Introduced: 02/05/83
Referred to Committee on Local Government: 02/05/83
Hearing: 2/15/83
Report: 02/17/83, Do Pass
2nd Reading: 02/19/83, Do Pass
3rd Reading: 02/22/83, Do Pass
Transmitted to Senate: 2/22/83
Referred to Committee on Taxation: 3/1/83
Hearing: 3/8/83
Died in Senate Committee

1 House BILL NO. 654 2 INTRODUCED BY FAGG

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ADDITIONAL
ALTERNATIVES FOR THE ASSESSMENT OF COSTS FOR SPECIAL
IMPROVEMENT DISTRICTS; AMENDING SECTIONS 7-12-4113,
7 7-12-4161, 7-12-4162, AND 7-12-4164, MCA; REPEALING SECTION
8 7-12-4163, MCA."

9

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

Section 1. Section 7-12-4113, NCA. is amended to read: 11 "7-12-4113. Sufficient protest to bar proceedings ---12 13 exceptions. (1) Except as provided in subsections (2) and (3), no further proceedings shall be taken for a period of 6 14 15 months from the date when said sufficient protest shall have been received by said clerk of the city or town council or 16 commission when the protest is against the proposed work 17 18 and+

19 (s)--the--cost--thereof--is--to--be--assessed---against 20 property--fronting--thereon--end the council or commission 21 finds that such protest is made by the owners of more than 22 50% of the property fronting-on-the-proposed-worky-or to be 23 assessed for the improvements within the district or 24 extended district. For the purposes of protests "property 25 to be assessed" is the property fronting on the property

1	underthefrontageoptionthe_area_of_the_property_under
2	the area option, the lots under the lot options and the
3	taxable_valuation_under_the_taxable_valuation_optionsWoder
4	thecombination_option_established_under_7-12-4162(1)(e)+
5	the_50%_protest_required_to_bar_the_proceedingsis_50%_of
6	tbe_combined_properties_assessed_under_7-12-4162411(e).
7	{b}thecostthereofistobeassess adupon-the
8	property-within-an-extendeddistrictandthecouncilar
9	commissionfinds-that-such-protest-is-made-by-the-owners-of
10	more-than-58%-of-the-area-of-the-property-to-be-assessed-for
11	said-improvements.
12	(2) The council or commission shall have the right to
13	overrule any and all objections and pave the proposed block
14	with gravel and oil surface when the improvement proposed is
15	the paving, with necessary incidentals, of not more than one
16	cross block to connect with streets or avenues already paved
17	for a continuous distance of three blocks or more running at
18	a right angle (or substantially so) with the single cross
19	block so proposed to be paved.
20	(3) In case the improvement is the construction of a
21	sanitary sewer, such protest may be overruled by an
22	affirmative vote of a majority of the members of the council
23	or commission unless such protest is made by the owners of
24	more than 75% of the property affected, as herein provided,
25	in which event the protest must be sustained as to the

-2- INTRODUCED BILL

1 construction of such sanitary sewer."

2 Section 2. Section 7-12-4161, NCA, is amended to read: 3 *7-12-4161. Choice in manner of assessing costs. (1) 4 Except as provided in subsection (2), to defray the cost of the making of any of the improvements provided for in this 5 part, the city council or commission shall adopt__in_the 6 7 resolution_of_intention_and__resolution__creating__the 8 district: one of the methods of assessment, where 9 applicable, provided in 7-12-4162 through 7-12-4165.

(2) The method of assessment provided for in 7-12-4163
 <u>7-12-4162(1)(a)</u> shall not apply to assessments in
 improvement districts created under the provisions of
 7-12-4109.*

Section 3. Section 7-12-4162, MCA, is amended to read: "7-12-4162. Assessment of costs -- frontage area. lots.and_taxable_valuation_options option. (1) The city council or commission shall assess the entire cost of such improvements against the entire district.as_follows:

19 fal_each_lot_or_parcel_of_land_within_the_district 20 bordering_or_abutting_a_street_or_streets_whereon_or_wherein 21 the_isprovement_bas_been_made_may_be_assessed_in_proportion 22 to_the_lineal_feet_abutting_or_bordering_on_the_street_or 23 streets:

24 <u>(b)</u> each lot or parcel of land within such district to
25 <u>may</u> be assessed for that part of the whole cost which its

1	area bears to the area of the entire district, exclusive of
2	streets, avenues, alleys, and public places .
3	(c)if_tbe_city_council_or_commission_determinestbat
4	the panefits derived from the improvements by each lot or
5	parcel_are_substantially_equivalents_the_cost_maybe
6	assessed_equally_to_each_lot_or_parcel_located_withig_the
7	<u>district_without_regard_to_the_area_of_the_lot_or_parcel:</u>
8	(d)each_lot_or_parcel_of_landsincludiogtbe
9	improxements_thereon:may_be_assessed_for_that_part_of_the
10	whole_cost_of_the_district_which_its_taxable_valuation_bears
11	to the whole cost of the district: or
11 12	to_the_whole_cost_of_the_district:_or [e1by_using_any_combination_of_the_assessment_options
12	(e)_by_using_any_combination_of_the_assessment_options
12 13	[e]_by_using_any_combination_of_the_assessment_options provided_in_subsections_[l](a]tbrough[d]aIfa
12 13 14	<pre>(e)_by_using_any_combination_of_the_assessment_options providedinsubsections[])(a]through[d] combinationisusedtheresolutionofintentionand</pre>
12 13 14 15	<pre>(e1_by_using_any_combination_of_the_assessment_options providedinsubsections(l)(a]tbrough(d)aIfa combinationisusedatberesolutionofintentionand resolutioncreating_tbedistrictshallspecifytbe</pre>
12 13 14 15 16	<pre>(e1_by_using_any_combination_of_the_assessment_options providedinsubsections(1)(a)tbrough(d)*Ifa combinationisused*tberesolutionofintentionand resolutioncreating_tbedistrictshallspecifytbe combinationofoptionsunderwhich_tbe_district_is_to_be</pre>
12 13 14 15 16 17	<pre>(e1_by_using_any_combination_of_the_assessment_options providedinsubsections(1)(a)tbrough(d)aIfa combinationisusedatberesolutionofintentionand resolutioncreating_tbedistrictshallspecifytbe combinationofoptionsunderwhich_tbe_district_is_to_be assesseda</pre>

21 funds in its hands available for that purpose or to include 22 the whole or any part of such costs within the amount of the 23 assessment to be paid by the property in the district.

24 (3) In order to equitably apportion the cost of any of25 the improvements herein provided for between that land

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1 within the district which lies within 25 feet of the line of 2 the street on which the improvement is to be made and all other land within the district, the council or commission 3 4 may, in the resolution creating any improvement district, 5 provide that the amount of the assessment against the 6 property in such district to defray the cost of such 7 improvements shall be so assessed that each square foot of 8 land within the district lying within 25 feet of the line of the street on which the improvements therein provided for 9 are made shall bear double the amount of cost of such 10 improvements per square foot of such land that each square 11 foot of any other land within the district shall bear." 12 1.3 Section 4. Section 7-12-4164, NCA, is amended to read: 14 M7-12-4164. Assessment of costs -- combined 15 area-frontage option. Where curbs, outters, alley 15 approaches, streets, crossings, and utility service 17 connections are an integral part of the creation of storm 18 sewer districts, sanitary sewer districts, or street 19 pavement districts, the city council or commission may 20 assess a portion of the improvements upon the area basis as 21 set forth under 7-12-4162 7-12:4162(1)(b), other portions of 22 the improvements upon a lineal-feet basis as set forth under 23 7-12-4163 7-12-4162(1)(a), and utility service connections 24 upon a lump sum based on the bid price in the improvement 25 district contract and assessed only against the lots,

tracts, or parcels of land served by the utility connection
 or connections, all within the same special improvement
 district, so long as such assessment is equitable."

LC 2065/01

4 <u>NEW_SECIION</u> Section 5. Repealer. Section 7-12-4163,
5 MCA, is repealed.

-End-

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-5-

48th Legislature

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LC 2065/01

Approved by Comm. on Local Government

House BILL NO. 654 1 INTRODUCED BY _ ALGE 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ADDITIONAL 4 ALTERNATIVES FOR THE ASSESSMENT OF COSTS FOR SPECIAL 5 7-12-4113, 6 IMPROVEMENT DISTRICTS; AMENDING SECTIONS 7-12-4161, 7-12-4162, AND 7-12-4164, MCA; REPEALING SECTION 7 7-12-4163, MCA.* 8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 7-12-4113, MCA, is amended to read: #7-12-4113. Sufficient protest to bar proceedings --12 exceptions. (1) Except as provided in subsections (2) and 13 (3), no further proceedings shall be taken for a period of 6 14 months from the date when said sufficient protest shall have 15 been received by said clerk of the city or town council or 16 17 commission when the protest is against the proposed work 18 ande

19 toj--the--cost--thereof--is--to--be--assessed---agoinst 20 property--fronting--thereon--and the council or commission 21 finds that such protest is made by the owners of more than 22 50% of the property fronting-on-the-proposed-works or to be 23 assessed_for_the_improvements_within_the_district_or 24 extended_districts__for_the.purposes_of_protests_mproperty 25 to_be_assessed=is_the_property_fronting_on_the_property LC 2065/01

. 1	under_the_frontage_option.the_area_of_the_property_under
2	the area options the lots under the lot options and the
3	taxable_valuation_under_the_taxable_valuation_optionsWoder
4	thecombinationoptionestablished_under_7-12=4162(1)(e).
5	the 50% protest_required to bar the proceedings_ is _50% of
6	the_compined_properties_assessed_under_7-12-4162(11(e).
7	{b}thecostthereoftstobe assessedupen-the
8	property-within-en-extendeddistrictendthecouncilor
9	commissionfinds-that-such-protest-is-made-by-thc-owners-of
10	more-then-58%-of-the-eres-of-the-property-to-be-assessed-for
11	soid-improvemensa
12	(2) The council or commission shall have the right to
13	overrule any and all objections and pave the proposed block
14	with gravel and oil surface when the improvement proposed is
15	the paving, with necessary incidentals, of not more than one
16	cross block to connect with streets or avenues already paved
17 -	for a continuous distance of three blocks or more running at
18	a right angle (or substantially so) with the single cross
10	black as around by by sound

19 block so proposed to be paved.

(3) In case the improvement is the construction of a sanitary sewer, such protest may be overruled by an affirmative vote of a majority of the members of the council or commission unless such protest is made by the owners of more than 75% of the property affected, as herein provided, in which event the protest must be sustained as to the

SECOND READING

1 construction of such sanitary sewer."

Z Section 2. Section 7-12-4161, MCA, is amended to read: #7-12-4161. Choice in manner of assessing costs. (1) 3 Except as provided in subsection (2), to defray the cost of 4 the making of any of the improvements provided for in this 5 part, the city council or commission shall adopt. in the 6 7 resolution_of_intention_and__resolution_creating__the district. one of the methods of assessment, where 8 9 applicable, provided in 7-12-4162 through 7-12-4165. (2) The method of assessment provided for in 7-12-4163

10 (2) The method of assessment provided for in 7+12-4163 11 <u>7-12-4162(1)(a)</u> shall not apply to assessments in 12 improvement districts created under the provisions of 13 7-12-4109."

 14
 Section 3. Section 7-12-4162, MCA, is amended to read:

 15
 "7-12-4162. Assessment of costs -- frontage area.

 16
 lots_add_taxable_valuation_options eption. (1) The city

 17
 council or commission shall assess the entire cost of such

 18
 improvements against the entire district_as_follows:

19 fal__each_lot_or_parcel_of_land_within the district 20 bordering_or_abutting_a_street_or_streets_whereon_or_wherein 21 the_improvement_bas_been_made_may_be_assessed_in_proportion 22 to_the_lineal_feet_abutting_or_bordering_on_the_street_or 23 streetsi

24 (b) each lot or parcel of land within such district to
25 may be assessed for that part of the whole cost which its

1	area bears to the area of the entire district, exclusive of
2	streets, avenues, alleys, and public places <u>.</u>
3	<pre>(c)if_the_city_council_or_commission_determinesthat</pre>
4	the_banefits_derived_from the improvements by each lot or
5	parcel_are_substantially_equivalents_the_cost_waybe
6	assessed_equally_to_each_lot_or_parcel_located_within_the
7	<u>district_without_regard_to_the_area_of_the_lot_or_parcel;</u>
e	<u>[d]_each_lot_or_parcel_of_landsincludiogthe</u>
9	isprovements_thereonemay be assessed for that part of the
10	<u>whole_cost_of_the_district_which_its_taxable_valuation_bears</u>
11	to the whole cost of the distriction
12	<u>[2] by using any combination of the assessment options</u>
13	provided_in_subsections_(1)(a)tbrough_(d)Ifa
14	combinationisusedtheresolution_ofintentionand
15	<u>resolution_creating_thedistrictshallspecify_the</u>
16	combination_of_options_woder_which_the_district_is_to_be
17	assessed
18	(2) The council or commission, in its discretion,
19	shall have the power to pay the whole or any part of the
20	cost of any street, avenue, or alley intersection out of any
21	funds in its hands available for that purpose or to include
22	the whole or any part of such costs within the amount of the
23	assessment to be paid by the property in the district.
24	(3) In order to equitably apportion the cost of any of

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the improvements herein provided for between that land

25

1 within the district which lies within 25 feet of the line of 2 the street on which the improvement is to be made and all 3 other land within the district, the council or commission 4 may, in the resolution creating any improvement district, 5 provide that the amount of the assessment against the property in such district to defray the cost of such 6 7 improvements shall be so assessed that each square foot of 8 land within the district lying within 25 feet of the line of 9 the street on which the improvements therein provided for 10 are made shall bear double the amount of cost of such 11 improvements per square foot of such land that each square 12 foot of any other land within the district shall bear."

13 Section 4. Section 7-12-4164, NCA, is amended to read: #7-12-4164. Assessment 14 of costs -- combined 15 area-frontage option. Where curbs. autters. alley 16 approaches, streets, crossings, and utility service 17 connections are an integral part of the creation of storm 18 sewer districts, sanitary sewer districts, or street 19 pavement districts, the city council or commission may 20 assess a portion of the improvements upon the area basis as Z1 set forth under 7-12-4162 7-12-4162(1)(b)+ other portions of 22 the improvements upon a lineal-feet basis as set forth under 23 7-12-4163 7-12-4162(1)(a), and utility service connections 24 upon a lump sum based on the bid price in the improvement 25 district contract and assessed only against the lots, LC 2065/01

- 1 tracts, or parcels of land served by the utility connection
- 2 or connections, all within the same special improvement
- 3 district, so long as such assessment is equitable."
- 4 <u>YEW_SECIION</u> Section 5. Repeater. Section 7-12-4163.
- 5 MCA+ is repealed.

-End-

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House BILL ND. 654 1 INTRODUCED BY FACE 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ADDITIONAL 4 5 ALTERNATIVES FOR THE ASSESSMENT OF COSTS FOR SPECIAL IMPROVEMENT DISTRICTS; AMENDING SECTIONS ٨ 7-12-4113. 7 7-12-4161. 7-12-4162. AND 7-12-4164. MCA; REPEALING SECTION 7-12-4163. HCA." A 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 7-12-4113, MCA, is amended to read: 11 "7-12-4113. Sufficient protest to bar proceedings ---12 exceptions. (1) Except as provided in subsections (2) and 13 (3), no further proceedings shall be taken for a period of 6 14 15 months from the date when said sufficient protest shall have been received by said clerk of the city or town council or 16 17 commission when the protest is against the proposed work 18 and+ 19 tat--the--cost--thereof--ts--to--be--assessed---agatast property--fronting--thereon--and the council or commission 20 21 finds that such protest is made by the owners of more than 22 50% of the property fronting-on-the-proposed-workt-or to be 23 assessed for the improvements vithin the district or extended__districta___For_the_purposes_of_protesta_mproperty 24 25 to be assessed" is the property fronting on the property

1 under_the__frontage_options_the_area_of_the_property_under Z the area options the lots under the lot options and the 3 taxable_valuation_under_the_taxable_valuation_options__Under the combination ontion established under 7-12-4162(1)(e). 4 the 50% protest required to ber the proceedings is 50% of 5 6 the combined properties assessed under 7-12-4162(1)(e). 7 tbj--the--cost--thereof--ts--to--be--assessed--upen-the 8 property-within-an-extended--district--and--tha--council--or 9 commission--finds-that-such-protest-is-made-by-the-owners-of sore-then-50%-of-the-ares-of-the-property-to-be-assessed-for 10 soid-improvements. 11 12 (2) The council or commission shall have the right to 13 overrule any and all objections and pave the proposed block 14 with gravel and oil surface when the improvement proposed is 15 the paving, with necessary incidentals, of not more than one cross block to connect with streets or avenues already paved 16 17 for a continuous distance of three blocks or more running at 18 a right angle (or substantially so) with the single cross 19 block so proposed to be paved. 20 (3) In case the improvement is the construction of a 21 sanitary sewer, such protest may be overruled by an 22 affirmative vote of a majority of the members of the council 23 or commission unless such protest is made by the owners of 24 more than 75% of the property affected, as herein provided, 25 in which event the protest must be sustained as to the READING THIRD -2-

AB 654

1 construction of such sanitary sewer.

2 Section 2. Section 7-12-4161; NCA, is amended to read: 3 #7-12-4161. Choice in manner of assessing costs. {1} Except as provided in subsection (2), to defray the cost of 4 the making of any of the improvements provided for in this 5 part, the city council or commission shall adopt__in_the 6 7 resolution_of_intention_and__resolution__creating__the 8 district. one of the methods of assessment, where 9 applicable, provided in 7-12-4162 through 7-12-4165.

10 (2) The method of assessment provided for in 7-12-4163 11 <u>7-12-6162(1)(a)</u> shall not apply to assessments in 12 improvement districts created under the provisions of 13 7-12-6109."

 14
 Section 3. Section 7-12-4162, MCA; is amended to read:

 15
 #7-12-4162. Assessment of costs -- frontage area;

 16
 lot:_and_taxable_valuation_options eption. (1) The city

 17
 council or commission shall assess the entire cost of such

 18
 improvements against the entire district_as_follows;

 19
 (a)__each_lot_or__parcel__of_land_within_the_district

 20
 bordering_or_abutting_a_street_or_streets_whereon_or_wherein

 21
 the_isprovement_has_been_made_may_be_assessed_in__proportion

 22
 to__the_lineal_fest_abutting_or_bordering_on_the_street_or

 23
 streetsi

24 (b) each lot or parcel of land within such district to
25 may be assessed for that part of the whole cost which its

area bears to the area of the entire district, exclusive of 1 2 streets, avenues, alleys, and public placeswi (c) if the city council or commission determines that 3 the banefits decived from the improvements by each lot or 4 5 parcel_are_substantially_equivalent__the_cost_may__be assessed equally to each lot or parcel located within the 6 7 district without regard to the area of the lot or garcel: 8 (d) each lot or parcel of lands including the improvements thereons may be assessed for that part of the 9 whole cost of the district which its taxable valuation bears 10 11 to the whole cost of the district; or 12 (e)_by_using_any_combingtion_of_the_assessment_options 13 provided in subsections (1)(a) through (d). 14 combination___is_useds__the__resolution__of___intention__and 15 resolution creating the district shall specify the combination_of_options_under_which_the_district_is_to_be 16 17 assessede (2) The council or commission, in its discretion. 18 shall have the power to pay the whole or any part of the 19 cost of any street. avenue. or alley intersection out of any 20 funds in its hands available for that purpose or to include 21 the whole or any part of such costs within the amount of the 22 23 assessment to be paid by the property in the district.

24 (3) In order to equitably apportion the cost of any of25 the improvements herein provided for between that land

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within the district which lies within 25 feet of the line of 1 2 the street on which the improvement is to be made and all other land within the district, the council or commission 3 may, in the resolution creating any improvement district, 4 provide that the amount of the assessment against the 5 property in such district to defray the cost of such 6 improvements shall be so assessed that each square foot of 7 land within the district lying within 25 feet of the line of R 9 the street on which the improvements therein provided for are made shall bear double the amount of cost of such 10 improvements per square foct of such land that each square 11 foot of any other land within the district shall bear.* 12 Section 4. Section 7-12-4164, MCA, is amended to read: 13 #7-12-4164. Assessment -- combined 14 of costs area-frontage option. Where curbs, gutters, alley 15 crossings, and utility service approaches, streets, 15 17 connections are an integral part of the creation of storm sever districts, sanitary sever districts, or street 18 19 pavement districts, the city council or commission may assess a portion of the improvements upon the area basis as 20 21 set forth under 7-12-4162 7-12-4162(1)(b), other portions of 22 the improvements upon a lineal-feet basis as set forth under 23 7-12-4163 7-12-4162(1)(a), and utility service connections 24 upon a lump sum based on the bld price in the improvement 25 district contract and assessed only against the lots,

1 tracts, or parcels of land served by the utility connection

2 or connections, all within the same special improvement

3 district, so long as such assessment is equitable."

<u>NEW_SECIION</u> Section 5. Repeater. Section 7-12-4163.
MCA, is repeated.

-End-

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