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INTRODUCED BY _____

White ~~House~~ BILL NO. 220

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ASSESSMENTS THAT MAY BE IMPOSED FOR A SPECIAL IMPROVEMENT LIGHTING DISTRICT; ALLOWING A CITY OR TOWN COUNCIL TO ASSESS PROPERTY WITHIN A SPECIAL IMPROVEMENT LIGHTING DISTRICT IN EQUAL ASSESSMENTS FOR THE COST OF INSTALLATION OF IMPROVEMENTS OR FOR THE COST OF MAINTENANCE AND OPERATION OF THE DISTRICT; AMENDING SECTIONS 7-12-4324, 7-12-4328, AND 7-12-4333, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-12-4324, MCA, is amended to read:

"7-12-4324. Assessment of costs -- frontage or equal assessment option. (1) The city council shall assess the cost of the improvements against the entire district. The council may assess each lot or parcel of land within the district bordering or abutting upon the streets ~~whereon or wherein~~ where the improvement has been made to bear costs:

(a) in proportion to the lineal feet abutting or bordering the streets; or

(b) in equal assessments based on the total costs to be assessed in the district.

(2) The council, in its discretion, may:

(a) pay the whole all or any a part of the cost of any street, avenue, or alley intersection out of any funds ~~in its hands~~ available for that purpose; or

(b) include the whole all or any a part of such the costs ~~within the amount of~~ in the assessment to be paid by the property in the district."

Section 2. Section 7-12-4328, MCA, is amended to read:

"7-12-4328. Resolution to provide for assessment of costs of installation. (1) ~~It shall be the duty of the~~ The city or town council shall ascertain the cost of installing ~~such the~~ the lighting system and shall, on or before the first Monday in October, ~~to pass and finally~~ adopt a resolution levying and assessing all of the property embraced within ~~said the~~ the district with all or any portion of the entire cost of installing the

1 ~~same lighting system;~~ Each lot or parcel of land in ~~said the~~ district ~~to~~ must be assessed in accordance
 2 with the method adopted by the city council as provided in 7-12-4321 through 7-12-4324.

3 (2) ~~Any such~~ For the purposes of determining the total assessment and the amount to be levied
 4 against property in the district, the resolution shall must contain a list ~~in which shall be described of~~
 5 property that includes:

6 (a) ~~each lot or parcel of land, either the total number of square feet of property contained therein~~
 7 of each lot or parcel;

8 (b) the total number of linear feet of each lot or parcel abutting the improvements;

9 (c) ~~as may be required to determine the total assessment in the district, and the amount levied~~
 10 against each lot or parcel of land set opposite the taxable valuation of each property subject to assessment
 11 in the district; or

12 (d) the total number of lots or parcels subject to equal assessments.

13 (3) ~~Such~~ The resolution, signed by the mayor and city clerk, shall must be kept on file in the office
 14 of the city clerk."

15

16 **Section 3.** Section 7-12-4333, MCA, is amended to read:

17 "**7-12-4333. Procedure for resolution for assessment of maintenance costs.** (1) ~~Said~~ Except as
 18 provided in subsection (2), the resolution levying and assessing ~~said the~~ portion of the cost of maintenance
 19 and for furnishing electrical current ~~therefor shall~~ must be prepared and certified to in the same manner as
 20 the resolution provided for in 7-12-4328 through 7-12-4330, and the same notice and hearing ~~shall~~ must
 21 be given ~~thereon~~. This resolution ~~shall~~ must be adopted and certified and the assessment collected in the
 22 same manner, ~~as nearly as may be, in the case of~~ as the resolution provided for in 7-12-4328 through
 23 7-12-4331.

24 (2) In the resolution, the city or town council may impose equal assessments on property within
 25 the district, as provided in 7-12-4324(1)(b), for the cost of maintaining the lights and for furnishing
 26 electrical current. Equal assessments may be imposed even if the area or taxable valuation option, as
 27 provided in 7-12-4323, or the frontage option, as provided in 7-12-4324(1)(a), has been used to assess
 28 the cost of the installation of improvements."

29

30 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 1995.

--END--

- 2 -

HOUSE BILL NO. 220
INTRODUCED BY ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE FOR ASSESSMENTS AND THE ASSESSMENTS THAT MAY BE IMPOSED FOR A SPECIAL IMPROVEMENT LIGHTING DISTRICT; ALLOWING A CITY OR TOWN COUNCIL TO ASSESS PROPERTY WITHIN A SPECIAL IMPROVEMENT LIGHTING DISTRICT IN EQUAL ASSESSMENTS FOR THE COST OF INSTALLATION OF IMPROVEMENTS OR FOR THE COST OF MAINTENANCE AND OPERATION OF THE DISTRICT; AMENDING SECTIONS 7-12-4324, 7-12-4328, AND 7-12-4333, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-12-4324, MCA, is amended to read:

"7-12-4324. Assessment of costs -- frontage or equal assessment option. (1) The city council shall assess the cost of the improvements against the entire district, The council may assess each lot or parcel of land within the district bordering or abutting upon the streets ~~whereon or wherein~~ where the improvement has been made to bear costs:

- (a) in proportion to the lineal feet abutting or bordering the streets; or
- (b) in equal assessments based on the total costs to be assessed in the district.

(2) The council, in its discretion, may:

- (a) pay the whole all or any a part of the cost of any street, avenue, or alley intersection out of any funds ~~in its hands~~ available for that purpose; or
- (b) include the whole all or any a part of ~~such the~~ costs ~~within the amount of~~ in the assessment to be paid by the property in the district."

Section 2. Section 7-12-4328, MCA, is amended to read:

"7-12-4328. Resolution to provide for assessment of costs of installation. (1) ~~It shall be the duty of the~~ The city or town council to shall ascertain the cost of installing ~~such the~~ lighting system and shall, on or before the first Monday in October, ~~to pass and finally~~ adopt a resolution levying and assessing all of the property embraced within ~~said~~ the district with all or any portion of the entire cost of installing the

1 ~~same lighting system.~~ ~~each~~ Each lot or parcel of land in ~~said~~ the district ~~to~~ must be assessed in
 2 accordance with the method adopted by the city council as provided in 7-12-4321 through 7-12-4324.

3 (2) ~~Any such~~ For the purposes of determining the total assessment and the amount to be levied
 4 against property in the district, the resolution shall must contain a list ~~in which shall be described of~~
 5 property that includes:

6 (a) ~~each lot or parcel of land, either the total number of square feet of property contained therein~~
 7 of each lot or parcel;

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 10 against each lot or parcel of land set opposite the taxable valuation of each property subject to assessment
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12 (d) the total number of lots or parcels subject to equal assessments.

13 (3) ~~Such~~ The resolution, signed by the mayor and city clerk, ~~shall~~ must be kept on file in the office
 14 of the city clerk.

15 (4) THE METHOD OF ASSESSMENT ADOPTED IN THE RESOLUTION MAY NOT BE MODIFIED
 16 UNLESS APPROVED BY THE OWNERS OF A MAJORITY OF THE PROPERTY WITHIN THE DISTRICT."

17
 18 **Section 3.** Section 7-12-4333, MCA, is amended to read:

19 "7-12-4333. Procedure for resolution for assessment of maintenance costs. (1) ~~Said~~ Except as
 20 provided in subsection (2), the resolution levying and assessing said the portion of the cost of maintenance
 21 and for furnishing electrical current ~~therefor shall~~ must be prepared and certified to in the same manner
 22 as the resolution provided for in 7-12-4328 through 7-12-4330, and the same notice and hearing ~~shall~~
 23 must be given ~~thereon~~. This resolution ~~shall~~ must be adopted and certified and the assessment collected
 24 in the same manner, ~~as nearly as may be, in the case of~~ as the resolution provided for in 7-12-4328
 25 through 7-12-4331.

26 (2) In the resolution, the city or town council may impose equal assessments on property within
 27 the district, as provided in 7-12-4324(1)(b), for the cost of maintaining the lights and for furnishing
 28 electrical current. Equal assessments may be imposed even if the area or taxable valuation option, as
 29 provided in 7-12-4323, or the frontage option, as provided in 7-12-4324(1)(a), has been used to assess
 30 the cost of the installation of improvements.

1 ~~(3) THE METHOD OF ASSESSMENT ADOPTED IN THE RESOLUTION MAY NOT BE MODIFIED~~
2 ~~UNLESS APPROVED BY THE OWNERS OF A MAJORITY OF THE PROPERTY WITHIN THE DISTRICT."~~

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4 NEW SECTION. Section 4. **Effective date.** [This act] is effective July 1, 1995.

5

-END-

1 HOUSE BILL NO. 220

2 INTRODUCED BY ELLIOTT

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE FOR ASSESSMENTS AND THE
 5 ASSESSMENTS THAT MAY BE IMPOSED FOR A SPECIAL IMPROVEMENT LIGHTING DISTRICT;
 6 ALLOWING A CITY OR TOWN COUNCIL TO ASSESS PROPERTY WITHIN A SPECIAL IMPROVEMENT
 7 LIGHTING DISTRICT IN EQUAL ASSESSMENTS FOR THE COST OF INSTALLATION OF IMPROVEMENTS
 8 OR FOR THE COST OF MAINTENANCE AND OPERATION OF THE DISTRICT; AMENDING SECTIONS
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 17 improvement has been made to bear costs:

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 29 on or before the first Monday in October, ~~to pass and finally~~ adopt a resolution levying and assessing all
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