

HOUSE BILL NO. 126

INTRODUCED BY KITSELMAN, SHONTZ

IN THE HOUSE

January 7, 1983	Introduced and referred to Committee on Local Government.
February 3, 1983	Committee recommend bill do pass as amended. Report adopted.
February 4, 1983	Bill printed and placed on members' desks.
February 5, 1983	Second reading, do pass.
February 7, 1983	Considered correctly engrossed.
February 8, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 9, 1983	Introduced and referred to Committee on Local Government.
March 9, 1983	Rereferred to Committee on Taxation.
March 21, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 23, 1983	Second reading, concurred in.
March 25, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 25, 1983

Returned to House with
amendments.

March 30, 1983

Second reading, amendments
concurred in.

March 31, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 126
 2 INTRODUCED BY Kirkelmann
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
 5 PREPARATION OF ANNUAL ASSESSMENT ROLLS IS A COST OF THE
 6 IMPROVEMENT FOR A RURAL SPECIAL IMPROVEMENT DISTRICT;
 7 ALLOWING COUNTIES TO ADD A MAXIMUM OF 3 PERCENT OF THE
 8 PRINCIPAL TO ANY BOND OR WARRANT ISSUED TO COVER INCIDENTAL
 9 OR GENERAL FUND EXPENSES; ALLOWING COUNTIES TO INCLUDE A
 10 MAXIMUM OF 5 PERCENT OF THE PRINCIPAL AMOUNT AS A COST OF
 11 RURAL SPECIAL IMPROVEMENT DISTRICTS TO BE DEPOSITED IN THE
 12 REVOLVING FUND; AMENDING SECTIONS 7-12-2153 AND 7-12-2182,
 13 MCA."
 14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 Section 1. Section 7-12-2153, MCA, is amended to read:
 17 "7-12-2153. Incidental expenses considered as cost of
 18 improvements. (1) The cost and expense connected with and
 19 incidental to the formation of any special improvement
 20 district, including the cost of preparation of plans,
 21 specifications, maps, or plats; engineering,
 22 superintendence, and inspection; and preparation of annual
 23 assessment rolls, shall be considered a part of the cost and
 24 expenses of making the improvements within such special
 25 improvement district.

1 (2) The costs of any improvement may, at the option of
 2 the local governing body, include an amount not to exceed 3%
 3 of the principal amount of any bonds or warrants to be
 4 issued, which shall be deposited in the revolving fund
 5 created in 7-12-2181 or deposited in the county general
 6 fund."

7 Section 2. Section 7-12-2182, MCA, is amended to read:
 8 "7-12-2182. Sources of money for revolving fund. (1)
 9 For the purpose of providing funds for such revolving fund
 10 the board of county commissioners:

11 (a) (i) may, in its discretion and from time to time,
 12 transfer to the revolving fund from the general fund of the
 13 county such amount or amounts as may be deemed necessary,
 14 which amount or amounts so transferred shall be considered
 15 and shall be loans from such general fund to the revolving
 16 fund; and

17 (iii) may include in the cost of the improvement to be
 18 defrayed from the proceeds of the bonds or warrants an
 19 amount up to 5% of the principal amount of the bonds or
 20 warrants and deposit it in the revolving fund upon receipt
 21 of such proceeds; and

22 (b) shall, in addition to such transfer or transfers
 23 from the general fund or in lieu thereof, levy and collect
 24 for such revolving fund such a tax, hereby declared to be
 25 for a public purpose, on all the taxable property in such

1 county as shall be necessary to meet the financial
2 requirements of such fund. However, a tax may not be levied
3 if the balance in the revolving fund exceeds 5% of the
4 principal amount of the then-outstanding rural special
5 improvement district bonds and warrants. If a tax is levied,
6 the tax may not be an amount that would increase the balance
7 in the revolving fund above 5% of the then-outstanding rural
8 special improvement district bonds and warrants.

9 (2) Whenever there ~~shall be~~ is money remaining in the
10 district fund ~~which is not required for payment of any bond~~
11 ~~or warrant of such district or of interest thereon, so much~~
12 ~~of such money as may be necessary to pay the loan after all~~
13 ~~bonds or warrants and interest thereon, and all loans, as~~
14 ~~provided for in 7-12-2183, shall, by order of the board, be~~
15 ~~transferred to the revolving fund. After all the bonds and~~
16 ~~warrants issued on any rural special improvement district~~
17 ~~have been fully paid on any rural special improvement~~
18 ~~district, all the money remaining in such the district fund~~
19 ~~shall by the order or resolution of the board be transferred~~
20 ~~to and become part of the revolving fund or to the operation~~
21 ~~and maintenance funds, as provided in 7-12-2162, of such~~
22 ~~district."~~

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 126

INTRODUCED BY KITSELMAN, SHONTZ

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PREPARATION OF ANNUAL ASSESSMENT ROLLS IS A COST OF THE IMPROVEMENT FOR A RURAL SPECIAL IMPROVEMENT DISTRICT; ALLOWING COUNTIES TO ADD A MAXIMUM OF 3 PERCENT OF THE PRINCIPAL TO ANY BOND OR WARRANT ISSUED TO COVER INCIDENTAL OR GENERAL FUND EXPENSES; ALLOWING COUNTIES TO INCLUDE A MAXIMUM OF 5 PERCENT OF THE PRINCIPAL AMOUNT AS A COST OF RURAL SPECIAL IMPROVEMENT DISTRICTS TO BE DEPOSITED IN THE REVOLVING FUND; AMENDING SECTIONS 7-12-2153 AND 7-12-2182, MCA."

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

Section 1. Section 7-12-2153, MCA, is amended to read:

"7-12-2153. Incidental expenses considered as cost of improvements. ~~(1)~~ The cost and expense connected with and incidental to the formation of any special improvement district, including the cost of preparation of plans, specifications, maps, or plats; engineering, superintendence, and inspection; and preparation of annual assessment rolls, shall be considered a part of the cost and expenses of making the improvements within such special improvement district.

~~(2) The costs of any improvement may, at the option of the local governing body, include an amount not to exceed 3% of the principal amount of any bonds or warrants to be issued, which shall be deposited in the revolving fund created in 7-12-2181 or deposited in the county general funds."~~

Section 2. Section 7-12-2182, MCA, is amended to read:

"7-12-2182. Sources of money for revolving fund. (1) For the purpose of providing funds for such revolving fund the board of county commissioners:

(a) ~~(i)~~ may, in its discretion and from time to time, transfer to the revolving fund from the general fund of the county such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be considered and shall be loans from such general fund to the revolving fund; and

~~(ii) may include in the cost of the improvement to be defrayed from the proceeds of the bonds or warrants an amount up to 5% of the principal amount of the bonds or warrants and deposit it in the revolving fund upon receipt of such proceeds; and~~

(b) shall, in addition to such transfer or transfers from the general fund or in lieu thereof, levy and collect for such revolving fund such a tax, hereby declared to be for a public purpose, on all the taxable property in such

1 county as shall be necessary to meet the financial
 2 requirements of such fund. However, a tax may not be levied
 3 if the balance in the revolving fund exceeds 5% of the
 4 principal amount of the then-outstanding rural special
 5 improvement district bonds and warrants. If a tax is levied,
 6 the tax may not be an amount that would increase the balance
 7 in the revolving fund above 5% of the then-outstanding rural
 8 special improvement district bonds and warrants.

9 (2) Whenever there ~~shall be~~ is money remaining in the
 10 district fund ~~which is not required for payment of any bond~~
 11 ~~or warrant of such district or of interest thereon, so much~~
 12 ~~of such money as may be necessary to pay the loan after all~~
 13 ~~bonds or warrants and interest thereon, and all loans, as~~
 14 ~~provided for in 7-12-2183, shall, by order of the board, be~~
 15 ~~transferred to the revolving funds after all the bonds and~~
 16 ~~warrants issued on any rural special improvement district~~
 17 have been fully paid on any rural special improvement
 18 district, and the money remaining in such the district fund
 19 shall by the order or resolution of the board be transferred
 20 to ~~and become part of the revolving fund~~ THE OWNERS OF
 21 RECORD OF THE PROPERTY OF THE DISTRICT IN DIRECT PROPORTION
 22 TO THE ORIGINAL ASSESSMENT ON EACH PIECE OF PROPERTY or to
 23 the operation and maintenance funds, as provided in
 24 7-12-2162, of such district."

-End-

HOUSE BILL NO. 126

INTRODUCED BY KITSELMAN, SHONTZ

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PREPARATION OF ANNUAL ASSESSMENT ROLLS IS A COST OF THE IMPROVEMENT FOR A RURAL SPECIAL IMPROVEMENT DISTRICT; ALLOWING COUNTIES TO ADD A MAXIMUM OF 3 PERCENT OF THE PRINCIPAL TO ANY BOND OR WARRANT ISSUED TO COVER INCIDENTAL OR GENERAL FUND EXPENSES; ALLOWING COUNTIES TO INCLUDE A MAXIMUM OF 5 PERCENT OF THE PRINCIPAL AMOUNT AS A COST OF RURAL SPECIAL IMPROVEMENT DISTRICTS TO BE DEPOSITED IN THE REVOLVING FUND; AMENDING SECTIONS 7-12-2153 AND 7-12-2182, MCA."

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

Section 1. Section 7-12-2153, MCA, is amended to read:

"7-12-2153. Incidental expenses considered as cost of improvements. (1) The cost and expense connected with and incidental to the formation of any special improvement district, including the cost of preparation of plans, specifications, maps, or plats; engineering, superintendence, and inspection; and preparation of annual assessment rolls, shall be considered a part of the cost and expenses of making the improvements within such special improvement district.

~~(2) The costs of any improvement may, at the option of the local governing body, include an amount not to exceed 3% of the principal amount of any bonds or warrants to be issued, which shall be deposited in the revolving fund created in 7-12-2181 or deposited in the county general fund."~~

Section 2. Section 7-12-2182, MCA, is amended to read:

"7-12-2182. Sources of money for revolving fund. (1) For the purpose of providing funds for such revolving fund the board of county commissioners:

(a) (i) may, in its discretion and from time to time, transfer to the revolving fund from the general fund of the county such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be considered and shall be loans from such general fund to the revolving fund; and

~~(ii) may include in the cost of the improvement to be defrayed from the proceeds of the bonds or warrants an amount up to 5% of the principal amount of the bonds or warrants and deposit it in the revolving fund upon receipt of such proceeds; and~~

(b) shall, in addition to such transfer or transfers from the general fund or in lieu thereof, levy and collect for such revolving fund such a tax, hereby declared to be for a public purpose, on all the taxable property in such

1 county as shall be necessary to meet the financial
 2 requirements of such fund. However, a tax may not be levied
 3 if the balance in the revolving fund exceeds 5% of the
 4 principal amount of the then-outstanding rural special
 5 improvement district bonds and warrants. If a tax is levied,
 6 the tax may not be an amount that would increase the balance
 7 in the revolving fund above 5% of the then-outstanding rural
 8 special improvement district bonds and warrants.

9 (2) Whenever there ~~shall be~~ is money remaining in the
 10 district fund ~~which is not required for payment of any bond~~
 11 ~~or warrant of such district or of interest thereon, so much~~
 12 ~~of such money as may be necessary to pay the loan after all~~
 13 ~~bonds or warrants and interest thereon, and all loans, as~~
 14 ~~provided for in 7-12-2183, shall by order of the board be~~
 15 ~~transferred to the revolving funds. After all the bonds and~~
 16 ~~warrants issued on any rural special improvement district~~
 17 have been fully paid on any rural special improvement
 18 district, all the money remaining in such the district fund
 19 shall by the order or resolution of the board be transferred
 20 to ~~and become part of the revolving fund~~ THE OWNERS OF
 21 RECORD OF THE PROPERTY OF THE DISTRICT IN DIRECT PROPORTION
 22 TO THE ORIGINAL ASSESSMENT ON EACH PIECE OF PROPERTY or to
 23 the operation and maintenance fund, as provided in
 24 7-12-2162, of such district."

-End-

March 21, 1983

SENATE STANDING COMMITTEE REPORT
(Taxation)

That House Bill No. 126 be amended as follows:

1. Title, line 4 through line 6.

Following: "ENTITLED: "AN ACT" on line 2

Strike: line 2 through "DISTRICT;" on line 6

2. Title, line 9 through line 12.

Following: "EXPENSES;" on line 9

Strike: line 9 through "REVOLVING FUND;" on line 12

3. Title, line 12.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "7-12-2153"

Strike: "AND 7-12-2182"

4. Page 1, line 22.

Following: "preparation of"

Strike: "annual"

5. Page 2, line 1.

Following: "(2) The"

Insert: "original"

6. Page 2, line 7.

Strike: section 2 in its entirety

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING--THAT PREPARATION--OF--ANNUAL--ASSESSMENT--ROLLS--IS--A--COST--OF--THE IMPROVEMENT--FOR--A--RURAL--SPECIAL--IMPROVEMENT--DISTRICT; ALLOWING COUNTIES TO ADD A MAXIMUM OF 3 PERCENT OF THE PRINCIPAL TO ANY BOND OR WARRANT ISSUED TO COVER INCIDENTAL OR GENERAL FUND EXPENSES; ~~ALLOWING COUNTIES TO INCLUDE A MAXIMUM OF 5 PERCENT OF THE PRINCIPAL AMOUNT AS A COST OF RURAL--SPECIAL--IMPROVEMENT DISTRICTS TO BE DEPOSITED IN THE REVOLVING FUND~~; AMENDING SECTIONS SECTION 7-12-2153 AND 7-12-2102, MCA."

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

Section 1. Section 7-12-2153, MCA, is amended to read:

"7-12-2153. Incidental expenses considered as cost of improvements. (1) The cost and expense connected with and incidental to the formation of any special improvement district, including the cost of preparation of plans, specifications, maps, or plats; engineering, superintendence, and inspection; and preparation of ~~annual~~ assessment rolls, shall be considered a part of the cost and expenses of making the improvements within such special improvement district.

~~(2) The ORIGINAL costs of any improvement may, at the option of the local governing body, include an amount not to exceed 3% of the principal amount of any bonds or warrants to be issued, which shall be deposited in the revolving fund created in 7-12-2181 or deposited in the county general funds."~~

~~Section 2. Section 7-12-2102, MCA, is amended to read: "7-12-2102. Sources of money for revolving funds--(1) For the purpose of providing funds for such revolving fund the board of county commissioners:~~

~~(a)--(1) may, in its discretion and from time to time, transfer to the revolving fund from the general fund of the county such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be considered and shall be taken from such general fund to the revolving fund; and~~

~~(1) may include in the cost of the improvement to be defrayed from the proceeds of the bonds or warrants an amount up to 5% of the principal amount of the bonds or warrants; and deposit it in the revolving fund upon receipt of such proceeds; and~~

~~(b)--shall, in addition to such transfer or transfers from the general fund or in lieu thereof, levy and collect for such revolving fund such a tax hereby declared to be for a public purpose on all the taxable property in such~~

1 county--as--shall--be--necessary--to--meet--the--financial
 2 requirements-of-such-funds--However-a-tax-may-not-be-levied
 3 if--the--balance--in--the--revolving--fund-exceeds-5%--of--the
 4 principal--amount--of--the--then-outstanding--rural--special
 5 improvement-district-bonds-and-warrants--if-a-tax-is-levied
 6 the-tax-may-not-be-an-amount-that-would-increase-the-balance
 7 in-the-revolving-fund-above-5%--of--the--then-outstanding-rural
 8 special-improvement-district-bonds-and-warrants
 9 (2)--Whenever--there--shall--be--is money remaining in-the
 10 district-fund-which-is-not-required-for-payment-of-any--bond
 11 or--warrant-of-such-district-or-of-interest-thereon--so-much
 12 of-such-money-as-may-be-necessary-to-pay-the-loan after--all
 13 bonds--or--warrants--and-interest-thereon--and--all--loans--as
 14 provided-for-in-7-12-2163g shall--by-order-of-the-board--be
 15 transferred--to--the-revolving-fund--After--all--the-bonds--and
 16 warrants--issued--on--any--rural--special--improvement--district
 17 have--been--fully--paid on--any--rural--special-improvement
 18 district--all the money-remaining-in-such the district--fund
 19 shall--by-the-order of--resolution of-the-board--be-transferred
 20 to--and--become--part--of--the--revolving-fund THE-OWNERS-OF
 21 RECORD-OF-THE-PROPERTY-OF-THE-DISTRICT-IN-DIRECT-PROPORTION
 22 TO-THE-ORIGINAL-ASSESSMENT-ON-EACH-PIECE-OF-PROPERTY OR-TO
 23 the--operation--and--maintenance--funds--as--provided--in
 24 7-12-2162x-of-such-district"

-End-