

Senate Bill 447

In The Senate

February 12, 1981

Introduced and referred
to Committee on Taxation.

March 7, 1981

Committee recommend bill
do not pass.

On motion Senate reconsider
its action taken on Adverse
Committee Report. Motion failed.

1 *Senate* BILL NO. 447
 2 INTRODUCED BY ANLESTAD

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW OWNERS OF LAND
 5 IN A PROPOSED SPECIAL IMPROVEMENT DISTRICT TO PETITION FOR
 6 AN ELECTION AT THE NEXT REGULARLY SCHEDULED ELECTION ON THE
 7 QUESTION OF WHETHER THE DISTRICT MAY BE ESTABLISHED;
 8 AMENDING SECTIONS 7-12-4110, 7-12-4112, 7-12-4114, AND
 9 7-14-4713, MCA; AND RECODIFYING SECTION 7-12-4113, MCA."

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

12 Section 1. Section 7-12-4110, MCA, is amended to read:

13 "7-12-4110. Protest or petition against proposed work
 14 or district. (1) At any time within 15 days after the date
 15 of the first publication of the notice of the passage of the
 16 resolution of intention, any owner of property liable to be
 17 assessed for said work may make written protest against the
 18 proposed work or against the extent or creation of the
 19 district to be assessed or both.

20 {2} Such protest must be in writing and be delivered
 21 to the clerk of the city or town council or commission not
 22 later than 5 p.m. of the last day within said 15-day period.
 23 Said clerk shall endorse thereon the date and hour of its
 24 receipt by him.

25 {2} At any time within 15 days after the date of the

1 first publication of notice of passage of the resolution of
 2 intention, a copy of a petition form requesting an election
 3 on the district formation may be submitted to the county
 4 elections administrator. From the date of the submission of
 5 the petition form, resident electors who are property owners
 6 have 30 days in which to sign circulated petitions for an
 7 election on the formation of the district as provided in
 8 [section 2]."

9 NEW SECTION. Section 2. Petition -- election on
 10 creation of district. (1) As provided in 7-12-4110, resident
 11 electors who are owners of property liable to be assessed
 12 under the proposed district may petition for an election on
 13 the question of district formation. Upon petition signed by
 14 25% of such resident elector property owners, no further
 15 proceedings may be taken in creating the district unless the
 16 formation of the district is approved at the next regularly
 17 scheduled election following submission of the completed
 18 petitions to the municipality by a simple majority of the
 19 resident electors who are property owners.

20 (2) The municipal records administrator shall provide
 21 the county election administrator with the names and
 22 precincts of all the property owners in the proposed
 23 district and may prepare a short ballot for use in the
 24 district election.

25 Section 3. Section 7-12-4112, MCA, is amended to read:

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1 *7-12-4112. Hearing on protest. (1) At the next
2 regular meeting of the city or town council or commission
3 after the expiration of the time within which said a protest
4 may be made, the city or town council or commission shall
5 proceed to hear and pass upon all protests so made, and its
6 decision shall be final and conclusive.

7 (2) The council or commission may adjourn said hearing
8 from time to time. Protestants shall have the right to
9 withdraw protest or protests at any time before final action
10 thereon by the council or commission.

11 (3) ~~In Under Title 7, chapter 14, part 47, in~~
12 determining whether or not sufficient protests have been
13 filed on a proposed district to prevent further proceedings
14 therein, property owned by a county, city, or town shall be
15 considered to the same effect as other property in the
16 proposed district."

17 Section 4. Section 7-12-4114, MCA, is amended to read:

18 *7-12-4114. Resolution creating special improvement
19 district. ~~When (1) The council may order the proposed~~
20 ~~improvements if a petition on the question of district~~
21 ~~formation is not pending and:~~

22 (a) no protests have been delivered to the clerk of
23 the city council within 15 days after the date of the first
24 publication of the notice of the passing of the resolution
25 of intention;

1 (b) when a protest shall have been found by said
2 council to be insufficient or shall have been overruled; or

3 (c) when a protest against the extent of the proposed
4 district shall have been heard and denied; or

5 ~~(d) immediately thereupon the council shall be deemed~~
6 ~~to have acquired jurisdiction to order the proposed~~
7 ~~improvements a petition for an election was adequate and a~~
8 ~~majority of the resident elector landowners have approved~~
9 ~~the district formation as provided in [section 2].~~

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

14 Section 5. Section 7-14-4713, MCA, is amended to read:

15 *7-14-4713. Estimates of expenses -- tax levy. (1) The
16 governing body shall:

17 (a) make annual statements and estimates of the
18 expenses of the district which shall be provided for by the
19 levy and collection of ad valorem taxes upon the taxable
20 value of all the real and personal property in the district;

21 (b) publish notice thereof; and

22 (c) have hearings on the statements and estimates and
23 adopt them as provided for incorporated cities and towns by
24 7-12-4104, 7-12-4106, 7-12-4110(1), 7-12-4112, 7-12-4113,
25 and 7-12-4117.

1 (2) The governing body, on or before the second Monday
2 in August of each year, shall fix, levy, and assess the
3 amount to be raised by ad valorem taxes upon all of the
4 property of the district. All statutes providing for the
5 levy and collection of state and county taxes, including the
6 collection of delinquent taxes and sale of property for
7 nonpayment of taxes, shall be applicable to the district
8 taxes provided for under this section."

9 Section 6. Recodification instruction. Section
10 7-12-4113, MCA, is intended to be recodified and renumbered
11 as an integral part of Title 7, chapter 14, part 47, and the
12 code commissioner is instructed and authorized to change all
13 references to 7-12-4113, MCA, accordingly.

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