

HOUSE BILL NO. 625

INTRODUCED BY COHEN

IN THE HOUSE

February 1, 1985	Introduced and referred to Committee on Local Government.
February 8, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 9, 1985	Second reading, pass consideration as amended.
February 11, 1985	Second reading, do pass as amended.
February 12, 1985	Correctly engrossed.
February 13, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 14, 1985	Introduced and referred to Committee on Taxation.
April 8, 1985	Committee recommend bill be concurrent in as amended.
April 10, 1985	Second reading, concurred in. Segregated from Committee of the Whole Report. On motion, taken from second reading and rereferred to Committee on Taxation.

April 15, 1985

Committee recommend bill be
concurrent in as amended.
Report adopted.

April 17, 1985

Second reading, concurred in.

April 18, 1985

Third reading, concurred in.
Ayes, 49; Noes, 0.

Returned to House with
amendments.

IN THE HOUSE

April 19, 1985

Received from Senate.

Second reading, amendments
concurrent in.

April 22, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 625
2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE ADDITIONAL
5 ALTERNATIVES FOR THE ASSESSMENT OF COSTS FOR STREET
6 MAINTENANCE DISTRICTS; AMENDING SECTIONS 7-12-4421,
7 7-12-4422, 7-12-4425, AND 7-12-4428, MCA; REPEALING SECTIONS
8 7-12-4423 AND 7-12-4424, MCA; AND PROVIDING AN EFFECTIVE
9 DATE."

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

12 Section 1. Section 7-12-4421, MCA, is amended to read:
13 "7-12-4421. Choice in manner of making assessments.
14 The assessments for the costs and expenses of maintaining
15 streets, alleys, and public places shall be made against all
16 of the property embraced within each maintenance district by
17 one of the three methods provided in 7-12-4422 through
18 7-12-4424."

19 Section 2. Section 7-12-4422, MCA, is amended to read:
20 "7-12-4422. Assessment of costs -- area option,
21 frontage, lot, and taxable valuation options. The city
22 council shall assess the percentage of the cost of
23 maintenance established in 7-12-4425 against the entire
24 district as follows:

25 (1) Each each lot or parcel of land within such

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

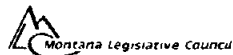
5 (2) each lot or parcel of land within such district
6 abutting upon a street upon which maintenance is done may be
7 assessed for that part of the cost which its street frontage
8 bears to the street frontage of the entire district;

9 (3) if the city council determines that the benefits
10 derived from the maintenance by each lot or parcel are
11 substantially equivalent, the cost may be assessed equally
12 to each lot or parcel located within the district without
13 regard to the area of the lot or parcel;

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

19 (5) by using any combination of the assessment options
20 provided in subsections (1) through (4)."

21 Section 3. Section 7-12-4425, MCA, is amended to read:
22 "7-12-4425. Resolution for assessment of costs of
23 maintenance. (1) The city council shall estimate, as near as
24 practicable, the cost of maintenance in each established
25 district annually, not later than the second Monday in



1 August. The council shall pass and finally adopt a
2 resolution specifying the district assessment option and
3 levying and assessing all the property within the several
4 districts with an amount equal to not less than 75% of the
5 entire cost of said work.

6 (2) The resolution levying the assessment to defray
7 the cost of maintenance shall contain or refer to a list in
8 which shall be described the lot or parcel of land assessed,
9 with the name of the owner thereof if known, and the amount
10 levied thereon set opposite.

11 (3) Such resolution shall be kept on file in the
12 office of the city clerk."

13 Section 4. Section 7-12-4428, MCA, is amended to read:

14 "7-12-4428. Assessment of costs of improvements and
15 maintenance of improvements. Cities and towns are authorized
16 to assess the cost of the work, improvements, and
17 maintenance authorized by 7-12-4405 against the property in
18 maintenance districts in the manner and as provided in
19 7-12-4421 through ~~7-12-4424~~ and 7-12-4422 to meet the
20 payments required to be made each year."

21 NEW SECTION. Section 5. Repealer. Sections 7-12-4423
22 and 7-12-4424, MCA, are repealed.

23 NEW SECTION. Section 6. Effective date. This act is
24 effective July 1, 1985.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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15 streets, alleys, and public places shall be made against all
16 of the property embraced within each maintenance district by
17 one of the ~~three~~ methods provided in 7-12-4422 through
18 ~~7-12-4424~~."

19 Section 2. Section 7-12-4422, MCA, is amended to read:
20 "7-12-4422. Assessment of costs -- area option,
21 frontage, lot, and taxable valuation options. The city
22 council shall assess the percentage of the cost of
23 maintenance established in 7-12-4425 against the entire
24 district as follows:

25 (1) Each each lot or parcel of land within such

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

5 (2) each lot or parcel of land within such district
6 abutting upon a street upon which maintenance is done may be
7 assessed for that part of the cost which its street frontage
8 bears to the street frontage of the entire district;

9 (3) if the city council determines that the benefits
10 derived from the maintenance by each lot or parcel are
11 substantially equivalent, the cost may be assessed equally
12 to each lot or parcel located within the district without
13 regard to the area of the lot or parcel;

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

18 or
19 (5) by using any combination of the assessment options
20 provided in subsections (1) through (4)."

21 Section 3. Section 7-12-4425, MCA, is amended to read:
22 "7-12-4425. Resolution for assessment of costs of
23 maintenance. (1) The city council shall estimate, as near as
24 practicable, the cost of maintenance in each established
25 district annually, not later than the second Monday in



1 August. The council shall pass and finally adopt a
2 resolution specifying the district assessment option and
3 levying and assessing all the property within the several
4 districts with an amount equal to not less than 75% of the
5 entire cost of said work.

6 (2) The resolution levying the assessment to defray
7 the cost of maintenance shall contain or refer to a list in
8 which shall be described the lot or parcel of land assessed,
9 with the name of the owner thereof if known, and the amount
10 levied thereon set opposite.

11 (3) Such resolution shall be kept on file in the
12 office of the city clerk."

13 Section 4. Section 7-12-4428, MCA, is amended to read:

14 "7-12-4428. Assessment of costs of improvements and
15 maintenance of improvements. Cities and towns are authorized
16 to assess the cost of the work, improvements, and
17 maintenance authorized by 7-12-4405 against the property in
18 maintenance districts in the manner and as provided in
19 7-12-4421 through--7-12-4424 and 7-12-4422 to meet the
20 payments required to be made each year."

21 NEW SECTION. Section 5. Repealer. Sections 7-12-4423
22 and 7-12-4424, MCA, are repealed.

23 NEW SECTION. Section 6. Effective date. This act is
24 effective July 1, 1985.

-End-

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 9 DATE."

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

11 Section 1. Section 7-12-4421, MCA, is amended to read:

12 "7-12-4421. Choice in manner of making assessments.
 13 The assessments for the costs and expenses of maintaining
 14 streets, alleys, and public places shall be made against all
 15 of the property embraced within each maintenance district by
 16 one of the three methods provided in 7-12-4422 through
 17 7-12-4424."

18 Section 2. Section 7-12-4422, MCA, is amended to read:

19 "7-12-4422. Assessment of costs -- area option,
 20 frontage, lot, and taxable valuation options. The city
 21 council shall assess the percentage of the cost of
 22 maintenance established in 7-12-4425 against the entire
 23 district as follows:

24 (1) Each each lot or parcel of land within such

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

5 (2) each lot or parcel of land within such district
 6 abutting upon a street upon which maintenance is done may be
 7 assessed for that part of the cost which its street frontage
 8 bears to the street frontage of the entire district;

9 (3) if the city council determines that the benefits
 10 derived from the maintenance by each lot or parcel are
 11 substantially equivalent, the cost may be assessed equally
 12 to each lot or parcel located within the district without
 13 regard to the area of the lot or parcel; OR

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

19 (4) EACH LOT OR PARCEL OF LAND, INCLUDING THE
 20 IMPROVEMENTS THEREON, MAY BE ASSESSED FOR THAT PART OF THE
 21 COST OF THE DISTRICT WHICH ITS TAXABLE VALUATION BEARS TO
 22 THE TOTAL TAXABLE VALUATION OF THE PROPERTY OF THE DISTRICT;

23 OR
 24 (5)(4)(5) by using any combination of the assessment
 25 options provided in subsections (1) through (4)(3)(4)."



1 Section 3. Section 7-12-4425, MCA, is amended to read:

2 "7-12-4425. Resolution for assessment of costs of
3 maintenance. (1) The city council shall estimate, as near as
4 practicable, the cost of maintenance in each established
5 district annually, not later than the second Monday in
6 August. The council shall pass and finally adopt a
7 resolution specifying the district assessment option and
8 levying and assessing all the property within the several
9 districts with an amount equal to not less than 75% of the
10 entire cost of said work.

11 (2) The resolution levying the assessment to defray
12 the cost of maintenance shall contain or refer to a list in
13 which shall be described the lot or parcel of land assessed,
14 with the name of the owner thereof if known, and the amount
15 levied thereon set opposite.

16 (3) Such resolution shall be kept on file in the
17 office of the city clerk."

18 Section 4. Section 7-12-4428, MCA, is amended to read:

19 "7-12-4428. Assessment of costs of improvements and
20 maintenance of improvements. Cities and towns are authorized
21 to assess the cost of the work, improvements, and
22 maintenance authorized by 7-12-4405 against the property in
23 maintenance districts in the manner and as provided in
24 7-12-4421 ~~through--7-12-4424~~ and 7-12-4422 to meet the
25 payments required to be made each year."

1 NEW SECTION. Section 5. Repealer. Sections 7-12-4423

2 and 7-12-4424, MCA, are repealed.

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4 effective July 1, 1985.

-End-

SENATE STANDING COMMITTEE REPORT

April 5, 1985

MR. PRESIDENT

We, your committee on Taxation
having had under consideration House Bill No. 625
third reading copy (blue)
color

(Senator Hager)

INCREASED ASSESSMENT OPTIONS FOR STREET MAINTENANCE DISTRICTS.

Respectfully report as follows: That House Bill No. 625

be amended as follows:

1. Title, line 6.

Following: "DISTRICTS;"

Insert: "REVISING THE METHOD OF MEASURING PROTEST VOTES;"

Following: "SECTIONS"

Insert: "7-12-4407,"

2. Page 3.

Following: line 25

Insert: "Section 5. Section 7-12-4407, MCA is amended to read:

"7-12-4407. Protest against ordinance for improvements. ~~If 40% or more of the abutting property owners protest in writing to said city or town council against the passage of said proposed ordinance~~ a written protest against passage of the proposed ordinance is filed by owners of property within the proposed maintenance district having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of property within the district or a written protest against passage of the proposed ordinance is filed by not less than 50% of the owners of property within the district, then no further action shall be taken upon the proposed district for 1 year." "

Renumber: subsequent sections

AND AS AMENDED
BE CONCURRED IN

XXXXXX

XXXXXXXXXX


.....
Senator Thomas E. Towe, Chairman.

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25 district as follows:

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

6 (2) each lot or parcel of land within such district
7 abutting upon a street upon which maintenance is done may be
8 assessed for that part of the cost which its street frontage
9 bears to the street frontage of the entire district;

10 (3) if the city council determines that the benefits
11 derived from the maintenance by each lot or parcel are
12 substantially equivalent, the cost may be assessed equally
13 to each lot or parcel located within the district without
14 regard to the area of the lot or parcel; OR

15 ~~(4) --each--lot--or--parcel--of--land--including--the~~
16 ~~improvements--thereon--may--be--assessed--for--that--part--of--the~~
17 ~~cost--of--the--district--which--its--taxable--valuation--bears--to~~
18 ~~the--total--taxable--valuation--of--the--property--of--the--district;~~

19 or

20 (4) EACH LOT OR PARCEL OF LAND, INCLUDING THE
21 IMPROVEMENTS THEREON, MAY BE ASSESSED FOR THAT PART OF THE
22 COST OF THE DISTRICT WHICH ITS TAXABLE VALUATION BEARS TO
23 THE TOTAL TAXABLE VALUATION OF THE PROPERTY OF THE DISTRICT;

24 OR

25 ~~(5)+(4)(5) by using any combination of the assessment~~

1 options provided in subsections (1) through (4)."

2 Section 3. Section 7-12-4425, MCA, is amended to read:

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19 Section 4. Section 7-12-4428, MCA, is amended to read:

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5 ~~owners protest in writing to said city or town council~~
6 ~~against the passage of said proposed ordinance a written~~
7 ~~protest against passage of the proposed ordinance is filed~~
8 ~~by owners of property within the proposed maintenance~~
9 ~~district having a taxable valuation, when aggregated,~~
10 ~~representing not less than 50% of the total taxable~~
11 ~~valuation of property within the district or a written~~
12 ~~protest against passage of the proposed ordinance is filed~~
13 ~~by not less than 50% of the owners of property within the~~
14 ~~district, then no further action shall be taken upon the~~
15 ~~proposed district for 1 year."~~

16 SECTION 5. SECTION 7-12-4407, MCA, IS AMENDED TO READ:

17 "7-12-4407. Protest against ordinance for
18 improvements. If 40% or more of the abutting property owners
19 protest in writing to said city or town council against the
20 passage of said proposed ordinance, then no further action
21 shall be taken upon the proposed district for 1 year. No
22 further action shall be taken upon the proposed district for
23 1 year if a written protest against passage of the proposed
24 ordinance is filed by:

25 (1) owners of property within the proposed maintenance

1 district having a taxable valuation, when aggregated,
2 representing not less than 50% of the total taxable
3 valuation of property within the district;

4 (2) not less than 50% of the owners of property within
5 the district; or

6 (3) owners of property within the proposed maintenance
7 district having projected assessments, when aggregated,
8 representing not less than 50% of the total projected
9 assessments for property within the district."

10 NEW SECTION. Section 6. Repealer. Sections 7-12-4423
11 and 7-12-4424, MCA, are repealed.

12 NEW SECTION. Section 7. Effective date. This act is
13 effective July 1, 1985.

-End-