

HOUSE BILL NO. 795

INTRODUCED BY HANDS, REINHART

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SPECIAL IMPROVEMENT DISTRICTS AND RURAL IMPROVEMENT DISTRICTS TO BE CREATED FOR ACQUISITION, CONSTRUCTION, OR RECONSTRUCTION OF LAND AND STRUCTURES FOR FIRE PROTECTION; AND AMENDING SECTION 7-12-4102, MCA."

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 may:

- (a) create special improvement districts, designating them by number;
- (b) 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;
- (c) make the assessments payable in installments; and
- (d) 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 intended to protect the safety of the public from open ditches carrying irrigation or other water;
- (b) create special improvement districts for acquiring by purchase or building and constructing municipal swimming pools and other recreation facilities;
- (c) create special improvement districts and order the whole or a portion, either in length or width, of one or more of the streets, avenues, alleys, or places or public ways of the city:
  - (i) graded or regraded to the official grade;
  - (ii) planked or replanked;
  - (iii) paved or repaved;

- 1 (iv) macadamized or remacadamized;
- 2 (v) graveled or regraveled;
- 3 (vi) piled or repiled;
- 4 (vii) capped or recapped;
- 5 (viii) surfaced or resurfaced;
- 6 (ix) oiled or reoiled;
- 7 (d) create special improvement districts and order the acquisition, construction, or reconstruction within
- 8 the districts of:
- 9 (i) sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings (including the planting of
- 10 grassplots and setting out of trees);
- 11 (ii) sewers, ditches, drains, conduits, and channels for sanitary or drainage purposes, with outlets,
- 12 cesspools, manholes, catchbasins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits,
- 13 channels, and other appurtenances;
- 14 (iii) waterworks, water mains, and extensions of water mains;
- 15 (iv) pipes, hydrants, and hose connections for irrigating purposes;
- 16 (v) land, structures, and appliances for fire protection;
- 17 (vi) tunnels, viaducts, conduits, subways, breakwaters, levees, retaining walls, bulkheads, and walls of
- 18 rock or other material to protect them from overflow or injury by water;
- 19 (vii) the opening of streets, avenues, and alleys and the planting of trees on the streets, avenues, and
- 20 alleys;
- 21 (e) create special improvement districts and order the construction or reconstruction in, over, or through
- 22 property or rights-of-way owned by the city of:
- 23 (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary or drainage purposes, with
- 24 necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches,
- 25 drains, conduits, channels, and other appurtenances;
- 26 (ii) pipes and hose connections for irrigating and hydrants and appliances for fire protection;
- 27 (iii) breakwaters, levees, retaining walls, and bulkheads; and
- 28 (iv) walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public
- 29 ways, and other property in the city from overflow by water;
- 30 (f) create special improvement districts to make monetary advances or contributions to aid in the

1 construction of additional natural gas and electric distribution lines and telecommunications facilities in order to  
2 extend those public utility services;

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

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

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

10 (j) create special improvement districts for the purchase, installation, maintenance, and management  
11 of alternative energy production facilities; and

12 (k) maintain, preserve, and care for any of the improvements authorized in this section.

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

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