

SENATE BILL NO. 294

INTRODUCED BY HAWKS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE TIME FOR PROTESTS INVOLVING SPECIAL
5 IMPROVEMENT DISTRICT PROJECTS IF THE NORMAL PROTEST PERIOD INCLUDES A HOLIDAY OTHER
6 THAN A SUNDAY; AMENDING SECTIONS 7-12-2109, 7-12-4110, AND 7-12-4114, MCA; AND PROVIDING
7 AN EFFECTIVE DATE."

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

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

12 **"7-12-2109. Right to protest creation or extension of district.** (1) (a) ~~At~~ Except as provided in
13 subsection (1)(b), at any time within 30 days after the date of the first publication of the notice of the passage
14 of the resolution of intention, any owner of property liable to be assessed for the work proposed in the resolution
15 may make written protest against the proposed work or against the extending or creation of the district to be
16 assessed, or both. The protest must be in writing, identify the property in the district owned by the protestor, and
17 be signed by all owners of the property. The protest must be delivered to the county clerk, who shall endorse
18 on the protest document the date of its receipt by the county clerk.

19 (b) If the period described in subsection (1)(a) includes a holiday as enumerated in 1-1-216, other than
20 a Sunday, the period must be extended for an additional 5 2 days.

21 (2) (a) For purposes of this section, "owner" means, as of the date a protest is filed, the record owner
22 of fee simple title to the property.

23 (b) The term does not include a tenant of or other holder of a leasehold interest in the property."
24

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

26 **"7-12-4110. Protest against proposed work or district.** (1) (a) ~~At~~ Except as provided in subsection
27 (1)(b), at any time within 15 days after the date of the first publication of the notice of the passage of the
28 resolution of intention, any owner of property liable to be assessed for the work may make written protest against
29 the proposed work or against the extent or creation of the district to be assessed, or both.

30 (b) If the period described in subsection (1)(a) includes a holiday as enumerated in 1-1-216, other than

1 a Sunday, the period must be extended for an additional 5 2 days.

2 (2) A protest must be in writing, identify the property in the district owned by the protestor, and be signed
3 by all the owners of the property. The protest must be delivered to the clerk of the city or town council or
4 commission not later than 5 p.m. of the last day within the ~~15-day~~ protest period. The clerk shall endorse on the
5 protest document the date and hour of its receipt by the clerk.

6 (3) (a) For purposes of this section, "owner" means, as of the date a protest is filed, the record owner
7 of fee simple title to the property.

8 (b) The term does not include a tenant of or other holder of a leasehold interest in the property."
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10 **Section 3.** Section 7-12-4114, MCA, is amended to read:

11 **"7-12-4114. Resolution creating special improvement district.** ~~(1) When~~ The council may order
12 proposed improvements after:

13 (a) no protests have been delivered to the clerk of the city council within 15 days the time prescribed
14 in 7-12-4110 after the date of the first publication of the notice of the passing of the resolution of intention;

15 (b) when a protest shall have has been found by said council to be insufficient or shall have has been
16 overruled; or

17 (c) when a protest against the extent of the proposed district shall have has been heard and denied;
18 immediately thereupon, the council shall be deemed to have acquired jurisdiction to order the proposed
19 improvements.

20 (2) Before ordering any of said the proposed improvements, the council shall pass a resolution creating
21 the special improvement district in accordance with the resolution of intention theretofore introduced and passed
22 by the council."

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24 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005.

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