

HOUSE BILL NO. 612

2/01 Introduced
2/01 Referred to Local Government
2/07 Hearing
2/11 Committee Report-Bill Pass As Amended
2/13 2nd Reading Pass
2/14 3rd Reading Pass

Transmitted to Senate

2/15 Referred to Local Government
3/26 Hearing
3/28 Tabled in Committee

1 HOUSE BILL NO. 612
2 INTRODUCED BY Ally, Fuller Christians
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ADDITIONAL
5 ALTERNATIVES FOR THE ASSESSMENT OF COSTS FOR SPECIAL
6 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; AND PROVIDING AN EFFECTIVE DATE."
9

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

11 Section 1. Section 7-12-4113, MCA, is amended to read:

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

19 ~~(a) the cost thereof is to be assessed against~~
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 work; or to be~~
23 ~~assessed for the improvements within the district or~~
24 ~~extended district. For the purposes of protest, "property~~
25 ~~to be assessed" is the property fronting on the property~~

1 under the frontage option, the area of the property under
2 the area option, the lots under the lot option, and the
3 taxable valuation under the taxable valuation option. Under
4 the combination option established under 7-12-4162(1)(e),
5 the 50% protest required to bar the proceedings is 50% of
6 the combined properties assessed under 7-12-4162(1)(e).

7 ~~(b) the cost thereof is to be assessed upon the~~
8 ~~property within an extended district and the council or~~
9 ~~commission finds that such protest is made by the owners of~~
10 ~~more than 50% 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



1 construction of such sanitary sewer."

2 Section 2. Section 7-12-4161, MCA, 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
5 the making of any of the improvements provided for in this
6 part, the city council or commission shall adopt, in the
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 7-12-4164, or
10 7-12-4165.

11 (2) The method of assessment provided for in ~~7-12-4163~~
12 7-12-4162(1)(a) shall not apply to assessments in
13 improvement districts created under the provisions of
14 7-12-4109."

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

16 "7-12-4162. Assessment of costs -- frontage, area,
17 lot, and taxable valuation options option. (1) The city
18 council or commission shall assess the entire cost of such
19 improvements against the entire district; as follows:

20 (a) each lot or parcel of land within the district
21 bordering or abutting a street or streets whereon or wherein
22 the improvement has been made may be assessed in proportion
23 to the lineal feet abutting or bordering on the street or
24 streets;

25 (b) each lot or parcel of land within such district to

1 may be assessed for that part of the whole cost which its
2 area bears to the area of the entire district, exclusive of
3 streets, avenues, alleys, and public places;

4 (c) if the city council or commission determines that
5 the benefits derived from the improvements by each lot or
6 parcel are substantially equivalent, the cost may be
7 assessed equally to each lot or parcel located within the
8 district without regard to the area of the lot or parcel;

9 (d) each lot or parcel of land, including the
10 improvements thereon, may be assessed for that part of the
11 whole cost of the district which its taxable valuation bears
12 to the total taxable valuation of the property of the
13 district; or

14 (e) by using any combination of the assessment options
15 provided in subsections (1)(a) through (1)(d). If a
16 combination is used, the resolution of intention and
17 resolution creating the district must specify the
18 combination of options under which the district is to be
19 assessed.

20 (2) The council or commission, in its discretion,
21 shall have the power to pay the whole or any part of the
22 cost of any street, avenue, or alley intersection out of any
23 funds in its hands available for that purpose or to include
24 the whole or any part of such costs within the amount of the
25 assessment to be paid by the property in the district.

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

15 Section 4. Section 7-12-4164, MCA, is amended to read:

16 "7-12-4164. Assessment of costs -- combined
 17 area-frontage option. Where curbs, gutters, alley
 18 approaches, streets, crossings, and utility service
 19 connections are an integral part of the creation of storm
 20 sewer districts, sanitary sewer districts, or street
 21 pavement districts, the city council or commission may
 22 assess a portion of the improvements upon the area basis as
 23 set forth under 7-12-4162(1)(b), other portions of the
 24 improvements upon a lineal-feet basis as set forth under
 25 ~~7-12-4163~~ 7-12-4162(1)(a), and utility service connections

1 upon a lump sum based on the bid price in the improvement
 2 district contract and assessed only against the lots,
 3 tracts, or parcels of land served by the utility connection
 4 or connections, all within the same special improvement
 5 district, so long as such assessment is equitable."

6 NEW SECTION. Section 5. Repealer. Section 7-12-4163,
 7 MCA, is repealed.

8 NEW SECTION. Section 6. Effective date. This act is
 9 effective July 1, 1985.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 612

INTRODUCED BY ADDY, FULLER, CHRISTIAENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ADDITIONAL ALTERNATIVES FOR THE ASSESSMENT OF COSTS FOR RURAL SPECIAL IMPROVEMENT DISTRICTS AND SPECIAL IMPROVEMENT DISTRICTS; AMENDING SECTIONS 7-12-2112, 7-12-2151, 7-12-4113, 7-12-4161, 7-12-4162, AND 7-12-4164, MCA; REPEALING SECTION 7-12-4163, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

SECTION 1. SECTION 7-12-2112, MCA, IS AMENDED TO READ:

"7-12-2112. Sufficient protest to bar proceedings -- exception. (1) Except as provided in subsection (2), no further proceedings shall be taken for a period of 6 months from the date when said protest was received by the county clerk when:

(a) the protest is against the proposed work and the cost thereof ~~is to be assessed upon the property fronting thereon~~ and the board of county commissioners finds that such protest is made by the owners of more than 50% of the ~~area fronting on the proposed work, or~~ property to be assessed for the improvements within the district or extended district. For the purposes of protest, "property to be assessed" is the property fronting on the property under

the frontage option, the area of the property under the area option, the lots under the lot option, and the taxable valuation under the taxable valuation option. Under the combination option established under 7-12-2151(1)(e), the 50% protest required to bar the proceedings is 50% of the combined properties assessed under 7-12-2151(1)(e).

~~(b) the protest is against the proposed work and the cost thereof is to be assessed upon the property within the extended district and the board finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for such improvements.~~

(2) In case the improvements are the construction of sanitary sewers, the protests may be overruled by a unanimous vote of the board."

SECTION 2. SECTION 7-12-2151, MCA, IS AMENDED TO READ:

"7-12-2151. Assessment of costs. (1) To defray the cost of making any of the improvements provided for in this part, the board of county commissioners shall adopt in the resolution of intention and resolution creating the district, one of the following method methods of assessment:

~~(a) The board shall assess the entire cost of such improvements against the entire district. Each~~ each lot or parcel of land assessed in such district shall be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues,

1 alleys, and public places;

2 (b) each lot or parcel of land within the district
 3 bordering or abutting a street or streets whereon or wherein
 4 the improvement has been made may be assessed in proportion
 5 to the lineal feet abutting or bordering on the street or
 6 streets;

7 (c) if the board of county commissioners determines
 8 that the benefits derived from the improvements by each lot
 9 or parcel are substantially equivalent, the cost may be
 10 assessed equally to each lot or parcel located within the
 11 district without regard to the area of the lot or parcel;

12 (d) each lot or parcel of land, including the
 13 improvements thereon, may be assessed for that part of the
 14 whole cost of the district which its taxable valuation bears
 15 to the total taxable valuation of the property of the
 16 district; or

17 (e) by using any combination of the assessment options
 18 provided in subsections (1)(a) through (1)(d). If a
 19 combination is used, the resolution of intention and
 20 resolution creating the district must specify the
 21 combination of options under which the district is to be
 22 assessed.

23 ~~(2) Where said rural improvement district is located~~
 24 ~~more than 5 miles from the boundary of an incorporated city~~
 25 ~~or town, said assessment may, at the option of the board, be~~

1 ~~based upon the assessed value of the lots or pieces of land~~
 2 ~~within said district.~~

3 ~~(3)(2)~~ The board in its discretion shall have the
 4 power to pay the whole or any part of the cost of any
 5 street, avenue, or alley intersection out of any funds in
 6 its hands available for that purpose or to include the whole
 7 or any part of such costs within the amount of the
 8 assessment to be paid by the property in the district."

9 Section 3. Section 7-12-4113, MCA, is amended to read:

10 "7-12-4113. Sufficient protest to bar proceedings --
 11 exceptions. (1) Except as provided in subsections (2) and
 12 (3), no further proceedings shall be taken for a period of 6
 13 months from the date when said sufficient protest shall have
 14 been received by said clerk of the city or town council or
 15 commission when the protest is against the proposed work
 16 and:

17 ~~(a) the cost thereof is to be assessed against~~
 18 ~~property fronting thereon and~~ the council or commission
 19 finds that such protest is made by the owners of more than
 20 50% of the property ~~fronting on the proposed work, or to be~~
 21 assessed for the improvements within the district or
 22 extended district. For the purposes of protest, "property
 23 to be assessed" is the property fronting on the property
 24 under the frontage option, the area of the property under
 25 the area option, the lots under the lot option, and the

1 taxable valuation under the taxable valuation option. Under
 2 the combination option established under 7-12-4162(1)(e),
 3 the 50% protest required to bar the proceedings is 50% of
 4 the combined properties assessed under 7-12-4162(1)(e).

5 ~~(b) the cost thereof is to be assessed upon the~~
 6 ~~property within an extended district and the council or~~
 7 ~~commission finds that such protest is made by the owners of~~
 8 ~~more than 50% of the area of the property to be assessed for~~
 9 ~~said improvements.~~

10 (2) The council or commission shall have the right to
 11 overrule any and all objections and pave the proposed block
 12 with gravel and oil surface when the improvement proposed is
 13 the paving, with necessary incidentals, of not more than one
 14 cross block to connect with streets or avenues already paved
 15 for a continuous distance of three blocks or more running at
 16 a right angle (or substantially so) with the single cross
 17 block so proposed to be paved.

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

25 Section 4. Section 7-12-4161, MCA, is amended to read:

1 "7-12-4161. Choice in manner of assessing costs. (1)
 2 Except as provided in subsection (2), to defray the cost of
 3 the making of any of the improvements provided for in this
 4 part, the city council or commission shall adopt, in the
 5 resolution of intention and resolution creating the
 6 district, one of the methods of assessment, where
 7 applicable, provided in 7-12-4162, through 7-12-4164, or
 8 7-12-4165.

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

13 Section 5. Section 7-12-4162, MCA, is amended to read:

14 "7-12-4162. Assessment of costs -- frontage, area,
 15 lot, and taxable valuation options option. (1) The city
 16 council or commission shall assess the entire cost of such
 17 improvements against the entire district, as follows:

18 (a) each lot or parcel of land within the district
 19 bordering or abutting a street or streets whereon or wherein
 20 the improvement has been made may be assessed in proportion
 21 to the lineal feet abutting or bordering on the street or
 22 streets;

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

1 streets, avenues, alleys, and public places-;

2 (c) if the city council or commission determines that
3 the benefits derived from the improvements by each lot or
4 parcel are substantially equivalent, the cost may be
5 assessed equally to each lot or parcel located within the
6 district without regard to the area of the lot or parcel;

7 (d) each lot or parcel of land, including the
8 improvements thereon, may be assessed for that part of the
9 whole cost of the district which its taxable valuation bears
10 to the total taxable valuation of the property of the
11 district; or

12 (e) by using any combination of the assessment options
13 provided in subsections (1)(a) through (1)(d). If a
14 combination is used, the resolution of intention and
15 resolution creating the district must specify the
16 combination of options under 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
25 the improvements herein provided for between that land

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
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
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 6. Section 7-12-4164, MCA, is amended to read:
14 "7-12-4164. Assessment of costs -- combined
15 area-frontage option. Where curbs, gutters, 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
21 set forth under 7-12-4162(1)(b), other portions of the
22 improvements upon a lineal-foot 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,

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 NEW SECTION. Section 7. Repealer. Section 7-12-4163,
5 MCA, is repealed.

6 NEW SECTION. Section 8. Effective date. This act is
7 effective July 1, 1985.

-End-

1 HOUSE BILL NO. 612

2 INTRODUCED BY ADDY, FULLER, CHRISTIAENS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ADDITIONAL
5 ALTERNATIVES FOR THE ASSESSMENT OF COSTS FOR RURAL SPECIAL
6 IMPROVEMENT DISTRICTS AND SPECIAL IMPROVEMENT DISTRICTS;
7 AMENDING SECTIONS 7-12-2112, 7-12-2151, 7-12-4113,
8 7-12-4161, 7-12-4162, AND 7-12-4164, MCA; REPEALING SECTION
9 7-12-4163, MCA; AND PROVIDING AN EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 SECTION 1. SECTION 7-12-2112, MCA, IS AMENDED TO READ:

13 "7-12-2112. Sufficient protest to bar proceedings --
14 exception. (1) Except as provided in subsection (2), no
15 further proceedings shall be taken for a period of 6 months
16 from the date when said protest was received by the county
17 clerk when:

18 ~~{a}~~ the protest is against the proposed work and the
19 cost thereof ~~is-to-be-assessed-upon--the--property--fronting~~
20 ~~thereon~~ and the board of county commissioners finds that
21 such protest is made by the owners of more than 50% of the
22 ~~area--fronting--on--the--proposed--work;--or~~ property to be
23 assessed for the improvements within the district or
24 extended district. For the purposes of protest, "property to
25 be assessed" is the property fronting on the property under

1 the frontage option, the area of the property under the area
2 option, the lots under the lot option, and the taxable
3 valuation under the taxable valuation option. Under the
4 combination option established under 7-12-2151(1)(e), the
5 50% protest required to bar the proceedings is 50% of the
6 combined properties assessed under 7-12-2151(1)(e).

7 ~~{b}~~ ~~--the-protest-is-against-the-proposed-work--and--the~~
8 ~~cost--thereof-is-to-be-assessed-upon-the-property-within-the~~
9 ~~extended-district-and-the-board-finds-that-such--protest--is~~
10 ~~made--by-the-owners-of-more-than-one-half-of-the-area-of-the~~
11 ~~property-to-be-assessed-for-such-improvements;~~

12 (2) In case the improvements are the construction of
13 sanitary sewers, the protests may be overruled by a
14 unanimous vote of the board."

15 SECTION 2. SECTION 7-12-2151, MCA, IS AMENDED TO READ:

16 "7-12-2151. Assessment of costs. (1) To defray the
17 cost of making any of the improvements provided for in this
18 part, the board of county commissioners shall adopt in the
19 resolution of intention and resolution creating the
20 district, one of the following method ~~methods~~ of assessment:

21 ~~{i}~~(a) ~~The-board-shall-assess-the-entire-cost-of--such~~
22 ~~improvements--against--the-entire-district.--Each~~ each lot or
23 parcel of land assessed in such district shall be assessed
24 with that part of the whole cost which its area bears to the
25 area of the entire district, exclusive of streets, avenues,

1 alleys, and public places;

2 (b) each lot or parcel of land within the district
 3 bordering or abutting a street or streets whereon or wherein
 4 the improvement has been made may be assessed in proportion
 5 to the lineal feet abutting or bordering on the street or
 6 streets;

7 (c) if the board of county commissioners determines
 8 that the benefits derived from the improvements by each lot
 9 or parcel are substantially equivalent, the cost may be
 10 assessed equally to each lot or parcel located within the
 11 district without regard to the area of the lot or parcel;

12 (d) each lot or parcel of land, including the
 13 improvements thereon, may be assessed for that part of the
 14 whole cost of the district which its taxable valuation bears
 15 to the total taxable valuation of the property of the
 16 district; or

17 (e) by using any combination of the assessment options
 18 provided in subsections (1)(a) through (1)(d). If a
 19 combination is used, the resolution of intention and
 20 resolution creating the district must specify the
 21 combination of options under which the district is to be
 22 assessed.

23 ~~(2) Where said rural improvement district is located~~
 24 ~~more than 5 miles from the boundary of an incorporated city~~
 25 ~~or town, said assessment may, at the option of the board, be~~

1 ~~based upon the assessed value of the lots or pieces of land~~
 2 ~~within said district.~~

3 ~~(3)(2)~~ The board in its discretion shall have the
 4 power to pay the whole or any part of the cost of any
 5 street, avenue, or alley intersection out of any funds in
 6 its hands available for that purpose or to include the whole
 7 or any part of such costs within the amount of the
 8 assessment to be paid by the property in the district."

9 Section 3. Section 7-12-4113, MCA, is amended to read:
 10 "7-12-4113. Sufficient protest to bar proceedings --
 11 exceptions. (1) Except as provided in subsections (2) and
 12 (3), no further proceedings shall be taken for a period of 6
 13 months from the date when said sufficient protest shall have
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 21 ~~assessed for the improvements within the district or~~
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 23 ~~to be assessed" is the property fronting on the property~~
 24 ~~under the frontage option, the area of the property under~~
 25 ~~the area option, the lots under the lot option, and the~~

1 taxable valuation under the taxable valuation option. Under
 2 the combination option established under 7-12-4162(1)(e),
 3 the 50% protest required to bar the proceedings is 50% of
 4 the combined properties assessed under 7-12-4162(1)(e).

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 6 ~~property within an extended district and the council or~~
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 9 ~~said improvements.~~

10 (2) The council or commission shall have the right to
 11 overrule any and all objections and pave the proposed block
 12 with gravel and oil surface when the improvement proposed is
 13 the paving, with necessary incidentals, of not more than one
 14 cross block to connect with streets or avenues already paved
 15 for a continuous distance of three blocks or more running at
 16 a right angle (or substantially so) with the single cross
 17 block so proposed to be paved.

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

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1 "7-12-4161. Choice in manner of assessing costs. (1)
 2 Except as provided in subsection (2), to defray the cost of
 3 the making of any of the improvements provided for in this
 4 part, the city council or commission shall adopt, in the
 5 resolution of intention and resolution creating the
 6 district, one of the methods of assessment, where
 7 applicable, provided in 7-12-4162, through 7-12-4164, or
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9 (2) The method of assessment provided for in ~~7-12-4163~~
 10 7-12-4162(1)(a) shall not apply to assessments in
 11 improvement districts created under the provisions of
 12 7-12-4109."

13 Section 5. Section 7-12-4162, MCA, is amended to read:

14 "7-12-4162. Assessment of costs -- frontage, area,
 15 lot, and taxable valuation options option. (1) The city
 16 council or commission shall assess the entire cost of such
 17 improvements against the entire district, as follows:

18 (a) each lot or parcel of land within the district
 19 bordering or abutting a street or streets whereon or wherein
 20 the improvement has been made may be assessed in proportion
 21 to the lineal feet abutting or bordering on the street or
 22 streets;

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

1 streets, avenues, alleys, and public places;

2 (c) if the city council or commission determines that
3 the benefits derived from the improvements by each lot or
4 parcel are substantially equivalent, the cost may be
5 assessed equally to each lot or parcel located within the
6 district without regard to the area of the lot or parcel;

7 (d) each lot or parcel of land, including the
8 improvements thereon, may be assessed for that part of the
9 whole cost of the district which its taxable valuation bears
10 to the total taxable valuation of the property of the
11 district; or

12 (e) by using any combination of the assessment options
13 provided in subsections (1)(a) through (1)(d). If a
14 combination is used, the resolution of intention and
15 resolution creating the district must specify the
16 combination of options under 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
25 the improvements herein provided for between that land

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
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
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 6. Section 7-12-4164, MCA, is amended to read:
14 "7-12-4164. Assessment of costs -- combined
15 area-frontage option. Where curbs, gutters, 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
21 set forth under 7-12-4162(1)(b), other portions of the
22 improvements upon a lineal-foot 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,

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 NEW SECTION. Section 7. Repealer. Section 7-12-4163,
5 MCA, is repealed.

6 NEW SECTION. Section 8. Effective date. This act is
7 effective July 1, 1985.

-End-