

HOUSE BILL NO. 288

INTRODUCED BY DONALDSON, SPILKER, HARPER, WILLIAMS

IN THE HOUSE

January 20, 1979	Introduced and referred to Committee on Local Government.
February 5, 1979	Committee recommend bill do pass as amended. Report adopted.
February 6, 1979	Printed and placed on members' desks.
February 7, 1979	Second reading, do pass as amended.
February 8, 1979	Correctly engrossed.
February 9, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 10, 1979	Introduced and referred to Committee on Taxation.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in.

IN THE HOUSE

March 10, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 HOUSE BILL NO. 288  
 2 INTRODUCED BY Donaldson Spiker Roger Williams  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A  
 5 SEMIANNUAL DUE DATE FOR SPECIAL IMPROVEMENT DISTRICT  
 6 ASSESSMENTS AND INSTALLMENTS; AMENDING SECTIONS 7-12-4188,  
 7 7-12-4202, 7-12-4203, AND 15-16-102, MCA; AND PROVIDING AN  
 8 EFFECTIVE DATE."  
 9

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

11 Section 1. Section 7-12-4188, MCA, is amended to read:

12 "7-12-4188. Due date for district assessments. (1) All  
 13 special assessments or installments of special assessments  
 14 in cities and towns, duly and regularly levied by resolution  
 15 according to law, shall be payable on or before 6 p.m. on  
 16 November 30 of each year except as provided in subsection  
 17 (2).

18 (2) The governing body of a municipality may provide  
 19 by resolution that one-half of the payment on special  
 20 assessments, or installments of special assessments may be  
 21 deferred to no later than 5 p.m. on May 31 of the following  
 22 year.

23 (2)(3) In the event the same are not paid on or before  
 24 said date, the same shall be subject to the same interest  
 25 and penalties for nonpayment as are or may hereafter be

1 provided by the laws of Montana for other delinquent taxes."

2 Section 2. Section 15-16-102, MCA, is amended to read:

3 "15-16-102. Time for payment -- penalty for  
 4 delinquency. All taxes levied and assessed in the state of  
 5 Montana ~~except special assessments made for special~~  
 6 ~~improvements in towns and cities~~ shall be payable as  
 7 follows:

8 (1) One-half of the amount of such taxes shall be  
 9 payable on or before 5 p.m. on November 30 of each year and  
 10 one-half on or before 5 p.m. on May 31 of each year.

11 (2) Unless one-half of such taxes are paid on or  
 12 before 5 p.m. on November 30 of each year, then such amount  
 13 so payable shall become delinquent and shall draw interest  
 14 at the rate of 2/3 of 1% per month from and after such  
 15 delinquency until paid, and 2% shall be added to the amount  
 16 thereof as a penalty.

17 (3) All taxes due and not paid on or before 5 p.m. on  
 18 May 31 of each year shall be delinquent and shall draw  
 19 interest at the rate of 2/3 of 1% per month from and after  
 20 such delinquency until paid, and 2% shall be added to the  
 21 amount thereof as a penalty."

22 Section 3. Section 7-12-4202, MCA, is amended to read:

23 "7-12-4202. Form of bond or warrant. Such bonds or  
 24 warrants shall be drawn in substantially the following form:

District No. ....

-2- HB 288  
 INTRODUCED BILL

1 United States of America  
 2 State of Montana  
 3 Warrant or Dollars  
 4 (Bond No. ....) \$.....  
 5 Interest at the rate of .... % per annum, payable annually.  
 6 Special Improvement District Coupon Warrant or Bond  
 7 ..... Montana  
 8 Issued by the city of ..... Montana  
 9 The treasurer of the city of ..... Montana, will pay to  
 10 bearer the sum of .... dollars as authorized by resolution  
 11 No. .... as passed on the .... day of ....., 19... creating  
 12 special improvement district No. .... for the construction  
 13 of the improvements and the work performed as authorized by  
 14 said resolution to be done in said district, and all laws,  
 15 resolutions, and ordinances relating thereto, in payment of  
 16 the contract in accordance therewith. The principal and  
 17 interest of this warrant (or bond) are payable at the office  
 18 of the city treasurer of ..... Montana.  
 19 This warrant (or bond) bears interest at the rate of  
 20 .... % per annum from the day of registration of this  
 21 warrant (or bond), as expressed herein, until the date  
 22 called for redemption by the city treasurer. The interest on  
 23 this warrant (or bond) is payable ~~annually~~ semiannually on  
 24 the first day of .... in each year, unless paid previous  
 25 thereto, and as expressed by the interest coupons hereto

1 attached, which bear the engraved facsimile signature of the  
 2 mayor and city clerk.  
 3 This warrant (or bond) is payable from the collection  
 4 of a special tax or assessment which is a lien against the  
 5 real estate within said improvement district, as described  
 6 in said resolution hereinbefore referred to.  
 7 This warrant (or bond) is redeemable at the option of  
 8 the city at any time there are funds to the credit of said  
 9 special improvement district fund for the redemption thereof  
 10 and in the manner provided for the redemption of the same.  
 11 It is hereby certified and recited that all things  
 12 required to be done precedent to the issuance of this  
 13 warrant (or bond) have been properly done, happened and been  
 14 performed in the manner prescribed by the laws of the state  
 15 of Montana and the resolutions and ordinances of the city of  
 16 ....., Montana, relating to the issuance thereof.  
 17 (seal)  
 18 Dated at ..... Montana, this .... day of ....., 19...  
 19 City of ....., Montana  
 20 By: ..... Mayor  
 21 ..... City clerk  
 22 Registered at the office of the city treasurer of .....,  
 23 Montana, this .... day of ....., 19...  
 24 ..... City treasurer\*  
 25 Section 4. Section 7-12-4203, MCA, is amended to read:

1       \*7-12-4203. Details relating to special improvement  
2 district bonds and warrants. (1) The bonds and warrants  
3 shall be drawn against the special improvement district fund  
4 created for the district and shall bear interest from the  
5 date of registration until called for redemption or paid in  
6 full. The interest shall be payable ~~annually~~ semiannually on  
7 January 1 and on the first day of July of each year unless  
8 the council prescribes ~~another--date~~ other dates. Such  
9 warrants (or bonds) shall bear the signatures of the mayor  
10 and clerk and shall bear the corporate seal of the city.  
11 They shall be registered in the office of the clerk and  
12 treasurer, and if interest coupons be attached thereto, they  
13 shall also be so registered and shall bear the signatures of  
14 the mayor and clerk.

15       (2) Said bonds shall be in denominations of \$100 or  
16 fractions or multiples thereof, may be issued in  
17 installments, and may extend over a period not to exceed 20  
18 years."

19       Section 5. Effective date. This act is effective on  
20 passage and approval.

-End-

HB 298

Approved by Comm.  
on Local Government

## HOUSE BILL NO. 288

INTRODUCED BY DONALDSON, SPILKER, HARPER, WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A SEMIANNUAL DUE DATE FOR SPECIAL IMPROVEMENT DISTRICT ASSESSMENTS AND INSTALLMENTS; AMENDING SECTIONS 7-12-4188, 7-12-4202, 7-12-4203, AND 15-16-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-12-4188, MCA, is amended to read:

"7-12-4188. Due date for district assessments. (1) All special assessments or installments of special assessments in cities and towns, duly and regularly levied by resolution according to law, shall be payable on or before 6 p.m. on November 30 of each year except as provided in subsection (2).

(2) The governing body of a municipality may provide by resolution that one-half of the payment on special assessments, or installments of special assessments may be deferred to no later than 2 p.m. on May 31 of the following year.

~~(2)(2)~~ In the event the same are not paid on or before said date, the same shall be subject to the same interest and penalties for nonpayment as are or may hereafter be

provided by the laws of Montana for other delinquent taxes."

Section 2. Section 15-16-102, MCA, is amended to read:

"15-16-102. Time for payment -- penalty for delinquency. All taxes levied and assessed in the state of Montana, EXCEPT ON BONDS SOLD ON OR BEFORE JULY 1, 1979, ~~except special assessments made for special improvements in towns and cities~~ shall be payable as follows:

(1) One-half of the amount of such taxes shall be payable on or before 5 p.m. on November 30 of each year and one-half on or before 5 p.m. on May 31 of each year.

(2) Unless one-half of such taxes are paid on or before 5 p.m. on November 30 of each year, then such amount so payable shall become delinquent and shall draw interest at the rate of 2/3 of 1% per month from and after such delinquency until paid, and 2% shall be added to the amount thereof as a penalty.

(3) All taxes due and not paid on or before 5 p.m. on May 31 of each year shall be delinquent and shall draw interest at the rate of 2/3 of 1% per month from and after such delinquency until paid, and 2% shall be added to the amount thereof as a penalty."

Section 3. Section 7-12-4202, MCA, is amended to read:

"7-12-4202. Form of bond or warrant. Such bonds or warrants shall be drawn in substantially the following form:

District No. ....

1 United States of America  
 2 State of Montana  
 3 Warrant or Dollars  
 4 (Bond No. ....) \$.....  
 5 Interest at the rate of ....% per annum, payable ~~annually~~  
 6 ~~SEMIANNUALLY.~~  
 7 Special Improvement District Coupon Warrant or Bond  
 8 ..... Montana  
 9 Issued by the city of ..... Montana  
 10 The treasurer of the city of ..... Montana, will pay to  
 11 bearer the sum of .... dollars as authorized by resolution  
 12 No. .... as passed on the .... day of ..... 19... creating  
 13 special improvement district No. .... for the construction  
 14 of the improvements and the work performed as authorized by  
 15 said resolution to be done in said district, and all laws,  
 16 resolutions, and ordinances relating thereto, in payment of  
 17 the contract in accordance therewith. The principal and  
 18 interest of this warrant (or bond) are payable at the office  
 19 of the city treasurer of ..... Montana.  
 20 This warrant (or bond) bears interest at the rate of  
 21 ....% per annum from the day of registration of this warrant  
 22 (or bond), as expressed herein, until the date called for  
 23 redemption by the city treasurer. The interest on this  
 24 warrant (or bond) is payable ~~annually~~ ~~semiannually~~ on the  
 25 first day of .... in each year AND ON THE FIRST DAY OF .....

1 IN EACH YEAR, unless paid previous thereto, and as expressed  
 2 by the interest coupons hereto attached, which bear the  
 3 engraved facsimile signature of the mayor and city clerk.  
 4 This warrant (or bond) is payable from the collection  
 5 of a special tax or assessment which is a lien against the  
 6 real estate within said improvement district, as described  
 7 in said resolution hereinbefore referred to.  
 8 This warrant (or bond) is redeemable at the option of  
 9 the city at any time there are funds to the credit of said  
 10 special improvement district fund for the redemption thereof  
 11 and in the manner provided for the redemption of the same.  
 12 It is hereby certified and recited that all things  
 13 required to be done precedent to the issuance of this  
 14 warrant (or bond) have been properly done, happened and been  
 15 performed in the manner prescribed by the laws of the state  
 16 of Montana and the resolutions and ordinances of the city of  
 17 ..... Montana, relating to the issuance thereof.  
 18 (seal)  
 19 Dated at ..... Montana, this .... day of ..... 19...  
 20 City of ..... Montana  
 21 By: ..... Mayor  
 22 ..... City clerk  
 23 Registered at the office of the city treasurer of .....  
 24 Montana, this .... day of ..... 19...  
 25 ..... City treasurer"

1 Section 4. Section 7-12-4203, MCA, is amended to read:

2 "7-12-4203. Details relating to special improvement  
3 district bonds and warrants. (1) The bonds and warrants  
4 shall be drawn against the special improvement district fund  
5 created for the district and shall bear interest from the  
6 date of registration until called for redemption or paid in  
7 full. The interest shall be payable ~~annually~~ semiannually on  
8 January 1 and on the first day of July of each year unless  
9 the council prescribes ~~another--date~~ other dates. Such  
10 warrants (or bonds) shall bear the signatures of the mayor  
11 and clerk and shall bear the corporate seal of the city.  
12 They shall be registered in the office of the clerk and  
13 treasurer, and if interest coupons be attached thereto, they  
14 shall also be so registered and shall bear the signatures of  
15 the mayor and clerk.

16 (2) Said bonds shall be in denominations of \$100 or  
17 fractions or multiples thereof, may be issued in  
18 installments, and may extend over a period not to exceed 20  
19 years."

20 Section 5. Effective date. This act is effective on  
21 passage and approval.

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

Section 1. Section 7-12-4188, MCA, is amended to read:

"7-12-4188. Due date for district assessments. (1) All special assessments or installments of special assessments in cities and towns, duly and regularly levied by resolution according to law, shall be payable on or before 6 p.m. on November 30 of each year except as provided in subsection (2).

(2) The governing body of a municipality may provide by resolution that one-half of the payment on special assessments, or installments of special assessments may be deferred to no later than 5 p.m. on May 31 of the following year.

(3) In the event the same are not paid on or before said date, the same shall be subject to the same interest and penalties for nonpayment as are or may hereafter be

provided by the laws of Montana for other delinquent taxes."

Section 2. Section 15-16-102, MCA, is amended to read:

"15-16-102. Time for payment -- penalty for delinquency. All taxes levied and assessed in the state of Montana, EXCEPT ON MUNICIPAL SPECIAL IMPROVEMENT DISTRICT BONDS SOLD ON OR BEFORE JULY 1, 1979, ~~except--special assessments--made--for--special--improvements--in--towns--and cities shall be payable as follows:~~

(1) One-half of the amount of such taxes shall be payable on or before 5 p.m. on November 30 of each year and one-half on or before 5 p.m. on May 31 of each year.

(2) Unless one-half of such taxes are paid on or before 5 p.m. on November 30 of each year, then such amount so payable shall become delinquent and shall draw interest at the rate of 2/3 of 1% per month from and after such delinquency until paid, and 2% shall be added to the amount thereof as a penalty.

(3) All taxes due and not paid on or before 5 p.m. on May 31 of each year shall be delinquent and shall draw interest at the rate of 2/3 of 1% per month from and after such delinquency until paid, and 2% shall be added to the amount thereof as a penalty."

Section 3. Section 7-12-4202, MCA, is amended to read:

"7-12-4202. Form of bond or warrant. Such bonds or warrants shall be drawn in substantially the following form:



1 District No. ....  
 2 United States of America  
 3 State of Montana  
 4 Warrant or Dollars  
 5 (Bond No. ....) \$.....  
 6 Interest at the rate of ....% per annum, payable ~~annually~~  
 7 SEMIANNUALLY.  
 8 Special Improvement District Coupon Warrant or Bond  
 9 ..... Montana  
 10 Issued by the city of ..... Montana  
 11 The treasurer of the city of ..... Montana, will pay to  
 12 bearer the sum of .... dollars as authorized by resolution  
 13 No. .... as passed on the .... day of ....., 19... creating  
 14 special improvement district No. .... for the construction  
 15 of the improvements and the work performed as authorized by  
 16 said resolution to be done in said district, and all laws,  
 17 resolutions, and ordinances relating thereto, in payment of  
 18 the contract in accordance therewith. The principal and  
 19 interest of this warrant (or bond) are payable at the office  
 20 of the city treasurer of ..... Montana.  
 21 This warrant (or bond) bears interest at the rate of  
 22 ....% per annum from the day of registration of this warrant  
 23 (or bond), as expressed herein, until the date called for  
 24 redemption by the city treasurer. The interest on this  
 25 warrant (or bond) is payable ~~annually~~ semiannually on the

1 first day of .... in each year AND ON THE FIRST DAY OF .....  
 2 IN EACH YEAR, unless paid previous thereto, and as expressed  
 3 by the interest coupons hereto attached, which bear the  
 4 engraved facsimile signature of the mayor and city clerk.  
 5 This warrant (or bond) is payable from the collection  
 6 of a special tax or assessment which is a lien against the  
 7 real estate within said improvement district, as described  
 8 in said resolution hereinbefore referred to.  
 9 This warrant (or bond) is redeemable at the option of  
 10 the city at any time there are funds to the credit of said  
 11 special improvement district fund for the redemption thereof  
 12 and in the manner provided for the redemption of the same.  
 13 It is hereby certified and recited that all things  
 14 required to be done precedent to the issuance of this  
 15 warrant (or bond) have been properly done, happened and been  
 16 performed in the manner prescribed by the laws of the state  
 17 of Montana and the resolutions and ordinances of the city of  
 18 ..... Montana, relating to the issuance thereof.  
 19 (seal)  
 20 Dated at ..... Montana, this .... day of ....., 19...  
 21 City of ..... Montana  
 22 By: ....., Mayor  
 23 ..... City Clerk  
 24 Registered at the office of the city treasurer of .....,  
 25 Montana, this .... day of ....., 19...

.... City treasurer"

Section 4. Section 7-12-4203, MCA, is amended to read:

"7-12-4203. Details relating to special improvement district bonds and warrants. (1) The bonds and warrants shall be drawn against the special improvement district fund created for the district and shall bear interest from the date of registration until called for redemption or paid in full. The interest shall be payable ~~annually~~ semiannually on January 1 ~~and on the first day of July~~ of each year unless the council prescribes ~~another--date~~ other dates. Such warrants (or bonds) shall bear the signatures of the mayor and clerk and shall bear the corporate seal of the city. They shall be registered in the office of the clerk and treasurer, and if interest coupons be attached thereto, they shall also be so registered and shall bear the signatures of the mayor and clerk.

(2) Said bonds shall be in denominations of \$100 or fractions or multiples thereof, may be issued in installments, and may extend over a period not to exceed 20 years."

Section 5. Effective date. This act is effective on passage and approval.

-End-

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INTRODUCED BY DONALDSON, SPILKER, HARPER, WILLIAMS

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(2) The governing body of a municipality may provide by resolution that one-half of the payment on special assessments, or installments of special assessments, may be deferred to no later than 5 p.m. on May 31 of the following year.

~~(2)(3)~~ In the event the same are not paid on or before said date, the same shall be subject to the same interest and penalties for nonpayment as are or may hereafter be

provided by the laws of Montana for other delinquent taxes."

Section 2. Section 15-16-102, MCA, is amended to read:

"15-16-102. Time for payment -- penalty for delinquency. All taxes levied and assessed in the state of Montana, EXCEPT ON MUNICIPAL SPECIAL IMPROVEMENT DISTRICT BONDS SOLD ON OR BEFORE JULY 1, 1979, ~~except special assessments made for special improvements in towns and cities~~ shall be payable as follows:

(1) One-half of the amount of such taxes shall be payable on or before 5 p.m. on November 30 of each year and one-half on or before 5 p.m. on May 31 of each year.

(2) Unless one-half of such taxes are paid on or before 5 p.m. on November 30 of each year, then such amount so payable shall become delinquent and shall draw interest at the rate of 2/3 of 1% per month from and after such delinquency until paid, and 2% shall be added to the amount thereof as a penalty.

(3) All taxes due and not paid on or before 5 p.m. on May 31 of each year shall be delinquent and shall draw interest at the rate of 2/3 of 1% per month from and after such delinquency until paid, and 2% shall be added to the amount thereof as a penalty."

Section 3. Section 7-12-4202, MCA, is amended to read:

"7-12-4202. Form of bond or warrant. Such bonds or warrants shall be drawn in substantially the following form:



.... City treasurer"

Section 4. Section 7-12-4203, MCA, is amended to read:

"7-12-4203. Details relating to special improvement district bonds and warrants. (1) The bonds and warrants shall be drawn against the special improvement district fund created for the district and shall bear interest from the date of registration until called for redemption or paid in full. The interest shall be payable ~~annually~~ semiannually on January 1 ~~and on the first day of July~~ of each year unless the council prescribes ~~another--date~~ other dates. Such warrants (or bonds) shall bear the signatures of the mayor and clerk and shall bear the corporate seal of the city. They shall be registered in the office of the clerk and treasurer, and if interest coupons be attached thereto, they shall also be so registered and shall bear the signatures of the mayor and clerk.

(2) Said bonds shall be in denominations of \$100 or fractions or multiples thereof, may be issued in installments, and may extend over a period not to exceed 20 years."

Section 5. Effective date. This act is effective on passage and approval.

-End-