

HOUSE BILL NO. 528
INTRODUCED BY H. RASER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS FOR CREATING A RURAL IMPROVEMENT DISTRICT; REQUIRING THAT A RESOLUTION AND A NOTICE OF INTENTION TO CREATE A DISTRICT IN WHICH RELATED IMPROVEMENTS COMPRISE A LARGER PROJECT INCLUDE THE FULL SCOPE, INCLUDING COSTS AND IMPACTS, OF THE RELATED OR LARGER PROJECT; REVISING THE REQUIREMENTS FOR A PROTEST OF THE CREATION OR EXTENSION OF A DISTRICT; REVISING WHEN A PROTEST OF THE CREATION OR EXTENSION OF A DISTRICT IS SUFFICIENT TO BAR THE PROCEEDINGS; AND AMENDING SECTIONS 7-12-2103, 7-12-2105, 7-12-2109, AND 7-12-2112, MCA."

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

Section 1. Section 7-12-2103, MCA, is amended to read:

"7-12-2103. Resolution of intention to create rural improvement district. (1) Before creating any special improvement district for the purpose of making any of the improvements or acquiring any private property for any purpose authorized by this part, the board of county commissioners shall pass a resolution of intention ~~to do so.~~

(2) The resolution shall:

(a) designate the number of ~~such the~~ district;
 (b) describe the boundaries ~~thereof of the district~~;
 (c) state ~~therein in the resolution~~ the general character of the improvements ~~which that~~ are to be made;
 (d) designate the name of the engineer who is to have charge of the work and an approximate estimate of the cost ~~thereof of the work~~; and

(e) specify the method or methods by which the costs of the improvements will be assessed against property in the district; and

(f) if applicable, provide any additional information required to be included in the notice under 7-12-2105(3)(a).

(3) The board of county commissioners may include, in one proceeding under one resolution of intention and in one contract, any of the different kinds of improvements or work provided for in this part and may include any number of streets and rights-of-way or portions ~~thereof of streets and rights-of-way~~, and it may exempt any

of the work already done upon a street to the official grade."

Section 2. Section 7-12-2105, MCA, is amended to read:

"7-12-2105. Notice of resolution of intention to create district -- hearing. (1) Upon having passed the resolution of intention pursuant to 7-12-2103, the board of county commissioners shall publish notice of the passage of the resolution of intention as provided in 7-1-2121.

(2) A copy of the notice must be mailed, as provided in 7-1-2122, to each person, firm, or corporation or the agent of the person, firm, or corporation owning real property within the proposed district listed in the owner's name upon the last-completed assessment roll for state, county, and school district taxes.

(3) (a) The notice must describe the general character of the improvement or improvements proposed to be made or acquired by purchase, state the estimated cost of the improvements, describe generally the method or methods by which the costs of the improvements will be assessed, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of the improvements or the creation of the district. If one or more of the improvements proposed to be made or acquired by purchase are related to each other or are part of a larger project, the notice must describe the entire scope of the related or larger project, including the estimated cost of all related improvements, the method or methods by which these costs will be assessed, the impacts on property rights, and other actual or potential costs reasonably related to the proposed improvement.

(b) If the revolving fund is to be pledged to secure the payment of bonds and warrants, the notice must include a statement that, subject to the limitations in 7-12-2182:

(i) the county general fund may be used to provide loans to the revolving fund; or

(ii) a general tax levy may be imposed on all taxable property in the county to meet the financial requirements of the revolving fund.

(c) The notice must refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of the existing improvement."

Section 3. Section 7-12-2109, MCA, is amended to read:

"7-12-2109. Right to protest creation or extension of district. At any time within 15 days after the date of the first publication of the notice of the passage of the resolution of intention, any owner of property liable to be assessed for ~~said~~ the work may make written protest against the proposed work or against the ~~extending~~

~~or creation or extension~~ of the district to be assessed, or both. ~~Such~~ The protest must be in writing; and identify the property in the district owned by the protestor, ~~and be signed by all owners of the property~~. The protest must be delivered to the county clerk, who shall endorse ~~thereon~~ on the protest the date of its receipt by him that the clerk received the protest."

Section 4. Section 7-12-2112, MCA, is amended to read:

"7-12-2112. Sufficient protest to bar proceedings -- exception. (1) Except as provided in subsection (2), ~~no~~ further proceedings ~~shall~~ may not be taken for a period of ~~6 months~~ 1 year from the date when ~~said a~~ protest was received by the county clerk ~~when~~ if the board of county commissioners finds that ~~such~~ the protest is made by:

(a) ~~the owners of property in~~ within the proposed district ~~to be assessed for more~~ having projected assessments, when aggregated, representing not less than 50% of the cost of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention total projected assessments for property within the district;

(b) the owners of property within the proposed district having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of the property within the district; or

(c) not less than 50% of the owners of property within the district.

(2) ~~In case~~ If the improvements are the construction of sanitary sewers, the protests may be overruled by a unanimous vote of the board if:

(a) the improvements are ordered by the department of environmental quality or the federal environmental protection agency; or

(b) there is documentation that water in the district does not meet the standards provided pursuant to Title 75, chapter 5, parts 1 through 6, or pursuant to Title 75, chapter 6, part 1, and that the improvements will result in the water meeting the standards."

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