

HOUSE BILL NO. 364

INTRODUCED BY MERCER, HARDING

IN THE HOUSE

JANUARY 27, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

FEBRUARY 17, 1993

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

FEBRUARY 18, 1993

CONSENT CALENDAR, QUESTIONS AND ANSWERS.

ENGROSSING REPORT.

FEBRUARY 19, 1993

THIRD READING, PASSED.
AYES, 96; NOES, 0.

FEBRUARY 22, 1993

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

MARCH 17, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 18, 1993

SECOND READING, CONCURRED IN.

MARCH 19, 1993

THIRD READING, CONCURRED IN.
AYES, 42; NOES, 5.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 20, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 364
2 INTRODUCED BY Melvin Harding
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY
5 COMMISSIONERS TO ASSESS PROPERTY WITHIN A RURAL IMPROVEMENT
6 DISTRICT IN EQUAL AMOUNTS BASED ON THE TOTAL COST OF THE
7 IMPROVEMENT; AND AMENDING SECTION 7-12-2151, MCA."
8

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

10 **Section 1.** Section 7-12-2151, MCA, is amended to read:

11 "7-12-2151. **Assessment of costs.** (1) To defray the cost
12 of making or acquiring any of the improvements provided for
13 in this part, including incidental expenses, the board of
14 county commissioners shall assess the entire cost of the
15 improvements against benefited lots, tracts, or parcels of
16 land in the district, based upon the benefits received, and
17 shall adopt one or any combination of the following methods
18 of assessment for each improvement made or acquired for the
19 benefit of the district:

20 (a) Each lot, tract, or parcel of land assessed in such
21 the district may be assessed with that part of the whole
22 cost which its assessable area bears to the assessable area
23 of all the benefited lots, tracts, or parcels in the
24 district, exclusive of streets, avenues, alleys, and public
25 places. For the purposes of this subsection (1)(a),

1 "assessable area" means an area of a lot, tract, or parcel
2 of land representing the benefit conferred upon the lot,
3 tract, or parcel by the improvement. Assessable area may be
4 less than but may not exceed the actual area of the lot,
5 tract, or parcel.

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

13 (c) Each lot, tract, or parcel of land in the district
14 abutting upon the street where the improvement has been made
15 may be assessed in proportion to its lineal feet abutting
16 the street.

17 (d) Each lot, tract, or parcel of land in the district
18 may be assessed an equal amount based upon the total cost of
19 the improvement.

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

24 (2) The board may use one or any combination of methods
25 of assessment in a single special improvement district and,

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

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

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 364

2 INTRODUCED BY MERCER, HARDING

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY
5 COMMISSIONERS TO ASSESS PROPERTY WITHIN A RURAL IMPROVEMENT
6 DISTRICT AND WITHIN A ROAD IMPROVEMENT DISTRICT IN EQUAL
7 AMOUNTS BASED ON THE TOTAL COST OF THE IMPROVEMENT; ALLOWING
8 A CITY COUNCIL OR COMMISSION TO ASSESS PROPERTY WITHIN A
9 SPECIAL IMPROVEMENT DISTRICT IN EQUAL AMOUNTS BASED ON THE
10 TOTAL COST OF THE IMPROVEMENT; AND AMENDING SECTION SECTIONS
11 7-12-2151, 7-12-4162, AND 7-14-2907, MCA."
12

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

14 Section 1. Section 7-12-2151, MCA, is amended to read:

15 "7-12-2151. Assessment of costs. (1) To defray the cost
16 of making or acquiring any of the improvements provided for
17 in this part, including incidental expenses, the board of
18 county commissioners shall assess the entire cost of the
19 improvements against benefited lots, tracts, or parcels of
20 land in the district, based upon the benefits received, and
21 shall adopt one or any combination of the following methods
22 of assessment for each improvement made or acquired for the
23 benefit of the district:

24 (a) Each lot, tract, or parcel of land assessed in such
25 the district may be assessed with that part of the whole

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

10 (b) Each lot, tract, or parcel of land assessed in the
11 district may be assessed with that part of the whole cost of
12 the improvement based upon the assessed value of the
13 benefited lots or pieces of land within said the district,
14 if the board determines such the assessment to be equitable
15 in proportion to and not exceeding the benefits received
16 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 may be assessed an equal amount based upon the total cost of
23 the improvement.

24 ~~(d)~~ (e) Each lot, tract, or parcel of land in the
25 district served by a utility connection may be assessed an

equitable lump sum for the connection based on the bid price in the applicable contract.

(2) The board may use one or any combination of methods of assessment in a single special improvement district and, if more than one improvement is undertaken, need not assess each lot, tract, or parcel in the district for the cost of all the improvements.

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

SECTION 2. SECTION 7-12-4162, MCA, IS AMENDED TO READ:

"7-12-4162. Assessment of costs -- area option -- assessed valuation option -- equal amount option. (1) (a) The city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection, "assessable area" means an area of a lot or parcel of land representing the benefit

conferred on the lot or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot or parcel.

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

(c) In order to equitably apportion the cost of any of the improvements herein provided for between that land within the district which lies within 25 feet of the line of the street on which the improvement is to be made and all other benefited land within the district, the council or commission may, in the resolution creating any improvement district, provide that the amount of the assessment against the property in such district to defray the cost of such improvements shall be so assessed that each square foot of land within the district lying within 25 feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other benefited land within the district shall bear.

1 (2) The city council or city commission may assess the
2 cost of an improvement against each lot or parcel of land in
3 the district based on the assessed value of the benefited
4 lots or parcels of land within the district if the council
5 or commission determines such assessment to be equitable and
6 in proportion to and not exceeding the benefits derived from
7 the improvement by the lot or parcel.

8 (3) The city council or city commission may assess each
9 lot or parcel of land in the district an equal amount based
10 upon the total cost of the improvement."

11 **SECTION 3. SECTION 7-14-2907, MCA, IS AMENDED TO READ:**

12 "7-14-2907. Cost of road improvement districts --
13 property owner assessments. (1) The cost of operating a road
14 improvement district must be assessed upon all the benefited
15 property in the district based upon the benefits received,
16 and the board of county commissioners shall adopt one or any
17 combination of the following methods of assessment for
18 improvements made for the benefit of the district:

19 (a) Each parcel of benefited property assessed in such
20 district may be assessed with that part of the whole cost
21 which its assessable area bears to the assessable area of
22 all the benefited parcels in the district, exclusive of
23 roads and public places. For the purposes of this subsection
24 (1)(a), "assessable area" means an area of a parcel of
25 benefited property representing the benefit conferred upon

1 the parcel by the improvement. Assessable area may be less
2 than but may not exceed the actual area of the parcel.

3 (b) Each parcel of benefited property assessed in the
4 district may be assessed with that part of the whole cost of
5 the improvement based upon the assessed value of the
6 benefited parcels of land within said district if the board
7 determines such assessment to be equitable in proportion to
8 and not exceeding the benefits received from the improvement
9 by the parcel.

10 (c) Each parcel of benefited property in the district
11 abutting upon the road where the improvement has been made
12 may be assessed in proportion to its lineal feet abutting
13 the road.

14 (d) Each parcel of benefited property in the district
15 may be assessed an equal amount based upon the total cost of
16 the improvement.

17 (2) The board may use one or any combination of methods
18 of assessment in a single road improvement district and, if
19 more than one improvement is undertaken, need not assess
20 each parcel of benefited property in the district for the
21 cost of all the improvements.

22 (3) Not later than the first Monday in September of
23 each year, the board of county commissioners shall adopt a
24 resolution levying and assessing upon all the benefited
25 property in the district an amount equal to the total amount

1 necessary for district operations. The amount necessary for
2 district operations is the total of:

3 (a) (i) the estimated amount for improvements as
4 authorized in 7-14-2903; and

5 (ii) the amount necessary to pay for debts for
6 authorized improvements that cost more than estimated in
7 previous years;

8 (b) less any amount in the road improvement district
9 fund, as provided for in 7-14-2908, that may be unspent,
10 unencumbered, and available for district use.

11 (4) (a) It is the duty of the county treasurer to
12 collect the assessments in the same manner and at the same
13 time as taxes for general purposes are collected.

14 (b) When an assessment becomes delinquent, the unpaid
15 amount becomes a lien on the assessed parcel of land. The
16 collection of delinquent assessments or enforcement of a
17 lien may be made by any method authorized by law for the
18 collection or payment of taxes."

-End-

HOUSE BILL NO. 364

INTRODUCED BY MERCER, HARDING

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY COMMISSIONERS TO ASSESS PROPERTY WITHIN A RURAL IMPROVEMENT DISTRICT AND WITHIN A ROAD IMPROVEMENT DISTRICT IN EQUAL AMOUNTS BASED ON THE TOTAL COST OF THE IMPROVEMENT; ALLOWING A CITY COUNCIL OR COMMISSION TO ASSESS PROPERTY WITHIN A SPECIAL IMPROVEMENT DISTRICT IN EQUAL AMOUNTS BASED ON THE TOTAL COST OF THE IMPROVEMENT; AND AMENDING SECTION SECTIONS 7-12-2151, 7-12-4162, AND 7-14-2907, MCA."

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

Section 1. Section 7-12-2151, MCA, is amended to read:

"7-12-2151. **Assessment of costs.** (1) To defray the cost of making or acquiring any of the improvements provided for in this part, including incidental expenses, the board of county commissioners shall assess the entire cost of the improvements against benefited lots, tracts, or parcels of land in the district, based upon the benefits received, and shall adopt one or any combination of the following methods of assessment for each improvement made or acquired for the benefit of the district:

(a) Each lot, tract, or parcel of land assessed in such the district may be assessed with that part of the whole

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 the district, if the board determines such the assessment to be equitable in proportion to and not exceeding the benefits received from the improvement by the lot, tract, or parcel.

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

(d) Each lot, tract, or parcel of land in the district may be assessed an equal amount based upon the total cost of the improvement.

~~(d)~~(e) Each lot, tract, or parcel of land in the district served by a utility connection may be assessed an

equitable lump sum for the connection based on the bid price in the applicable contract.

(2) The board may use one or any combination of methods of assessment in a single special improvement district and, if more than one improvement is undertaken, need not assess each lot, tract, or parcel in the district for the cost of all the improvements.

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

SECTION 2. SECTION 7-12-4162, MCA, IS AMENDED TO READ:

"7-12-4162. Assessment of costs -- area option -- assessed valuation option -- equal amount option. (1) (a) The city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection, "assessable area" means an area of a lot or parcel of land representing the benefit

conferred on the lot or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot or parcel.

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

(c) In order to equitably apportion the cost of any of the improvements herein provided for between that land within the district which lies within 25 feet of the line of the street on which the improvement is to be made and all other benefited land within the district, the council or commission may, in the resolution creating any improvement district, provide that the amount of the assessment against the property in such district to defray the cost of such improvements shall be so assessed that each square foot of land within the district lying within 25 feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other benefited land within the district shall bear.

(2) The city council or city commission may assess the cost of an improvement against each lot or parcel of land in the district based on the assessed value of the benefited lots or parcels of land within the district if the council or commission determines such assessment to be equitable and in proportion to and not exceeding the benefits derived from the improvement by the lot or parcel.

(3) The city council or city commission may assess each lot or parcel of land in the district an equal amount based upon the total cost of the improvement."

SECTION 3. SECTION 7-14-2907, MCA, IS AMENDED TO READ:

"7-14-2907. Cost of road improvement districts -- property owner assessments. (1) The cost of operating a road improvement district must be assessed upon all the benefited property in the district based upon the benefits received, and the board of county commissioners shall adopt one or any combination of the following methods of assessment for improvements made for the benefit of the district:

(a) Each parcel of benefited property assessed in such district may be assessed with that part of the whole cost which its assessable area bears to the assessable area of all the benefited parcels in the district, exclusive of roads and public places. For the purposes of this subsection (1)(a), "assessable area" means an area of a parcel of benefited property representing the benefit conferred upon

the parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the parcel.

(b) Each parcel of benefited property 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 parcels 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 parcel.

(c) Each parcel of benefited property in the district abutting upon the road where the improvement has been made may be assessed in proportion to its lineal feet abutting the road.

(d) Each parcel of benefited property in the district may be assessed an equal amount based upon the total cost of the improvement.

(2) The board may use one or any combination of methods of assessment in a single road improvement district and, if more than one improvement is undertaken, need not assess each parcel of benefited property in the district for the cost of all the improvements.

(3) Not later than the first Monday in September of each year, the board of county commissioners shall adopt a resolution levying and assessing upon all the benefited property in the district an amount equal to the total amount

1 necessary for district operations. The amount necessary for
2 district operations is the total of:

3 (a) (i) the estimated amount for improvements as
4 authorized in 7-14-2903; and

5 (ii) the amount necessary to pay for debts for
6 authorized improvements that cost more than estimated in
7 previous years;

8 (b) less any amount in the road improvement district
9 fund, as provided for in 7-14-2908, that may be unspent,
10 unencumbered, and available for district use.

11 (4) (a) It is the duty of the county treasurer to
12 collect the assessments in the same manner and at the same
13 time as taxes for general purposes are collected.

14 (b) When an assessment becomes delinquent, the unpaid
15 amount becomes a lien on the assessed parcel of land. The
16 collection of delinquent assessments or enforcement of a
17 lien may be made by any method authorized by law for the
18 collection or payment of taxes."

-End-