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_____ BILL NO. _____
INTRODUCED BY _____

BY REQUEST OF THE LOCAL GOVERNMENT INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING WATER AND WASTEWATER TREATMENT
FACILITIES TO BE DEVELOPED USING SPECIAL IMPROVEMENT DISTRICTS; AMENDING SECTION 7-
12-4102, MCA; AND PROVIDING AN EFFECTIVE DATE."

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 -- petition for creation.

(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,

1 of one or more of the streets, avenues, alleys, or places or public ways of the city:

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

3 (ii) planked or replanked;

4 (iii) paved or repaved;

5 (iv) macadamized or remacadamized;

6 (v) graveled or regraveled;

7 (vi) piled or repiled;

8 (vii) capped or recapped;

9 (viii) surfaced or resurfaced;

10 (ix) oiled or reoiled;

11 (d) create special improvement districts and order the acquisition, construction, or reconstruction

12 within the districts of:

13 (i) sidewalks, crosswalks, culverts, bridges, gutters, curbs, steps, parkings (including the planting

14 of grassplots and setting out of trees);

15 (ii) sewers, ditches, drains, conduits, and channels for sanitary or drainage purposes, with outlets,

16 cesspools, manholes, catchbasins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits,

17 channels, and other appurtenances;

18 (iii) waterworks, water mains, and extensions of water mains;

19 (iv) pipes, hydrants, and hose connections for irrigating purposes;

20 (v) land, structures, and appliances for fire protection;

21 (vi) tunnels, viaducts, conduits, subways, breakwaters, levees, retaining walls, bulkheads, and

22 walls of rock or other material to protect them from overflow or injury by water;

23 (vii) the opening of streets, avenues, and alleys and the planting of trees on the streets, avenues,

24 and alleys;

25 (viii) water and wastewater treatment facilities and expansions of existing facilities;

26 (e) create special improvement districts and order the construction or reconstruction in, over, or

27 through property or rights-of-way owned by the city of:

28 (i) tunnels, sewers, ditches, drains, conduits, and channels for sanitary or drainage purposes, with

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- 1 necessary outlets, cesspools, manholes, catchbasins, flush tanks, septic tanks, connection sewers, ditches,
2 drains, conduits, channels, and other appurtenances;
- 3 (ii) pipes and hose connections for irrigating and hydrants and appliances for fire protection;
4 (iii) breakwaters, levees, retaining walls, and bulkheads; and
5 (iv) walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places,
6 public ways, and other property in the city from overflow by water;
- 7 (f) create special improvement districts to make monetary advances or contributions to aid in the
8 construction of additional natural gas and electric distribution lines and telecommunications facilities in order to
9 extend those public utility services;
- 10 (g) create special improvement districts and order work to be done that is considered necessary to
11 improve the whole or a portion of the streets, avenues, sidewalks, alleys, places, or public ways, property, or
12 right-of-way of the city;
- 13 (h) create special improvement districts to acquire and improve by purchase, gift, bequest, lease,
14 or other means land to be designated as public park or open-space land;
- 15 (i) create special improvement districts for the conversion of overhead utilities to underground
16 locations in accordance with 69-4-311 through 69-4-314;
- 17 (j) create special improvement districts for the purchase, installation, maintenance, and
18 management of alternative energy production facilities; and
- 19 (k) maintain, preserve, and care for any of the improvements authorized in this section.
- 20 (3) The city governing body may order and create a special improvement district upon the receipt
21 of a petition to create a special improvement district that contains the consent of all of the owners of property to
22 be included in the district.
- 23 (4) The city governing body may order and create special improvement districts covering projects
24 abutting the city limits and include properties outside the city when the special improvement district abuts and
25 benefits that property. Properties within the proposed district boundaries outside the city may not be included in
26 the special improvement district if, under the assessment methodology provided in the resolution of intention,
27 the owners of lots, tracts, or parcels outside the city representing not less than 40% of the total projected
28 assessments against properties outside the city protest the creation of the special improvement district. The

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1 property outside the city must be treated in a similar manner as to improvements, notices, and assessments as
2 the property inside the city limits. A joint resolution of the city and county must be passed agreeing to the terms
3 of the special improvement district prior to passing the resolution of intention or the resolution creating the
4 special improvement district. A copy of the resolution of intention and the resolution creating the special
5 improvement district must be provided to the county commissioners upon the passage of the respective
6 resolutions."

7

8 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2027.

9

- END -

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