

HOUSE BILL NO. 510
INTRODUCED BY W. STAHL

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CITY COUNCIL OR A BOARD OF COUNTY COMMISSIONERS TO ASSESS THE COST OF A SPECIAL IMPROVEMENT LIGHTING DISTRICT EQUALLY AGAINST EACH LOT OR PARCEL IN THE DISTRICT; AND AMENDING ~~SECTION~~ SECTIONS 7-12-2202 AND 7-12-4323, MCA."

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

SECTION 1. SECTION 7-12-2202, MCA, IS AMENDED TO READ:

"7-12-2202. Apportionment of costs of maintaining lighting system. (1) The cost of the maintenance and operating service to ~~said a lighting~~ rural improvement district may be apportioned among the various tracts of land within ~~said improvement~~ the district:

(a) in proportion to the assessed value of ~~said the~~ lands within ~~said improvement~~ the district, as determined by the board of county commissioners;

(b) by assessing the cost equally against each of the lots or parcels located within the district;

~~(b)(c)~~ at the option of ~~said the~~ board and as determined by ~~said the~~ board, in proportion to the lineal front footage of each tract, any part of which is in the district and abuts the street or roadway along which the lighting system is to be maintained; or

~~(c)(d)~~ in proportion to the area, as determined by ~~said the~~ board, of that portion of each tract included in the district.

(2) (a) Before the first Monday of September of each year, the board shall pass and finally adopt a resolution levying and assessing upon all the property within the district an amount equal to the whole cost of maintaining ~~said the~~ lighting system. ~~The same shall levy and assessment must~~ be proportioned against the ~~several~~ tracts of land in ~~said the~~ district as provided in this part.

(b) ~~Said The~~ resolution levying assessments to defray the cost of maintenance ~~shall must~~ be prepared and certified to in the same manner as ~~near as may be to~~ a resolution levying assessments for making, constructing, and installing ~~the improvements in said special improvement districts~~ the district."

Section 2. Section 7-12-4323, MCA, is amended to read:

"7-12-4323. Assessment of costs -- area or taxable valuation option -- equal assessment option.

(1) The city council may assess the entire cost of ~~such~~ the lighting improvement against the entire district, each lot or parcel of land within ~~such~~ the district to be assessed for that part of the whole cost ~~which~~ that its:

(a) area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places;

or

(b) taxable valuation, including improvements, bears to the taxable valuation of the entire district.

(2) The city council may assess the cost equally against each of the lots or parcels located within the district.

~~(2)(3)~~ (3) The council, in its discretion, ~~shall have the power to~~ may pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds ~~in its hands~~ available for that purpose or ~~to~~ include the whole or any part of ~~such~~ the costs within the amount of the assessment to be paid by the property in the district.

~~(3)(4)~~ (4) 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~~ a block, the council may, in the resolution creating ~~any~~ a district, provide that whenever any of the improvements provided in this part ~~shall be~~ are located along ~~any~~ a side street or bordering or abutting upon the side of ~~any~~ a corner lot of ~~any~~ a block, the amount of the assessment against the property in ~~such~~ the district to defray the cost of ~~such~~ the improvements ~~shall be so~~ must be assessed so that each square foot of the land embraced within ~~any~~ such the corner lot ~~shall bear~~ bears double the amount of the cost of ~~such~~ the improvement that a square foot of ~~any~~ an inside lot ~~shall bear~~ bears."

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