

1 House BILL NO. 371
 2 INTRODUCED BY MAYOR Hager Kvealen Esborough
 3 Hubert Steigumiller Suebeck
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION

5 11-2223, R.C.M. 1947, REQUIRING THE CITY CLERK TO MAIL
 6 NOTICE OF THE PASSAGE OF A RESOLUTION LEVYING A SPECIAL
 7 ASSESSMENT; AND AMENDING SECTION 16-1614, R.C.M. 1947,
 8 REQUIRING THE COUNTY CLERK TO MAIL NOTICE OF THE PASSAGE OF
 9 A RESOLUTION LEVYING A SPECIAL ASSESSMENT."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 11-2223, R.C.M. 1947, is amended to
 13 read as follows:

14 "11-2223. Hearing of objections--modification of
 15 assessment. (1) Such resolution, signed by the mayor and
 16 clerk, shall be kept on file in the office of the city
 17 clerk, and a notice signed by the city clerk stating that
 18 the resolution levying the special assessment to defray the
 19 cost of such improvements is on file in his office, subject
 20 to inspection for a period of five days, shall be published
 21 at least once in a newspaper published in the city or town.
 22 Such notice shall state the time and place at which
 23 objections to the final adoption of such resolution will be
 24 heard by the council, and the time for such hearing shall
 25 not be less than five days after the publication of such

1 notice. At the time so fixed the council shall meet and hear
 2 all such objections, and for that purpose may adjourn from
 3 day to day, and may, by resolution, modify such assessment
 4 in whole or in part. A copy of such resolution, certified by
 5 the city clerk, must be delivered to the city treasurer
 6 within two days after its passage.

7 (2) Notice of the passage of such resolution shall be
 8 mailed by the city clerk to each nonresident property owner
 9 at his last known address, within two days after its
 10 passage.

11 (3) The failure of the city clerk to mail a notice as
 12 provided in this act shall invalidate the assessment against
 13 the property involved while permitting all other assessments
 14 and procedures to be lawful.

15 (4) The term nonresident property owner as used in
 16 this act shall mean any person or corporation whose
 17 residence and mailing address as shown on the current tax
 18 rolls is outside the boundaries of the county and who is a
 19 record owner of property within the boundaries of the city
 20 involved."

21 Section 2. Section 16-1614, R.C.M. 1947, is amended to
 22 read as follows:

23 "16-1614. Notice of resolution--contents--objections.
 24 (1) Such resolution, signed by the chairman of the board of
 25 county commissioners, shall be kept on file in the office of

1 the county clerk, and a notice signed by the county clerk,
 2 stating that the resolution levying a special assessment to
 3 defray the cost of making such improvements is on file in
 4 the office of the county clerk, subject to inspection, shall
 5 be published at least one publication in a newspaper
 6 published nearest to where the special improvement is to be
 7 made. Such notice shall state the time and place in which
 8 objections to the final adoption of such resolution will be
 9 heard by the board of county commissioners, and the time for
 10 such hearing shall be not less than five days after the
 11 publication of such notice. At the time so fixed, the board
 12 of county commissioners shall meet and hear all such
 13 objections, and for that purpose may adjourn from day to day
 14 and may by resolution modify such assessment in whole or in
 15 part. A copy of such resolution, certified by the county
 16 clerk, must be delivered to the county treasurer two days
 17 after its passage.

18 (2) Notice of the passage of such resolution shall be
 19 mailed by the county clerk to each nonresident property
 20 owner at his last known address, within two days after its
 21 passage.

22 (3) The failure of the county clerk to mail a notice
 23 as provided in this act shall invalidate the assessment
 24 against the property involved while permitting all other
 25 assessments and procedures to be lawful.

1 (4) The term nonresident property owner as used in
 2 this act shall mean any person or corporation whose
 3 residence and mailing address as shown on the current tax
 4 rolls is outside the boundaries of the county and who is a
 5 record owner of property within the boundaries of the county
 6 involved."

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