AN ACT GENERALLY REVISING LAWS RELATED TO COUNTY WATER AND/OR SEWER DISTRICTS; PROVIDING ADDITIONAL ASSESSMENT METHODS FOR PROPERTY ANNEXED INTO A COUNTY WATER AND/OR SEWER DISTRICT; CLARIFYING THAT NEWLY ANNEXED PROPERTY MAY BE INCLUDED IN EXISTING ASSESSMENTS; AMENDING SECTION 7-13-2341, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 7-13-2341, MCA, is amended to read:

"7-13-2341. Addition of land to district -- election required. (1) Except as provided in subsection (5), any portion of any county or any municipality, or both, may be added to any district organized under the provisions of part 22 and this part at any time upon petition presented in the manner provided in part 22 and this part for the organization of the district.

(2) The petition may be granted by ordinance of the board of directors of the district. The ordinance must be submitted for adoption or rejection by the qualified electors.

(3) If the ordinance is approved, the president and secretary of the board of directors shall certify that fact to the secretary of state and to the county clerk and recorder of the county in which the district is located. On receipt of the certification, the secretary of state shall within 10 days issue a certificate that states the passage of the ordinance and the addition of the territory to the district. A copy of the certificate must be transmitted to and filed with the county clerk and recorder of the county in which the district is situated.

(4) After the filing of the certificate, the territory is added to and is a part of the district with all the rights, privileges, and powers set forth in this part and necessarily incident to this part.

(5) If the board of directors determines that a district has a water facility or a sewer facility with a capacity greater than required to meet the needs of the current district, it may by ordinance, on petition of contiguous property owners and with the written consent of all property owners to whom the service is to be extended, expand the district to include land, to the extent of excess capacity, without complying with subsections (1) and

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(2). However, if the board determines that an election should be held or if 40% or more of the qualified electors petition for an election, compliance with subsections (1) and (2) is required.

(6) (a) Any property outside of the limits of a district that is benefited by a previously contracted improvement and is subsequently annexed to the district may be assessed for any improvements previously contracted for using the method provided in 7-12-2151(1)(d).

(b) The benefited property may also be assessed for any improvement, within or outside the district limits, that is determined by the board to benefit property that was outside the district limits at the time of contracting for the improvement, whether or not an improvement district was previously created for the improvement.

(c) After any new property is annexed to the district, the total number of lots, tracts, or parcels in the district must be recalculated pursuant to 7-12-2151(4).

(d) Assessment proceedings under this section are valid notwithstanding any failure of previous proceedings to comply with the provisions of law regarding improvements to be financed by special assessments."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 0324, originated in the House.

_____

Speaker of the House

Signed this _____ day

of _____ , 2019.

_____

Chief Clerk of the House

_____

President of the Senate

Signed this _____ day

of _____ , 2019.

HOUSE BILL NO. 324

INTRODUCED BY W. SALES

AN ACT GENERALLY REVISING LAWS RELATED TO COUNTY WATER AND/OR SEWER DISTRICTS; PROVIDING ADDITIONAL ASSESSMENT METHODS FOR PROPERTY ANNEXED INTO A COUNTY WATER AND/OR SEWER DISTRICT; CLARIFYING THAT NEWLY ANNEXED PROPERTY MAY BE INCLUDED IN EXISTING ASSESSMENTS; AMENDING SECTION 7-13-2341, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.