

1 SENATE BILL NO. 78

2 INTRODUCED BY D. KARY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SPECIAL DISTRICT LAWS; REMOVING TAXABLE
5 VALUE AS A METHOD OF ASSESSMENT FOR A SPECIAL DISTRICT CREATED UNDER TITLE 7,
6 CHAPTER 11, PART 10; AND AMENDING SECTION 7-11-1024, MCA."

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

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10 **Section 1.** Section 7-11-1024, MCA, is amended to read:

11 **"7-11-1024. Financing for special district.** (1) The governing body shall make assessments or
12 impose fees for the costs and expenses of the special district based upon a budget proposed by the governing
13 body or separate board administering the district pursuant to 7-11-1021.

14 (2) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that
15 is benefited by the special district. The assessable area may be less than but may not exceed the actual area of
16 the lot or parcel.

17 (3) The governing body shall assess the percentage of the cost of the program or improvements:

18 (a) against the entire district as follows:

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

22 (ii) if the governing body determines that the benefits derived from the program or improvements by
23 each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located
24 within the special district without regard to the assessable area of the lot or parcel;

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

28 ~~(iv)~~(iii) each lot or parcel of land may be assessed based on the lineal front footage of any part of the

1 lot or parcel that is in the district and abuts the area to be improved or maintained;

2 ~~(v)~~(iv) each lot or parcel of land within the district may be assessed for that part of the cost that the
3 reasonably estimated vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the
4 reasonably estimated vehicle trips generated for all lots in the district based on their size and zoning
5 classification;

6 ~~(vi)~~(v) each lot or parcel of land within the district may be assessed based on each family residential
7 unit or one or more business units; or

8 ~~(vii)~~(vi) any combination of the assessment options provided in subsections (3)(a)(i) through ~~(3)(a)(v)~~
9 (3)(a)(v) may be used for the special district as a whole; or

10 (b) based upon the character, kind, and quality of service for a residential or commercial unit, taking
11 into consideration:

12 (i) the nature of the property or entity assessed;

13 (ii) a calculated basis for the program or service, including volume or weight;

14 (iii) the cost, incentives, or penalties applicable to the program or service practices; or

15 (iv) any combination of these factors.

16 (4) If property created as a condominium is subject to assessment, each unit within the condominium
17 is considered a separate parcel of real property subject to separate assessment and the lien of the assessment.
18 Each unit must be assessed for the unit's percentage of undivided interest in the common elements of the
19 condominium. The percentage of the undivided ownership interest must be as set forth in the condominium
20 declaration."

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22 NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured,
23 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

24 - END -