

SENATE BILL NO. 79

INTRODUCED BY S. FITZPATRICK, W. MCKAMEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING RURAL IMPROVEMENT DISTRICT LAWS; ALLOWING
5 FOR THE CREATION OF A RURAL IMPROVEMENT DISTRICT SOLELY FOR ROAD MAINTENANCE UPON
6 PETITION OF THE OWNERS OF MORE THAN ~~60%~~ 85% OF THE AREA IN THE PROPOSED DISTRICT; AND
7 AMENDING SECTIONS 7-12-2102, 7-12-2105, 7-12-2109, AND 7-12-2113, MCA."

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

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11 **Section 1.** Section 7-12-2102, MCA, is amended to read:

12 **"7-12-2102. Authorization to create rural improvement districts -- property owners may petition**
13 **for creation.** (1) Whenever the public interest or convenience may require, the board of county commissioners
14 may order and create special improvement districts outside of the limits of incorporated towns and cities for the
15 purpose of building, constructing, or acquiring by purchase one or more of the improvements of the kind
16 described in 7-12-4102, in or for the benefit of the special improvement district.

17 (2) ~~(a) The~~ Except as provided in subsection (2)(b), the board of county commissioners may order and
18 create a special improvement district upon the receipt of a petition to create a special improvement district that
19 contains the consent of all of the owners of property to be included in the district.

20 (b) The board of county commissioners may order and create a special improvement district solely for
21 the purpose of road maintenance upon the receipt of a petition to create the district that contains the consent of
22 the owners of more than ~~60%~~ 85% of the area of the property proposed in the petition to be included in the
23 district. THE PROPERTY PROPOSED TO BE INCLUDED IN THE DISTRICT MUST BE LOCATED IN A RESIDENTIAL SUBDIVISION,
24 EXCEPT THAT THE OWNER OF PROPERTY LOCATED OUTSIDE OF A RESIDENTIAL SUBDIVISION MAY CONSENT TO THE
25 INCLUSION OF THE PROPERTY IN THE PROPOSED DISTRICT.

26 (3) The board of county commissioners may order and create special improvement districts covering
27 projects abutting the city limits and include properties inside the city where the rural improvement district abuts
28 and benefits that property. Properties within the proposed district boundaries inside the city may not be included
29 in the rural special improvement district if, under the assessment methodology provided in the resolution of
30 intention, the owners of lots, tracts, or parcels in the city representing not less than 40% of the total projected

1 assessments against properties in the city protest the creation of the rural special improvement district. The
2 property inside the city must be treated in a similar manner as to improvements, notices, and assessments as
3 the property outside the city limits. A joint resolution of the city and county must be passed agreeing to the terms
4 of the rural special improvement district prior to passing the resolution of intention or resolution creating the rural
5 special improvement district. A copy of the resolution of intention and the resolution creating the rural special
6 improvement district must be provided to the city clerk upon the passage of the respective resolutions."

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

9 **"7-12-2105. Notice of resolution of intention to create district -- hearing -- exception.** (1) Upon
10 passage of a resolution of intention pursuant to 7-12-2103, the board of county commissioners shall publish
11 notice of the passage as provided in 7-1-2121.

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

15 (3) (a) The notice must describe the general character of the improvements proposed to be made or
16 acquired by purchase, state the estimated cost of the improvements, describe generally the method or methods
17 by which the costs of the improvements will be assessed, and designate the time when and the place where the
18 board will hear and pass upon all protests that may be made against the making or maintenance of the
19 improvements or the creation of the district. If the method of assessment described in 7-12-2151(1)(d) is used,
20 the notice must state that if an increase occurs in the number of benefited lots, tracts, or parcels within the
21 boundaries of the district during the term of the bonded indebtedness, the assessment per lot, tract, or parcel then
22 in the district will be recalculated as provided in 7-12-2151(4).

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

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

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

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

1 (4) The provisions of this section do not apply to a resolution of intention to create a district that is passed
2 upon receipt of a petition as provided in 7-12-2102(2)(a)."

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

5 **"7-12-2109. Right to protest creation or extension of district -- exception.** (1) (a) Except as provided
6 in subsections (1)(b) and (2), at any time within 30 days after the date of the first publication of the notice of the
7 passage of the resolution of intention, any owner of property liable to be assessed for the work proposed in the
8 resolution may make written protest against the proposed work or against the creation or extension of the district
9 to be assessed, or both. The protest must be in writing, identify the property in the district owned by the protestor,
10 and except as provided in 7-12-2141, be signed by all owners of the property. The protest must be delivered to
11 the county clerk, who shall endorse on the protest document the date of its receipt by the county clerk.

12 (b) If the period described in subsection (1)(a) includes a holiday as enumerated in 1-1-216, other than
13 a Sunday, the period must be extended for an additional 2 days.

14 (2) The provisions of subsection (1)(a) do not apply if a resolution of intention to create the district is a
15 result of a petition submitted as provided in 7-12-2102(2)(a).

16 (3) (a) For purposes of this section, "owner" means, as of the date a protest is filed, the record owner
17 of fee simple title to the property.

18 (b) The term does not include a tenant of or other holder of a leasehold interest in the property."

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20 **Section 4.** Section 7-12-2113, MCA, is amended to read:

21 **"7-12-2113. Resolution creating district -- power to order improvements.** (1) Before ordering any
22 of the proposed improvements, the board of county commissioners shall pass a resolution creating the special
23 improvement district in accordance with the resolution of intention that is introduced and passed by the board.

24 (2) The board has jurisdiction to order improvements immediately upon the occurrence of the following
25 conditions:

26 (a) when sufficient protests have not been delivered to the county clerk within 30 days after the date of
27 the first publication of the notice of the passing of the resolution of intention;

28 (b) when a protest has been found by the board to be insufficient or has been overruled;

29 (c) when a protest against extending the proposed district has been heard and denied; or

30 (d) when a resolution creating the district is passed upon receipt of a petition as provided in

1 7-12-2102(2)(a)."

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