

## SENATE BILL NO. 243

INTRODUCED BY J. ELLIS, K. ABBOTT, D. ANKNEY, J. KEANE, J. SESSO, R. SHAW, J. WELBORN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MAINTENANCE DISTRICTS; PROVIDING ADDITIONAL ASSESSMENT METHODS FOR COSTS OF A MAINTENANCE DISTRICT; ALLOWING ADDITIONAL LENDING INSTITUTIONS TO OFFER FINANCIAL ASSISTANCE TO A MAINTENANCE DISTRICT; AMENDING SECTIONS 7-12-4422 AND 7-12-4429, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 7-12-4422, MCA, is amended to read:

**"7-12-4422. Assessment of costs --area, frontage, lot, and taxable valuation options.** (1) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(2) The city council shall assess the percentage of the cost of maintenance established in 7-12-4425 against the entire district as follows:

(a) each lot or parcel of land within the district may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire district, exclusive of streets, avenues, alleys, and public places;

(b) each lot or parcel of land within the district abutting upon a street upon which maintenance is done may be assessed for that part of the cost that its street frontage bears to the street frontage of the entire district;

(c) if the city council determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel;

(d) each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the district that its taxable valuation bears to the total taxable valuation of the property of the district;

(e) each lot or parcel of land within the district may be assessed for that part of the cost that the

1 reasonably estimated vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the  
 2 reasonably estimated vehicle trips generated for all lots in the district based on their size and zoning classification;  
 3 or  
 4 (f) any other assessment method provided in 7-11-1024 may be used; or  
 5 (f)(g) any combination of the assessment options provided in subsections (2)(a) through (2)(e) (2)(f) may  
 6 be used for the district as a whole or for any lot or parcel within the district."  
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8 **Section 2.** Section 7-12-4429, MCA, is amended to read:

9 **"7-12-4429. Financial assistance from ~~United States and state of Montana~~ options.** Cities and  
 10 towns are authorized to:

11 (1) enter into suitable agreements with the United States of America, ~~or the state of Montana,~~ or a  
 12 building and loan association, savings and loan association, bank, or credit union that is a regulated lender as  
 13 defined in 31-1-111 for loans of money and for receiving financial assistance to do the work and improvements  
 14 contemplated by 7-12-4405; and

15 (2) provide for the repayment of the loans by yearly payments from funds derived from districts created  
 16 under 7-12-4402, apportioned over a period of time not exceeding 20 years."  
 17

18 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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