

SENATE BILL NO. 500

INTRODUCED BY J. TREBAS, F. MANDEVILLE, E. BOLDMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A UNIFORM DURATION OF A LATECOMER AGREEMENT OR PAYBACK DISTRICT; PROVIDING THAT A PROPERTY OWNER OR DEVELOPER IS ENTITLED TO A PRO RATA SHARE OF A REIMBURSEMENT FOR THE INSTALLATION OF A PUBLIC UTILITY-OR-STREET IMPROVEMENTS IN CERTAIN CIRCUMSTANCES; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

NEW SECTION. Section 1. Latecomer agreement or payback district -- duration. (1) The purpose of this section is to establish a uniform duration for a ~~consolidated~~ local government to create a latecomer agreement or payback district for constructing a water supply, sanitary sewer, or storm sewer system. As of [the effective date of this act], a ~~consolidated~~ local government shall create a latecomer agreement or payback district that is valid for not longer than 3 years from the date it is recorded.

(2) To be eligible for a latecomer agreement or payback district reimbursement, the installation of the public utility-~~or street improvements~~ must have a reasonable possibility of directly benefiting the development of other properties within a close proximity in the immediate future.

(3) Under this section, a property owner or developer is entitled to a pro rata share of the reimbursement based on the respective contribution of the property owner or developer and the ~~consolidated~~ local government.

(4) For the purposes of this section, "latecomer agreement" or "payback district" means an agreement between a ~~consolidated~~ local government and a property owner or developer for the sole purpose of reimbursing the property owner or developer for the costs incurred for the installation of a public utility-~~or street improvements~~.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

Amendment - 1st Reading-white - Requested by: Ellie Boldman - (S) Local Government

- 2023

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Drafter: Toni Henneman, 406-444-3593

SB0500.001.001

1 integral part of Title 7, chapter 13, ~~part 30~~, and the provisions of Title 7, chapter 13, ~~part 30~~, apply to [section 1].

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2023.

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5 NEW SECTION. **Section 4. Retroactive applicability.** [This act] applies retroactively, within the

6 meaning of 1-2-109, to latecomer agreements or payback districts that were created by a ~~consolidated~~ local

7 government prior to [the effective date of this act].

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