

SENATE BILL NO. 397

Introduced: 02/11/83

Referred to Committee on Local Government: 02/11/83
Hearing: 2/15/83
Report: 02/17/83, Do Not Pass. Report Adopted.
Bill Killed.

INTRODUCED BY Sen. [Signature] BILL NO. 397

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT FOR COUNTY RURAL IMPROVEMENT DISTRICTS AND MUNICIPAL SPECIAL IMPROVEMENT DISTRICTS CREATED AFTER OCTOBER 1, 1983, A LIEN IN FAVOR OF THE DISTRICT DOES NOT ATTACH UNLESS DISTRICT ASSESSMENTS ARE DELINQUENT; AMENDING SECTIONS 7-12-2168, 7-12-2184, 7-12-4183, AND 7-12-4191, MCA."

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

Section 1. Section 7-12-2168, MCA, is amended to read:

"7-12-2168. Assessments and certain other charges as liens. (1) Any special assessment made and levied to defray the cost and expenses of any of the work enumerated in this part, together with any percentages imposed for delinquency and for cost of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied from and after:

(a) the date of the passage of the resolution levying such assessment if the district was created prior to October 1, 1983; or

(b) the date of the delinquency in making payments.
~~This lien can only be extinguished by payment of such assessments with all penalties, costs, and interest.~~

(2) Any special assessment levied and made for any of the purposes mentioned in 7-12-2120 and 7-12-2161, together with all costs and penalties, shall constitute a lien upon and against the property upon which said assessment is made and levied from and after:

(a) the date of the final passage and adoption of the resolution levying the same if the district was created prior to October 1, 1983; or

(b) the date of the delinquency in making payments.

(3) which the lien created by this section can only be extinguished by payment of such assessment, with all penalties, costs, and interest."

Section 2. Section 7-12-2184, MCA, is amended to read:

"7-12-2184. Lien arising due to loan from revolving fund. (1) Whenever any loan is made to any rural special improvement district fund from the revolving fund, the revolving fund shall have a lien therefor on the land within the district which is delinquent in the payment of its assessments and on all unpaid assessments and installments of assessments on such district (whether delinquent or not if the district was created prior to October 1, 1983) and on all money thereafter coming into such district fund, to the amount of such loan, together with interest thereon from the time it was made at the rate or percentage borne by the bond or warrant for payment of which, or of interest thereon,

1 such loan was made.
 2 (2) If, after all the bonds and warrants issued on any
 3 rural special improvement district have been fully paid and
 4 all moneys remaining in such district fund have been
 5 transferred to the revolving fund, there still remains a
 6 debt from the district to the revolving fund, the board of
 7 county commissioners may foreclose the lien upon property
 8 within the district owing unpaid assessments to the district
 9 for the purpose of paying off said loan to the revolving
 10 fund."

11 Section 3. Section 7-12-4183, MCA, is amended to read:

12 "7-12-4183. Collection of district assessments by city
 13 treasurer in cities where county collects taxes. (1) In any
 14 city or town where taxes for general, municipal, and
 15 administrative purposes are certified to and collected by
 16 the county treasurer in accordance with the provisions of
 17 7-6-4407 and 7-6-4423, the city or town may, nevertheless,
 18 provide by ordinance for the collection by its city
 19 treasurer or town clerk of all special assessments and taxes
 20 levied and assessed in accordance with any of the provisions
 21 of this part and part 42 in the same manner and at the same
 22 time as said taxes for general, municipal, and
 23 administrative purposes are collected by the county
 24 treasurer. All of the provisions of 7-6-4423 shall apply to
 25 the collection of such special taxes and assessments in the

1 same manner as such provisions apply to the collection of
 2 other city or town taxes.

3 (2) When the payment of any one installment of any
 4 special assessment becomes delinquent, all payments of
 5 subsequent installments shall, at the option of the city or
 6 town council and by appropriate resolution duly adopted,
 7 become delinquent. Such delinquent special assessments
 8 ~~become a lien against the property and~~ shall be certified to
 9 the county clerk of the county in which such city or town is
 10 situated, and the county treasurer must collect such
 11 delinquent special assessments and taxes in the same manner
 12 and at the same time as said taxes for general, municipal,
 13 and administrative purposes are collected by him. In case
 14 the same are not paid, the whole property shall be sold, the
 15 same as other property is sold for taxes."

16 Section 4. Section 7-12-4191, MCA, is amended to read:

17 "7-12-4191. Assessments and certain other charges as
 18 liens. (1) Any special assessment made and levied to defray
 19 the cost and expense of any of the work enumerated in this
 20 part, together with any percentages imposed for delinquency
 21 and for cost of collection, shall constitute a lien upon and
 22 against the property upon which such assessment is made and
 23 levied from and after:

24 (a) the date of the passage of the resolution levying
 25 such assessment ~~if the district was created prior to October~~

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1 ~~1s. 1983i or~~
2 ~~(b1) the date of delinquency of its payment.~~
3 ~~(2) The lien established by subsection (1) can only be~~
4 ~~extinguished by payment of such assessment with all~~
5 ~~penalties, costs, and interest."~~

-End-