

HOUSE BILL NO. 562

INTRODUCED BY THOFT

IN THE HOUSE

January 29, 1981	Introduced and referred to Committee on Local Government.
February 13, 1981	Committee recommend bill do pass. Report adopted.
February 16, 1981	Bill printed and placed on members' desks.
February 18, 1981	Second reading, do pass.
February 19, 1981	Considered correctly engrossed.
February 20, 1981	Third reading, passed. Ayes, 99; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 21, 1981	Introduced and referred to Committee on Local Government.
March 21, 1981	Committee recommend bill be concurrred in as amended. Report adopted.
March 24, 1981	Motion pass consideration.
March 25, 1981	Second reading, concurrred in.
March 27, 1981	Third reading, concurrred in as amended. Ayes, 49; Noes, 0.

IN THE HOUSE

March 28, 1981	Returned from Senate with amendments.
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April 8, 1981

Second reading, amendments
concurrent in.

April 9, 1981

Third reading, amendments
concurrent in. Ayes, 95; Noes, 2.
Sent to enrolling.

Reported correctly enrolled.

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HOUSE BILL NO. 562

INTRODUCED BY

Tholt

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND SIMPLIFY THE PROCESS OF ADDING CONTIGUOUS LAND IN AN UNINCORPORATED AREA TO A SEWER DISTRICT WHEN THE BOARD OF DIRECTORS DETERMINES THERE IS EXCESS CAPACITY; AMENDING SECTION 7-13-2341, MCA."

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

Section 1. Section 7-13-2341, MCA, is amended to read:

Section 7-13-2341. Addition of land to district. (1) Any ~~Except as provided in subsection (5),~~ any portion of any county, any municipality, or both, may be added to any district organized under the provisions of this part and part 22 at any time upon petition presented in the manner provided in this part and part 22 for the organization of such district.

(2) The petition may be granted by ordinance of the board of directors of such district. Such ordinance shall be submitted for adoption or rejection to the vote of the electors in such district and in the proposed addition at a general or special election held, as provided in this part and part 22, within 70 days after the adoption of such ordinance.

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(3) If such ordinance is approved, the president and secretary of the board of directors shall certify that fact to the secretary of state and to the county recorder of the county in which such district is located. Upon the receipt of such last-mentioned certificate, the secretary of state shall within 10 days issue his certificate, reciting the passage of said ordinance and the addition of said territory to said district. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such district is situated.

(4) From and after the date of such certificate, the territory named therein shall be deemed added to and form a part of said district with all the rights, privileges, and powers set forth in this part and necessarily incident thereto.

~~(5) If the board of directors determines that a district has a sewer facility with a capacity greater than required to meet the needs of the current district, it may by ordinance, upon petition of contiguous property owners, expand the district to include land in an unincorporated area, to the extent of excess capacity, without complying with subsections (1) and (2). However, if the board determines that an election should be held or if 40% or more of the members of the district petition for an election, compliance with subsections (1) and (2) is required."~~

-End-
-2- INTRODUCTION BILL
HB 562

Approved by Comm.
on Local Government

1 HOUSE BILL NO. 562
2 INTRODUCED BY Thayer

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND SIMPLIFY
5 THE PROCESS OF ADDING CONTIGUOUS LAND IN AN UNINCORPORATED
6 AREA TO A SEWER DISTRICT WHEN THE BOARD OF DIRECTORS
7 DETERMINES THERE IS EXCESS CAPACITY; AMENDING SECTION
8 7-13-2341, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-13-2341, MCA, is amended to read:
12 "7-13-2341. Addition of land to district. (1) Any
13 ~~Except as provided in subsection (5),~~ any portion of any
14 county, any municipality, or both, may be added to any
15 district organized under the provisions of this part and
16 part 22 at any time upon petition presented in the manner
17 provided in this part and part 22 for the organization of
18 such district.

19 (2) The petition may be granted by ordinance of the
20 board of directors of such district. Such ordinance shall be
21 submitted for adoption or rejection to the vote of the
22 electors in such district and in the proposed addition at a
23 general or special election held, as provided in this part
24 and part 22, within 70 days after the adoption of such
25 ordinance.

1 (3) If such ordinance is approved, the president and
2 secretary of the board of directors shall certify that fact
3 to the secretary of state and to the county recorder of the
4 county in which such district is located. Upon the receipt
5 of such last-mentioned certificate, the secretary of state
6 shall within 10 days issue his certificate, reciting the
7 passage of said ordinance and the addition of said territory
8 to said district. A copy of such certificate shall be
9 transmitted to and filed with the county clerk of the county
10 in which such district is situated.

11 (4) From and after the date of such certificate, the
12 territory named therein shall be deemed added to and form a
13 part of said district with all the rights, privileges, and
14 powers set forth in this part and necessarily incident
15 thereto.

16 ~~(5) If the board of directors determines that a
17 district has a sewer facility with a capacity greater than
18 required to meet the needs of the current district, it may
19 by ordinance, upon petition of contiguous property owners,
20 expand the district to include land in an unincorporated
21 area, to the extent of excess capacity, without complying
22 with subsections (1) and (2). However, if the board
23 determines that an election should be held or if 40% or more
24 of the members of the district petition for an election,
25 compliance with subsections (1) and (2) is required."~~

-End.
-2- SECOND READING
HB 562

1 HOUSE BILL NO. 562
2 INTRODUCED BY Thayer

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND SIMPLIFY
5 THE PROCESS OF ADDING CONTIGUOUS LAND IN AN UNINCORPORATED
6 AREA TO A SEWER DISTRICT WHEN THE BOARD OF DIRECTORS
7 DETERMINES THERE IS EXCESS CAPACITY; AMENDING SECTION
8 7-13-2341, MCA."

9
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14 county, any municipality, or both, may be added to any
15 district organized under the provisions of this part and
16 part 22 at any time upon petition presented in the manner
17 provided in this part and part 22 for the organization of
18 such district.

19 (2) The petition may be granted by ordinance of the
20 board of directors of such district. Such ordinance shall be
21 submitted for adoption or rejection to the vote of the
22 electors in such district and in the proposed addition at a
23 general or special election held, as provided in this part
24 and part 22, within 70 days after the adoption of such
25 ordinance.

1 (3) If such ordinance is approved, the president and
2 secretary of the board of directors shall certify that fact
3 to the secretary of state and to the county recorder of the
4 county in which such district is located. Upon the receipt
5 of such last-mentioned certificate, the secretary of state
6 shall within 10 days issue his certificate, reciting the
7 passage of said ordinance and the addition of said territory
8 to said district. A copy of such certificate shall be
9 transmitted to and filed with the county clerk of the county
10 in which such district is situated.

11 (4) From and after the date of such certificate, the
12 territory named therein shall be deemed added to and form a
13 part of said district with all the rights, privileges, and
14 powers set forth in this part and necessarily incident
15 thereto.

16 ~~(5) If the board of directors determines that a~~
17 ~~district has a sewer facility with a capacity greater than~~
18 ~~required to meet the needs of the current district, it may~~
19 ~~by ordinance, upon petition of contiguous property owners,~~
20 ~~expand the district to include land in an unincorporated~~
21 ~~area, to the extent of excess capacity, without complying~~
22 ~~with subsections (1) and (2). However, if the board~~
23 ~~determines that an election should be held or if 40% or more~~
24 ~~of the members of the district petition for an election,~~
25 ~~compliance with subsections (1) and (2) is required."~~

-End-
-2-

THIRD READING

HB 562

1 HOUSE BILL NO. 562
 2 INTRODUCED BY THOFT
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND SIMPLIFY
 5 THE PROCESS OF ADDING CONTIGUOUS LAND IN AN UNINCORPORATED
 6 AREA TO A SEWER DISTRICT WHEN THE BOARD OF DIRECTORS
 7 DETERMINES THERE IS EXCESS CAPACITY; AMENDING SECTION
 8 7-13-2341, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 7-13-2341, MCA, is amended to read:
 12 "7-13-2341. Addition of land to district. (1) Any
 13 Except as provided in subsection (5), any portion of any
 14 county, any municipality, or both, may be added to any
 15 district organized under the provisions of this part and
 16 part 22 at any time upon petition presented in the manner
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 20 board of directors of such district. Such ordinance shall be
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 22 electors in such district and in the proposed addition at a
 23 general or special election held, as provided in this part
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 2 secretary of the board of directors shall certify that fact
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 4 county in which such district is located. Upon the receipt
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16 (5) If the board of directors determines that a
 17 district has a sewer facility with a capacity greater than
 18 required to meet the needs of the current district, it may
 19 by ordinance, upon petition of contiguous property owners,
 20 expand the district to include land in an unincorporated
 21 area, to the extent of excess capacity, without complying
 22 with subsections (1) and (2). However, if the board
 23 determines that an election should be held or if 40% or more
 24 of the members of the district petition for an election,
 25 compliance with subsections (1) and (2) is required."

HB 0562/02

1 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
2 PASSAGE AND APPROVAL.

-End-

March 21, 1981

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 562 be amended as follows:

1. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.

Following: line 25 on page 2

Insert: "Section 2. Effective date. This act is effective on passage and approval."