

SENATE BILL NO. 309

INTRODUCED BY MAZUREK, O'CONNELL, J. BROWN

IN THE SENATE

FEBRUARY 6, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON TAXATION.

FEBRUARY 12, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 13, 1987 PRINTING REPORT.

FEBRUARY 16, 1987 SECOND READING, DO PASS.

FEBRUARY 17, 1987 ENGROSSING REPORT.

FEBRUARY 18, 1987 THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

MARCH 11, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 14, 1987 SECOND READING, CONCURRED IN.

MARCH 16, 1987 THIRD READING, CONCURRED IN.
AYES, 97; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1987 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 Senate BILL NO. 309
 2 INTRODUCED BY *Mark Russell Johnson*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE BASIS FOR
 5 ASSESSING PROPERTY IN STREET MAINTENANCE DISTRICTS; AND
 6 AMENDING SECTION 7-12-4422, MCA."
 7

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

9 Section 1. Section 7-12-4422, MCA, is amended to read:
 10 "7-12-4422. Assessment of costs -- area, frontage,
 11 lot, and taxable valuation options.

12 (1) For the purposes of this section, "assessable area"
 13 means the portion of a lot or parcel of land that is
 14 benefited by the maintenance district. The assessable area
 15 may be less than but may not exceed the actual area of the
 16 lot or parcel.

17 (2) The city council shall assess the percentage of
 18 the cost of maintenance established in 7-12-4425 against the
 19 entire district as follows:

20 (1)(a) each lot or parcel of land within such district
 21 may be assessed for that part of the cost which its
 22 assessable area bears to the assessable area of the entire
 23 district, exclusive of streets, avenues, alleys, and public
 24 places;

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

1 abutting upon a street upon which maintenance is done may be
 2 assessed for that part of the cost which its street frontage
 3 bears to the street frontage of the entire district;

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

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

14 (e) each lot or parcel of land may be assessed for
 15 part of the cost of the district in proportion to the trip
 16 generation factor of that lot or parcel, using established
 17 standards of the institute of transportation engineers; or

18 (5)(f) by-using any combination of the assessment
 19 options provided in subsections (1) (2)(a) through (4)
 20 (2)(e) may be used for the district as a whole or for any
 21 lot or parcel within the district."

-End-



APPROVED BY COMMITTEE
ON TAXATION

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Section 1. Section 7-12-4422, MCA, is amended to read: "7-12-4422. Assessment of costs -- area, frontage, lot, and taxable valuation options.

(1) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(2) The city council shall assess the percentage of the cost of maintenance established in 7-12-4425 against the entire district as follows:

(a) each lot or parcel of land within such district may be assessed for that part of the cost which its assessable area bears to the assessable area of the entire district, exclusive of streets, avenues, alleys, and public places;

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

abutting upon a street upon which maintenance is done may be assessed for that part of the cost which its street frontage bears to the street frontage of the entire district;

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

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

~~(e) each lot or parcel of land may be assessed for part of the cost of the district in proportion to the trip generation factor of that lot or parcel, using established standards of the institute of transportation engineers, or~~

(f)(E) by using any combination of the assessment options provided in subsections (a) (2)(a) through (d) (2)(e)(D) may be used for the district as a whole or for any lot or parcel within the district."

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(a) each lot or parcel of land within such district may be assessed for that part of the cost which its assessable area bears to the assessable area of the entire district, exclusive of streets, avenues, alleys, and public places;

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