

SENATE BILL NO. 130

INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING MOBILE HOMES IN THE TAXABLE VALUATION OPTION FOR ASSESSING THE COSTS OF STREET LIGHTING DISTRICTS; AMENDING SECTIONS 7-12-4323 AND 7-12-4328, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-12-4323, MCA, is amended to read:

"7-12-4323. Assessment of costs -- area or taxable valuation option. (1) The city council may assess the entire cost of ~~such the~~ improvement against the entire district, ~~each lot or parcel of land within such district to be assessed~~ for that part of the whole cost ~~which its~~ that:

(a) the area of each lot or parcel of land in the district bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places; or

(b) the taxable valuation, including improvements, of each lot or parcel and any improvement or mobile home on the lot or parcel bears to the taxable valuation of the entire district.

(2) The council, ~~in its discretion, shall have the power to~~ may:

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

(3) In order to apportion the cost of any of the improvements provided in this part between the corner lot and the inside lots of any block, the council may, in the resolution creating any district, provide that whenever any of the improvements provided in this part ~~shall be~~ are along any side street or bordering or abutting upon the side of any corner lot of any block, the amount of the assessment against the property in ~~such the~~ district to defray the cost of ~~such the~~ improvements ~~shall~~ must be ~~so~~ assessed so that each square foot of the land embraced within any ~~such~~ corner lot ~~shall bear~~ bears double the amount of the cost of ~~such the~~ improvement that a square foot of any inside lot ~~shall bear~~ bears."

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

2 **"7-12-4328. Resolution to provide for assessment of costs of installation.** (1) ~~It shall be the duty~~
 3 ~~of the~~ The city or town council ~~to shall~~ ascertain the cost of installing ~~such the~~ lighting system and shall,
 4 on or before the first Monday in October, ~~to pass and finally~~ adopt a resolution levying and assessing all
 5 of the property embraced within ~~said the~~ district with all or any portion of the entire cost of installing the
 6 ~~same lighting system;~~ ~~each~~ Each lot or parcel of land in ~~said the~~ district ~~to must~~ be assessed in accordance
 7 with the method adopted by the city council as provided in 7-12-4321 through 7-12-4324.

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

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

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

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

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

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20 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 1995.

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