HB 412 INTRODUCED BY HANNAH

ALLOW LESS SPECIAL IMPROVEMENT DISTRICT/RURAL SPECIAL IMPROVEMENT DISTRICT ASSESSMENT FOR TEMPORARY LACK OF IMPROVEMENT BENEFIT

- 1/23 INTRODUCED
- 1/23 REFERRED TO TAXATION

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2/11 HEARING

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- 2/23 COMMITTEE REPORT--BILL NOT PASSED
- 2/24 ADVERSE COMMITTEE REPORT ADOPTED BB 1

LC 0373/01

House BILL NO. 412 1 1 2 2 3 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PROPERTY 4 5 WITHIN A RURAL SPECIAL IMPROVEMENT DISTRICT OR A SPECIAL 5 IMPROVEMENT DISTRICT TO BE EXEMPTED FROM ALL OR PART OF AN 6 6 7 IF THE BOARD OF COUNTY FOR IMPROVEMENTS 7 ASSESSMENT 8 COMMISSIONERS OR CITY COUNCIL DETERMINES THAT THE PROPERTY 8 9 TEMPORARILY GETS NO BENEFIT, OR RECEIVES REDUCED BENEFIT, 9 10 FROM THE IMPROVEMENT: AND AMENDING SECTIONS 7-12-2151 AND 10 11 11 7-12-4161, MCA." 12 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 14 Section 1. Section 7-12-2151, MCA, is amended to read: 14 15 "7-12-2151. Assessment of costs. (1) To defray the 15 16 cost of making or acquiring any of the improvements provided 16 17 for in this part, including incidental expenses, the board 17 18 of county commissioners shall assess the entire cost of the 18 19 improvements against benefited lots, tracts, or parcels of 19 20 land in the district, based upon the benefits received, and 20 21 shall adopt one or any combination of the following methods 21 22 of assessment for each improvement made or acquired for the 22 23 23 benefit of the district: 24 24 (a) Each lot, tract, or parcel of land assessed in 25 such district may be assessed with that part of the whole 25

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cost which its assessable area bears to the assessable area of all the benefited lots, tracts, or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection (1)(a), "assessable area" means an area of a lot, tract, or parcel of land representing the benefit conferred upon the lot, tract, or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot, tract, or parcel.

(b) Each lot, tract, or parcel of land assessed in the district may be assessed with that part of the whole cost of the improvement based upon the assessed value of the benefited lots or pieces of land within said district, if the board determines such assessment to be equitable in proportion to and not exceeding the benefits received from the improvement by the lot, tract, or parcel.

17 (c) Each lot, tract, or parcel of land in the district 18 abutting upon the street where the improvement has been made 19 may be assessed in proportion to its lineal feet abutting 20 the street.

21 (d) Each lot, tract, or parcel of land in the district 22 served by a utility connection may be assessed an equitable 23 lump sum for the connection based on the bid price in the 24 applicable contract.

25 (2) The board may use one or any combination of

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1 methods of assessment in a single special improvement 2 district and, if more than one improvement is undertaken, 3 need not assess each lot, tract, or parcel in the district 4 for the cost of all the improvements.

5 (3) The board in its discret... shall have the power 6 to pay the whole or any part of the cost of any street, 7 avenue, or alley intersection out of any funds in its hands 8 available for that purpose or to include the whole or any 9 part of such costs within the amount of the assessment to be 10 paid by the benefited property in the district.

11 (4) The board may, for the purposes of annual 12 assessment, determine that property temporarily receives a 13 reduced benefit or no benefit from the improvement. Such a 14 determination must be based upon temporary conditions 15 affecting the property, such as an undeveloped condition, or 16 based upon temporary conditions that prevent the be 17 improvement from benefiting the property, such as 18 uncompleted construction. The board may, upon application of 19 a property owner, exempt from such property all or part of 20 the assessment for the cost of the improvements. Upon 21 termination of the condition that reduced or eliminated 22 benefit to the property, the board shall fully assess the 23 property."

Section 2. Section 7-12-4161, MCA, is amended to read:
"7-12-4161. Choice in manner of assessing costs. (1)

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Except as provided in subsection (2), to defray the cost of making or acquiring any of the improvements provided for in this part, including incidental expenses, the city council or commission shall adopt one of the methods of assessment, where applicable, provided in 7-12-4162 through 7-12-4165 for each improvement to be made or acquired for the benefit of the district.

8 (2) The city council may use one or any combination of 9 methods of assessment in a single special improvement 10 district, and if more than one improvement is undertaken, 11 each lot or parcel of land in the district need not be 12 assessed for the cost of all the improvements.

13 (3) The council may, for the purposes of annual 14 assessment, determine that property temporarily receives a 15 reduced benefit or no benefit from the improvement. Such a 16 determination must be based upon temporary conditions 17 affecting the property, such as an undeveloped condition, or 18 be based upon temporary conditions that prevent the 19 improvement from benefiting the property, such as 20 uncompleted construction. The council may, upon application 21 of a property owner, exempt from such property all or part 22 of the assessment for the cost of the improvements. Upon 23 termination of the condition that reduced or eliminated 24 benefit to the property, the council shall fully assess the 25 property."

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