

SENATE BILL NO. 79

INTRODUCED BY S. FITZPATRICK, W. MCKAMEY

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

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

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

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

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

(b) The board of county commissioners may order and create a special improvement district solely for the purpose of road maintenance upon the receipt of a petition to create the district that contains the consent of the owners of more than ~~60%~~ 85% of the area of the property proposed in the petition to be included in the district.

(3) The board of county commissioners may order and create special improvement districts covering projects abutting the city limits and include properties inside the city where the rural improvement district abuts and benefits that property. Properties within the proposed district boundaries inside the city may not be included in the rural special improvement district if, under the assessment methodology provided in the resolution of intention, the owners of lots, tracts, or parcels in the city representing not less than 40% of the total projected assessments against properties in the city protest the creation of the rural special improvement district. The property inside the city must be treated in a similar manner as to improvements, notices, and assessments as

1 the property outside the city limits. A joint resolution of the city and county must be passed agreeing to the terms
2 of the rural special improvement district prior to passing the resolution of intention or resolution creating the rural
3 special improvement district. A copy of the resolution of intention and the resolution creating the rural special
4 improvement district must be provided to the city clerk upon the passage of the respective resolutions."
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6 **Section 2.** Section 7-12-2105, MCA, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) when a resolution creating the district is passed upon receipt of a petition as provided in 7-12-2102(2)(a)."

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