

SENATE BILL NO. 115

INTRODUCED BY McCALLUM, STOBIE

IN THE SENATE

January 14, 1981	Introduced and referred to Committee on Local Government.
February 3, 1981	Committee recommend bill do pass as amended. Report adopted.
February 4, 1981	Bill printed and placed on members' desks.
February 5, 1981	Second reading, do pass.
February 6, 1981	Correctly engrossed.
February 7, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 9, 1981	Introduced and referred to Committee on Local Government.
March 23, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in as amended.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 95; Noes, 1.

IN THE SENATE

April 1, 1981	Returned from House with amendments.
April 3, 1981	Second reading, pass consideration.
April 4, 1981	On motion consideration be passed for the day.
April 9, 1981	Second reading, amendments concurred in.
April 11, 1981	Third reading, amendments concurred in. Ayes, 47; Noes, 0. Sent to enrolling. Reported correctly enrolled.

1 *Senate* BILL NO. *115*
 2 INTRODUCED BY *M. Williams* *Shubin*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND
 5 ESTABLISH NOTICE AND HEARING PROCEDURES RELATING TO FEES FOR
 6 REFUSE DISPOSAL DISTRICTS; AMENDING SECTION 7-13-231, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 7-13-231, MCA, is amended to read:

10 "7-13-231. Authorization for charges for services ==
 11 ~~notice == protest == hearing.~~ (1) To defray the cost of
 12 maintenance and operation of said refuse disposal district,
 13 the board shall ~~establish propose~~ a fee for service ~~--with~~
 14 ~~approval of the county commissioners~~ by publishing a notice
 15 ~~clearly setting forth the proposed fee for service in a~~
 16 ~~newspaper published and circulated in the county wherein the~~
 17 ~~district is located once a week for 3 consecutive weeks. The~~
 18 ~~notice shall be posted in three public places within the~~
 19 ~~district for 3 consecutive weeks.~~

20 (2) (a) At any time within 30 days after the date of
 21 the first publication of notice provided for in subsection
 22 (1), any owner of a unit within the district receiving
 23 service may make written protest against the proposed fee.

24 (b) The protest must be in writing and be delivered to
 25 the county clerk, who shall endorse the protest with the

1 ~~date of receipt by him.~~

2 (3) If 10 or more owners of units within the district
 3 receiving service make written protests in accordance with
 4 subsection (2), the board of directors shall proceed to hear
 5 and pass upon all protests so made at their next regular
 6 meeting after the expiration of the time within which the
 7 protests provided for in subsection (2) may be made.

8 (4) The board of directors shall establish, with the
 9 approval of the county commissioners, a fee for refuse
 10 disposal district service after the hearing, if any,
 11 provided for in subsection (3).

12 (2)(5) This fee shall be assessed to all units in the
 13 district that are receiving a service, for the purpose of
 14 maintenance and operation of said district."

-End-

Approved by Comm.
on Local Government

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 2 INTRODUCED BY McCALLUM, STOBIE
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY AND
 5 ESTABLISH NOTICE AND HEARING PROTEST PROCEDURES RELATING TO
 6 FEES FOR REFUSE DISPOSAL DISTRICTS; AMENDING ~~SECTION~~
 7 SECTIONS 7-13-204, 7-13-208, 7-13-209, 7-13-211, AND
 8 7-13-231, MCA."
 9

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

11 Refer to Introduced Bill

12 (Strike everything after the enacting clause and insert:)

13 Section 1. Section 7-13-204, MCA, is amended to read:

14 "7-13-204. Resolution of intention to create refuse
 15 disposal district. (1) Before creating any refuse disposal
 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 ~~estimated--cost--thereof~~ proposed fees to be
 25 charged for the service."

1 Section 2. Section 7-13-208, MCA, is amended to read:
 2 "7-13-208. Notice of resolutions of intention and
 3 concurrence -- hearing. (1) The commissioners must give
 4 notice of the passage of the resolution of intention and
 5 resolution of concurrence, if applicable, and a notice
 6 describing the general characteristics of the collection
 7 system and ~~estimated-costs~~ proposed fees to be charged for
 8 the service, designating the time and place where the
 9 commissioners will hear and pass upon protests made against
 10 the operation of the proposed district and stating that a
 11 description of the boundaries for the proposed district is
 12 included in the resolution on file in the county clerk's
 13 office.

14 (2) The notice shall be published in the newspaper
 15 published nearest to the place where the proposed district
 16 is to be created for 10 consecutive days in a daily
 17 newspaper or in two issues of a weekly newspaper and posted
 18 in three public places within the boundaries of the proposed
 19 district.

20 (3) A copy shall be mailed by first-class mail to
 21 every person, firm, or corporation having real property
 22 within the proposed district listed upon the last completed
 23 assessment list for county taxes the same day the notice is
 24 first published."

25 Section 3. Section 7-13-209, MCA, is amended to read:

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

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

10 Section 4. Section 7-13-211, MCA, is amended to read:

11 "7-13-211. Sufficient protest to bar proceedings. (1)
 12 If the protest against the proposed service is made by the
 13 owners of more than 50% of the family residential units in
 14 the proposed district, no further proceedings shall be taken
 15 by the commissioners.

16 (2) If the protest against the fees proposed to be
 17 charged is made by the owners of more than 50% of the family
 18 residential units in the proposed district, the board and
 19 commissioners shall hold a hearing to determine an
 20 acceptable fee.

21 ~~(2)~~(3) Each commercial and industrial service that is
 22 to be included in the collection system may be considered as
 23 a family residential unit for the purpose of determining
 24 percent of protest."

25 Section 5. Section 7-13-231, MCA, is amended to read:

1 "7-13-231. Authorization for charges for services. (1)
 2 To defray the cost of maintenance and operation of said
 3 refuse disposal district, the board shall establish a fee
 4 for service, with approval of the county commissioners,
 5 provided written protest on the proposed fee has not been
 6 received from more than 50% of the family residential units
 7 in the district.

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

-End-

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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 ~~estimated--cost--thereof~~ proposed fees to be
25 charged for the service."

1 Section 2. Section 7-13-208, MCA, is amended to read:

2 "7-13-208. Notice of resolutions of intention and
3 concurrence -- hearing. (1) The commissioners must give
4 notice of the passage of the resolution of intention and
5 resolution of concurrence, if applicable, and a notice
6 describing the general characteristics of the collection
7 system and estimated-costs proposed fees to be charged for
8 the service, designating the time and place where the
9 commissioners will hear and pass upon protests made against
10 the operation of the proposed district and stating that a
11 description of the boundaries for the proposed district is
12 included in the resolution on file in the county clerk's
13 office.

14 (2) The notice shall be published in the newspaper
15 published nearest to the place where the proposed district
16 is to be created for 10 consecutive days in a daily
17 newspaper or in two issues of a weekly newspaper and posted
18 in three public places within the boundaries of the proposed
19 district.

20 (3) A copy shall be mailed by first-class mail to
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22 within the proposed district listed upon the last completed
23 assessment list for county taxes the same day the notice is
24 first published."

25 Section 3. Section 7-13-209, MCA, is amended to read:

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

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

10 Section 4. Section 7-13-211, MCA, is amended to read:

11 "7-13-211. Sufficient protest to bar proceedings. (1)
12 If the protest against the proposed service is made by the
13 owners of more than 50% of the family residential units in
14 the proposed district, no further proceedings shall be taken
15 by the commissioners.

16 (2) If the protest against the fees proposed to be
17 charged is made by the owners of more than 50% of the family
18 residential units in the proposed district, the board and
19 commissioners shall hold a hearing to determine an
20 acceptable fee.

21 ~~(2)~~(3) Each commercial and industrial service that is
22 to be included in the collection system may be considered as
23 a family residential unit for the purpose of determining
24 percent of protest."

25 Section 5. Section 7-13-231, MCA, is amended to read:

1 "7-13-231. Authorization for charges for services. (1)
2 To defray the cost of maintenance and operation of said
3 refuse disposal district, the board shall establish a fee
4 for service, with approval of the county commissioners,
5 provided written protest on the proposed fee has not been
6 received from more than 50% of the family residential units
7 in the district.

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

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14 "7-13-204. Resolution of intention to create refuse
15 disposal district. (1) Before creating any refuse disposal
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 ~~estimated--cost--thereof~~ proposed fees to be
25 charged for the service."

1 Section 2. Section 7-13-208, MCA, is amended to read:

2 "7-13-208. Notice of resolutions of intention and
3 concurrence -- hearing. (1) The commissioners must give
4 notice of the passage of the resolution of intention and
5 resolution of concurrence, if applicable, and a notice
6 describing the general characteristics of the collection
7 system and estimated-costs proposed fees to be charged for
8 the service, designating the time and place where the
9 commissioners will hear and pass upon protests made against
10 the operation of the proposed district and stating that a
11 description of the boundaries for the proposed district is
12 included in the resolution on file in the county clerk's
13 office.

14 (2) The notice shall be published in the newspaper
15 published nearest to the place where the proposed district
16 is to be created for 10 consecutive days in a daily
17 newspaper or in two issues of a weekly newspaper and posted
18 in three public places within the boundaries of the proposed
19 district.

20 (3) A copy shall be mailed by first-class mail to
21 every person, firm, or corporation having real property
22 within the proposed district listed upon the last completed
23 assessment list for county taxes the same day the notice is
24 first published."

25 Section 3. Section 7-13-209, MCA, is amended to read:

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

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

10 Section 4. Section 7-13-211, MCA, is amended to read:

11 "7-13-211. Sufficient protest to bar proceedings. (1)
12 If the protest against the proposed service is made by the
13 owners of more than 50% of the family residential units in
14 the proposed district, no further proceedings shall be taken
15 by the commissioners.

16 (2) If the protest against the fees proposed to be
17 charged is made by the owners of more than 50% of the family
18 residential units in the proposed district, the board and
19 commissioners shall hold a hearing to determine an
20 acceptable fee. FOLLOWING THE HEARING THE COMMISSIONERS MAY
21 ADOPT THE PROPOSED FEE OR A DIFFERENT FEE.

22 ~~(2)~~ (3) Each commercial and industrial service that is
23 to be included in the collection system may be considered as
24 a family residential unit for the purpose of determining
25 percent of protest."

1 Section 5. Section 7-13-231, MCA, is amended to read:

2 "7-13-231. Authorization for charges for services. (1)
3 To defray the cost of maintenance and operation of said
4 refuse disposal district, the board shall establish a fee
5 for service, with approval of the county commissioners,
6 ~~provided written protest on the proposed fee has not been~~
7 ~~received from more than 50% of the family residential units~~
8 ~~in the district~~ A PUBLIC HEARING HAS BEEN HELD IF WRITTEN
9 PROTEST HAS BEEN MADE AS PROVIDED IN 7-13-211. AN INCREASE
10 IN FEES MAY NOT BE APPROVED AND IMPLEMENTED UNLESS NOTICE OF
11 SUCH INCREASE IS GIVEN AS PROVIDED IN 7-13-208(1) AND (2)
12 AND OPPORTUNITY FOR PROTEST IS ALLOWED AS PROVIDED IN
13 7-13-209 AND 7-13-211.

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

-End-

Amendment to House Local Government Committee Amendments of
March 21, 1981 to Senate Bill 115

Amendment #2:

Page 4, lines 5 through 7.

Following: "provided"

Strike: the remainder of subsection (1)

Insert: "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."

House

Local Government Committee
March 21, 1981

Amend SB 115, third reading copy.

1. Page 3, line 20.

Following: "fee."

Insert: "Following the hearing the commissioners may adopt the proposed fee or a different fee."

2. Page 4, lines 5 through 7.

Following: "provided"

Strike: the remainder of subsection (1).

Insert: "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 and opportunity for protest is allowed as provided in 7-13-209 and 7-13-211."