

HOUSE BILL NO. 790

INTRODUCED BY DAILY, QUILICI, PAVLOVICH,

MCBRIDE, HARRINGTON, D. BROWN

IN THE HOUSE

February 16, 1981	Introduced and referred to Committee on Local Government.
February 21, 1981	Committee recommend bill do pass as amended. Report adopted.
February 23, 1981	Bill printed and placed on members' desks. Second reading, do pass as amended.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 97; Noes, 0. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Local Government.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 30, 1981	Motion pass consideration.
March 31, 1981	Second reading, concurred in. On motion rules suspended. Bill placed on calendar for third reading this day and allowed to be transmitted on 71st legislative day. Motion adopted. Third reading, concurred in as amended. Ayes, 48; Noes, 1.

IN THE HOUSE

April 1, 1981

Returned from Senate with amendments.

April 9, 1981

Second reading, amendments concurred in.

On motion rules suspended and bill placed on third reading this day.

Third reading, amendments concurred in. Ayes, 91; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 790
 2 INTRODUCED BY *Paul Quilley*
 3 *McBride* *Hammitt* *David Brown*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE METROPOLITAN
 5 SANITARY AND/OR STORM SEWER DISTRICTS UNDER THE REGULATORY
 6 AUTHORITY OF THE PUBLIC SERVICE COMMISSION; AMENDING
 7 SECTIONS 7-13-112, 7-13-141, AND 7-13-144, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 7-13-112, MCA, is amended to read:
 11 "7-13-112. County commissioners to administer
 12 district. (1) The board of county commissioners shall be ex
 13 officio commissioners of the metropolitan sanitary and/or
 14 storm sewer district formed under the provisions of this
 15 part and shall have ~~sole-and-complete~~ jurisdiction over all
 16 drainage structures and sewage treating plants which are now
 17 or may be hereafter built and situated within said district,
 18 subject to the regulation of the public service commission.
 19 The county commission shall be responsible for the proper
 20 functioning and maintenance thereof.

21 (2) The county commission shall be responsible for the
 22 condition and maintenance of all publicly owned streets,
 23 alleys, land, parks, or other thoroughfares within the
 24 boundaries of such district insofar as such may be affected
 25 by the construction or maintenance of the structures under

1 control and jurisdiction of such district."

2 Section 2. Section 7-13-141, MCA, is amended to read:
 3 "7-13-141. Charges for services. (1) The board of
 4 county commissioners shall have ~~full-power-and~~ authority by
 5 ordinance or resolution to fix and establish just and
 6 equitable rates, charges, and rentals for the services and
 7 benefits directly or indirectly afforded by any sanitary or
 8 storm sewer system operated by, controlled by, and under the
 9 jurisdiction of a metropolitan sanitary and/or storm sewer
 10 district formed under this part.

11 (2) Such rates, charges, and rentals shall be as
 12 nearly as possible equitable in proportion to the services
 13 and benefits rendered and may take into consideration the
 14 quantity of sewage produced and its concentration and water
 15 pollution qualities in general and the cost of disposal of
 16 sewage and storm waters.

17 (3) The rates, charges, and rentals for services and
 18 benefits are subject to the general regulatory authority
 19 vested in the public service commission."

20 Section 3. Section 7-13-144, MCA, is amended to read:
 21 "7-13-144. Resolution to establish service charges --
 22 hearing -- limitations and tax levy. (1) The board of county
 23 commissioners shall have authority, by resolution and after
 24 public hearing:

25 ~~(1)(a)~~ to fix and establish the sewer rates, charges,

1 and rentals at amounts sufficient in each year, ~~not to~~
 2 ~~exceed \$7 per unit user per year~~ to provide income and
 3 revenues adequate for the payment of the reasonable expense
 4 of operation and maintenance of the system;

5 ~~(2)(b)~~ to fix and establish an additional charge, ~~not~~
 6 ~~to exceed \$7 per unit user per year~~ for the operation and
 7 maintenance of a sanitary and storm sewer system and of a
 8 sewage treatment plant; and

9 ~~(3)(c)~~ to levy and to assess a tax upon the taxable
 10 valuation of each and every lot or parcel of land and
 11 improvements thereon in the district, not in excess of 2
 12 mills on each dollar of taxable valuation, to provide
 13 sufficient revenues for the reserve fund of the amounts
 14 necessary to meet the financial requirements of such fund as
 15 described in 7-13-151 through 7-13-156.

16 ~~(2) The rates established pursuant to this section are~~
 17 ~~subject to the general regulatory authority vested in the~~
 18 ~~public service commission."~~

19 NEW SECTION. Section 4. Role of public service
 20 commission unaffected. Nothing contained in this part may be
 21 construed to change or affect the powers and the duties of
 22 the public service commission prescribed in Title 69,
 23 chapters 1 through 3.

24 Section 5. Codification instruction. Section 4 is
 25 intended to be codified as an integral part of Title 7,

1 chapter 13, part 1, and the provisions of Title 7, chapter
 2 13, part 1, apply to section 4.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 790

INTRODUCED BY DAILY, QUILICI, PAVLOVICH,

McBRIDE, HARRINGTON, D. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE METROPOLITAN
SANITARY AND/OR STORM SEWER DISTRICTS UNDER THE REGULATORY
AUTHORITY OF THE PUBLIC SERVICE COMMISSION; AMENDING
SECTIONS 7-13-112, 7-13-141, AND 7-13-144, MCA."

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

Section 1. Section 7-13-112, MCA, is amended to read:

"7-13-112. County commissioners to administer
district. (1) The board of county commissioners shall be ex
officio commissioners of the metropolitan sanitary and/or
storm sewer district formed under the provisions of this
part and shall have ~~sole-and-complete~~ jurisdiction over all
drainage structures and sewage treating plants which are now
or may be hereafter built and situated within said district,
subject to the regulation of the public service commission.

The county commission shall be responsible for the proper
functioning and maintenance thereof.

(2) The county commission shall be responsible for the
condition and maintenance of all publicly owned streets,
alleys, land, parks, or other thoroughfares within the
boundaries of such district insofar as such may be affected

by the construction or maintenance of the structures under
control and jurisdiction of such district."

Section 2. Section 7-13-141, MCA, is amended to read:

"7-13-141. Charges for services. (1) The board of
county commissioners shall have ~~full-power-and~~ authority by
ordinance or resolution to fix and establish just and
equitable rates, charges, and rentals for the services and
benefits directly or indirectly afforded by any sanitary or
storm sewer system operated by, controlled by, and under the
jurisdiction of a metropolitan sanitary and/or storm sewer
district formed under this part.

(2) Such rates, charges, and rentals shall be as
nearly as possible equitable in proportion to the services
and benefits rendered and may take into consideration the
quantity of sewage produced and its concentration and water
pollution qualities in general and the cost of disposal of
sewage and storm waters.

(3) The rates, charges, and rentals for services and
benefits are subject to the general regulatory authority
vested in the public service commission."

Section 3. Section 7-13-144, MCA, is amended to read:

"7-13-144. Resolution to establish service charges --
hearing -- limitations and tax levy. (1) The board of county
commissioners shall have authority, by resolution and after
public hearing:

1 ~~f1}(a)~~ to fix and establish the sewer rates, charges,
2 and rentals at amounts sufficient in each year, ~~not to~~
3 ~~exceed \$7 per unit user per year~~, to provide income and
4 revenues adequate for the payment of the reasonable expense
5 of operation and maintenance of the system;

6 ~~f2}(b)~~ to fix and establish an additional charge, ~~not~~
7 ~~to exceed \$7 per unit user per year~~ for the operation and
8 maintenance of a sanitary and storm sewer system and of a
9 sewage treatment plant; and

10 ~~f3}(c)~~ to levy and to assess a tax upon the taxable
11 valuation of each and every lot or parcel of land and
12 improvements thereon in the district, not in excess of 2
13 mills on each dollar of taxable valuation, to provide
14 sufficient revenues for the reserve fund of the amounts
15 necessary to meet the financial requirements of such fund as
16 described in 7-13-151 through 7-13-156.

17 {2} The rates established pursuant to this section are
18 subject to the general regulatory authority vested in the
19 public service commission."

20 NEW SECTION. Section 4. Role of public service
21 commission unaffected. Nothing contained in this part may be
22 construed to change or affect the powers and the duties of
23 the public service commission prescribed in Title 69,
24 chapters 1 through 3.

25 Section 5. Codification instruction. Section 4 is

1 intended to be codified as an integral part of Title 7,
2 chapter 13, part 1, and the provisions of Title 7, chapter
3 13, part 1, apply to section 4.

4 SECTION 6. COORDINATION WITH HOUSE BILL 765. IF HOUSE
5 BILL 765, INTRODUCED IN THE 47TH LEGISLATURE IS PASSED AND
6 APPROVED:

7 {1} SECTIONS 1, 4, AND 5 OF THIS ACT ARE VOID AND OF
8 NO EFFECT;

9 {2} THE AMENDATORY MATERIAL ADDED TO 7-13-141, MCA, AS
10 SUBSECTION (3) IN SECTION 2 OF THIS ACT RELATING TO
11 REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION IS
12 VOID AND OF NO EFFECT; AND

13 {3} THE AMENDATORY MATERIAL ADDED TO 7-13-144, MCA, AS
14 NEW SUBSECTION (2) IN SECTION 3 OF THIS ACT RELATING TO
15 REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION IS
16 VOID AND OF NO EFFECT AND THE CODE COMMISSIONER IS
17 AUTHORIZED AND INSTRUCTED TO INTERNALLY RENUMBER THE
18 SUBSECTIONS OF SECTION 7-13-144, MCA, ACCORDINGLY.

-End-

1 HOUSE BILL NO. 790

2 INTRODUCED BY DAILY, QUILICI, PAVLOVICH,

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE METROPOLITAN
6 SANITARY AND/OR STORM SEWER DISTRICTS UNDER THE REGULATORY
7 AUTHORITY OF THE PUBLIC SERVICE COMMISSION; AMENDING
8 SECTIONS 7-13-112, 7-13-141, AND 7-13-144, MCA; AND
9 PROVIDING AN EFFECTIVE DATE."

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

12 Section 1. Section 7-13-112, MCA, is amended to read:

13 "7-13-112. County commissioners to administer
14 district. (1) The board of county commissioners shall be ex
15 officio commissioners of the metropolitan sanitary and/or
16 storm sewer district formed under the provisions of this
17 part and shall have ~~sole and complete~~ jurisdiction over all
18 drainage structures and sewage treating plants which are now
19 or may be hereafter built and situated within said district,
20 subject to the regulation of the public service commission.

21 The county commission shall be responsible for the proper
22 functioning and maintenance thereof.

23 (2) The county commission shall be responsible for the
24 condition and maintenance of all publicly owned streets,
25 alleys, land, parks, or other thoroughfares within the

1 boundaries of such district insofar as such may be affected
2 by the construction or maintenance of the structures under
3 control and jurisdiction of such district."

4 Section 2. Section 7-13-141, MCA, is amended to read:

5 "7-13-141. Charges for services. (1) The board of
6 county commissioners shall have ~~full power and~~ authority by
7 ordinance or resolution to fix and establish just and
8 equitable rates, charges, and rentals for the services and
9 benefits directly or indirectly afforded by any sanitary or
10 storm sewer system operated by, controlled by, and under the
11 jurisdiction of a metropolitan sanitary and/or storm sewer
12 district formed under this part.

13 (2) Such rates, charges, and rentals shall be as
14 nearly as possible equitable in proportion to the services
15 and benefits rendered and may take into consideration the
16 quantity of sewage produced and its concentration and water
17 pollution qualities in general and the cost of disposal of
18 sewage and storm waters.

19 (3) The rates, charges, and rentals for services and
20 benefits are subject to the general regulatory authority
21 vested in the public service commission."

22 Section 3. Section 7-13-144, MCA, is amended to read:

23 "7-13-144. Resolution to establish service charges --
24 hearing -- limitations and tax levy. (1) The board of county
25 commissioners shall have authority, by resolution and after

1 public hearing:

2 ~~{1}(a)~~ to fix and establish the sewer rates, charges,
3 and rentals at amounts sufficient in each year, ~~not to~~
4 ~~exceed \$7 per unit user per year~~ to provide income and
5 revenues adequate for the payment of the reasonable expense
6 of operation and maintenance of the system;

7 ~~{2}(b)~~ to fix and establish an additional charge, ~~not~~
8 ~~to exceed \$7 per unit user per year~~ for the operation and
9 maintenance of a sanitary and storm sewer system and of a
10 sewage treatment plant; and

11 ~~{3}(c)~~ to levy and to assess a tax upon the taxable
12 valuation of each and every lot or parcel of land and
13 improvements thereon in the district, not in excess of 2
14 mills on each dollar of taxable valuation, to provide
15 sufficient revenues for the reserve fund of the amounts
16 necessary to meet the financial requirements of such fund as
17 described in 7-13-151 through 7-13-156.

18 {2} The rates established pursuant to this section are
19 subject to the general regulatory authority vested in the
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22 commission unaffected. Nothing contained in this part may be
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6 BILL 765, INTRODUCED IN THE 47TH LEGISLATURE IS PASSED AND
7 APPROVED:

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9 NO EFFECT;

10 {2} THE AMENDATORY MATERIAL ADDED TO 7-13-141, MCA, AS
11 SUBSECTION {3} IN SECTION 2 OF THIS ACT RELATING TO
12 REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION IS
13 VOID AND OF NO EFFECT; AND

14 {3} THE AMENDATORY MATERIAL ADDED TO 7-13-144, MCA, AS
15 NEW SUBSECTION {2} IN SECTION 3 OF THIS ACT RELATING TO THE
16 REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION IS
17 VOID AND OF NO EFFECT AND THE CODE COMMISSIONER IS
18 AUTHORIZED AND INSTRUCTED TO INTERNALLY RENUMBER THE
19 SUBSECTIONS OF SECTION 7-13-144, MCA, ACCORDINGLY.

20 SECTION 7. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
21 JANUARY 1, 1982.

-End-

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McBRIDE, HARRINGTON, D. BROWN

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benefits are subject to the general regulatory authority
vested in the public service commission."

Section 3. Section 7-13-144, MCA, is amended to read:

"7-13-144. Resolution to establish service charges --
hearing -- limitations and tax levy. (1) The board of county
commissioners shall have authority [SUBJECT TO THE

1 PROVISIONS OF [HOUSE BILL 765]], by resolution and after
2 public hearing:

3 ~~{1}(a)~~ to fix and establish the sewer rates, charges,
4 and rentals at amounts sufficient in each year, ~~not to~~
5 ~~exceed \$7-per-unit-user-per-year~~, to provide income and
6 revenues adequate for the payment of the reasonable expense
7 of operation and maintenance of the system;

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10 maintenance of a sanitary and storm sewer system and of a
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13 valuation of each and every lot or parcel of land and
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7 BILL 765, INTRODUCED IN THE 47TH LEGISLATURE IS PASSED AND
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10 NO EFFECT;

11 {2} THE AMENDATORY MATERIAL ADDED TO 7-13-141, MCA, AS
12 SUBSECTION (3) IN SECTION 2 OF THIS ACT RELATING TO
13 REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION IS
14 VOID AND OF NO EFFECT; AND

15 {3} THE AMENDATORY MATERIAL ADDED TO 7-13-144, MCA, AS
16 NEW SUBSECTION (2) IN SECTION 3 OF THIS ACT RELATING TO THE
17 REGULATORY AUTHORITY OF THE PUBLIC SERVICE COMMISSION IS
18 VOID AND OF NO EFFECT AND THE CODE COMMISSIONER IS
19 AUTHORIZED AND INSTRUCTED TO INTERNALLY RENUMBER THE
20 SUBSECTIONS OF SECTION 7-13-144, MCA, ACCORDINGLY.

21 {4} THE BRACKETED MATERIAL IN SECTION 3 RELATING TO
22 HOUSE BILL 765 IS EFFECTIVE.

23 SECTION 7. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
24 JANUARY 1, 1982.

-End-

March 26, 1981

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 790 be amended as follows:

1. Page 2, line 25.

Following: "authority"

Insert: "[subject to the provisions of [House Bill 765]]"

2. Page 4.

Following: line 19

Insert: "(4) The bracketed material in section 3 relating to
House Bill 765 is effective."