

SENATE BILL NO. 189

INTRODUCED BY T. BECK, HARP, YELLOWTAIL,
WEEDING, GAGE, REA, GRADY, RANEY
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE SENATE

JANUARY 22, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

 FIRST READING.

FEBRUARY 16, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1991 PRINTING REPORT.

 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 19, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 50; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

 FIRST READING.

APRIL 3, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 5, 1991 SECOND READING, CONCURRED IN.

APRIL 6, 1991 THIRD READING, CONCURRED IN.
AYES, 82; NOES, 12.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 6, 1991 RECEIVED FROM HOUSE.

APRIL 9, 1991 SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED.

APRIL 16, 1991

CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 18, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 19, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 19, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 23, 1991

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 24, 1991

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 25, 1991

FREE CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 25, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. *189*

INTRODUCED BY *T. Brad HARP*

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

Raney

Grady

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO SOLID WASTE MANAGEMENT BY LOCAL GOVERNMENTS; AUTHORIZING MULTICOUNTY SOLID WASTE DISTRICTS; AMENDING SECTIONS 7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501, 7-7-4402, 7-13-202, 7-13-204, 7-13-209, 7-13-212, 7-13-215, 7-13-232, 7-13-233, AND 7-13-235, MCA; REPEALING SECTIONS 7-13-241, 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403, 7-13-2404, 7-13-2405, AND 7-13-2406, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-5-2306, MCA, is amended to read:

"7-5-2306. Use of installment purchase contracts. When the amount to be paid as the purchase price for any vehicle or road machinery of any kind, for any other machinery, apparatus, appliance, or equipment, or for any materials or supplies of any kind shall exceed \$4,000, the county governing body may provide for the payment of such purchase price in installments extending over a period of not more than 5 years, except contracts for solid waste management systems as defined by 75-10-103, which may not exceed 10

years, provided that at the time of entering into the agreement for such purchase, there shall be an unexpended balance of appropriation in the budget for the then-current fiscal year available and sufficient to meet and take care of such portion of the purchase price as is payable during the then-current fiscal year and the budget for each following year in which any portion of such purchase price is to be paid shall contain an appropriation for the purpose of paying the same."

Section 2. Section 7-5-4304, MCA, is amended to read:

"7-5-4304. Certain contracts to be submitted to voters. No contract may be let pursuant to 7-5-4302 that extends over a period of 5 years or more, except contracts for solid waste management systems as defined in 75-10-103, which may not exceed 10 years, without first submitting the question to a vote of the electors of the city or town."

Section 3. Section 7-5-4321, MCA, is amended to read:

"7-5-4321. Grant of exclusive franchise -- election required. (1) The council may not grant an exclusive franchise or special privilege to any person except in the manner specified in subsection (2). The powers of the council are only those expressly prescribed by law and those necessarily incident thereto.

(2) No exclusive franchise for any purpose, except contracts for solid waste management systems as defined in



1 75-10-103, which may not exceed 10 years, may be granted by
 2 any city or town or by the mayor or city council thereof to
 3 any person, association, or corporation without first
 4 submitting the application therefor to the electors of the
 5 city."

6 **Section 4.** Section 7-7-2501, MCA, is amended to read:

7 "7-7-2501. Authority to issue revenue bonds --
 8 refunding revenue bonds. (1) A county may issue county
 9 revenue bonds in the same manner and with the same effect as
 10 provided in chapter 7, part 44, of this title for issuance
 11 of municipal revenue bonds. County revenue bonds may be
 12 issued to finance any project or activity enumerated in
 13 chapter 16, part 21, or chapter 34, part 22 or 23, of this
 14 title or in Title 75, chapter 10, part 1. Revenues from the
 15 project for which the bonds are issued are the only revenues
 16 upon which a lien under the provisions of 7-7-4431 shall
 17 apply. No lien shall attach to other revenues or other
 18 property within the county.

19 (2) A county may refund revenue bonds issued under the
 20 authority provided in subsection (1) by the method provided
 21 in either part 45 or part 46 of chapter 7.

22 (3) In construing, for purposes of this section, the
 23 provisions of parts 44, 45, or 46 of chapter 7, "municipal"
 24 is considered to refer to the county and "governing body" is
 25 considered to refer to the board of county commissioners

1 whenever the board of county commissioners is acting
 2 pursuant to subsection (1)."

3 **Section 5.** Section 7-7-4402, MCA, is amended to read:

4 "7-7-4402. Definitions. Whenever used in this part,
 5 unless a different meaning clearly appears from the context,
 6 the following definitions apply:

7 (1) The term "governing body" shall include bodies and
 8 boards, by whatsoever names they may be known, having charge
 9 of finances and management of a municipality.

10 (2) The term "municipality" shall include any city or
 11 any town, however organized.

12 (3) The term "undertaking" shall mean any one or a
 13 combination of the following:

14 (a) water and sewer systems, together with all parts
 15 thereof and appurtenances thereto including but not limited
 16 to supply and distribution systems, reservoirs, dams, and
 17 sewage treatment and disposal works;

18 (b) public airport construction and public airport
 19 building;

20 (c) convention facilities;

21 (d) public recreation facilities; and

22 (e) public parking facilities, solid waste management
 23 systems, or other revenue-producing facilities and services
 24 authorized in these codes for cities and towns."

25 **Section 6.** Section 7-13-202, MCA, is amended to read:

1 "7-13-202. Definitions. As used in this part, unless
2 the context indicates otherwise, the following definitions
3 apply:

4 (1) "Board" means the board of directors as provided
5 for in 7-13-213 and ~~7-13-241~~.

6 (2) "Commissioners" means the board of county
7 commissioners.

8 (3) "Family residential unit" means the residence of a
9 single family.

10 (4) ~~"Refuse" means all putrescible and nonputrescible~~
11 ~~solid wastes (except body wastes), including garbage,~~
12 ~~rubbish, street cleanings, dead animals, yard clippings, and~~
13 ~~solid market and solid industrial wastes. "Solid waste"~~
14 means all putrescible and nonputrescible wastes, including
15 but not limited to garbage; rubbish; refuse; hazardous
16 wastes; ashes; sludge from sewage treatment plants, water
17 supply treatment plants, or air pollution control
18 facilities; septic tank and cesspool pumpings; construction
19 and demolition wastes; dead animals, including offal;
20 discarded home and industrial appliances; and wood wastes
21 and inert materials. The term does not include municipal
22 sewage, industrial wastewater effluents, or mining wastes
23 regulated under the mining and reclamation laws administered
24 by the department of state lands.

25 (5) ~~"Refuse disposal district" means an area~~

1 ~~established with definite boundaries for the purpose of~~
2 ~~collecting and disposing of all refuse created in said~~
3 ~~district. "Solid waste district" means an area established~~
4 ~~within a county for the purpose of collecting and disposing~~
5 ~~of all solid waste created in the district."~~

6 **Section 7.** Section 7-13-204, MCA, is amended to read:

7 "7-13-204. Resolution of intention to create refuse
8 disposal solid waste management district. (1) Before
9 creating ~~any refuse disposal~~ a solid waste management
10 district, the commissioners shall pass a resolution of
11 intention to do so.

12 (2) The resolution shall designate:

13 (a) the proposed name of such district;

14 (b) the necessity for the proposed district;

15 (c) a general description of the territory or lands of
16 said district, giving the boundaries thereof;

17 (d) the general character of the collection service;

18 (e) the proposed fees to be charged for the service;

19 and

20 (f) the powers to be delegated to the board and the
21 powers to be exercised only with the approval of the county
22 commissioners."

23 **Section 8.** Section 7-13-209, MCA, is amended to read:

24 "7-13-209. Right to protest. (1) At any time within 30
25 15 days after the date of the first publication of the

1 notice provided for in 7-13-208, any owner of property
2 liable to be assessed for said service may make written
3 protest against the proposed service or against the fees
4 proposed to be charged for the service.

5 (2) Such protest must be in writing and be delivered to
6 the county clerk, who shall endorse thereon the date of the
7 receipt by him."

8 **Section 9.** Section 7-13-212, MCA, is amended to read:

9 "7-13-212. Resolution creating district -- power to
10 order improvements. (1) Before ordering any of the proposed
11 improvements, the commissioners shall pass a resolution
12 creating the refuse disposal district in accordance with the
13 resolution of intention theretofore introduced and passed by
14 the commissioners.

15 (2) The commissioners may change the boundaries and
16 description of the district from the resolution of intention
17 if the changes do not add territory or increase the proposed
18 fees.

19 (2)(3) The commissioners shall be deemed to have
20 acquired jurisdiction to order improvements immediately upon
21 the occurrence of one of the following:

22 (a) when no protests have been delivered to the county
23 clerk within 30 15 days after the date of the first
24 publication of the notice provided for in 7-13-208;

25 (b) when a protest shall have been found by said

1 commissioners to be insufficient; or

2 (c) when a protest shall have been overruled."

3 **Section 10.** Section 7-13-215, MCA, is amended to read:

4 "7-13-215. Powers and duties of board. ~~The board of a~~
5 ~~refuse disposal district established and organized under~~
6 ~~this part has the following powers and duties, with the~~
7 ~~approval of the county commissioners of the counties~~
8 ~~involved:~~

9 (1) ~~to develop and administer a program for the~~
10 ~~collection or disposal of refuse in the district;~~

11 (2) ~~to employ personnel;~~

12 (3) ~~to purchase, rent, or execute leasing agreements~~
13 ~~for such equipment and material necessary for carrying on an~~
14 ~~effective refuse collection or disposal program;~~

15 (4) ~~to cooperate with any corporation, association,~~
16 ~~individual, or group of individuals, including any agency of~~
17 ~~the federal, state, or local government, in order to carry~~
18 ~~out effective programs;~~

19 (5) ~~to receive gifts, grants, or donations for the~~
20 ~~purpose of advancing the program and to acquire by gift,~~
21 ~~deed, purchase, or condemnation land necessary for refuse~~
22 ~~disposal purposes;~~

23 (6) ~~to enforce department of health and environmental~~
24 ~~sciences or local board of health rules pertaining to the~~
25 ~~storage, collection, and disposal of refuse;~~

1 ~~{7}--to--apply--for--and--receive--from--the--federal~~
2 ~~government--or--the--state--government,--on--behalf--of--the--refuse~~
3 ~~disposal--district,--money--appropriated--by--federal--or--state~~
4 ~~legislative--bodies--for--aiding--these--programs;~~
5 ~~{8}--to--borrow--from--any--loaning--agency--funds--available~~
6 ~~for--assistance--in--planning--or--financing--a--refuse--disposal~~
7 ~~district--and--repay--these--with--the--money--received--from--the~~
8 ~~fees--levied--under--this--part. Except for powers specifically~~
9 ~~reserved by the counties in the resolution creating the~~
10 ~~district, the board has the powers and duties provided in~~
11 ~~75-10-112."~~

12 **Section 11.** Section 7-13-232, MCA, is amended to read:
13 "7-13-232. Determination of service charge. ~~{1}~~The
14 ~~fees--shall--be--based--upon--a--family--residential--unit,--and--fees~~
15 ~~for--commercial--and--industrial--accounts--shall--be--based--on--the~~
16 ~~comparison--with--a--typical--residential--unit--as--to--volume--and~~
17 ~~type--of--waste--produced. (1) The board may establish, by~~
18 ~~resolution, rates for service charges. For solid waste~~
19 ~~districts other than joint districts, the rates must be~~
20 ~~subject to the approval of the county commissioners.~~

- 21 (2) Service charges may take into account:
22 (a) the character, kind, and quality of service; and
23 (b) the cost of providing the service, including but
24 not limited to depreciation and the payment of principal and
25 interest on money borrowed by the district for the

1 acquisition and improvement of facilities and equipment.
2 (3) Service charges may be assessed per family
3 residential unit or based on the size of a vehicle used to
4 dispose of the waste; the volume or weight of the waste; or
5 the cost, incentives, or penalties applicable to waste
6 management practices.
7 (4) The initial rate for any solid waste district or
8 joint solid waste district may not exceed the rate provided
9 in the resolution creating the district.
10 ~~{2}~~(5) Fees for mobile home park accounts must be paid
11 by the registered owner of each mobile home in the mobile
12 home park.
13 ~~{3}~~--in--no--case--shall--the--fee--for--disposal--service
14 exceed--one--half--the--total--fee--for--both--collection--and
15 disposal--services.
16 (6) A notice of intention to enact a resolution to
17 increase rates must be published as provided in 7-1-4128,
18 and the district shall hold a public hearing prior to the
19 meeting at which the resolution is considered."

20 **Section 12.** Section 7-13-233, MCA, is amended to read:
21 "7-13-233. Procedure to collect service charge. ~~The~~
22 ~~month--the--service--begins, the--department--of--revenue--or--its~~
23 ~~agents--shall--insure--that--the--amount--of--this--fee--is--placed--on~~
24 ~~the--tax--notices,--to--be--collected--with--the--tax,--if--a--property~~
25 ~~owner--fails--to--pay--this--fee,--it--shall--become--a--lien--upon--the~~

1 property- (1) The service charge may be imposed for:

2 (a) any fiscal year for which the district establishes
3 a budget or incurs costs related to planning or constructing
4 a solid waste management facility; or

5 (b) services to begin within 12 months.

6 (2) The board shall certify to the county commissioners
7 of the county served by the solid waste district the service
8 charge needed for the current fiscal year, the due but
9 unpaid service charges, and a description of the property
10 against which the service charges are to be levied.

11 (3) The department of revenue or its agent shall ensure
12 that the amount of the service charge is placed on property
13 tax notices and that the service charge is collected with
14 property taxes.

15 (4) The board may establish a system for collecting
16 service charges other than by tax notices to property owners
17 issued by the department of revenue. The board may collect
18 the service charge more often than property taxes are
19 collected.

20 (5) If not paid, the service charge becomes delinquent
21 and becomes a lien on the property, subject to the same
22 penalties and the same rate of interest as property taxes."

23 **Section 13.** Section 7-13-235, MCA, is amended to read:

24 "7-13-235. Installment payments for capital
25 improvements. To defray the initial cost of purchasing land

1 and equipment, payments may be spread over a term of not to
2 exceed 20 years. ~~Payments--are--to--be--made--in--equal~~
3 ~~installments-out-of-the-money-received--from--the--fee--levy~~
4 ~~provided-for-in-this-part."~~

5 NEW SECTION. Section 14. Bonds and obligations. (1)

6 The commissioners may issue revenue bonds, including
7 refunding bonds, or borrow money for the acquisition of
8 property, construction of improvements, or purchase of
9 equipment or to pay costs related to planning, designing,
10 and financing a solid waste management system.

11 (2) Revenue bonds may be issued in a form and upon
12 terms as provided in 7-7-2501.

13 (3) Bonds or loans may be payable from any revenue of
14 the joint solid waste district, including revenue from:

15 (a) service charges authorized in 7-13-233;

16 (b) taxes levied pursuant to [section 16];

17 (c) grants or contributions from the state or federal
18 government; or

19 (d) other sources.

20 NEW SECTION. Section 15. Board to certify deficiency.

21 The board shall certify annually to the commissioners the
22 amount of principal and interest payable for the next fiscal
23 year. The board shall certify to the counties the amount of
24 any deficiency that may exist for the ensuing period of 1
25 year for the payment of principal and interest due on any

1 outstanding bonds for which the district's revenues are
2 pledged.

3 NEW SECTION. Section 16. County tax levy. The
4 commissioners may levy a tax on all property in the solid
5 waste district for the purpose of paying a deficiency
6 certified by the board. The commissioners may levy a tax not
7 to exceed 2 mills if a deficiency is certified by the board.

8 NEW SECTION. Section 17. Purpose. To provide safe,
9 efficient, and effective management of solid waste, two or
10 more counties are authorized to cooperate in the creation of
11 a joint solid waste district. A joint solid waste district
12 is a political subdivision of the state for the purposes of
13 the municipal finance consolidation act as provided in
14 17-5-1602 and for solid waste management services as
15 provided in 75-10-112.

16 NEW SECTION. Section 18. Definitions. As used in
17 [sections 18 through 28], the following definitions apply:

18 (1) "Joint district" means a joint solid waste district
19 created through the procedures outlined in [sections 18
20 through 28].

21 (2) "Board" means the board of directors as provided in
22 [section 21].

23 (3) "Counties" means the commissioners of the counties
24 creating the joint district.

25 NEW SECTION. Section 19. Creation of a joint district.

1 Two or more counties may create a joint solid waste district
2 through the procedures described in 7-13-203 through
3 7-13-212.

4 NEW SECTION. Section 20. Municipalities authorized to
5 contract with joint districts. Joint districts may enter
6 into agreements to provide solid waste disposal services but
7 not collection services to municipalities located in
8 adjoining counties that do not participate in the district.
9 An agreement is subject to the approval of the county
10 commissioners in the county in which the municipality is
11 located.

12 NEW SECTION. Section 21. Board of directors. (1) The
13 board of a joint district must be appointed by the counties.

14 (2) The county commissioners shall appoint to the board
15 one commissioner from each county, a representative of each
16 incorporated city or town, a representative of each county
17 or city board of health, and any other representatives
18 agreed to by the commissioners of all the counties creating
19 the joint district.

20 (3) A municipality that contracts for solid waste
21 services with a joint district but that is not located in
22 the counties creating the joint district may be represented
23 on the board as provided in the agreement with the joint
24 district.

25 (4) The board may provide for an executive committee

1 that has the authority to exercise all powers of the joint
 2 district, except that the entire board shall meet at least
 3 once a year to elect officers and select the executive
 4 committee. An executive committee must include at least one
 5 representative from each of the counties.

6 (5) The board has all powers and duties provided in
 7 75-10-112.

8 NEW SECTION. **Section 22.** Administration of funds in a
 9 joint district. Fees and other money collected by a joint
 10 district may be administered either by entering into an
 11 agreement with the county treasurer's office of one of the
 12 participating counties or through a fund established and
 13 administered by the board. Fees received by a county
 14 treasurer must be promptly deposited into funds and accounts
 15 established by the joint district.

16 NEW SECTION. **Section 23.** Service charges. Service
 17 charges must be established and collected in the manner
 18 provided in 7-13-231 through 7-13-233.

19 NEW SECTION. **Section 24.** Bonds and obligations. (1) A
 20 joint district may borrow money for any purpose provided in
 21 [sections 18 through 28] and issue bonds, including
 22 refunding bonds, in a form and upon terms as it may
 23 determine, payable from any revenue of the joint district,
 24 including revenue from:

- 1 (a) service charges authorized in [section 23];
 - 2 (b) taxes levied pursuant to [section 26];
 - 3 (c) grants or contributions from the state or federal
 - 4 government; or
 - 5 (d) other sources.
- 6 (2) The bonds may be issued by resolution of the joint
 7 district without an election and without any limitation of
 8 the amount, except that bonds may not be issued at any time
 9 if the total amount of principal and interest to become due
 10 in any year on the bonds and on any then-outstanding bonds
 11 for which revenue from the same source or sources is pledged
 12 exceeds the amount of the revenue to be received in that
 13 year as estimated in the resolution authorizing the issuance
 14 of the bonds. The board shall take all action necessary and
 15 possible to impose, maintain, and collect rates, charges,
 16 rentals, and taxes, if any are pledged, sufficient to make
 17 the revenue from the pledged source in a year at least equal
 18 to the amount of the principal and interest due in that
 19 year.
- 20 (3) The bonds may be sold at public or private sale and
 21 may bear interest as provided in 17-5-102. Except as
 22 otherwise provided in [sections 18 through 28], bonds issued
 23 pursuant to [sections 18 through 28] by a joint district may
 24 be payable in principal and interest solely from revenues of
 25 the joint district and must state on their face the

1 applicable limitations or restrictions regarding the source
2 from which the principal and interest are payable.

3 (4) Bonds issued by a joint district under [sections 18
4 through 28] are issued for an essential public and
5 governmental purpose by a political subdivision within the
6 meaning of 15-30-111(2)(a).

7 (5) For the security of any bond, the joint district
8 may by resolution make and enter into any covenant,
9 agreement, or indenture. The sums required from time to time
10 to pay principal and interest and to create and maintain a
11 reserve for the bonds may be paid from any revenue referred
12 to in [sections 18 through 28] prior to the payment of
13 current costs of operation and maintenance of the solid
14 waste management system.

15 NEW SECTION. Section 25. Board to certify deficiency.

16 The board shall certify annually to the counties the
17 anticipated revenue of the joint district and the amount of
18 principal and interest payable for the next fiscal year. The
19 board shall certify to the counties the amount of any
20 deficiency for the ensuing period of 1 year for the payment
21 of principal and interest due on any outstanding bonds of
22 the joint district.

23 NEW SECTION. Section 26. County tax levy. (1) The
24 counties participating in a joint district may levy a tax on
25 all property in the joint district for the purpose of paying

1 any deficiency certified by the board as provided in
2 [sections 18 through 28].

3 (2) The counties may:

4 (a) agree by resolution to levy a tax not to exceed 2
5 mills if a deficiency is certified by the board; or

6 (b) levy a general tax for payment of any deficiency if
7 the question of levying a general tax is submitted to the
8 qualified electors of each of the counties creating the
9 joint district as provided in Title 7, chapter 7, part 22. A
10 tax may not be imposed unless the majority of voters voting
11 on the levy in each county approve the levy.

12 NEW SECTION. Section 27. Debt service fund. A joint
13 district may create a debt service fund and accumulate in
14 the fund a sum not to exceed an amount equal to the total
15 amount of principal and interest due in any 2 subsequent
16 years.

17 NEW SECTION. Section 28. Tax exemption. Any property
18 in this state acquired by a joint district for purposes of
19 operating a solid waste management system and any income
20 derived by the joint district is exempt from taxation to the
21 same extent as other property used for public purposes.

22 NEW SECTION. Section 29. Repealer. Sections 7-13-241,
23 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403,
24 7-13-2404, 7-13-2405, and 7-13-2406, MCA, are repealed.

25 NEW SECTION. Section 30. Code commissioner

1 instruction. In 7-13-201 through 7-13-243, MCA, the code
2 commissioner is instructed to change the term "refuse" to
3 "solid waste" and the term "refuse disposal" to "solid waste
4 management".

5 NEW SECTION. Section 31. Codification instruction. (1)
6 [Sections 14 through 17] are intended to be codified as an
7 integral part of Title 7, chapter 13, part 2, and the
8 provisions of Title 7, chapter 13, part 2, apply to
9 [sections 14 through 17].

10 (2) [Sections 18 through 28] are intended to be
11 codified as an integral part of Title 7, chapter 13, and the
12 provisions of Title 7, chapter 13, apply to [sections 18
13 through 28].

14 NEW SECTION. Section 32. Saving clause. [This act]
15 does not affect rights and duties that matured, penalties
16 that were incurred, or proceedings that were begun before
17 [the effective date of this act].

18 NEW SECTION. Section 33. Severability. If a part of
19 [this act] is invalid, all valid parts that are severable
20 from the invalid part remain in effect. If a part of [this
21 act] is invalid in one or more of its applications, the part
22 remains in effect in all valid applications that are
23 severable from the invalid applications.

24 NEW SECTION. Section 34. Applicability to joint solid
25 waste disposal. Joint refuse disposal districts organized

1 under 7-13-241 prior to [the effective date of this act] are
2 continued under [sections 18 through 28] and have all powers
3 and duties of joint solid waste districts provided by
4 [sections 18 through 28].

5 NEW SECTION. Section 35. Applicability to garbage and
6 ash collection districts. (1) The duties and
7 responsibilities of garbage and ash collection districts
8 that exist within the boundary of a municipality must be
9 assumed by the municipality on [the effective date of this
10 act].

11 (2) Garbage and ash collection districts outside a
12 municipality must become a solid waste district or part of
13 an existing solid waste district upon passage of a
14 resolution by the county commission.

15 (3) (a) The resolution must provide for compliance with
16 the provisions of Title 7, chapter 13, part 2.

17 (b) If the boundaries and service charges for the new
18 district remain the same as for the garbage and ash
19 collection district, notice of intention or right to
20 protest, as provided in 7-13-208 through 7-13-211, need not
21 be provided.

22 NEW SECTION. Section 36. Effective date. [This act] is
23 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0189, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to generally revise the laws relating to solid waste management by local governments and authorizing multi-county solid waste districts.

ASSUMPTIONS:

1. No multi-county district sponsored landfills would be permitted in the 1993 biennium.

FISCAL IMPACT:


No fiscal impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Regionalization of county landfill programs could potentially reduce local costs.

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Regionalization may affect solid waste fee revenues, as proposed in the executive budget. Regionalization could either reduce fee revenue proposed for support of the state solid waste program as fewer solid waste management systems remain in operation or cause the fees to be adjusted or restructured to maintain adequate revenues.


ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

1-28-91
DATE


THOMAS A. (TOM) BECK, PRIMARY SPONSOR
DATE 1/29

Fiscal Note for SB0189, as introduced.

SB 189

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 SENATE BILL NO. 189
 2 INTRODUCED BY T. BECK, HARP, YELLOWTAIL,
 3 WEEDING, GAGE, REA, GRADY, RANEY
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO SOLID WASTE MANAGEMENT BY LOCAL
 8 GOVERNMENTS; AUTHORIZING MULTICOUNTY SOLID WASTE DISTRICTS;
 9 AMENDING SECTIONS 7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501,
 10 7-7-4402, 7-13-202, 7-13-204, 7-13-209, 7-13-212, 7-13-215,
 11 7-13-232, 7-13-233, AND 7-13-235, MCA; REPEALING SECTIONS
 12 7-13-241, 7-13-242, 7-13-243, 7-13-2401, 7-13-2402,
 13 7-13-2403, 7-13-2404, 7-13-2405, AND 7-13-2406, MCA; AND
 14 PROVIDING AN EFFECTIVE DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 7-5-2306, MCA, is amended to read:
 18 "7-5-2306. Use of installment purchase contracts. When
 19 the amount to be paid as the purchase price for any vehicle
 20 or road machinery of any kind, for any other machinery,
 21 apparatus, appliance, or equipment, or for any materials or
 22 supplies of any kind shall exceed \$4,000, the county
 23 governing body may provide for the payment of such purchase
 24 price in installments extending over a period of not more
 25 than 5 years, except contracts for solid waste management

1 systems as defined by 75-10-103, which may not exceed 10
 2 years, provided that at the time of entering into the
 3 agreement for such purchase, there shall be an unexpended
 4 balance of appropriation in the budget for the then-current
 5 fiscal year available and sufficient to meet and take care
 6 of such portion of the purchase price as is payable during
 7 the then-current fiscal year and the budget for each
 8 following year in which any portion of such purchase price
 9 is to be paid shall contain an appropriation for the purpose
 10 of paying the same."

11 **Section 2.** Section 7-5-4304, MCA, is amended to read:
 12 "7-5-4304. Certain contracts to be submitted to voters.
 13 No contract may be let pursuant to 7-5-4302 that extends
 14 over a period of 5 years or more, except contracts for solid
 15 waste management systems as defined in 75-10-103, which may
 16 not exceed 10 years, without first submitting the question
 17 to a vote of the electors of the city or town."

18 **Section 3.** Section 7-5-4321, MCA, is amended to read:
 19 "7-5-4321. Grant of exclusive franchise -- election
 20 required. (1) The council may not grant an exclusive
 21 franchise or special privilege to any person except in the
 22 manner specified in subsection (2). The powers of the
 23 council are only those expressly prescribed by law and those
 24 necessarily incident thereto.

25 (2) No exclusive franchise for any purpose, except

SECOND READING



1 contracts for solid waste management systems as defined in
 2 75-10-103, which may not exceed 10 years, may be granted by
 3 any city or town or by the mayor or city council thereof to
 4 any person, association, or corporation without first
 5 submitting the application therefor to the electors of the
 6 city."

7 **Section 4.** Section 7-7-2501, MCA, is amended to read:

8 "7-7-2501. Authority to issue revenue bonds --
 9 refunding revenue bonds. (1) A county may issue county
 10 revenue bonds in the same manner and with the same effect as
 11 provided in chapter 7, part 44, of this title for issuance
 12 of municipal revenue bonds. County revenue bonds may be
 13 issued to finance any project or activity enumerated in
 14 chapter 16, part 21, or chapter 34, part 22 or 23, of this
 15 title or in Title 75, chapter 10, part 1. Revenues from the
 16 project for which the bonds are issued are the only revenues
 17 upon which a lien under the provisions of 7-7-4431 shall
 18 apply. No lien shall attach to other revenues or other
 19 property within the county.

20 (2) A county may refund revenue bonds issued under the
 21 authority provided in subsection (1) by the method provided
 22 in either part 45 or part 46 of chapter 7.

23 (3) In construing, for purposes of this section, the
 24 provisions of parts 44, 45, or 46 of chapter 7, "municipal"
 25 is considered to refer to the county and "governing body" is

1 considered to refer to the board of county commissioners
 2 whenever the board of county commissioners is acting
 3 pursuant to subsection (1)."

4 **Section 5.** Section 7-7-4402, MCA, is amended to read:

5 "7-7-4402. Definitions. Whenever used in this part,
 6 unless a different meaning clearly appears from the context,
 7 the following definitions apply:

8 (1) The term "governing body" shall include bodies and
 9 boards, by whatsoever names they may be known, having charge
 10 of finances and management of a municipality.

11 (2) The term "municipality" shall include any city or
 12 any town, however organized.

13 (3) The term "undertaking" shall mean any one or a
 14 combination of the following:

15 (a) water and sewer systems, together with all parts
 16 thereof and appurtenances thereto including but not limited
 17 to supply and distribution systems, reservoirs, dams, and
 18 sewage treatment and disposal works;

19 (b) public airport construction and public airport
 20 building;

21 (c) convention facilities;

22 (d) public recreation facilities; and

23 (e) public parking facilities, solid waste management
 24 systems, or other revenue-producing facilities and services
 25 authorized in these codes for cities and towns."

1 **Section 6.** Section 7-13-202, MCA, is amended to read:

2 **"7-13-202. Definitions.** As used in this part, unless
3 the context indicates otherwise, the following definitions
4 apply:

5 (1) "Board" means the board of directors as provided
6 for in 7-13-213 and ~~7-13-241~~.

7 (2) "Commissioners" means the board of county
8 commissioners.

9 (3) "Family residential unit" means the residence of a
10 single family.

11 (4) ~~"Refuse" means all putrescible and nonputrescible
12 solid wastes (except body wastes), including garbage,
13 rubbish, street cleanings, dead animals, yard clippings, and
14 solid market and solid industrial wastes. "Solid waste"
15 means all putrescible and nonputrescible wastes, including
16 but not limited to garbage, rubbish, refuse, hazardous
17 wastes, ashes, sludge from sewage treatment plants, water
18 supply treatment plants, or air pollution control
19 facilities, septic tank and cesspool pumpings, construction
20 and demolition wastes, dead animals, including offal,
21 discarded home and industrial appliances, and wood wastes
22 PRODUCTS OR WOOD BYPRODUCTS and inert materials. The term
23 "SOLID WASTE" does not include MEAN municipal sewage,
24 industrial wastewater effluents, or mining wastes regulated
25 under the mining and reclamation laws administered by the~~

1 department of state lands, SLASH AND FOREST DEBRIS REGULATED
2 UNDER LAWS ADMINISTERED BY THE DEPARTMENT OF STATE LANDS, OR
3 MARKETABLE BYPRODUCTS.

4 (5) ~~"Refuse disposal district" means an area~~
5 ~~established with definite boundaries for the purpose of~~
6 ~~collecting and disposing of all refuse created in said~~
7 ~~district. "Solid waste MANAGEMENT district" means an area~~
8 ~~established within a county for the purpose of collecting~~
9 ~~and disposing of all solid waste created in the district~~
10 PLANNING AND OPERATING A SOLID WASTE MANAGEMENT SYSTEM AS
11 DEFINED IN 75-10-103."

12 **Section 7.** Section 7-13-204, MCA, is amended to read:

13 **"7-13-204. Resolution of intention to create refuse**
14 ~~disposal~~ solid waste management district. (1) Before
15 creating ~~any refuse disposal~~ a solid waste management
16 district, the commissioners shall pass a resolution of
17 intention to do so.

18 (2) The resolution shall designate:

19 (a) the proposed name of such district;

20 (b) the necessity for the proposed district;

21 (c) a general description of the territory or lands of
22 said district, giving the boundaries thereof;

23 (d) the general character of the collection service;

24 (e) the proposed fees to be charged for the service;

25 and

1 (f) the powers to be delegated to the board and the
2 powers to be exercised only with the approval of the county
3 commissioners."

4 **Section 8.** Section 7-13-209, MCA, is amended to read:
5 "7-13-209. Right to protest. (1) At any time within 30
6 15 days after the date of the first publication of the
7 notice provided for in 7-13-208, any owner of property
8 liable to be assessed for said service may make written
9 protest against the proposed service or against the fees
10 proposed to be charged for the service.

11 (2) Such protest must be in writing and be delivered to
12 the county clerk, who shall endorse thereon the date of the
13 receipt by him."

14 **Section 9.** Section 7-13-212, MCA, is amended to read:
15 "7-13-212. Resolution creating district -- power to
16 order improvements. (1) Before ordering any of the proposed
17 improvements, the commissioners shall pass a resolution
18 creating the refuse disposal district in accordance with the
19 resolution of intention theretofore introduced and passed by
20 the commissioners.

21 (2) The commissioners may change the boundaries and
22 description of the district from the resolution of intention
23 if the changes do not add territory or increase the proposed
24 fees.

25 (2)(3) The commissioners shall be deemed to have

1 acquired jurisdiction to order improvements immediately upon
2 the occurrence of one of the following:

3 (a) when no protests have been delivered to the county
4 clerk within 30 15 days after the date of the first
5 publication of the notice provided for in 7-13-208;

6 (b) when a protest shall have been found by said
7 commissioners to be insufficient; or

8 (c) when a protest shall have been overruled."

9 **Section 10.** Section 7-13-215, MCA, is amended to read:

10 "7-13-215. Powers and duties of board. ~~The board of a~~
11 ~~refuse disposal district established and organized under~~
12 ~~this part has the following powers and duties, with the~~
13 ~~approval of the county commissioners of the counties~~
14 ~~involved:~~

15 (1) ~~to develop and administer a program for the~~
16 ~~collection or disposal of refuse in the district;~~

17 (2) ~~to employ personnel;~~

18 (3) ~~to purchase, rent, or execute leasing agreements~~
19 ~~for such equipment and material necessary for carrying on an~~
20 ~~effective refuse collection or disposal program;~~

21 (4) ~~to cooperate with any corporation, association,~~
22 ~~individual, or group of individuals, including any agency of~~
23 ~~the federal, state, or local government, in order to carry~~
24 ~~out effective programs;~~

25 (5) ~~to receive gifts, grants, or donations for the~~

1 purpose--of--advancing--the--program-and-to-acquire-by-gift,
2 deed,purchase,or-condemnation-land--necessary--for--refuse
3 disposal-purposes;

4 {6}--to--enforce--department-of-health-and-environmental
5 sciences-or-local-board-of-health-rules--pertaining--to--the
6 storage,collection,and-disposal-of-refuse;

7 {7}--to--apply--for--and--receive--from--the--federal
8 government-or-the-state-government,-on-behalf-of-the--refuse
9 disposal--district,-money--appropriated-by-federal-or-state
10 legislative-bodies-for-aiding-these-programs;

11 {8}--to-borrow-from-any-loaning-agency--funds--available
12 for--assistance--in--planning-or-financing-a-refuse-disposal
13 district-and-repay-these-with-the-money--received--from--the
14 fees--levied-under-this-part. Except for powers specifically
15 reserved by the counties in the resolution creating the
16 district, the board has the powers and duties provided in
17 75-10-112."

18 **Section 11.** Section 7-13-232, MCA, is amended to read:

19 "7-13-232. Determination of service charge. {1}--The
20 fees-shall-be-based-upon-a-family-residential-unit,-and-fees
21 for-commercial-and-industrial-accounts-shall-be-based-on-the
22 comparison--with-a-typical-residential-unit-as-to-volume-and
23 type-of-waste-produced. (1) The board may establish, by
24 resolution, rates for service charges. For solid waste
25 districts other than joint districts, the rates must be

1 subject to the approval of the county commissioners.

2 (2) Service charges may take into account:

3 (a) the character, kind, and quality of service; and

4 (b) the cost of providing the service, including but
5 not limited to depreciation and the payment of principal and
6 interest on money borrowed by the district for the
7 acquisition and improvement of facilities and equipment.

8 (3) Service charges may be assessed per family
9 residential unit or based on the size of a vehicle used to
10 dispose of the waste; the volume or weight of the waste; or
11 the cost, incentives, or penalties applicable to waste
12 management practices.

13 (4) The initial rate for any solid waste district or
14 joint solid waste district may not exceed the rate provided
15 in the resolution creating the district.

16 {2}{5} Fees for mobile home park accounts must be paid
17 by the registered owner of each mobile home in the mobile
18 home park.

19 {3}--in--no--case--shall--the--fee--for--disposal-service
20 exceed-one-half--the--total--fee--for--both--collection--and
21 disposal-services;

22 (6) A notice of intention to enact a resolution to
23 increase rates must be published as provided in 7-1-4128,
24 and the district shall hold a public hearing prior to the
25 meeting at which the resolution is considered."

1 **Section 12.** Section 7-13-233, MCA, is amended to read:
2 "7-13-233. Procedure to collect service charge. The
3 ~~month--the--service--begins,~~ the department of revenue or its
4 ~~agents shall insure that the amount of this fee is placed on~~
5 ~~the tax notices, to be collected with the tax, if a property~~
6 ~~owner fails to pay this fee, it shall become a lien upon the~~
7 ~~property. (1) The service charge may be imposed for:~~
8 (a) any fiscal year for which the district establishes
9 a budget or incurs costs related to planning or constructing
10 a solid waste management facility; or
11 (b) services to begin within 12 months.
12 (2) The board shall certify to the county commissioners
13 of the county served by the solid waste district the service
14 charge needed for the current fiscal year, the due but
15 unpaid service charges, and a description of the property
16 against which the service charges are to be levied.
17 (3) The department of revenue or its agent shall ensure
18 that the amount of the service charge is placed on property
19 tax notices and that the service charge is collected with
20 property taxes.
21 (4) The board may establish a system for collecting
22 service charges other than by tax notices to property owners
23 issued by the department of revenue. The board may collect
24 the service charge more often than property taxes are
25 collected.

1 (5) If not paid, the service charge becomes delinquent
2 and becomes a lien on the property, subject to the same
3 penalties and the same rate of interest as property taxes."
4 **Section 13.** Section 7-13-235, MCA, is amended to read:
5 "7-13-235. Installment payments for capital
6 improvements. To defray the initial cost of purchasing land
7 and equipment, payments may be spread over a term of not to
8 exceed 20 10 years. ~~Payments--are--to--be--made--in--equal~~
9 ~~installments--out--of--the--money--received--from--the--fee--levy~~
10 ~~provided--for--in--this--part."~~
11 NEW SECTION. Section 14. Bonds and obligations. (1)
12 The commissioners may issue revenue bonds, including
13 refunding bonds, or borrow money for the acquisition of
14 property, construction of improvements, or purchase of
15 equipment or to pay costs related to planning, designing,
16 and financing a solid waste management system.
17 (2) Revenue bonds may be issued in a form and upon
18 terms as provided in 7-7-2501.
19 (3) Bonds or loans may be payable from any revenue of
20 the joint solid waste district, including revenue from:
21 (a) service charges authorized in 7-13-233;
22 (b) taxes levied pursuant to [section 16];
23 (c) grants or contributions from the state or federal
24 government; or
25 (d) other sources.

NEW SECTION. Section 15. Board to certify deficiency.

The board shall certify annually to the commissioners the amount of principal and interest payable for the next fiscal year. The board shall certify to the counties the amount of any deficiency that may exist for the ensuing period of 1 year for the payment of principal and interest due on any outstanding bonds for which the district's revenues are pledged.

NEW SECTION. Section 16. County tax levy.

The commissioners may levy a tax on all property in the solid waste district for the purpose of paying a deficiency certified by the board. The commissioners may levy a tax not to exceed 2 mills if a deficiency is certified by the board.

NEW SECTION. Section 17. Purpose.

To provide safe, efficient, and effective management of solid waste, two or more counties are authorized to cooperate in the creation of a joint solid waste district. A joint solid waste district is a political subdivision of the state for the purposes of the municipal finance consolidation act as provided in 17-5-1602 and for solid waste management services as provided in 75-10-112.

NEW SECTION. Section 18. Definitions.

As used in [sections 18 through 28], the following definitions apply:

(1) "Joint district" means a joint solid waste district created through the procedures outlined in [sections 18

through 28].

(2) "Board" means the board of directors as provided in [section 21].

(3) "Counties" means the commissioners of the counties creating the joint district.

NEW SECTION. Section 19. Creation of a joint district.

Two or more counties may create a joint solid waste district through the procedures described in 7-13-203 through 7-13-212.

NEW SECTION. Section 20. Municipalities authorized to

contract with joint districts. Joint districts may enter into agreements to provide solid waste disposal services but not collection services to municipalities located in adjoining counties that do not participate in the district. An agreement is subject to the approval of the county commissioners in the county in which the municipality is located.

NEW SECTION. Section 21. Board of directors.

(1) The board of a joint district must be appointed by the counties.

(2) The county commissioners shall appoint to the board one commissioner from each county, a representative of each incorporated city or town, a representative of each county or city board of health, and any other representatives agreed to by the commissioners of all the counties creating the joint district.

1 (3) A municipality that contracts for solid waste
2 services with a joint district but that is not located in
3 the counties creating the joint district may be represented
4 on the board as provided in the agreement with the joint
5 district.

6 (4) The board may provide for an executive committee
7 that has the authority to exercise all powers of the joint
8 district, except that the entire board shall meet at least
9 once a year to elect officers and select the executive
10 committee. An executive committee must include at least one
11 representative from each of the counties.

12 (5) The board has all powers and duties provided in
13 75-10-112.

14 NEW SECTION. **Section 22.** Administration of funds in a
15 joint district. Fees and other money collected by a joint
16 district may be administered either by entering into an
17 agreement with the county treasurer's office of one of the
18 participating counties or through a fund established and
19 administered by the board. Fees received by a county
20 treasurer must be promptly deposited into funds and accounts
21 established by the joint district.

22 NEW SECTION. **Section 23.** Service charges. Service
23 charges must be established and collected in the manner
24 provided in 7-13-231 through 7-13-233.

1 NEW SECTION. **Section 24.** Bonds and obligations. (1) A
2 joint district may borrow money for any purpose provided in
3 [sections 18 through 28] and issue bonds, including
4 refunding bonds, in a form and upon terms as it may
5 determine, payable from any revenue of the joint district,
6 including revenue from:

7 (a) service charges authorized in [section 23];

8 (b) taxes levied pursuant to [section 26];

9 (c) grants or contributions from the state or federal
10 government; or

11 (d) other sources.

12 (2) The bonds may be issued by resolution of the joint
13 district without an election and without any limitation of
14 the amount, except that bonds may not be issued at any time
15 if the total amount of principal and interest to become due
16 in any year on the bonds and on any then-outstanding bonds
17 for which revenue from the same source or sources is pledged
18 exceeds the amount of the revenue to be received in that
19 year as estimated in the resolution authorizing the issuance
20 of the bonds. The board shall take all action necessary and
21 possible to impose, maintain, and collect rates, charges,
22 rentals, and taxes, if any are pledged, sufficient to make
23 the revenue from the pledged source in a year at least equal
24 to the amount of the principal and interest due in that
25 year.

(3) The bonds may be sold at public or private sale and may bear interest as provided in 17-5-102. Except as otherwise provided in [sections 18 through 28], bonds issued pursuant to [sections 18 through 28] by a joint district may be payable in principal and interest solely from revenues of the joint district and must state on their face the applicable limitations or restrictions regarding the source from which the principal and interest are payable.

(4) Bonds issued by a joint district under [sections 18 through 28] are issued for an essential public and governmental purpose by a political subdivision within the meaning of 15-30-111(2)(a).

(5) For the security of any bond, the joint district may by resolution make and enter into any covenant, agreement, or indenture. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any revenue referred to in [sections 18 through 28] prior to the payment of current costs of operation and maintenance of the solid waste management system.

NEW SECTION. Section 25. Board to certify deficiency.

The board shall certify annually to the counties the anticipated revenue of the joint district and the amount of principal and interest payable for the next fiscal year. The board shall certify to the counties the amount of any

deficiency for the ensuing period of 1 year for the payment of principal and interest due on any outstanding bonds of the joint district.

NEW SECTION. Section 26. County tax levy. (1) The counties participating in a joint district may levy a tax on all property in the joint district for the purpose of paying any deficiency certified by the board as provided in [sections 18 through 28].

(2) The counties may:

(a) agree by resolution to levy a tax not to exceed 2 mills if a deficiency is certified by the board; or

(b) levy a general tax for payment of any deficiency if the question of levying a general tax is submitted to the qualified electors of each of the counties creating the joint district as provided in Title 7, chapter 7, part 22. A tax may not be imposed unless the majority of voters voting on the levy in each county approve the levy.

NEW SECTION. Section 27. Debt service fund. A joint district may create a debt service fund and accumulate in the fund a sum not to exceed an amount equal to the total amount of principal and interest due in any 2 subsequent years.

NEW SECTION. Section 28. Tax exemption. Any property in this state acquired by a joint district for purposes of operating a solid waste management system and any income

1 derived by the joint district is exempt from taxation to the
2 same extent as other property used for public purposes.

3 NEW SECTION. Section 29. Repealer. Sections 7-13-241,
4 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403,
5 7-13-2404, 7-13-2405, and 7-13-2406, MCA, are repealed.

6 NEW SECTION. Section 30. Code commissioner
7 instruction. In 7-13-201 through 7-13-243, MCA, the code
8 commissioner is instructed to change the term "refuse" to
9 "solid waste" and the term "refuse disposal" to "solid waste
10 management".

11 NEW SECTION. Section 31. Codification instruction. (1)
12 [Sections 14 through ~~17~~ 16] are intended to be codified as
13 an integral part of Title 7, chapter 13, part 2, and the
14 provisions of Title 7, chapter 13, part 2, apply to
15 [sections 14 through ~~17~~ 16].

16 (2) [Sections ~~18~~ 17 through 28] are intended to be
17 codified as an integral part of Title 7, chapter 13, and the
18 provisions of Title 7, chapter 13, apply to [sections ~~18~~ 17
19 through 28].

20 NEW SECTION. Section 32. Saving clause. [This act]
21 does not affect rights and duties that matured, penalties
22 that were incurred, or proceedings that were begun before
23 [the effective date of this act].

24 NEW SECTION. Section 33. Severability. If a part of
25 [this act] is invalid, all valid parts that are severable

1 from the invalid part remain in effect. If a part of [this
2 act] is invalid in one or more of its applications, the part
3 remains in effect in all valid applications that are
4 severable from the invalid applications.

5 NEW SECTION. Section 34. Applicability to joint solid
6 waste disposal. Joint refuse disposal districts organized
7 under 7-13-241 prior to [the effective date of this act] are
8 continued under [sections 18 through 28] and have all powers
9 and duties of joint solid waste districts provided by
10 [sections 18 through 28].

11 NEW SECTION. Section 35. Applicability to garbage and
12 ash collection districts. (1) The duties and
13 responsibilities of garbage and ash collection districts
14 that exist within the boundary of a municipality must be
15 assumed by the municipality on [the effective date of this
16 act].

17 (2) Garbage and ash collection districts outside a
18 municipality must become a solid waste district or part of
19 an existing solid waste district upon passage of a
20 resolution by the county commission.

21 (3) (a) The resolution must provide for compliance with
22 the provisions of Title 7, chapter 13, part 2.

23 (b) If the boundaries and service charges for the new
24 district remain the same as for the garbage and ash
25 collection district, notice of intention or right to

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1 protest, as provided in 7-13-208 through 7-13-211, need not
2 be provided.

3 NEW SECTION. **Section 36.** Effective date. [This act] is
4 effective July 1, 1991.

-End-

1 SENATE BILL NO. 189

2 INTRODUCED BY T. BECK, HARP, YELLOWTAIL,

3 WEEDING, GAGE, REA, GRADY, RANEY

4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
7 LAWS RELATING TO SOLID WASTE MANAGEMENT BY LOCAL
8 GOVERNMENTS; AUTHORIZING MULTICOUNTY SOLID WASTE DISTRICTS;
9 AMENDING SECTIONS 7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501,
10 7-7-4402, 7-13-202, 7-13-204, 7-13-209, 7-13-212, 7-13-215,
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13 7-13-2403, 7-13-2404, 7-13-2405, AND 7-13-2406, MCA; AND
14 PROVIDING AN EFFECTIVE DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:17 **Section 1.** Section 7-5-2306, MCA, is amended to read:

18 "7-5-2306. Use of installment purchase contracts. When
19 the amount to be paid as the purchase price for any vehicle
20 or road machinery of any kind, for any other machinery,
21 apparatus, appliance, or equipment, or for any materials or
22 supplies of any kind shall exceed \$4,000, the county
23 governing body may provide for the payment of such purchase
24 price in installments extending over a period of not more
25 than 5 years, except contracts for solid waste management

1 systems as defined by 75-10-103, which may not exceed 10
2 years, provided that at the time of entering into the
3 agreement for such purchase, there shall be an unexpended
4 balance of appropriation in the budget for the then-current
5 fiscal year available and sufficient to meet and take care
6 of such portion of the purchase price as is payable during
7 the then-current fiscal year and the budget for each
8 following year in which any portion of such purchase price
9 is to be paid shall contain an appropriation for the purpose
10 of paying the same."

11 **Section 2.** Section 7-5-4304, MCA, is amended to read:

12 "7-5-4304. Certain contracts to be submitted to voters.
13 No contract may be let pursuant to 7-5-4302 that extends
14 over a period of 5 years or more, except contracts for solid
15 waste management systems as defined in 75-10-103, which may
16 not exceed 10 years, without first submitting the question
17 to a vote of the electors of the city or town."

18 **Section 3.** Section 7-5-4321, MCA, is amended to read:

19 "7-5-4321. Grant of exclusive franchise -- election
20 required. (1) The council may not grant an exclusive
21 franchise or special privilege to any person except in the
22 manner specified in subsection (2). The powers of the
23 council are only those expressly prescribed by law and those
24 necessarily incident thereto.

25 (2) No exclusive franchise for any purpose, except

1 contracts for solid waste management systems as defined in
 2 75-10-103, which may not exceed 10 years, may be granted by
 3 any city or town or by the mayor or city council thereof to
 4 any person, association, or corporation without first
 5 submitting the application therefor to the electors of the
 6 city."

7 **Section 4.** Section 7-7-2501, MCA, is amended to read:

8 "7-7-2501. Authority to issue revenue bonds --
 9 refunding revenue bonds. (1) A county may issue county
 10 revenue bonds in the same manner and with the same effect as
 11 provided in chapter 7, part 44, of this title for issuance
 12 of municipal revenue bonds. County revenue bonds may be
 13 issued to finance any project or activity enumerated in
 14 chapter 16, part 21, or chapter 34, part 22 or 23, of this
 15 title or in Title 75, chapter 10, part 1. Revenues from the
 16 project for which the bonds are issued are the only revenues
 17 upon which a lien under the provisions of 7-7-4431 shall
 18 apply. No lien shall attach to other revenues or other
 19 property within the county.

20 (2) A county may refund revenue bonds issued under the
 21 authority provided in subsection (1) by the method provided
 22 in either part 45 or part 46 of chapter 7.

23 (3) In construing, for purposes of this section, the
 24 provisions of parts 44, 45, or 46 of chapter 7, "municipal"
 25 is considered to refer to the county and "governing body" is

1 considered to refer to the board of county commissioners
 2 whenever the board of county commissioners is acting
 3 pursuant to subsection (1)."

4 **Section 5.** Section 7-7-4402, MCA, is amended to read:

5 "7-7-4402. Definitions. Whenever used in this part,
 6 unless a different meaning clearly appears from the context,
 7 the following definitions apply:

8 (1) The term "governing body" shall include bodies and
 9 boards, by whatsoever names they may be known, having charge
 10 of finances and management of a municipality.

11 (2) The term "municipality" shall include any city or
 12 any town, however organized.

13 (3) The term "undertaking" shall mean any one or a
 14 combination of the following:

15 (a) water and sewer systems, together with all parts
 16 thereof and appurtenances thereto including but not limited
 17 to supply and distribution systems, reservoirs, dams, and
 18 sewage treatment and disposal works;

19 (b) public airport construction and public airport
 20 building;

21 (c) convention facilities;

22 (d) public recreation facilities; and

23 (e) public parking facilities, solid waste management
 24 systems, or other revenue-producing facilities and services
 25 authorized in these codes for cities and towns."

1 **Section 6.** Section 7-13-202, MCA, is amended to read:

2 "7-13-202. Definitions. As used in this part, unless
3 the context indicates otherwise, the following definitions
4 apply:

5 (1) "Board" means the board of directors as provided
6 for in 7-13-213 and 7-13-241.

7 (2) "Commissioners" means the board of county
8 commissioners.

9 (3) "Family residential unit" means the residence of a
10 single family.

11 (4) "~~Refuse~~" ~~means all putrescible and nonputrescible~~
12 ~~solid wastes (except body wastes), including garbage,~~
13 ~~rubbish, street cleanings, dead animals, yard clippings, and~~
14 ~~solid market and solid industrial wastes.~~ "Solid waste"
15 means all putrescible and nonputrescible wastes, including
16 but not limited to garbage; rubbish; refuse; hazardous
17 wastes; ashes; sludge from sewage treatment plants, water
18 supply treatment plants, or air pollution control
19 facilities; septic tank and cesspool pumpings; construction
20 and demolition wastes; dead animals, including offal;
21 discarded home and industrial appliances; and wood wastes
22 PRODUCTS OR WOOD BYPRODUCTS and inert materials. The term
23 "SOLID WASTE" does not include MEAN municipal sewage,
24 industrial wastewater effluents, or mining wastes regulated
25 under the mining and reclamation laws administered by the

1 department of state lands, SLASH AND FOREST DEBRIS REGULATED
2 UNDER LAWS ADMINISTERED BY THE DEPARTMENT OF STATE LANDS, OR
3 MARKETABLE BYPRODUCTS.

4 (5) "~~Refuse disposal district~~" ~~means an area~~
5 ~~established with definite boundaries for the purpose of~~
6 ~~collecting and disposing of all refuse created in said~~
7 ~~district.~~ "Solid waste MANAGEMENT district" means an area
8 established within a county for the purpose of collecting
9 and disposing of all solid waste created in the district
10 PLANNING AND OPERATING A SOLID WASTE MANAGEMENT SYSTEM AS
11 DEFINED IN 75-10-103."

12 **Section 7.** Section 7-13-204, MCA, is amended to read:

13 "7-13-204. Resolution of intention to create refuse
14 disposal solid waste management district. (1) Before
15 creating any ~~refuse disposal~~ a solid waste management
16 district, the commissioners shall pass a resolution of
17 intention to do so.

18 (2) The resolution shall designate:

19 (a) the proposed name of such district;

20 (b) the necessity for the proposed district;

21 (c) a general description of the territory or lands of
22 said district, giving the boundaries thereof;

23 (d) the general character of the collection service;

24 (e) the proposed fees to be charged for the service;

25 and

1 (f) the powers to be delegated to the board and the
2 powers to be exercised only with the approval of the county
3 commissioners."

4 **Section 8.** Section 7-13-209, MCA, is amended to read:

5 "7-13-209. Right to protest. (1) At any time within 30
6 15 days after the date of the first publication of the
7 notice provided for in 7-13-208, any owner of property
8 liable to be assessed for said service may make written
9 protest against the proposed service or against the fees
10 proposed to be charged for the service.

11 (2) Such protest must be in writing and be delivered to
12 the county clerk, who shall endorse thereon the date of the
13 receipt by him."

14 **Section 9.** Section 7-13-212, MCA, is amended to read:

15 "7-13-212. Resolution creating district -- power to
16 order improvements. (1) Before ordering any of the proposed
17 improvements, the commissioners shall pass a resolution
18 creating the refuse-disposal SOLID WASTE MANAGEMENT district
19 in accordance with the resolution of intention theretofore
20 introduced and passed by the commissioners.

21 (2) The commissioners may change the boundaries and
22 description of the district from the resolution of intention
23 if the changes do not add territory or increase the proposed
24 fees.

25 (2)(3) The commissioners shall be deemed to have

1 acquired jurisdiction to order improvements immediately upon
2 the occurrence of one of the following:

3 (a) when no protests have been delivered to the county
4 clerk within 30 15 days after the date of the first
5 publication of the notice provided for in 7-13-208;

6 (b) when a protest shall have been found by said
7 commissioners to be insufficient; or

8 (c) when a protest shall have been overruled."

9 **Section 10.** Section 7-13-215, MCA, is amended to read:

10 "7-13-215. Powers and duties of board. ~~The board of a~~
11 ~~refuse disposal district established and organized under~~
12 ~~this part has the following powers and duties, with the~~
13 ~~approval of the county commissioners of the counties~~
14 ~~involved:~~

15 (1) ~~to develop and administer a program for the~~
16 ~~collection or disposal of refuse in the district;~~

17 (2) ~~to employ personnel;~~

18 (3) ~~to purchase, rent, or execute leasing agreements~~
19 ~~for such equipment and material necessary for carrying on an~~
20 ~~effective refuse collection or disposal program;~~

21 (4) ~~to cooperate with any corporation, association,~~
22 ~~individual, or group of individuals, including any agency of~~
23 ~~the federal, state, or local government, in order to carry~~
24 ~~out effective programs;~~

25 (5) ~~to receive gifts, grants, or donations for the~~

1 ~~purpose of advancing the program and to acquire by gift,~~
 2 ~~deed, purchase, or condemnation land necessary for refuse~~
 3 ~~disposal purposes;~~

4 ~~(6) to enforce department of health and environmental~~
 5 ~~sciences or local board of health rules pertaining to the~~
 6 ~~storage, collection, and disposal of refuse;~~

7 ~~(7) to apply for and receive from the federal~~
 8 ~~government or the state government, on behalf of the refuse~~
 9 ~~disposal district, money appropriated by federal or state~~
 10 ~~legislative bodies for aiding these programs;~~

11 ~~(8) to borrow from any loaning agency funds available~~
 12 ~~for assistance in planning or financing a refuse disposal~~
 13 ~~district and repay these with the money received from the~~
 14 ~~fees levied under this part. Except for powers specifically~~
 15 ~~reserved by the counties in the resolution creating the~~
 16 ~~district, the board has the powers and duties provided in~~
 17 ~~75-10-112."~~

18 **Section 11.** Section 7-13-232, MCA, is amended to read:

19 "7-13-232. Determination of service charge. (1) The
 20 fees shall be based upon a family residential unit, and fees
 21 for commercial and industrial accounts shall be based on the
 22 comparison with a typical residential unit as to volume and
 23 type of waste produced. (1) The board may establish, by
 24 resolution, rates for service charges. For solid waste
 25 MANAGEMENT districts other than joint districts, the rates

1 must be subject to the approval of the county commissioners.

2 (2) Service charges may take into account:

3 (a) the character, kind, and quality of service; and

4 (b) the cost of providing the service, including but
 5 not limited to depreciation and the payment of principal and
 6 interest on money borrowed by the district for the
 7 acquisition and improvement of facilities and equipment.

8 (3) Service charges may be assessed per family
 9 residential unit or based on the size of a vehicle used to
 10 dispose of the waste; the volume or weight of the waste; or
 11 the cost, incentives, or penalties applicable to waste
 12 management practices.

13 (4) The initial rate for any solid waste district or
 14 joint solid waste MANAGEMENT district may not exceed the
 15 rate provided in the resolution creating the district.

16 (2)(5) Fees for mobile home park accounts must be paid
 17 by the registered owner of each mobile home in the mobile
 18 home park.

19 (3) In no case shall the fee for disposal service
 20 exceed one-half the total fee for both collection and
 21 disposal services.

22 (6) A notice of intention to enact a resolution to
 23 increase rates must be published as provided in 7-1-4128,
 24 and the district shall hold a public hearing prior to the
 25 meeting at which the resolution is considered."

1 **Section 12.** Section 7-13-233, MCA, is amended to read:

2 "7-13-233. Procedure to collect service charge. The
 3 month-the-service-begins, the-department-of-revenue-or-its
 4 agents-shall-insure-that-the-amount-of-this-fee-is-placed-on
 5 the-tax-notice, to-be-collected-with-the-tax. If-a-property
 6 owner-fails-to-pay-this-fee, it-shall-become-a-lien-upon-the
 7 property: (1) The service charge may be imposed for:

8 (a) any fiscal year for which the district establishes
 9 a budget or incurs costs related to planning or constructing
 10 a solid waste management facility; or

11 (b) services to begin within 12 months.

12 (2) The board shall certify to the county commissioners
 13 of the county served by the solid waste MANAGEMENT district
 14 the service charge needed for the current fiscal year, the
 15 due but unpaid service charges, and a description of the
 16 property against which the service charges are to be levied.

17 (3) The department of revenue or its agent shall ensure
 18 that the amount of the service charge is placed on property
 19 tax notices and that the service charge is collected with
 20 property taxes.

21 (4) The board may establish a system for collecting
 22 service charges other than by tax notices to property owners
 23 issued by the department of revenue. The board may collect
 24 the service charge more often than property taxes are
 25 collected.

1 (5) If not paid, the service charge becomes delinquent
 2 and becomes a lien on the property, subject to the same
 3 penalties and the same rate of interest as property taxes."

4 **Section 13.** Section 7-13-235, MCA, is amended to read:

5 "7-13-235. Installment payments for capital
 6 improvements. To defray the initial cost of purchasing land
 7 and equipment, payments may be spread over a term of not to
 8 exceed 20 10 years. Payments--are--to--be--made--in--equal
 9 installments--out--of--the--money--received--from--the--fee--levy
 10 provided-for-in-this-part."

11 **NEW SECTION. Section 14. Bonds and obligations.** (1)
 12 The commissioners may issue revenue bonds, including
 13 refunding bonds, or borrow money for the acquisition of
 14 property, construction of improvements, or purchase of
 15 equipment or to pay costs related to planning, designing,
 16 and financing a solid waste management system.

17 (2) Revenue bonds may be issued in a form and upon
 18 terms as provided in 7-7-2501.

19 (3) Bonds or loans may be payable from any revenue of
 20 the joint solid waste MANAGEMENT district, including revenue
 21 from:

22 (a) service charges authorized in 7-13-233;

23 (b) taxes levied pursuant to [section 16];

24 (c) grants or contributions from the state or federal
 25 government; or

1 (d) other sources.

2 **NEW SECTION. Section 15. Board to certify deficiency.**

3 The board shall certify annually to the commissioners the
4 amount of principal and interest payable for the next fiscal
5 year. The board shall certify to the counties the amount of
6 any deficiency that may exist for the ensuing period of 1
7 year for the payment of principal and interest due on any
8 outstanding bonds for which the district's revenues are
9 pledged.

10 **NEW SECTION. Section 16. County tax levy.** The

11 commissioners may levy a tax on all property in the solid
12 waste MANAGEMENT district for the purpose of paying a
13 deficiency certified by the board. The commissioners may
14 levy a tax not to exceed 2 mills if a deficiency is
15 certified by the board.

16 **NEW SECTION. Section 17. Purpose.** To provide safe,

17 efficient, and effective management of solid waste, two or
18 more counties are authorized to cooperate in the creation of
19 a joint solid waste district. A joint solid waste district
20 is a political subdivision of the state for the purposes of
21 the municipal finance consolidation act as provided in
22 17-5-1602 and for solid waste management services as
23 provided in 75-10-112.

24 **NEW SECTION. Section 18. Definitions.** As used in

25 [sections 18 through 28], the following definitions apply:

1 (1) "Joint district" means a joint solid waste district
2 created through the procedures outlined in [sections 18
3 through 28].

4 (2) "Board" means the board of directors as provided in
5 [section 21].

6 (3) "Counties" means the commissioners of the counties
7 creating the joint district.

8 **NEW SECTION. Section 19. Creation of a joint district.**

9 Two or more counties may create a joint solid waste district
10 through the procedures described in 7-13-203 through
11 7-13-212.

12 **NEW SECTION. Section 20. Municipalities authorized to**

13 **contract with joint districts.** Joint districts may enter
14 into agreements to provide solid waste disposal services but
15 not collection services to municipalities located in
16 adjoining counties that do not participate in the district.
17 An agreement is subject to the approval of the county
18 commissioners in the county in which the municipality is
19 located.

20 **NEW SECTION. Section 21. Board of directors.** (1) The

21 board of a joint district must be appointed by the counties.

22 (2) The county commissioners shall appoint to the board
23 one commissioner from each county, a representative of each
24 incorporated city or town, a representative of each county
25 or city board of health, and any other representatives

1 agreed to by the commissioners of all the counties creating
2 the joint district.

3 (3) A municipality that contracts for solid waste
4 services with a joint district but that is not located in
5 the counties creating the joint district may be represented
6 on the board as provided in the agreement with the joint
7 district.

8 (4) The board may provide for an executive committee
9 that has the authority to exercise all powers of the joint
10 district, except that the entire board shall meet at least
11 once a year to elect officers and select the executive
12 committee. An executive committee must include at least one
13 representative from each of the counties.

14 (5) The board has all powers and duties provided in
15 75-10-112.

16 NEW SECTION. **Section 22.** Administration of funds in a
17 joint district. Fees and other money collected by a joint
18 district may be administered either by entering into an
19 agreement with the county treasurer's office of one of the
20 participating counties or through a fund established and
21 administered by the board. Fees received by a county
22 treasurer must be promptly deposited into funds and accounts
23 established by the joint district.

24 NEW SECTION. **Section 23.** Service charges. Service

1 charges must be established and collected in the manner
2 provided in 7-13-231 through 7-13-233.

3 NEW SECTION. **Section 24.** Bonds and obligations. (1) A
4 joint district may borrow money for any purpose provided in
5 [sections 18 through 28] and issue bonds, including
6 refunding bonds, in a form and upon terms as it may
7 determine, payable from any revenue of the joint district,
8 including revenue from:

- 9 (a) service charges authorized in [section 23];
10 (b) taxes levied pursuant to [section 26];
11 (c) grants or contributions from the state or federal
12 government; or
13 (d) other sources.

14 (2) The bonds may be issued by resolution of the joint
15 district without an election and without any limitation of
16 the amount, except that bonds may not be issued at any time
17 if the total amount of principal and interest to become due
18 in any year on the bonds and on any then-outstanding bonds
19 for which revenue from the same source or sources is pledged
20 exceeds the amount of the revenue to be received in that
21 year as estimated in the resolution authorizing the issuance
22 of the bonds. The board shall take all action necessary and
23 possible to impose, maintain, and collect rates, charges,
24 rentals, and taxes, if any are pledged, sufficient to make
25 the revenue from the pledged source in a year at least equal

1 to the amount of the principal and interest due in that
2 year.

3 (3) The bonds may be sold at public or private sale and
4 may bear interest as provided in 17-5-102. Except as
5 otherwise provided in [sections 18 through 28], bonds issued
6 pursuant to [sections 18 through 28] by a joint district may
7 be payable in principal and interest solely from revenues of
8 the joint district and must state on their face the
9 applicable limitations or restrictions regarding the source
10 from which the principal and interest are payable.

11 (4) Bonds issued by a joint district under [sections 18
12 through 28] are issued for an essential public and
13 governmental purpose by a political subdivision within the
14 meaning of 15-30-111(2)(a).

15 (5) For the security of any bond, the joint district
16 may by resolution make and enter into any covenant,
17 agreement, or indenture. The sums required from time to time
18 to pay principal and interest and to create and maintain a
19 reserve for the bonds may be paid from any revenue referred
20 to in [sections 18 through 28] prior to the payment of
21 current costs of operation and maintenance of the solid
22 waste management system.

23 NEW SECTION. **Section 25.** Board to certify deficiency.
24 The board shall certify annually to the counties the
25 anticipated revenue of the joint district and the amount of

1 principal and interest payable for the next fiscal year. The
2 board shall certify to the counties the amount of any
3 deficiency for the ensuing period of 1 year for the payment
4 of principal and interest due on any outstanding bonds of
5 the joint district.

6 NEW SECTION. **Section 26.** County tax levy. (1) The
7 counties participating in a joint district may levy a tax on
8 all property in the joint district for the purpose of paying
9 any deficiency certified by the board as provided in
10 [sections 18 through 28].

11 (2) The counties may:

12 (a) agree by resolution to levy a tax not to exceed 2
13 mills if a deficiency is certified by the board; or

14 (b) levy a general tax for payment of any deficiency if
15 the question of levying a general tax is submitted to the
16 qualified electors of each of the counties creating the
17 joint district as provided in Title 7, chapter 7, part 22. A
18 tax may not be imposed unless the majority of voters voting
19 on the levy in each county approve the levy.

20 NEW SECTION. **Section 27.** Debt service fund. A joint
21 district may create a debt service fund and accumulate in
22 the fund a sum not to exceed an amount equal to the total
23 amount of principal and interest due in any 2 subsequent
24 years.

25 NEW SECTION. **Section 28.** Tax exemption. Any property

1 in this state acquired by a joint district for purposes of
 2 operating a solid waste management system and any income
 3 derived by the joint district is exempt from taxation to the
 4 same extent as other property used for public purposes.

5 NEW SECTION. Section 29. Repealer. Sections 7-13-241,
 6 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403,
 7 7-13-2404, 7-13-2405, and 7-13-2406, MCA, are repealed.

8 NEW SECTION. Section 30. Code commissioner
 9 instruction. In 7-13-201 through 7-13-243, MCA, the code
 10 commissioner is instructed to change the term "refuse" to
 11 "solid waste" and the term "refuse disposal" to "solid waste
 12 management".

13 NEW SECTION. Section 31. Codification instruction. (1)
 14 [Sections 14 through ~~17~~ 16] are intended to be codified as
 15 an integral part of Title 7, chapter 13, part 2, and the
 16 provisions of Title 7, chapter 13, part 2, apply to
 17 [sections 14 through ~~17~~ 16].

18 (2) [Sections ~~18~~ 17 through 28] are intended to be
 19 codified as an integral part of Title 7, chapter 13, and the
 20 provisions of Title 7, chapter 13, apply to [sections ~~18~~ 17
 21 through 28].

22 NEW SECTION. Section 32. Saving clause. [This act]
 23 does not affect rights and duties that matured, penalties
 24 that were incurred, or proceedings that were begun before
 25 [the effective date of this act].

1 NEW SECTION. Section 33. Severability. If a part of
 2 [this act] is invalid, all valid parts that are severable
 3 from the invalid part remain in effect. If a part of [this
 4 act] is invalid in one or more of its applications, the part
 5 remains in effect in all valid applications that are
 6 severable from the invalid applications.

7 NEW SECTION. Section 34. Applicability to joint solid
 8 waste disposal. Joint refuse disposal districts organized
 9 under 7-13-241 prior to [the effective date of this act] are
 10 continued under [sections 18 through 28] and have all powers
 11 and duties of joint solid waste districts provided by
 12 [sections 18 through 28].

13 NEW SECTION. Section 35. Applicability to garbage and
 14 ash collection districts. (1) The duties and
 15 responsibilities of garbage and ash collection districts
 16 that exist within the boundary of a municipality must be
 17 assumed by the municipality on [the effective date of this
 18 act].

19 (2) Garbage and ash collection districts outside a
 20 municipality must become a solid waste district or part of
 21 an existing solid waste district upon passage of a
 22 resolution by the county commission.

23 (3) (a) The resolution must provide for compliance with
 24 the provisions of Title 7, chapter 13, part 2.

25 (b) If the boundaries and service charges for the new

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1 district remain the same as for the garbage and ash
2 collection district, notice of intention or right to
3 protest, as provided in 7-13-208 through 7-13-211, need not
4 be provided.

5 NEW SECTION. **Section 36.** Effective date. [This act] is
6 effective July 1, 1991.

-End-

HOUSE STANDING COMMITTEE REPORT

March 13, 1991
Page 2 of 2

March 13, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 188 (third reading copy -- blue) be concurrent in as amended .

Signed: 
Angela Russell, Chairman

Carried by: Rep. Lee

And, that such amendments read:

1. Title, line 7.

Following: "POLICIES;"

Insert: "ADDING SERVICES OF A LICENSED ACUPUNCTURIST TO THE LIST OF HEALTH SERVICES FOR WHICH A HEALTH SERVICE CORPORATION MAY BE ORGANIZED;"

Strike: "SECTION"

Insert: "sections"

2. Title, line 8.

Following: "33-22-111"

Insert: "and 33-30-101"

3. Page 2.

Following: line 8

Insert: "Section 1. Section 33-30-101, MCA, is amended to read: "33-30-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Health service corporation" means a nonprofit corporation organized or operating for the purposes of establishing and operating a nonprofit plan or plans under which prepaid hospital care, medical-surgical care, and other health care and services, or reimbursement therefor, may be furnished to a member or beneficiary.

(2) "Health services" means the health care and services provided by hospitals or other health care institutions, organizations, associations, or groups and by doctors of medicine, osteopathy, dentistry, chiropractic, optometry, and podiatry; nursing services; licensed acupuncturist services; licensed social worker, licensed professional counselor, or psychologist; medical appliances, equipment, and supplies; drugs, medicines, ambulance services, and

(3) "Membership contract" means any agreement, contract, or certificate by which a health service corporation describes the health services or benefits provided to its members or beneficiaries."
Renumber: subsequent section

4. Page 2, line 10.

Following: "renewed"


Insert: "and to health service corporations organized or operating in this state"

HOUSE STANDING COMMITTEE REPORT

April 2, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 189 (third reading copy -- blue) be concurred in as amended.

Signed: 
Bob Raney, Chairman

Carried by: Rep. Gilbert

And, that such amendments read:

1. Title, line 10.
Following: "7-7-4402,"
Insert: "7-7-4426,"
Following: "7-13-215,"
Insert: "7-13-231,"

2. Title, line 11.
Following: "SECTIONS"
Insert: "7-13-211,"

3. Page 7, line 6.
page 8, line 4
Strike: "15"
Insert: "21"

4. Page 8, line 7.
Strike: "be insufficient"
Insert: "have no factual or legal basis"

5. Page 12.
Following: line 16
Insert: "(2) The commissioners may issue a revenue bond only if the sale of the bond has been approved in a general or special election by a majority of the registered voters in the jurisdictions to be directly served by the solid waste district."
Renumber: subsequent subsections

6. Page 16.
Following: line 13
Insert: "(2) A joint district may issue a revenue bond only if the sale of the bond has been approved in a general or special election by a majority of the registered voters in the jurisdictions to be directly served by the joint district."
Renumber: subsequent subsections

7. Page 16, line 15.
Strike: "without an election and"

8. Page 19.
Following: line 4
Insert:
"Section 29. Section 7-7-4426, MCA, is amended to read:
"7-7-4426. Authorization for undertaking and issuance of bonds. (1) The acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized under this part.
(2) Bonds may be authorized to be issued under this part by resolution or resolutions of the governing body of the municipality:
(a) without an election, except joint solid waste district and county solid waste bonds; or
(b) when authorized by a majority of the qualified electors voting upon such question at a special election, should the governing body in its sole discretion choose to submit the question to the electorate."

Section 30. Section 7-13-231, MCA, is amended to read:
"7-13-231. Authorization for charges for services. (1) To defray the cost of maintenance and operation of said refuse disposal district, the board shall establish a fee for service, with approval of the county commissioners, provided a public hearing has been held if written protest has been made ~~as provided in 7-13-211.~~ An increase in fees may not be approved and implemented unless notice of such increase is given as provided in 7-13-208(1) and (2) and opportunity for protest is allowed as provided in 7-13-209 ~~and 7-13-211.~~
(2) This fee shall be assessed to all units in the district that are receiving a service, for the purpose of maintenance and operation of said district."
Renumber: subsequent sections

9. Page 19, line 5.
Following: "Sections"
Insert: "7-13-211"

10. Page 19.
Following: line 21
Insert:
"NEW SECTION. Section 34. Coordination instruction. If House Bill No. 296 is passed and approved and if it includes a

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section that amends 7-5-2306, then [section 1 of this act],
amending 7-5-2306, is void."
Renumber: subsequent sections

SENATE BILL NO. 189

INTRODUCED BY T. BECK, HARP, YELLOWTAIL,

WEEDING, GAGE, REA, GRADY, RANEY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO SOLID WASTE MANAGEMENT BY LOCAL GOVERNMENTS; AUTHORIZING MULTICOUNTY SOLID WASTE DISTRICTS; AMENDING SECTIONS 7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501, 7-7-4402, 7-7-4426, 7-13-202, 7-13-204, 7-13-209, 7-13-212, 7-13-215, 7-13-231, 7-13-232, 7-13-233, AND 7-13-235, MCA; REPEALING SECTIONS 7-13-211, 7-13-241, 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403, 7-13-2404, 7-13-2405, AND 7-13-2406, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-5-2306, MCA, is amended to read:

"7-5-2306. Use of installment purchase contracts. When the amount to be paid as the purchase price for any vehicle or road machinery of any kind, for any other machinery, apparatus, appliance, or equipment, or for any materials or supplies of any kind shall exceed \$4,000, the county governing body may provide for the payment of such purchase price in installments extending over a period of not more than 5 years, except contracts for solid waste management

systems as defined by 75-10-103, which may not exceed 10 years, provided that at the time of entering into the agreement for such purchase, there shall be an unexpended balance of appropriation in the budget for the then-current fiscal year available and sufficient to meet and take care of such portion of the purchase price as is payable during the then-current fiscal year and the budget for each following year in which any portion of such purchase price is to be paid shall contain an appropriation for the purpose of paying the same."

Section 2. Section 7-5-4304, MCA, is amended to read:

"7-5-4304. Certain contracts to be submitted to voters. No contract may be let pursuant to 7-5-4302 that extends over a period of 5 years or more, except contracts for solid waste management systems as defined in 75-10-103, which may not exceed 10 years, without first submitting the question to a vote of the electors of the city or town."

Section 3. Section 7-5-4321, MCA, is amended to read:

"7-5-4321. Grant of exclusive franchise -- election required. (1) The council may not grant an exclusive franchise or special privilege to any person except in the manner specified in subsection (2). The powers of the council are only those expressly prescribed by law and those necessarily incident thereto.

(2) No exclusive franchise for any purpose, except

1 contracts for solid waste management systems as defined in
 2 75-10-103, which may not exceed 10 years, may be granted by
 3 any city or town or by the mayor or city council thereof to
 4 any person, association, or corporation without first
 5 submitting the application therefor to the electors of the
 6 city."

7 **Section 4.** Section 7-7-2501, MCA, is amended to read:

8 "7-7-2501. Authority to issue revenue bonds --
 9 refunding revenue bonds. (1) A county may issue county
 10 revenue bonds in the same manner and with the same effect as
 11 provided in chapter 7, part 44, of this title for issuance
 12 of municipal revenue bonds. County revenue bonds may be
 13 issued to finance any project or activity enumerated in
 14 chapter 16, part 21, or chapter 34, part 22 or 23, of this
 15 title or in Title 75, chapter 10, part 1. Revenues from the
 16 project for which the bonds are issued are the only revenues
 17 upon which a lien under the provisions of 7-7-4431 shall
 18 apply. No lien shall attach to other revenues or other
 19 property within the county.

20 (2) A county may refund revenue bonds issued under the
 21 authority provided in subsection (1) by the method provided
 22 in either part 45 or part 46 of chapter 7.

23 (3) In construing, for purposes of this section, the
 24 provisions of parts 44, 45, or 46 of chapter 7, "municipal"
 25 is considered to refer to the county and "governing body" is

1 considered to refer to the board of county commissioners
 2 whenever the board of county commissioners is acting
 3 pursuant to subsection (1)."

4 **Section 5.** Section 7-7-4402, MCA, is amended to read:

5 "7-7-4402. Definitions. Whenever used in this part,
 6 unless a different meaning clearly appears from the context,
 7 the following definitions apply:

8 (1) The term "governing body" shall include bodies and
 9 boards, by whatsoever names they may be known, having charge
 10 of finances and management of a municipality.

11 (2) The term "municipality" shall include any city or
 12 any town, however organized.

13 (3) The term "undertaking" shall mean any one or a
 14 combination of the following:

15 (a) water and sewer systems, together with all parts
 16 thereof and appurtenances thereto including but not limited
 17 to supply and distribution systems, reservoirs, dams, and
 18 sewage treatment and disposal works;

19 (b) public airport construction and public airport
 20 building;

21 (c) convention facilities;

22 (d) public recreation facilities; and

23 (e) public parking facilities, solid waste management
 24 systems, or other revenue-producing facilities and services
 25 authorized in these codes for cities and towns."

1 **Section 6.** Section 7-13-202, MCA, is amended to read:
 2 "7-13-202. **Definitions.** As used in this part, unless
 3 the context indicates otherwise, the following definitions
 4 apply:
 5 (1) "Board" means the board of directors as provided
 6 for in 7-13-213 and ~~7-13-241~~.
 7 (2) "Commissioners" means the board of county
 8 commissioners.
 9 (3) "Family residential unit" means the residence of a
 10 single family.
 11 (4) "~~Refuse~~" ~~means all putrescible and nonputrescible~~
 12 ~~solid wastes (except body wastes) including garbage,~~
 13 ~~rubbish, street cleanings, dead animals, yard clippings, and~~
 14 ~~solid market and solid industrial wastes.~~ "Solid waste"
 15 means all putrescible and nonputrescible wastes, including
 16 but not limited to garbage; rubbish; refuse; hazardous
 17 wastes; ashes; sludge from sewage treatment plants, water
 18 supply treatment plants, or air pollution control
 19 facilities; septic tank and cesspool pumpings; construction
 20 and demolition wastes; dead animals, including offal;
 21 discarded home and industrial appliances; and wood wastes
 22 PRODUCTS OR WOOD BYPRODUCTS and inert materials. The term
 23 "SOLID WASTE" does not include MEAN municipal sewage,
 24 industrial wastewater effluents, or mining wastes regulated
 25 under the mining and reclamation laws administered by the

1 department of state lands, SLASH AND FOREST DEBRIS REGULATED
 2 UNDER LAWS ADMINISTERED BY THE DEPARTMENT OF STATE LANDS, OR
 3 MARKETABLE BYPRODUCTS.
 4 (5) "~~Refuse disposal district~~" ~~means an area~~
 5 ~~established with definite boundaries for the purpose of~~
 6 ~~collecting and disposing of all refuse created in said~~
 7 ~~district.~~ "Solid waste MANAGEMENT district" means an area
 8 established within a county for the purpose of collecting
 9 and disposing of all solid waste created in the district
 10 PLANNING AND OPERATING A SOLID WASTE MANAGEMENT SYSTEM AS
 11 DEFINED IN 75-10-103."
 12 **Section 7.** Section 7-13-204, MCA, is amended to read:
 13 "7-13-204. **Resolution of intention to create refuse**
 14 **disposal solid waste management district.** (1) Before
 15 creating ~~any refuse disposal~~ a solid waste management
 16 district, the commissioners shall pass a resolution of
 17 intention to do so.
 18 (2) The resolution shall designate:
 19 (a) the proposed name of such district;
 20 (b) the necessity for the proposed district;
 21 (c) a general description of the territory or lands of
 22 said district, giving the boundaries thereof;
 23 (d) the general character of the collection service;
 24 (e) the proposed fees to be charged for the service;
 25 and

1 (f) the powers to be delegated to the board and the
 2 powers to be exercised only with the approval of the county
 3 commissioners."

4 **Section 8.** Section 7-13-209, MCA, is amended to read:

5 "7-13-209. Right to protest. (1) At any time within 30
 6 15 21 days after the date of the first publication of the
 7 notice provided for in 7-13-208, any owner of property
 8 liable to be assessed for said service may make written
 9 protest against the proposed service or against the fees
 10 proposed to be charged for the service.

11 (2) Such protest must be in writing and be delivered to
 12 the county clerk, who shall endorse thereon the date of the
 13 receipt by him."

14 **Section 9.** Section 7-13-212, MCA, is amended to read:

15 "7-13-212. Resolution creating district -- power to
 16 order improvements. (1) Before ordering any of the proposed
 17 improvements, the commissioners shall pass a resolution
 18 creating the refuse-disposal SOLID WASTE MANAGEMENT district
 19 in accordance with the resolution of intention theretofore
 20 introduced and passed by the commissioners.

21 (2) The commissioners may change the boundaries and
 22 description of the district from the resolution of intention
 23 if the changes do not add territory or increase the proposed
 24 fees.

25 ~~(2)~~(3) The commissioners shall be deemed to have

1 acquired jurisdiction to order improvements immediately upon
 2 the occurrence of one of the following:

3 (a) when no protests have been delivered to the county
 4 clerk within ~~30~~ 15 21 days after the date of the first
 5 publication of the notice provided for in 7-13-208;

6 (b) when a protest shall have been found by said
 7 commissioners to be--insufficient HAVE NO FACTUAL OR LEGAL
 8 BASIS; or

9 (c) when a protest shall have been overruled."

10 **Section 10.** Section 7-13-215, MCA, is amended to read:

11 "7-13-215. Powers and duties of board. ~~The board--of--a~~
 12 ~~refuse--disposal--district--established--and--organized--under~~
 13 ~~this--part--has--the--following--powers--and--duties--with--the~~
 14 ~~approval--of--the--county--commissioners--of--the--counties~~
 15 ~~involved:~~

16 ~~{1}--to--develop--and--administer--a--program--for--the~~
 17 ~~collection--or--disposal--of--refuse--in--the--district;~~

18 ~~{2}--to--employ--personnel;~~

19 ~~{3}--to--purchase--rent--or--execute--leasing--agreements~~
 20 ~~for--such--equipment--and--material--necessary--for--carrying--on--an~~
 21 ~~effective--refuse--collection--or--disposal--program;~~

22 ~~{4}--to--cooperate--with--any--corporation--association~~
 23 ~~individual--or--group--of--individuals--including--any--agency--of~~
 24 ~~the--federal--state--or--local--government--in--order--to--carry~~
 25 ~~out--effective--programs;~~

1 ~~{5}--to-receive-gifts,-grants,-or-donations--for--the~~
 2 ~~purpose--of--advancing--the--program-and-to-acquire-by-gift,~~
 3 ~~deed,-purchase,-or-condemnation-land--necessary--for--refuse~~
 4 ~~disposal-purposes;~~

5 ~~{6}--to--enforce--department-of-health-and-environmental~~
 6 ~~sciences-or-local-board-of-health-rules--pertaining--to--the~~
 7 ~~storage,-collection,-and-disposal-of-refuse;~~

8 ~~{7}--to---apply---for---and---receive--from--the--federal~~
 9 ~~government-or-the-state-government,-on-behalf-of-the--refuse~~
 10 ~~disposal--district,-money--appropriated-by-federal-or-state~~
 11 ~~legislative-bodies-for-aiding-these-programs;~~

12 ~~{8}--to-borrow-from-any-loaning-agency--funds--available~~
 13 ~~for--assistance--in--planning-or-financing-a-refuse-disposal~~
 14 ~~district-and-repay-these-with-the-money--received--from--the~~
 15 ~~fees--levied-under-this-part. Except for powers specifically~~
 16 ~~reserved by the counties in the resolution creating the~~
 17 ~~district, the board has the powers and duties provided in~~
 18 ~~75-10-112."~~

19 **Section 11.** Section 7-13-232, MCA, is amended to read:

20 ~~"7-13-232. Determination of service charge. {1}--The~~
 21 ~~fees-shall-be-based-upon-a-family-residential-unit,-and-fees~~
 22 ~~for-commercial-and-industrial-accounts-shall-be-based-on-the~~
 23 ~~comparison--with-a-typical-residential-unit-as-to-volume-and~~
 24 ~~type-of-waste-produced. (1) The board may establish, by~~
 25 ~~resolution, rates for service charges. For solid waste~~

1 MANAGEMENT districts other than joint districts, the rates
 2 must be subject to the approval of the county commissioners.

3 (2) Service charges may take into account:
 4 (a) the character, kind, and quality of service; and
 5 (b) the cost of providing the service, including but
 6 not limited to depreciation and the payment of principal and
 7 interest on money borrowed by the district for the
 8 acquisition and improvement of facilities and equipment.

9 (3) Service charges may be assessed per family
 10 residential unit or based on the size of a vehicle used, to
 11 dispose of the waste; the volume or weight of the waste; or
 12 the cost, incentives, or penalties applicable to waste
 13 management practices.

14 (4) The initial rate for any solid waste district or
 15 joint solid waste MANAGEMENT district may not exceed the
 16 rate provided in the resolution creating the district.

17 ~~{2}{5} Fees for mobile home park accounts must be paid~~
 18 ~~by the registered owner of each mobile home in the mobile~~
 19 ~~home park.~~

20 ~~{3}--In--no--case--shall--the--fee--for--disposal-service~~
 21 ~~exceed-one-half--the--total--fee--for--both--collection--and~~
 22 ~~disposal-services.~~

23 (6) A notice of intention to enact a resolution to
 24 increase rates must be published as provided in 7-1-4128,
 25 and the district shall hold a public hearing prior to the

1 meeting at which the resolution is considered."

2 **Section 12.** Section 7-13-233, MCA, is amended to read:

3 "7-13-233. Procedure to collect service charge. The
4 month--the--service--begins, the--department--of--revenue--or--its
5 agents--shall--insure--that--the--amount--of--this--fee--is--placed--on
6 the--tax--notices,--to--be--collected--with--the--tax,--if--a--property
7 owner--fails--to--pay--this--fee,--it--shall--become--a--lien--upon--the
8 property: (1) The service charge may be imposed for:

9 (a) any fiscal year for which the district establishes
10 a budget or incurs costs related to planning or constructing
11 a solid waste management facility; or

12 (b) services to begin within 12 months.

13 (2) The board shall certify to the county commissioners
14 of the county served by the solid waste MANAGEMENT district
15 the service charge needed for the current fiscal year, the
16 due but unpaid service charges, and a description of the
17 property against which the service charges are to be levied.

18 (3) The department of revenue or its agent shall ensure
19 that the amount of the service charge is placed on property
20 tax notices and that the service charge is collected with
21 property taxes.

22 (4) The board may establish a system for collecting
23 service charges other than by tax notices to property owners
24 issued by the department of revenue. The board may collect
25 the service charge more often than property taxes are

1 collected.

2 (5) If not paid, the service charge becomes delinquent
3 and becomes a lien on the property, subject to the same
4 penalties and the same rate of interest as property taxes."

5 **Section 13.** Section 7-13-235, MCA, is amended to read:

6 "7-13-235. Installment payments for capital
7 improvements. To defray the initial cost of purchasing land
8 and equipment, payments may be spread over a term of not to
9 exceed 20 10 years. Payments--are--to--be--made--in--equal
10 instalments--out--of--the--money--received--from--the--fee--levy
11 provided--for--in--this--part:"

12 **NEW SECTION. Section 14.** Bonds and obligations. (1)

13 The commissioners may issue revenue bonds, including
14 refunding bonds, or borrow money for the acquisition of
15 property, construction of improvements, or purchase of
16 equipment or to pay costs related to planning, designing,
17 and financing a solid waste management system.

18 (2) THE COMMISSIONERS MAY ISSUE A REVENUE BOND ONLY IF
19 THE SALE OF THE BOND HAS BEEN APPROVED IN A GENERAL OR
20 SPECIAL ELECTION BY A MAJORITY OF THE REGISTERED VOTERS IN
21 THE JURISDICTIONS TO BE DIRECTLY SERVED BY THE SOLID WASTE
22 DISTRICT.

23 †2†(3) Revenue bonds may be issued in a form and upon
24 terms as provided in 7-7-2501.

25 †3†(4) Bonds or loans may be payable from any revenue

1 of the joint solid waste MANAGEMENT district, including
2 revenue from:

- 3 (a) service charges authorized in 7-13-233;
4 (b) taxes levied pursuant to [section 16];
5 (c) grants or contributions from the state or federal
6 government; or
7 (d) other sources.

8 **NEW SECTION. Section 15. Board to certify deficiency.**

9 The board shall certify annually to the commissioners the
10 amount of principal and interest payable for the next fiscal
11 year. The board shall certify to the counties the amount of
12 any deficiency that may exist for the ensuing period of 1
13 year for the payment of principal and interest due on any
14 outstanding bonds for which the district's revenues are
15 pledged.

16 **NEW SECTION. Section 16. County tax levy.** The
17 commissioners may levy a tax on all property in the solid
18 waste MANAGEMENT district for the purpose of paying a
19 deficiency certified by the board. The commissioners may
20 levy a tax not to exceed 2 mills if a deficiency is
21 certified by the board.

22 **NEW SECTION. Section 17. Purpose.** To provide safe,
23 efficient, and effective management of solid waste, two or
24 more counties are authorized to cooperate in the creation of
25 a joint solid waste district. A joint solid waste district

1 is a political subdivision of the state for the purposes of
2 the municipal finance consolidation act as provided in
3 17-5-1602 and for solid waste management services as
4 provided in 75-10-112.

5 **NEW SECTION. Section 18. Definitions.** As used in
6 [sections 18 through 28], the following definitions apply:

7 (1) "Joint district" means a joint solid waste district
8 created through the procedures outlined in [sections 18
9 through 28].

10 (2) "Board" means the board of directors as provided in
11 [section 21].

12 (3) "Counties" means the commissioners of the counties
13 creating the joint district.

14 **NEW SECTION. Section 19. Creation of a joint district.**

15 Two or more counties may create a joint solid waste district
16 through the procedures described in 7-13-203 through
17 7-13-212.

18 **NEW SECTION. Section 20. Municipalities authorized to**
19 **contract with joint districts.** Joint districts may enter
20 into agreements to provide solid waste disposal services but
21 not collection services to municipalities located in
22 adjoining counties that do not participate in the district.
23 An agreement is subject to the approval of the county
24 commissioners in the county in which the municipality is
25 located.

1 **NEW SECTION. Section 21. Board of directors.** (1) The
 2 board of a joint district must be appointed by the counties.

3 (2) The county commissioners shall appoint to the board
 4 one commissioner from each county, a representative of each
 5 incorporated city or town, a representative of each county
 6 or city board of health, and any other representatives
 7 agreed to by the commissioners of all the counties creating
 8 the joint district.

9 (3) A municipality that contracts for solid waste
 10 services with a joint district but that is not located in
 11 the counties creating the joint district may be represented
 12 on the board as provided in the agreement with the joint
 13 district.

14 (4) The board may provide for an executive committee
 15 that has the authority to exercise all powers of the joint
 16 district, except that the entire board shall meet at least
 17 once a year to elect officers and select the executive
 18 committee. An executive committee must include at least one
 19 representative from each of the counties.

20 (5) The board has all powers and duties provided in
 21 75-10-112.

22 **NEW SECTION. Section 22. Administration of funds in a**
 23 joint district. Fees and other money collected by a joint
 24 district may be administered either by entering into an

1 agreement with the county treasurer's office of one of the
 2 participating counties or through a fund established and
 3 administered by the board. Fees received by a county
 4 treasurer must be promptly deposited into funds and accounts
 5 established by the joint district.

6 **NEW SECTION. Section 23. Service charges.** Service
 7 charges must be established and collected in the manner
 8 provided in 7-13-231 through 7-13-233.

9 **NEW SECTION. Section 24. Bonds and obligations.** (1) A
 10 joint district may borrow money for any purpose provided in
 11 [sections 18 through 28] and issue bonds, including
 12 refunding bonds, in a form and upon terms as it may
 13 determine, payable from any revenue of the joint district,
 14 including revenue from:

- 15 (a) service charges authorized in [section 23];
- 16 (b) taxes levied pursuant to [section 26];
- 17 (c) grants or contributions from the state or federal
- 18 government; or
- 19 (d) other sources.

20 (2) A JOINT DISTRICT MAY ISSUE A REVENUE BOND ONLY IF
 21 THE SALE OF THE BOND HAS BEEN APPROVED IN A GENERAL OR
 22 SPECIAL ELECTION BY A MAJORITY OF THE REGISTERED VOTERS IN
 23 THE JURISDICTIONS TO BE DIRECTLY SERVED BY THE JOINT
 24 DISTRICT.

25 ~~(2)~~(3) The bonds may be issued by resolution of the

1 joint district ~~without--an--election---~~and without any
 2 limitation of the amount, except that bonds may not be
 3 issued at any time if the total amount of principal and
 4 interest to become due in any year on the bonds and on any
 5 then-outstanding bonds for which revenue from the same
 6 source or sources is pledged exceeds the amount of the
 7 revenue to be received in that year as estimated in the
 8 resolution authorizing the issuance of the bonds. The board
 9 shall take all action necessary and possible to impose,
 10 maintain, and collect rates, charges, rentals, and taxes, if
 11 any are pledged, sufficient to make the revenue from the
 12 pledged source in a year at least equal to the amount of the
 13 principal and interest due in that year.

14 ~~(3)~~(4) The bonds may be sold at public or private sale
 15 and may bear interest as provided in 17-5-102. Except as
 16 otherwise provided in [sections 18 through 28], bonds issued
 17 pursuant to [sections 18 through 28] by a joint district may
 18 be payable in principal and interest solely from revenues of
 19 the joint district and must state on their face the
 20 applicable limitations or restrictions regarding the source
 21 from which the principal and interest are payable.

22 ~~(4)~~(5) Bonds issued by a joint district under [sections
 23 18 through 28] are issued for an essential public and
 24 governmental purpose by a political subdivision within the
 25 meaning of 15-30-111(2)(a).

1 ~~(5)~~(6) For the security of any bond, the joint district
 2 may by resolution make and enter into any covenant,
 3 agreement, or indenture. The sums required from time to time
 4 to pay principal and interest and to create and maintain a
 5 reserve for the bonds may be paid from any revenue referred
 6 to in [sections 18 through 28] prior to the payment of
 7 current costs of operation and maintenance of the solid
 8 waste management system.

9 NEW SECTION. Section 25. Board to certify deficiency.
 10 The board shall certify annually to the counties the
 11 anticipated revenue of the joint district and the amount of
 12 principal and interest payable for the next fiscal year. The
 13 board shall certify to the counties the amount of any
 14 deficiency for the ensuing period of 1 year for the payment
 15 of principal and interest due on any outstanding bonds of
 16 the joint district.

17 NEW SECTION. Section 26. County tax levy. (1) The
 18 counties participating in a joint district may levy a tax on
 19 all property in the joint district for the purpose of paying
 20 any deficiency certified by the board as provided in
 21 [sections 18 through 28].

22 (2) The counties may:

23 (a) agree by resolution to levy a tax not to exceed 2
 24 mills if a deficiency is certified by the board; or

25 (b) levy a general tax for payment of any deficiency if

1 the question of levying a general tax is submitted to the
 2 qualified electors of each of the counties creating the
 3 joint district as provided in Title 7, chapter 7, part 22. A
 4 tax may not be imposed unless the majority of voters voting
 5 on the levy in each county approve the levy.

6 NEW SECTION. Section 27. Debt service fund. A joint
 7 district may create a debt service fund and accumulate in
 8 the fund a sum not to exceed an amount equal to the total
 9 amount of principal and interest due in any 2 subsequent
 10 years.

11 NEW SECTION. Section 28. Tax exemption. Any property
 12 in this state acquired by a joint district for purposes of
 13 operating a solid waste management system and any income
 14 derived by the joint district is exempt from taxation to the
 15 same extent as other property used for public purposes.

16 SECTION 29. SECTION 7-7-4426, MCA, IS AMENDED TO READ:

17 "7-7-4426. Authorization for undertaking and issuance
 18 of bonds. (1) The acquisition, purchase, construction,
 19 reconstruction, improvement, betterment, or extension of any
 20 undertaking may be authorized under this part.

21 (2) Bonds may be authorized to be issued under this
 22 part by resolution or resolutions of the governing body of
 23 the municipality:

24 (a) without an election, except joint solid waste
 25 district and county solid waste bonds; or

1 (b) when authorized by a majority of the qualified
 2 electors voting upon such question at a special election,
 3 should the governing body in its sole discretion choose to
 4 submit the question to the electorate."

5 SECTION 30. SECTION 7-13-231, MCA, IS AMENDED TO READ:

6 "7-13-231. Authorization for charges for services. (1)
 7 To defray the cost of maintenance and operation of said
 8 refuse disposal district, the board shall establish a fee
 9 for service, with approval of the county commissioners,
 10 provided a public hearing has been held if written protest
 11 has been made ~~as provided in 7-13-211~~. An increase in fees
 12 may not be approved and implemented unless notice of such
 13 increase is given as provided in 7-13-208(1) and (2) and
 14 opportunity for protest is allowed as provided in 7-13-209
 15 ~~and 7-13-211~~.

16 (2) This fee shall be assessed to all units in the
 17 district that are receiving a service, for the purpose of
 18 maintenance and operation of said district."

19 NEW SECTION. Section 31. Repealer. Sections 7-13-211,
 20 7-13-241, 7-13-242, 7-13-243, 7-13-2401, 7-13-2402,
 21 7-13-2403, 7-13-2404, 7-13-2405, and 7-13-2406, MCA, are
 22 repealed.

23 NEW SECTION. Section 32. Code commissioner
 24 instruction. In 7-13-201 through 7-13-243, MCA, the code
 25 commissioner is instructed to change the term "refuse" to

1 "solid waste" and the term "refuse disposal" to "solid waste
2 management".

3 NEW SECTION. Section 33. Codification instruction. (1)
4 [Sections 14 through ~~17~~ 16] are intended to be codified as
5 an integral part of Title 7, chapter 13, part 2, and the
6 provisions of Title 7, chapter 13, part 2, apply to
7 [sections 14 through ~~17~~ 16].

8 (2) [Sections ~~18~~ 17 through 28] are intended to be
9 codified as an integral part of Title 7, chapter 13, and the
10 provisions of Title 7, chapter 13, apply to [sections ~~18~~ 17
11 through 28].

12 NEW SECTION. SECTION 34. COORDINATION INSTRUCTION. IF
13 HOUSE BILL NO. 296 IS PASSED AND APPROVED AND IF IT INCLUDES
14 A SECTION THAT AMENDS 7-5-2306, THEN [SECTION 1 OF THIS
15 ACT], AMENDING 7-5-2306, IS VOID.

16 NEW SECTION. Section 35. Saving clause. [This act]
17 does not affect rights and duties that matured, penalties
18 that were incurred, or proceedings that were begun before
19 [the effective date of this act].

20 NEW SECTION. Section 36. Severability. If a part of
21 [this act] is invalid, all valid parts that are severable
22 from the invalid part remain in effect. If a part of [this
23 act] is invalid in one or more of its applications, the part
24 remains in effect in all valid applications that are
25 severable from the invalid applications.

1 NEW SECTION. Section 37. Applicability to joint solid
2 waste disposal. Joint refuse disposal districts organized
3 under 7-13-241 prior to [the effective date of this act] are
4 continued under [sections 18 through 28] and have all powers
5 and duties of joint solid waste districts provided by
6 [sections 18 through 28].

7 NEW SECTION. Section 38. Applicability to garbage and
8 ash collection districts. (1) The duties and
9 responsibilities of garbage and ash collection districts
10 that exist within the boundary of a municipality must be
11 assumed by the municipality on [the effective date of this
12 act].

13 (2) Garbage and ash collection districts outside a
14 municipality must become a solid waste district or part of
15 an existing solid waste district upon passage of a
16 resolution by the county commission.

17 (3) (a) The resolution must provide for compliance with
18 the provisions of Title 7, chapter 13, part 2.

19 (b) If the boundaries and service charges for the new
20 district remain the same as for the garbage and ash
21 collection district, notice of intention or right to
22 protest, as provided in 7-13-208 through 7-13-211, need not
23 be provided.

24 NEW SECTION. Section 39. Effective date. [This act] is
25 effective July 1, 1991.

-End-

-22-

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill No. 189, met and considered Senate Bill No. 189 (reference copy - salmon).

We recommend that Senate Bill No. 189 (reference copy - salmon) be amended as follows:

1. Title, line 10.
Strike: "~~7-7-4426,~~"
Following: "7-13-209,"
Insert: "7-13-210,"
2. Title, line 11.
Strike: "~~7-13-231,~~"
3. Title, line 12.
Strike: "~~7-13-211,~~"
4. Page 8, lines 6 through 8.
Strike: "a" on line 6 through "BASIS" on line 8
Insert: "an insufficient number of protests have been made as provided for in 7-13-211"
5. Page 9, line 25.
Following: "charges"
Insert: ", which may not be less than the actual cost of providing services"
6. Page 12, line 12.
Strike: "Bonds"
Insert: "Revenue bonds"
7. Page 12, lines 18 through 22.
Strike: subsection (2) in its entirety
Re-number: subsequent subsections
8. Page 13, line 3.
Following: "7-13-233"
Insert: "that are collected other than through tax notices and a lien upon property"
9. Page 13, line 4.
Strike: subsection (b) in its entirety
Re-number: subsequent subsections
10. Page 13, lines 8 through 21.
Strike: sections 15 and 16 in their entirety
Insert: "Section 15. Solid waste management district bonds authorized. (1) With the approval of the board of county

commissioners, a solid waste management district may borrow money by the issuance of its bonds to:

(a) provide funds for payment of part or all of the cost of acquisition of property, construction of improvements, and purchase of equipment;

(b) provide an adequate working capital; and

(c) pay costs related to the planning, designing, and financing of a solid waste management system.

(2) The amount of bonds issued for the purposes provided for in subsection (1) and outstanding at any time may not exceed 22.5% of the taxable value of the property in the district as ascertained by the last assessment for state and county taxes prior to the issuance of the bonds.

(3) Each year at the time of levying county taxes, the board of county commissioners shall fix and levy a tax upon all property within the district sufficient to raise the amount necessary for the payment of bonded indebtedness.

(4) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for bonds of school districts in Title 20, chapter 9, part 4."

Re-number: subsequent sections

11. Page 14, line 6.

Strike: "18 through 28"

Insert: "17 through 26"

12. Page 14, lines 8 and 9.

Strike: "18 through 28"

Insert: "17 through 26"

13. Page 14, line 11.

Strike: "21"

Insert: "20"

14. Page 16, line 9.

Strike: "Bonds"

Insert: "Revenue bonds"

15. Page 16, line 11.

Strike: "18 through 28"

Insert: "17 through 26"

16. Page 16, line 15.

Strike: "23]"

Insert: "22] that are collected other than through tax notices and a lien upon property"

17. Page 16, line 16.

Strike: subsection (b) in its entirety

Re-number: subsequent subsections

ADOPT

REJECT

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18. Page 16, lines 20 through 24.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

19. Page 17, line 1.
Following: "and"
Insert: "without an election and"

20. Page 17, line 16.
Strike: "18 through 28"
Insert: "17 through 26"

21. Page 17, line 17.
Strike: "18 through 28"
Insert: "17 through 26"

22. Page 17, line 23.
Strike: "18 through 28"
Insert: "17 through 26"

23. Page 18, line 6.
Strike: "18 through 28"
Insert: "17 through 26"

24. Page 18, line 9 through page 19, line 5.
Strike: sections 25 and 26 in their entirety
Insert: "Section 24. Joint district bonds authorized. (1) Upon approval of the board of directors of the joint district, a joint district may borrow money by the issuance of its bonds to:

- (a) provide funds for payment of part or all of the cost of acquisition of property, construction of improvements, and purchase of equipment;
- (b) provide an adequate working capital; and
- (c) pay costs related to the planning, designing, and financing of a solid waste management system.

(2) The amount of bonds issued for the purposes provided in subsection (1) and outstanding at any time may not exceed 22.5% of the taxable value of the property in the joint district as ascertained by the last assessment for state and county taxes prior to the issuance of the bonds.

(3) Each year at the time of levying county taxes, the board of county commissioners of each county in the joint district shall fix and levy a tax upon all property in the county within the joint district that is sufficient to raise the amount certified by the board of directors of the joint district for payment of bonded indebtedness of the district.

(4) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for bonds of school districts in Title 20, chapter 9, part 4. The issuance of the bonds must be approved in each county by

the joint district electorate voting on the question."
Renumber: subsequent sections

25. Page 19, line 16 through page 20, line 18.
Strike: sections 29 and 30 in their entirety
Insert: "Section 27. Section 7-13-210, NCA, is amended to read:
"7-13-210. Hearing on protest. (1) At the next regular meeting of the commissioners after the expiration of the time within which the protest provided for in 7-13-209 may be made, the commissioners shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive.

(2) The commissioners shall evaluate and rule upon the factual accuracy of and legal basis for all protests made against the resolution of intent. Upon determining a factual or legal defect in the resolution of intent, the commission shall halt all further proceedings or modify the resolution.

(2)(3) In determining whether or not sufficient protests have been filed in the proposed district to prevent further proceedings therein, property owned by the city, county, and school districts shall be considered the same as any other property in the district. The commissioners may include commercial and industrial establishments in said district.

(3)(4) The commissioners may adjourn said hearings from time to time."

Renumber: subsequent sections

26. Page 20, line 19.
Strike: "7-13-211."

27. Page 21, line 4.
Strike: "through"
Insert: "and"
Strike: "16"
Insert: "15"

28. Page 21, line 7.
Strike: "through"
Insert: "and"
Strike: "16"
Insert: "15"

29. Page 21, line 8.
Strike: "17"
Insert: "16"
Strike: "28"
Insert: "26"

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30. Page 21, lines 10 and 11.

Strike: "17" on line 10

Insert: "16"

Strike: "28" on line 11

Insert: "26"

31. Page 22, line 4.

Strike: "18"

Insert: "17"

Strike: "28"

Insert: "26"

32. Page 22, line 6.

Strike: "18"

Insert: "17"

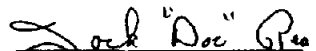
Strike: "28"

Insert: "26"

And that this Free Conference Committee report be adopted.


For the Senate:


Chair, Sen. Weeding


Sen. Rea

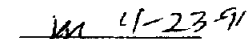
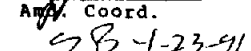

Sen. Beck

For the House:


Chair, Rep. Cohen


Rep. O'Keefe


Rep. Gilbert


4-23-91
Amy, Coord.

4-23-91
Sec. of Senate

871526CC.Sj1

1 SENATE BILL NO. 189

2 INTRODUCED BY T. BECK, HARP, YELLOWTAIL,

3 WEEDING, GAGE, REA, GRADY, RANEY

4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO SOLID WASTE MANAGEMENT BY LOCAL
 8 GOVERNMENTS; AUTHORIZING MULTICOUNTY SOLID WASTE DISTRICTS;
 9 AMENDING SECTIONS 7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501,
 10 7-7-4402, ~~7-7-4426~~, 7-13-202, 7-13-204, 7-13-209, 7-13-210,
 11 7-13-212, 7-13-215, ~~7-13-231~~, 7-13-232, 7-13-233, AND
 12 7-13-235, MCA; REPEALING SECTIONS ~~7-13-211~~ 7-13-241,
 13 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403,
 14 7-13-2404, 7-13-2405, AND 7-13-2406, MCA; AND PROVIDING AN
 15 EFFECTIVE DATE."

16

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

18 **Section 1.** Section 7-5-2306, MCA, is amended to read:

19 "7-5-2306. Use of installment purchase contracts. When
 20 the amount to be paid as the purchase price for any vehicle
 21 or road machinery of any kind, for any other machinery,
 22 apparatus, appliance, or equipment, or for any materials or
 23 supplies of any kind shall exceed \$4,000, the county
 24 governing body may provide for the payment of such purchase
 25 price in installments extending over a period of not more

1 than 5 years, except contracts for solid waste management
 2 systems as defined by 75-10-103, which may not exceed 10
 3 years, provided that at the time of entering into the
 4 agreement for such purchase, there shall be an unexpended
 5 balance of appropriation in the budget for the then-current
 6 fiscal year available and sufficient to meet and take care
 7 of such portion of the purchase price as is payable during
 8 the then-current fiscal year and the budget for each
 9 following year in which any portion of such purchase price
 10 is to be paid shall contain an appropriation for the purpose
 11 of paying the same."

12 **Section 2.** Section 7-5-4304, MCA, is amended to read:

13 "7-5-4304. Certain contracts to be submitted to voters.
 14 No contract may be let pursuant to 7-5-4302 that extends
 15 over a period of 5 years or more, except contracts for solid
 16 waste management systems as defined in 75-10-103, which may
 17 not exceed 10 years, without first submitting the question
 18 to a vote of the electors of the city or town."

19 **Section 3.** Section 7-5-4321, MCA, is amended to read:

20 "7-5-4321. Grant of exclusive franchise -- election
 21 required. (1) The council may not grant an exclusive
 22 franchise or special privilege to any person except in the
 23 manner specified in subsection (2). The powers of the
 24 council are only those expressly prescribed by law and those
 25 necessarily incident thereto.

1 (2) No exclusive franchise for any purpose, except
 2 contracts for solid waste management systems as defined in
 3 75-10-103, which may not exceed 10 years, may be granted by
 4 any city or town or by the mayor or city council thereof to
 5 any person, association, or corporation without first
 6 submitting the application therefor to the electors of the
 7 city."

8 **Section 4.** Section 7-7-2501, MCA, is amended to read:

9 "7-7-2501. Authority to issue revenue bonds --
 10 refunding revenue bonds. (1) A county may issue county
 11 revenue bonds in the same manner and with the same effect as
 12 provided in chapter 7, part 44, of this title for issuance
 13 of municipal revenue bonds. County revenue bonds may be
 14 issued to finance any project or activity enumerated in
 15 chapter 16, part 21, or chapter 34, part 22 or 23, of this
 16 title or in Title 75, chapter 10, part 1. Revenues from the
 17 project for which the bonds are issued are the only revenues
 18 upon which a lien under the provisions of 7-7-4431 shall
 19 apply. No lien shall attach to other revenues or other
 20 property within the county.

21 (2) A county may refund revenue bonds issued under the
 22 authority provided in subsection (1) by the method provided
 23 in either part 45 or part 46 of chapter 7.

24 (3) In construing, for purposes of this section, the
 25 provisions of parts 44, 45, or 46 of chapter 7, "municipal"

1 is considered to refer to the county and "governing body" is
 2 considered to refer to the board of county commissioners
 3 whenever the board of county commissioners is acting
 4 pursuant to subsection (1)."

5 **Section 5.** Section 7-7-4402, MCA, is amended to read:

6 "7-7-4402. Definitions. Whenever used in this part,
 7 unless a different meaning clearly appears from the context,
 8 the following definitions apply:

9 (1) The term "governing body" shall include bodies and
 10 boards, by whatsoever names they may be known, having charge
 11 of finances and management of a municipality.

12 (2) The term "municipality" shall include any city or
 13 any town, however organized.

14 (3) The term "undertaking" shall mean any one or a
 15 combination of the following:

16 (a) water and sewer systems, together with all parts
 17 thereof and appurtenances thereto including but not limited
 18 to supply and distribution systems, reservoirs, dams, and
 19 sewage treatment and disposal works;

20 (b) public airport construction and public airport
 21 building;

22 (c) convention facilities;

23 (d) public recreation facilities; and

24 (e) public parking facilities, solid waste management
 25 systems, or other revenue-producing facilities and services

1 authorized in these codes for cities and towns."

2 **Section 6.** Section 7-13-202, MCA, is amended to read:

3 "7-13-202. Definitions. As used in this part, unless
4 the context indicates otherwise, the following definitions
5 apply:

6 (1) "Board" means the board of directors as provided
7 for in 7-13-213 and ~~7-13-241~~.

8 (2) "Commissioners" means the board of county
9 commissioners.

10 (3) "Family residential unit" means the residence of a
11 single family.

12 (4) ~~"Refuse" means all putrescible and nonputrescible~~
13 ~~solid wastes (except body wastes) including garbage,~~
14 ~~rubbish, street cleanings, dead animals, yard clippings, and~~
15 ~~solid market and solid industrial wastes. "Solid waste"~~
16 ~~means all putrescible and nonputrescible wastes, including~~
17 ~~but not limited to garbage; rubbish; refuse; hazardous~~
18 ~~wastes; ashes; sludge from sewage treatment plants, water~~
19 ~~supply treatment plants, or air pollution control~~
20 ~~facilities; septic tank and cesspool pumpings; construction~~
21 ~~and demolition wastes; dead animals, including offal;~~
22 ~~discarded home and industrial appliances; and wood wastes~~
23 PRODUCTS OR WOOD BYPRODUCTS and inert materials. The term
24 "SOLID WASTE" does not include MEAN municipal sewage,
25 industrial wastewater effluents, or mining wastes regulated

1 under the mining and reclamation laws administered by the
2 department of state lands, SLASH AND FOREST DEBRIS REGULATED
3 UNDER LAWS ADMINISTERED BY THE DEPARTMENT OF STATE LANDS, OR
4 MARKETABLE BYPRODUCTS.

5 (5) ~~"Refuse disposal district" means an area~~
6 ~~established with definite boundaries for the purpose of~~
7 ~~collecting and disposing of all refuse created in said~~
8 ~~district. "Solid waste MANAGEMENT district" means an area~~
9 ~~established within a county for the purpose of collecting~~
10 ~~and disposing of all solid waste created in the district~~
11 PLANNING AND OPERATING A SOLID WASTE MANAGEMENT SYSTEM AS
12 DEFINED IN 75-10-103."

13 **Section 7.** Section 7-13-204, MCA, is amended to read:

14 "7-13-204. Resolution of intention to create refuse
15 disposal solid waste management district. (1) Before
16 creating ~~any refuse disposal~~ a solid waste management
17 district, the commissioners shall pass a resolution of
18 intention to do so.

19 (2) The resolution shall designate:

20 (a) the proposed name of such district;

21 (b) the necessity for the proposed district;

22 (c) a general description of the territory or lands of
23 said district, giving the boundaries thereof;

24 (d) the general character of the collection service;

25 (e) the proposed fees to be charged for the service;

1 and
 2 (f) the powers to be delegated to the board and the
 3 powers to be exercised only with the approval of the county
 4 commissioners."

5 **Section 8.** Section 7-13-209, MCA, is amended to read:

6 "7-13-209. **Right to protest.** (1) At any time within 30
 7 15 21 days after the date of the first publication of the
 8 notice provided for in 7-13-208, any owner of property
 9 liable to be assessed for said service may make written
 10 protest against the proposed service or against the fees
 11 proposed to be charged for the service.

12 (2) Such protest must be in writing and be delivered to
 13 the county clerk, who shall endorse thereon the date of the
 14 receipt by him."

15 **Section 9.** Section 7-13-212, MCA, is amended to read:

16 "7-13-212. **Resolution creating district -- power to**
 17 **order improvements.** (1) Before ordering any of the proposed
 18 improvements, the commissioners shall pass a resolution
 19 creating the ~~refuse-disposal~~ SOLID WASTE MANAGEMENT district
 20 in accordance with the resolution of intention theretofore
 21 introduced and passed by the commissioners.

22 (2) The commissioners may change the boundaries and
 23 description of the district from the resolution of intention
 24 if the changes do not add territory or increase the proposed
 25 fees.

1 ~~(2)~~(3) The commissioners shall be deemed to have
 2 acquired jurisdiction to order improvements immediately upon
 3 the occurrence of one of the following:

4 (a) when no protests have been delivered to the county
 5 clerk within 30 15 21 days after the date of the first
 6 publication of the notice provided for in 7-13-208;

7 (b) when a ~~protest shall have been found by said~~
 8 ~~commissioners to be insufficient~~ HAVE NO FACTUAL OR BASIS
 9 AS AN INSUFFICIENT NUMBER OF PROTESTS HAVE BEEN MADE AS
 10 PROVIDED FOR IN 7-13-211; or

11 (c) when a protest shall have been overruled."

12 **Section 10.** Section 7-13-215, MCA, is amended to read:

13 "7-13-215. **Powers and duties of board.** ~~The board of a~~
 14 ~~refuse disposal district established and organized under~~
 15 ~~this part has the following powers and duties, with the~~
 16 ~~approval of the county commissioners of the counties~~
 17 ~~involved:~~

18 ~~(1) to develop and administer a program for the~~
 19 ~~collection or disposal of refuse in the district;~~

20 ~~(2) to employ personnel;~~

21 ~~(3) to purchase, rent, or execute leasing agreements~~
 22 ~~for such equipment and material necessary for carrying on an~~
 23 ~~effective refuse collection or disposal program;~~

24 ~~(4) to cooperate with any corporation, association,~~
 25 ~~individual, or group of individuals, including any agency of~~

1 the federal, state, or local government, in order to carry
2 out effective programs;

3 (5) to receive gifts, grants, or donations for the
4 purpose of advancing the program and to acquire by gift,
5 deed, purchase, or condemnation land necessary for refuse
6 disposal purposes;

7 (6) to enforce department of health and environmental
8 sciences or local board of health rules pertaining to the
9 storage, collection, and disposal of refuse;

10 (7) to apply for and receive from the federal
11 government or the state government, on behalf of the refuse
12 disposal district, money appropriated by federal or state
13 legislative bodies for aiding these programs;

14 (8) to borrow from any loaning agency funds available
15 for assistance in planning or financing a refuse disposal
16 district and repay these with the money received from the
17 fees levied under this part; Except for powers specifically
18 reserved by the counties in the resolution creating the
19 district, the board has the powers and duties provided in
20 75-10-112."

21 **Section 11.** Section 7-13-232, MCA, is amended to read:

22 "7-13-232. Determination of service charge. (1) The
23 fees shall be based upon a family residential unit, and fees
24 for commercial and industrial accounts shall be based on the
25 comparison with a typical residential unit as to volume and

1 type of waste produced. (1) The board may establish, by
2 resolution, rates for service charges, WHICH MAY NOT BE LESS
3 THAN THE ACTUAL COST OF PROVIDING SERVICES. For solid waste
4 MANAGEMENT districts other than joint districts, the rates
5 must be subject to the approval of the county commissioners.

6 (2) Service charges may take into account:
7 (a) the character, kind, and quality of service; and
8 (b) the cost of providing the service, including but
9 not limited to depreciation and the payment of principal and
10 interest on money borrowed by the district for the
11 acquisition and improvement of facilities and equipment.

12 (3) Service charges may be assessed per family
13 residential unit or based on the size of a vehicle used to
14 dispose of the waste; the volume or weight of the waste; or
15 the cost, incentives, or penalties applicable to waste
16 management practices.

17 (4) The initial rate for any solid waste district or
18 joint solid waste MANAGEMENT district may not exceed the
19 rate provided in the resolution creating the district.

20 (2)(b) Fees for mobile home park accounts must be paid
21 by the registered owner of each mobile home in the mobile
22 home park.

23 (3) In no case shall the fee for disposal service
24 exceed one-half the total fee for both collection and
25 disposal services;

1 (6) A notice of intention to enact a resolution to
2 increase rates must be published as provided in 7-1-4128,
3 and the district shall hold a public hearing prior to the
4 meeting at which the resolution is considered."

5 **Section 12.** Section 7-13-233, MCA, is amended to read:

6 "7-13-233. Procedure to collect service charge. The
7 month-the-service-begins; the-department-of-revenue--or--its
8 agents-shall-insure-that-the-amount-of-this-fee-is-placed-on
9 the-tax-notices,-to-be-collected-with-the-tax;-if-a-property
10 owner-fails-to-pay-this-fee,-it-shall-become-a-lien-upon-the
11 property: (1) The service charge may be imposed for:

12 (a) any fiscal year for which the district establishes
13 a budget or incurs costs related to planning or constructing
14 a solid waste management facility; or

15 (b) services to begin within 12 months.

16 (2) The board shall certify to the county commissioners
17 of the county served by the solid waste MANAGEMENT district
18 the service charge needed for the current fiscal year, the
19 due but unpaid service charges, and a description of the
20 property against which the service charges are to be levied.

21 (3) The department of revenue or its agent shall ensure
22 that the amount of the service charge is placed on property
23 tax notices and that the service charge is collected with
24 property taxes.

25 (4) The board may establish a system for collecting

1 service charges other than by tax notices to property owners
2 issued by the department of revenue. The board may collect
3 the service charge more often than property taxes are
4 collected.

5 (5) If not paid, the service charge becomes delinquent
6 and becomes a lien on the property, subject to the same
7 penalties and the same rate of interest as property taxes."

8 **Section 13.** Section 7-13-235, MCA, is amended to read:

9 "7-13-235. Installment payments for capital
10 improvements. To defray the initial cost of purchasing land
11 and equipment, payments may be spread over a term of not to
12 exceed 20 10 years. Payments--are--to--be--made--in--equal
13 installments--out--of--the--money-received-from-the-fee-levy
14 provided-for-in-this-part:"

15 **NEW SECTION. Section 14.** BONDS REVENUE BONDS and
16 obligations. (1) The commissioners may issue revenue bonds,
17 including refunding bonds, or borrow money for the
18 acquisition of property, construction of improvements, or
19 purchase of equipment or to pay costs related to planning,
20 designing, and financing a solid waste management system.

21 ~~(2) THE COMMISSIONERS MAY ISSUE A REVENUE BOND ONLY IF~~
22 ~~THE SALE OF THE BOND HAS BEEN APPROVED IN A GENERAL OR~~
23 ~~SPECIAL ELECTION BY A MAJORITY OF THE REGISTERED VOTERS IN~~
24 ~~THE JURISDICTIONS TO BE DIRECTLY SERVED BY THE SOLID WASTE~~
25 ~~DISTRICT.~~

1 ~~(2)~~~~(3)~~(2) Revenue bonds may be issued in a form and
2 upon terms as provided in 7-7-2501.

3 ~~(3)~~~~(4)~~(3) Bonds or loans may be payable from any
4 revenue of the joint solid waste MANAGEMENT district,
5 including revenue from:

6 (a) service charges authorized in 7-13-233 THAT ARE
7 COLLECTED OTHER THAN THROUGH TAX NOTICES AND A LIEN UPON
8 PROPERTY;

9 ~~(b)--taxes-levied-pursuant-to-(section-16);~~

10 ~~(c)~~(B) grants or contributions from the state or
11 federal government; or

12 ~~(d)~~(C) other sources.

13 ~~NEW SECTION. -- Section 15. Board to certify deficiency. --~~

14 ~~The board shall certify annually to the commissioners the~~
15 ~~amount of principal and interest payable for the next fiscal~~
16 ~~year. The board shall certify to the counties the amount of~~
17 ~~any deficiency that may exist for the ensuing period of 1~~
18 ~~year for the payment of principal and interest due on any~~
19 ~~outstanding bonds for which the district's revenues are~~
20 ~~pledged.~~

21 ~~NEW SECTION. -- Section 16. County tax levy. -- The~~

22 ~~commissioners may levy a tax on all property in the solid~~
23 ~~waste MANAGEMENT district for the purpose of paying a~~
24 ~~deficiency certified by the board. The commissioners may~~
25 ~~levy a tax not to exceed 2 mills if a deficiency is~~

1 ~~certified by the board.~~

2 NEW SECTION. SECTION 15. SOLID WASTE MANAGEMENT

3 DISTRICT BONDS AUTHORIZED. (1) WITH THE APPROVAL OF THE
4 BOARD OF COUNTY COMMISSIONERS, A SOLID WASTE MANAGEMENT
5 DISTRICT MAY BORROW MONEY BY THE ISSUANCE OF ITS BONDS TO:

6 (A) PROVIDE FUNDS FOR PAYMENT OF PART OR ALL OF THE
7 COST OF ACQUISITION OF PROPERTY, CONSTRUCTION OF
8 IMPROVEMENTS, AND PURCHASE OF EQUIPMENT;

9 (B) PROVIDE AN ADEQUATE WORKING CAPITAL; AND

10 (C) PAY COSTS RELATED TO THE PLANNING, DESIGNING, AND
11 FINANCING OF A SOLID WASTE MANAGEMENT SYSTEM.

12 (2) THE AMOUNT OF BONDS ISSUED FOR THE PURPOSES
13 PROVIDED FOR IN SUBSECTION (1) AND OUTSTANDING AT ANY TIME
14 MAY NOT EXCEED 22.5% OF THE TAXABLE VALUE OF THE PROPERTY IN
15 THE DISTRICT AS ASCERTAINED BY THE LAST ASSESSMENT FOR STATE
16 AND COUNTY TAXES PRIOR TO THE ISSUANCE OF THE BONDS.

17 (3) EACH YEAR AT THE TIME OF LEVYING COUNTY TAXES, THE
18 BOARD OF COUNTY COMMISSIONERS SHALL FIX AND LEVY A TAX UPON
19 ALL PROPERTY WITHIN THE DISTRICT SUFFICIENT TO RAISE THE
20 AMOUNT NECESSARY FOR THE PAYMENT OF BONDED INDEBTEDNESS.

21 (4) THE BONDS MUST BE AUTHORIZED, SOLD, AND ISSUED AND
22 PROVISIONS MUST BE MADE FOR THEIR PAYMENT IN THE MANNER AND
23 SUBJECT TO THE CONDITIONS AND LIMITATIONS PRESCRIBED FOR
24 BONDS OF SCHOOL DISTRICTS IN TITLE 20, CHAPTER 9, PART 4.

25 NEW SECTION. Section 16. Purpose. To provide safe,

1 efficient, and effective management of solid waste, two or
 2 more counties are authorized to cooperate in the creation of
 3 a joint solid waste district. A joint solid waste district
 4 is a political subdivision of the state for the purposes of
 5 the municipal finance consolidation act as provided in
 6 17-5-1602 and for solid waste management services as
 7 provided in 75-10-112.

8 **NEW SECTION. Section 17.** Definitions. As used in
 9 [sections ~~18--through--26~~ 17 THROUGH 26], the following
 10 definitions apply:

11 (1) "Joint district" means a joint solid waste district
 12 created through the procedures outlined in [sections ~~18~~
 13 ~~through--26~~ 17 THROUGH 26].

14 (2) "Board" means the board of directors as provided in
 15 [section ~~21~~ 20].

16 (3) "Counties" means the commissioners of the counties
 17 creating the joint district.

18 **NEW SECTION. Section 18.** Creation of a joint district.
 19 Two or more counties may create a joint solid waste district
 20 through the procedures described in 7-13-203 through
 21 7-13-212.

22 **NEW SECTION. Section 19.** Municipalities authorized to
 23 contract with joint districts. Joint districts may enter
 24 into agreements to provide solid waste disposal services but
 25 not collection services to municipalities located in

1 adjoining counties that do not participate in the district.
 2 An agreement is subject to the approval of the county
 3 commissioners in the county in which the municipality is
 4 located.

5 **NEW SECTION. Section 20.** Board of directors. (1) The
 6 board of a joint district must be appointed by the counties.

7 (2) The county commissioners shall appoint to the board
 8 one commissioner from each county, a representative of each
 9 incorporated city or town, a representative of each county
 10 or city board of health, and any other representatives
 11 agreed to by the commissioners of all the counties creating
 12 the joint district.

13 (3) A municipality that contracts for solid waste
 14 services with a joint district but that is not located in
 15 the counties creating the joint district may be represented
 16 on the board as provided in the agreement with the joint
 17 district.

18 (4) The board may provide for an executive committee
 19 that has the authority to exercise all powers of the joint
 20 district, except that the entire board shall meet at least
 21 once a year to elect officers and select the executive
 22 committee. An executive committee must include at least one
 23 representative from each of the counties.

24 (5) The board has all powers and duties provided in
 25 75-10-112.

1 NEW SECTION. Section 21. Administration of funds in a
 2 joint district. Fees and other money collected by a joint
 3 district may be administered either by entering into an
 4 agreement with the county treasurer's office of one of the
 5 participating counties or through a fund established and
 6 administered by the board. Fees received by a county
 7 treasurer must be promptly deposited into funds and accounts
 8 established by the joint district.

9 NEW SECTION. Section 22. Service charges. Service
 10 charges must be established and collected in the manner
 11 provided in 7-13-231 through 7-13-233.

12 NEW SECTION. Section 23. BONDS REVENUE BONDS and
 13 obligations. (1) A joint district may borrow money for any
 14 purpose provided in [sections ~~18 through 20~~ 17 THROUGH 26]
 15 and issue bonds, including refunding bonds, in a form and
 16 upon terms as it may determine, payable from any revenue of
 17 the joint district, including revenue from:

18 (a) service charges authorized in [section ~~23~~ 22] THAT
 19 ARE COLLECTED OTHER THAN THROUGH TAX NOTICES AND A LIEN UPON
 20 PROPERTY;

21 ~~{b} taxes levied pursuant to {section 26};~~

22 ~~{c}~~ (B) grants or contributions from the state or
 23 federal government; or

24 ~~{d}~~ (C) other sources.

1 ~~{2} A JOINT DISTRICT MAY ISSUE A REVENUE BOND ONLY IF~~
 2 ~~THE SALE OF THE BOND HAS BEEN APPROVED IN A GENERAL OR~~
 3 ~~SPECIAL ELECTION BY A MAJORITY OF THE REGISTERED VOTERS IN~~
 4 ~~THE JURISDICTIONS TO BE DIRECTLY SERVED BY THE JOINT~~
 5 ~~DISTRICT;~~

6 ~~{2}~~ {3} ~~(2)~~ The bonds may be issued by resolution of the
 7 joint district ~~without an election and~~ WITHOUT AND ELECTION
 8 AND without any limitation of the amount, except that bonds
 9 may not be issued at any time if the total amount of
 10 principal and interest to become due in any year on the
 11 bonds and on any then-outstanding bonds for which revenue
 12 from the same source or sources is pledged exceeds the
 13 amount of the revenue to be received in that year as
 14 estimated in the resolution authorizing the issuance of the
 15 bonds. The board shall take all action necessary and
 16 possible to impose, maintain, and collect rates, charges,
 17 rentals, and taxes, if any are pledged, sufficient to make
 18 the revenue from the pledged source in a year at least equal
 19 to the amount of the principal and interest due in that
 20 year.

21 ~~{3}~~ {4} ~~{3}~~ The bonds may be sold at public or private
 22 sale and may bear interest as provided in 17-5-102. Except
 23 as otherwise provided in [sections ~~18 through 20~~ 17 THROUGH
 24 26], bonds issued pursuant to [sections ~~18 through 20~~ 17
 25 THROUGH 26] by a joint district may be payable in principal

1 and interest solely from revenues of the joint district and
 2 must state on their face the applicable limitations or
 3 restrictions regarding the source from which the principal
 4 and interest are payable.

5 ~~{4}{5}~~(4) Bonds issued by a joint district under
 6 [sections ~~18--through--20~~ 17 THROUGH 26] are issued for an
 7 essential public and governmental purpose by a political
 8 subdivision within the meaning of 15-30-111(2)(a).

9 ~~{5}{6}~~(5) For the security of any bond, the joint
 10 district may by resolution make and enter into any covenant,
 11 agreement, or indenture. The sums required from time to time
 12 to pay principal and interest and to create and maintain a
 13 reserve for the bonds may be paid from any revenue referred
 14 to in [sections ~~18-through-20~~ 17 THROUGH 26] prior to the
 15 payment of current costs of operation and maintenance of the
 16 solid waste management system.

17 ~~NEW SECTION:--Section 25. Board to certify deficiency.--~~
 18 ~~The board shall certify annually to the counties the~~
 19 ~~anticipated revenue of the joint district and the amount of~~
 20 ~~principal and interest payable for the next fiscal year. The~~
 21 ~~board shall certify to the counties the amount of any~~
 22 ~~deficiency for the ensuing period of 1 year for the payment~~
 23 ~~of principal and interest due on any outstanding bonds of~~
 24 ~~the joint district.~~

25 ~~NEW SECTION:--Section 26. County tax levy.--(1) The~~

1 ~~counties participating in a joint district may levy a tax on~~
 2 ~~all property in the joint district for the purpose of paying~~
 3 ~~any deficiency certified by the board as provided in~~
 4 ~~{sections 18 through 20}.~~

5 ~~{2}--The counties may:~~
 6 ~~{a}--agree by resolution to levy a tax not to exceed 2~~
 7 ~~mills if a deficiency is certified by the board; or~~

8 ~~{b}--levy a general tax for payment of any deficiency if~~
 9 ~~the question of levying a general tax is submitted to the~~
 10 ~~qualified electors of each of the counties creating the~~
 11 ~~joint district as provided in Title 7, chapter 7, part 22. A~~
 12 ~~tax may not be imposed unless the majority of voters voting~~
 13 ~~on the levy in each county approve the levy.~~

14 NEW SECTION. SECTION 24. JOINT DISTRICT BONDS

15 AUTHORIZED. (1) UPON APPROVAL OF THE BOARD OF DIRECTORS OF
 16 THE JOINT DISTRICT, A JOINT DISTRICT MAY BORROW MONEY BY THE
 17 ISSUANCE OF ITS BONDS TO:

18 (A) PROVIDE FUNDS FOR PAYMENT OF PART OR ALL OF THE
 19 COST OF ACQUISITION OF PROPERTY, CONSTRUCTION OF
 20 IMPROVEMENTS, AND PURCHASE OF EQUIPMENT;

21 (B) PROVIDE AN ADEQUATE WORKING CAPITAL; AND
 22 (C) PAY COSTS RELATED TO THE PLANNING, DESIGNING, AND
 23 FINANCING OF A SOLID WASTE MANAGEMENT SYSTEM.

24 (2) THE AMOUNT OF BONDS ISSUED FOR THE PURPOSES
 25 PROVIDED IN SUBSECTION (1) AND OUTSTANDING AT ANY TIME MAY

1 NOT EXCEED 22.5% OF THE TAXABLE VALUE OF THE PROPERTY IN THE
2 JOINT DISTRICT AS ASCERTAINED BY THE LAST ASSESSMENT FOR
3 STATE AND COUNTY TAXES PRIOR TO THE ISSUANCE OF THE BONDS.

4 {3} EACH YEAR AT THE TIME OF LEVYING COUNTY TAXES, THE
5 BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY IN THE JOINT
6 DISTRICT SHALL FIX AND LEVY A TAX UPON ALL PROPERTY IN THE
7 COUNTY WITHIN THE JOINT DISTRICT THAT IS SUFFICIENT TO RAISE
8 THE AMOUNT CERTIFIED BY THE BOARD OF DIRECTORS OF THE JOINT
9 DISTRICT FOR PAYMENT OF BONDED INDEBTEDNESS OF THE DISTRICT.

10 {4} THE BONDS MUST BE AUTHORIZED, SOLD, AND ISSUED AND
11 PROVISIONS MUST BE MADE FOR THEIR PAYMENT IN THE MANNER AND
12 SUBJECT TO THE CONDITIONS AND LIMITATIONS PRESCRIBED FOR
13 BONDS OF SCHOOL DISTRICTS IN TITLE 20, CHAPTER 9, PART 4.
14 THE ISSUANCE OF THE BONDS MUST BE APPROVED IN EACH COUNTY BY
15 THE JOINT DISTRICT ELECTORATE VOTING ON THE QUESTION.

16 NEW SECTION. Section 25. Debt service fund. A joint
17 district may create a debt service fund and accumulate in
18 the fund a sum not to exceed an amount equal to the total
19 amount of principal and interest due in any 2 subsequent
20 years.

21 NEW SECTION. Section 26. Tax exemption. Any property
22 in this state acquired by a joint district for purposes of
23 operating a solid waste management system and any income
24 derived by the joint district is exempt from taxation to the
25 same extent as other property used for public purposes.

1 ~~SECTION 29. SECTION 7-7-4426, MCA, IS AMENDED TO READ:~~

2 ~~"7-7-4426. Authorization for undertaking and issuance~~
3 ~~of bonds. (1) The acquisition, purchase, construction,~~
4 ~~reconstruction, improvement, betterment, or extension of any~~
5 ~~undertaking may be authorized under this part.~~

6 ~~(2) Bonds may be authorized to be issued under this~~
7 ~~part by resolution or resolutions of the governing body of~~
8 ~~the municipality:~~

9 ~~(a) without an election, except joint solid waste~~
10 ~~district and county solid waste bonds; or~~

11 ~~(b) when authorized by a majority of the qualified~~
12 ~~electors voting upon such question at a special election,~~
13 ~~should the governing body in its sole discretion choose to~~
14 ~~submit the question to the electorate."~~

15 ~~SECTION 30. SECTION 7-13-231, MCA, IS AMENDED TO READ:~~

16 ~~"7-13-231. Authorization for charges for services. (1)~~
17 ~~To defray the cost of maintenance and operation of said~~
18 ~~refuse disposal district, the board shall establish a fee~~
19 ~~for service, with approval of the county commissioners,~~
20 ~~provided a public hearing has been held if written protest~~
21 ~~has been made as provided in 7-13-211. An increase in fees~~
22 ~~may not be approved and implemented unless notice of such~~
23 ~~increase is given as provided in 7-13-208(1) and (2) and~~
24 ~~opportunity for protest is allowed as provided in 7-13-209~~
25 ~~and 7-13-211.~~

1 ~~{2}--This fee shall be assessed to all units in the~~
2 ~~district that are receiving a service, for the purpose of~~
3 ~~maintenance and operation of said district.~~"

4 **SECTION 27.** SECTION 7-13-210, MCA, IS AMENDED TO READ:

5 "7-13-210. Hearing on protest. (1) At the next regular
6 meeting of the commissioners after the expiration of the
7 time within which the protest provided for in 7-13-209 may
8 be made, the commissioners shall proceed to hear and pass
9 upon all protests so made, and its decision shall be final
10 and conclusive.

11 {2} The commissioners shall evaluate and rule upon the
12 factual accuracy of and legal basis for all protests made
13 against the resolution of intent. Upon determining a factual
14 or legal defect in the resolution of intent, the commission
15 shall halt all further proceedings or modify the resolution.

16 ~~{2}~~{3} In determining whether or not sufficient
17 protests have been filed in the proposed district to prevent
18 further proceedings therein, property owned by the city,
19 county, and school districts shall be considered the same as
20 any other property in the district. The commissioners may
21 include commercial and industrial establishments in said
22 district.

23 ~~{3}~~{4} The commissioners may adjourn said hearings from
24 time to time."

25 **NEW SECTION. Section 28. Repealer.** Sections ~~7-13-211,~~

1 7-13-241, 7-13-242, 7-13-243, 7-13-2401, 7-13-2402,
2 7-13-2403, 7-13-2404, 7-13-2405, and 7-13-2406, MCA, are
3 repealed.

4 **NEW SECTION. Section 29.** Code commissioner
5 instruction. In 7-13-201 through 7-13-243, MCA, the code
6 commissioner is instructed to change the term "refuse" to
7 "solid waste" and the term "refuse disposal" to "solid waste
8 management".

9 **NEW SECTION. Section 30.** Codification instruction. (1)
10 [Sections 14 through AND ~~17~~ 16 15] are intended to be
11 codified as an integral part of Title 7, chapter 13, part 2,
12 and the provisions of Title 7, chapter 13, part 2, apply to
13 [sections 14 through AND ~~17~~ 16 15].

14 (2) [Sections ~~18~~ 17 16 through ~~20~~ 26] are intended to
15 be codified as an integral part of Title 7, chapter 13, and
16 the provisions of Title 7, chapter 13, apply to [sections ~~18~~
17 17 16 through ~~20~~ 26].

18 **NEW SECTION. SECTION 31. COORDINATION INSTRUCTION. IF**
19 **HOUSE BILL NO. 296 IS PASSED AND APPROVED AND IF IT INCLUDES**
20 **A SECTION THAT AMENDS 7-5-2306, THEN [SECTION 1 OF THIS**
21 **ACT], AMENDING 7-5-2306, IS VOID.**

22 **NEW SECTION. Section 32. Saving clause.** [This act]
23 does not affect rights and duties that matured, penalties
24 that were incurred, or proceedings that were begun before
25 [the effective date of this act].

1 NEW SECTION. **Section 33.** Severability. If a part of
 2 [this act] is invalid, all valid parts that are severable
 3 from the invalid part remain in effect. If a part of [this
 4 act] is invalid in one or more of its applications, the part
 5 remains in effect in all valid applications that are
 6 severable from the invalid applications.

7 NEW SECTION. **Section 34.** Applicability to joint solid
 8 waste disposal. Joint refuse disposal districts organized
 9 under 7-13-241 prior to [the effective date of this act] are
 10 continued under [sections ~~18~~ 17 through ~~28~~ 26] and have all
 11 powers and duties of joint solid waste districts provided by
 12 [sections ~~18~~ 17 through ~~28~~ 26].

13 NEW SECTION. **Section 35.** Applicability to garbage and
 14 ash collection districts. (1) The duties and
 15 responsibilities of garbage and ash collection districts
 16 that exist within the boundary of a municipality must be
 17 assumed by the municipality on [the effective date of this
 18 act].

19 (2) Garbage and ash collection districts outside a
 20 municipality must become a solid waste district or part of
 21 an existing solid waste district upon passage of a
 22 resolution by the county commission.

23 (3) (a) The resolution must provide for compliance with
 24 the provisions of Title 7, chapter 13, part 2.

25 (b) If the boundaries and service charges for the new

1 district remain the same as for the garbage and ash
 2 collection district, notice of intention or right to
 3 protest, as provided in 7-13-208 through 7-13-211, need not
 4 be provided.

5 NEW SECTION. **Section 36.** Effective date. [This act] is
 6 effective July 1, 1991.

-End-