, channels, and other appurtenances;  
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 3 hydrants and appliances for fire protection;  
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 5 bulkheads; and  
 6 (iv) walls of rock or other material to protect the  
 7 streets, avenues, lanes, alleys, courts, places, public  
 8 ways, and other property in the city from overflow by 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 those public utility services;  
 14 (g) create special improvement districts and order any  
 15 work to be done that is considered necessary to improve the  
 16 whole or any a portion of the streets, avenues, sidewalks,  
 17 alleys, places, or public ways, property, or right-of-way of  
 18 the city;  
 19 (h) create special improvement districts to acquire and  
 20 improve by purchase, gift, bequest, lease, or other means  
 21 land to be designated as public park or open-space land; and  
 22 (i) create special improvement districts for the  
 23 conversion of overhead utilities to underground locations in  
 24 accordance with 69-4-311 THROUGH 69-4-314; and  
 25 ~~†††(j)~~ maintain, preserve, and care for any ~~and-att~~ of

1 the improvements authorized in this section.

2 (3) The city governing body may order and create  
 3 special improvement districts covering projects abutting the  
 4 city limits and include properties outside the city where  
 5 the special improvement district abuts and benefits that  
 6 property. Property owners within the proposed district  
 7 boundaries outside the city may not be included in the  
 8 special improvement district if 40% of those property owners  
 9 protest the creation of the special improvement district.  
 10 The property outside the city must be treated in a similar  
 11 manner as to improvements, notices, and assessments as the  
 12 property inside the city limits. A joint resolution of the  
 13 city and county must be passed agreeing to the terms of the  
 14 special improvement district prior to passing the resolution  
 15 of intention or the resolution creating the special  
 16 improvement district. A copy of the resolution of intention  
 17 and the resolution creating the special improvement district  
 18 must be provided to the county commissioners upon the  
 19 passage of the respective resolutions."

20 **Section 3.** Section 7-12-4132, MCA, is amended to read:

21 "7-12-4132. Power to require underground placement of  
 22 utilities within district. ~~(1) It-is-provided-that~~ Unless  
 23 the purpose of the special improvement district is the  
 24 conversion of existing overhead utilities to an underground  
 25 location, the city council ~~shall--have~~ has the same



jurisdiction and powers as provided in 7-12-4102 and 7-12-4103 (before doing any of the work mentioned in this part) to require any a public service corporation or company, firm, or person occupying such the streets, avenues, or alleys, at their own expense and within a reasonable time to be fixed by the council, to place in an underground conduit, in such a manner as may be directed by the council, all wires; electric conduits; or telephone, telegraph, power, or power transmission lines or appurtenances thereto to them or appliances owned, held, or enjoyed in connection therewith with them.

(2) The whole cost so assessed shall may at no time exceed the sum-of-\$1.50-per-linear-foot-plus-the-cost-of-the pipe COSTS INCURRED."

**Section 4.** Section 7-12-4141, MCA, is amended to read:

"7-12-4141. Bid for work -- exception. (1) The Except as provided in subsection (4), the city council may call for bids or proposals for several kinds and types of materials for any the improvements proposed to be made under this part and part 42, reserving the right to select the kind or type of material to be used in making any-such the improvements after the bids or proposals therefor-shall have been opened, examined, and declared.

(2) Notice inviting proposals and referring to the specifications on file shall must be published at least

twice in a daily, semiweekly, or weekly newspaper published and circulated in said the city and designated by the council for that purpose, and in case there is no newspaper published in said the city, then it shall must be posted in at least three public places.

(3) The time fixed for the opening of bids shall-be may not be less than 5 days or more than 12 days from the time of the final publication of said the notice. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for opening bids. All The proposals or bids offered shall must be accompanied by bid security as provided for in Title 18, chapter 1, part 2. Said The proposals or bids shall must be delivered to the clerk of the city council.

(4) If the proposed improvement is the conversion of overhead utilities to an underground location, the work must be performed by the public utility responsible for the cost and feasibility report required under 69-4-313."

**Section 5.** Section 69-4-311, MCA, is amended to read:

"69-4-311. Authorization to create special improvement districts. (1) The governing body of every a county is hereby authorized and empowered to create special improvement districts under this-part Title 7, chapter 12, part 21, AND THIS PART, within the unincorporated portion of

1 such the county. The governing body of every a city and or  
 2 town is hereby authorized and empowered to create special  
 3 improvement districts under this-part Title 7, chapter 12,  
 4 parts 41 and 42, AND THIS PART, within its territorial  
 5 limits. ~~Said~~ The special improvement districts ~~shall~~ must  
 6 provide for the conversion of existing overhead electrical  
 7 and communication facilities to underground locations and  
 8 the construction, reconstruction, or relocation of any other  
 9 electric or communication facilities ~~which that~~ that may be  
 10 incidental ~~thereto to the conversion,--pursuant--to--the~~  
 11 ~~provisions-of-this-part.~~

12 (2) ~~Any-such A~~ special improvement district ~~shall~~ must  
 13 include an area having a frontage of not less than 1,000  
 14 feet upon a public street, road, highway, or utilities  
 15 easement along which overhead electric or communication  
 16 facilities are located."

17 **Section 6.** Section 69-4-312, MCA, is amended to read:

18 "69-4-312. Procedure to initiate creation of district  
 19 -- resolution for feasibility study. (1) ~~Any A~~ governing  
 20 body, on its own initiative or upon a petition signed by at  
 21 least 60% of the property owners owning at least 60% of the  
 22 assessable land of any a proposed district requesting the  
 23 creation of a special improvement district, as provided for  
 24 in this part, may pass a resolution at any a regular or  
 25 special meeting, declaring that it finds that the special

1 improvement district is in the public interest. The  
 2 governing body shall make a finding that the formation of  
 3 the special improvement district, for the purposes set out  
 4 in this part, will promote the public convenience,  
 5 necessity, and welfare.

6 (2) The resolution ~~shall~~ must state that the costs and  
 7 expenses will be levied and assessed upon the property  
 8 benefited and further request that each public utility  
 9 serving such the area by overhead electric or communication  
 10 facilities shall, within 120 days after the receipt of the  
 11 resolution, make a study of the cost of conversion of its  
 12 facilities in such the area to underground service. The  
 13 report of ~~said the~~ study ~~shall~~ must be provided to the  
 14 governing body and made available for inspection in the  
 15 office of the governing body and each public utility. The  
 16 governing body may not pass a resolution of intention to  
 17 create a special improvement district until it has received  
 18 the report. The resolution of the governing body ~~shall~~ must  
 19 require that each public utility be provided with the name  
 20 and address of the owner of each parcel or lot within the  
 21 proposed improvement district, if known, and if not known,  
 22 the description of the property and ~~such~~ other matters as  
 23 may be required by the public utilities in order to perform  
 24 the work involved in the cost study. The resolution ~~shall~~  
 25 must further state the area in square feet of each lot or

1 parcel within the proposed conversion service area."

2 NEW SECTION. **Section 7. Repealer.** Sections 69-4-315,  
3 69-4-316, 69-4-317, 69-4-318, 69-4-319, 69-4-320, 69-4-321,  
4 69-4-322, 69-4-323, 69-4-324, 69-4-325, 69-4-326, 69-4-327,  
5 69-4-328, 69-4-329, 69-4-330, 69-4-331, 69-4-332, and  
6 69-4-333, MCA, are repealed.

7 NEW SECTION. SECTION 8. EFFECTIVE DATE. [THIS ACT] IS  
8 EFFECTIVE JULY 1, 1993.

-End-