

1 SENATE BILL NO. 1

2 INTRODUCED BY B. TUTVEDT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RECALCULATION OF THE AMOUNT ASSESSABLE
5 TO EACH LOT, TRACT, OR PARCEL IN A RURAL SPECIAL IMPROVEMENT DISTRICT IF THE NUMBER OF
6 LOTS, TRACTS, OR PARCELS CHANGES; AMENDING SECTION 7-12-2151, MCA; AND PROVIDING AN
7 EFFECTIVE DATE."

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

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

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

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

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

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

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

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

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

9 (4) (a) If a change occurs in the number of benefited lots, tracts, or parcels within the boundaries of a
10 district established as provided in this part, the board shall recalculate the amount assessable to each lot, tract,
11 or parcel.

12 (b) In recalculating the amount assessable to each lot, tract, or parcel, the board shall:

13 (i) use the same method or methods for assessment specified in the resolution of intention required
14 under 7-12-2103; and

15 (ii) base the recalculation on the amount of the district's outstanding bonded indebtedness and the
16 number of benefited lots, tracts, or parcels within the boundaries of the district on January 1 following the action
17 that resulted in the change in the number of benefited lots, tracts, or parcels."

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19 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2011.

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