

Senate Bill 343

In The Senate

January 31, 1981	Introduced and referred to Committee on Local Government.
February 20, 1981	Committee recommend bill do pass as amended.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading do pass.
February 25, 1981	On motion rules suspended. Bill placed on Calendar for third reading this day. Third reading passed.

In The House

March 3, 1981	Introduced and referred to Committee on Local Government.
March 21, 1981	Committee recommend bill not concurred.

In The Senate

March 21, 1981	Returned from House not concurred.
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1 *Senate* BILL NO. *343*
 2 INTRODUCED BY *ALFESTAD Underdal Inneson Kestel*
 3 *Hammond Rota*

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 5 LAW ON CREATION OF REFUSE DISPOSAL DISTRICTS TO PROVIDE FOR
 6 CREATION BY ELECTION AFTER SUBMISSION OF PETITIONS BY
 7 RESIDENTS OF THE AREA; PROVIDING FOR A BOARD OF DIRECTORS
 8 AND THEIR ELECTION; REVISING PROCEDURES FOR CREATION OF A
 9 JOINT REFUSE DISPOSAL DISTRICT; AMENDING SECTIONS 7-13-202,
 10 7-13-203, 7-13-241, 7-13-242, AND 20-15-403, MCA; REPEALING
 11 SECTIONS 7-13-204 THROUGH 7-13-214 AND 7-13-217, MCA; AND
 12 PROVIDING AN EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Petition required to create
 16 refuse disposal district. Proceedings for creation of a
 17 refuse disposal district shall be initiated by a petition
 18 signed by not less than 25% of the qualified electors of the
 19 proposed refuse disposal district who are taxpayers upon
 20 property within the proposed refuse disposal district and
 21 whose names appear on the last-completed assessment roll for
 22 state and county taxes.

23 NEW SECTION. Section 2. Details relating to petition.
 24 (1) The petition may consist of one sheet or several sheets,
 25 identical in form and fastened together after being

1 circulated and signed so as to form a single, complete
 2 petition before being delivered to the county clerk. The
 3 petition shall give the post office address and voting
 4 precinct of each petitioner.

5 (2) Only persons who are qualified to sign such
 6 petitions are qualified to circulate them, and there must be
 7 attached to the complete petition the affidavit of some
 8 person who circulated or assisted in circulating the
 9 petition that he believes the signatures thereon are genuine
 10 and the signers knew the contents thereof before signing it.

11 NEW SECTION. Section 3. Petition to be filed with
 12 county clerk -- clerk's certificate. The complete petition,
 13 addressed to the commissioners of the county in which the
 14 proposed district is situated, shall be filed with the
 15 county clerk and recorder, who shall, within 15 days
 16 thereafter, carefully examine it and the county records
 17 showing the qualifications of the petitioners and attach it
 18 to a certificate under his official signature and the seal
 19 of his office, which certificate shall set forth:

20 (1) the total number of persons who are registered
 21 electors within the proposed refuse disposal district and
 22 whose names appear upon the last-completed assessment roll
 23 for state and county taxes;

24 (2) which and how many of the persons whose names are
 25 subscribed to such petition are possessed of all of the

1 qualifications required of signers to such petitions;

2 (3) whether such qualified signers constitute more or
3 less than 25% of the registered electors of the proposed
4 refuse disposal district who are taxpayers upon property
5 therein and whose names appear on the last-completed
6 assessment roll for state and county taxes.

7 NEW SECTION. Section 4. Presentation of petition to
8 board of county commissioners -- hearing required. (1) The
9 county clerk and recorder shall present the petition and his
10 certificate to the commissioners at their first meeting held
11 after he has attached his certificate.

12 (2) The commissioners shall carefully examine the
13 petition, and if it is found that the petition is in proper
14 form and bears the requisite number of signatures of
15 qualified petitioners, they shall by resolution call a
16 hearing on the creation of such refuse disposal district.

17 NEW SECTION. Section 5. Notice of hearing. (1) A
18 notice of the hearing required by [section 4] shall be
19 published in a newspaper having general circulation in the
20 territory within the boundaries of the proposed refuse
21 disposal district once each week for at least 2 weeks, the
22 last publication to be at least 2 weeks before the hearing.
23 If there is no newspaper having general circulation within
24 the boundaries of the proposed refuse disposal district, the
25 notice of hearing shall be posted in at least three public

1 places within the boundaries of the proposed district for 2
2 weeks before the hearing.

3 (2) The notice shall state the time, date, place, and
4 purpose of the hearing, describe the boundaries of the
5 proposed refuse disposal district, and state that any person
6 residing in or owning property within the proposed refuse
7 disposal district may appear in support of or in opposition
8 to the petition at the hearing.

9 NEW SECTION. Section 6. Hearing on petition. At the
10 time fixed for the hearing, the commissioners shall hear all
11 competent and relevant testimony offered in support of or in
12 opposition to the petition and the creation of the district.
13 The hearing may be adjourned from time to time for the
14 determination of facts or hearing petitioners or objectors
15 without additional published or posted notice, but
16 adjournments may not exceed 2 weeks in all from the date
17 originally noticed and published for the hearing.

18 NEW SECTION. Section 7. Election on question of
19 creating refuse disposal district. The commissioners, upon
20 completion of the hearing provided for in [sections 4
21 through 6], shall proceed by resolution to refer the
22 question of the creation of the district to the persons
23 qualified to vote on the proposition.

24 NEW SECTION. Section 8. Resolution calling for
25 election. (1) The commissioners in their resolution of

1 reference may make such changes in the boundaries of the
2 proposed district as they consider advisable, without
3 including any additional lands not described in the
4 petition, and they shall call an election upon the question
5 of the creation of the district.

6 (2) The commissioners must designate in the resolution
7 whether the matter shall be determined at the next general
8 election conducted under 13-1-104, at the next primary
9 election conducted under 13-1-107, or at the next regular
10 school election conducted under 20-20-105.

11 NEW SECTION. Section 9. Territory of refuse disposal
12 district. A refuse disposal district may contain the entire
13 territory embraced within a county or any portion or
14 subdivision thereof.

15 NEW SECTION. Section 10. Conduct of election on
16 question of creating district. (1) The election shall be
17 held in all respects, as nearly as practicable, in
18 conformity with the general election laws.

19 (2) At the election, the ballots must contain the
20 words "Refuse disposal district -- Yes" and "Refuse disposal
21 district -- No".

22 NEW SECTION. Section 11. Who may vote. Only qualified
23 electors residing within the proposed refuse disposal
24 district may vote on the question of the creation of the
25 refuse disposal district.

1 NEW SECTION. Section 12. Procedure upon favorable
2 vote. (1) If a majority of the votes cast are in favor of
3 the creation and establishment of the refuse disposal
4 district, the commissioners shall, within 10 days after the
5 election, certify such result by resolution and proceed with
6 the organization of the district as specified in this part.

7 (2) After 20 days from the passage of the resolution,
8 the validity of the creation of the refuse disposal district
9 and the regularity of all proceedings preliminary thereto
10 may not be questioned or asserted in any legal action.

11 NEW SECTION. Section 13. District to be governed by
12 elected directors. (1) The refuse disposal district shall be
13 governed and managed by a board of five directors, elected
14 by the registered electors residing in the district.

15 (2) The directors must be elected from among the
16 registered electors qualified to vote at general elections
17 within the district.

18 NEW SECTION. Section 14. Election of first board of
19 directors. (1) The first board of directors shall be elected
20 at the same election held upon the creation of the district,
21 subject to the creation thereof, and shall qualify upon the
22 organization of the district if created.

23 (2) The directors serving on July 1, 1981, in a refuse
24 disposal district established prior to July 1, 1981, under
25 the laws of Montana shall continue to serve until succeeded

1 on the first Monday of May, 1982, by those five persons
2 elected and qualified as required in [section 15] on the
3 first Tuesday of April, 1982.

4 (3) The directors may be nominated and have their
5 names appear upon the ballots as provided in 13-14-113.

6 NEW SECTION. Section 15. Procedure for the conduct of
7 election for directors. (1) All elections and nominations
8 for election of directors following the election of the
9 first board of directors shall be conducted on the first
10 Tuesday of April each year and in the manner provided by
11 Title 13.

12 (2) If there is no nomination petition filed, it is
13 not necessary to hold an election but the commissioners
14 shall appoint a director to fill the term, the term to be
15 the same as if the director were elected.

16 NEW SECTION. Section 16. Term of office. (1) The
17 directors elected for the first board shall serve for terms:

18 (a) commencing upon their being elected and qualified;
19 and

20 (b) terminating 1, 2, 3, 4, and 5 years, respectively,
21 from the first Monday in May following their election and
22 until their respective successors are elected and qualified,
23 and the duration of the terms of the members of the first
24 board of directors shall be determined by lot.

25 (2) Annually thereafter a director shall be elected to

1 serve for a term of 5 years and until his successor is
2 qualified. Such term of 5 years commences on the first
3 Monday in May following the director's election.

4 NEW SECTION. Section 17. Organization of board of
5 directors. The directors at their first meeting shall adopt
6 bylaws for the government and management of the district and
7 shall appoint a qualified person to serve as clerk of the
8 board, who may or may not be one of their number.

9 NEW SECTION. Section 18. Compensation of directors.
10 The directors shall serve without pay.

11 NEW SECTION. Section 19. Vacancies. A vacancy upon
12 the board of directors or in the office of clerk shall be
13 filled by appointment by the remaining members, and, in the
14 case of a director, the appointee shall serve until the next
15 ensuing election for directors.

16 Section 20. Section 7-13-202, MCA, is amended to read:

17 "7-13-202. Definitions. As used in this part, unless
18 the context indicates otherwise, the following definitions
19 apply:

20 (1) "Board" means the board of directors as provided
21 for in ~~7-13-213~~ [section 13] and 7-13-241.

22 (2) "Commissioners" means the board of county
23 commissioners.

24 (3) "Family residential unit" means the residence of a
25 single family.

1 (4) "Refuse" means all putrescible and nonputrescible
2 solid wastes (except body wastes), including garbage,
3 rubbish, street cleanings, dead animals, yard clippings, and
4 solid market and solid industrial wastes.

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."

9 Section 21. Section 7-13-203, MCA, is amended to read:

10 "7-13-203. Authorization to hold election to create
11 refuse disposal district. ~~(1)~~ Whenever it becomes necessary,
12 and subject to the provisions of this part, the
13 commissioners may create call an election on the question of
14 creating a refuse disposal district that may include cities
15 and towns for the purpose of collection and/or disposal of
16 refuse.

17 ~~(2) Cities and towns may be included in the district~~
18 ~~if approved by the city and town councils.~~"

19 Section 22. Section 7-13-241, MCA, is amended to read:

20 "7-13-241. Creation of joint refuse disposal
21 districts. (1) Joint refuse disposal districts are districts
22 which encompass two or more counties or parts thereof.

23 (2) A joint refuse disposal district may be created ~~in~~
24 ~~the following manner:~~

25 ~~(a) The by the~~ commissioners of each county affected

1 ~~will create~~ creating the district following the procedure as
2 prescribed under ~~7-13-203~~ [sections 1 through 7-13-212 14].

3 ~~(b) The commissioners shall appoint a joint board of~~
4 ~~directors composed of at least five members.~~"

5 Section 23. Section 7-13-242, MCA, is amended to read:

6 "7-13-242. Composition of board of directors of joint
7 district. ~~(1)~~ The board of directors for a joint district
8 will consist of ~~one commissioner from each county involved~~
9 ~~one member from each of the incorporated cities or towns~~
10 ~~that are included in the district, and one member from each~~
11 ~~of the county or city-county boards of health.~~

12 ~~(2) The rest of the joint board of directors shall~~
13 ~~consist of interested citizenry distributed equally~~
14 ~~throughout the district, and the appointments shall be~~
15 ~~acceptable to all groups of county commissioners. The~~
16 ~~members of the board in each county as elected under~~
17 ~~[sections 14 through 16]."~~

18 Section 24. Section 20-15-403, MCA, is amended to
19 read:

20 "20-15-403. Applications of other school district
21 provisions. (1) When the term "school district" appears in
22 the following sections outside of Title 20, the term
23 includes community college districts and the provisions of
24 those sections applicable to school districts apply to
25 community college districts: 2-9-101, 2-9-111, 2-9-316,

1 2-16-114, 2-16-602, 2-16-614, 2-18-703, 7-3-1101, 7-6-2604,
 2 7-6-2801, 7-7-123, 7-8-2214, 7-8-2215, 7-8-2216, 7-11-103,
 3 7-12-4106, 7-13-110, ~~7-13-218~~, 7-15-4206, 10-1-703,
 4 15-1-101, 15-6-204, 15-16-101, 15-16-601, 15-18-108,
 5 15-24-502, 15-24-505, 15-30-221, 15-55-106, 15-70-301,
 6 15-70-322, 17-5-101, 17-5-202, 17-6-103, 17-6-204, 17-6-213,
 7 17-7-201, 18-1-102, 18-1-105, 18-1-112, 18-1-201, 18-2-101,
 8 18-2-103, 18-2-113, 18-2-114, 18-2-115, 18-2-404, 18-2-408,
 9 18-5-205, 19-1-102, 19-1-602, 19-1-811, 22-1-309, 25-1-402,
 10 27-18-406, 33-20-1104, 39-3-104, 39-4-107, 39-31-103,
 11 39-31-304, 39-71-116, 39-71-117, 39-71-2106, 39-71-2206,
 12 40-6-237, 40-8-124, 40-8-125, 40-8-128, 41-5-912, 49-3-101,
 13 49-3-102, 53-20-304, 77-3-321, 82-10-201, 82-10-202,
 14 82-10-203, 85-7-2158, and 90-6-208 and Rules 40(2)(g) and
 15 15(c), M.R.Civ.P., as amended.

16 (2) When the term "school district" appears in a
 17 section outside of Title 20 but the section is not listed in
 18 subsection (1), the school district provision does not apply
 19 to a community college district."

20 Section 25. Codification instruction. Sections 1
 21 through 19 are intended to be codified as an integral part
 22 of Title 7, chapter 13, part 2, and the provisions of Title
 23 7, chapter 13, part 2, apply to sections 1 through 19.

24 Section 26. Repealer. Sections 7-13-204 through
 25 7-13-214 and 7-13-217, MCA, are repealed.

1 Section 27. Effective date. This act is effective on
 2 July 1, 1981.

-End-

Approved by Comm.
on Local Government

1 SENATE BILL NO. 343
2 INTRODUCED BY AKLESTAD, UNDERDAL, IVERSON,
3 KOLSTAD, HAMMOND, ROTH
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
6 LAW ON CREATION OF REFUSE DISPOSAL DISTRICTS TO PROVIDE FOR
7 CREATION BY ELECTION AFTER SUBMISSION OF PETITIONS BY
8 RESIDENTS OF THE AREA; PROVIDING FOR A BOARD OF DIRECTORS
9 AND THEIR ELECTION; REVISING PROCEDURES FOR CREATION OF A
10 JOINT REFUSE DISPOSAL DISTRICT; AMENDING SECTIONS 7-13-202,
11 7-13-203, 7-13-241, 7-13-242, AND 20-15-403, MCA; REPEALING
12 SECTIONS 7-13-204 THROUGH 7-13-214 AND 7-13-217, MCA; AND
13 PROVIDING AN EFFECTIVE DATE."
14

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

16 NEW SECTION. Section 1. Petition required to create
17 refuse disposal district. ~~Proceedings--for--creation-of-a~~
18 ~~refuse-disposal-district-shall-be-initiated-by--a--petition~~
19 ~~signed-by-not-less-than-25%-of-the-qualified-electors-of-the~~
20 ~~proposed--refuse-disposal--district--who-are-taxpayers-upon~~
21 ~~property-within-the-proposed-refuse--disposal--district--and~~
22 ~~whose-names-appear-on-the-last-completed-assessment-roll-for~~
23 ~~state--and-county-taxes. A PROPOSED REFUSE DISPOSAL DISTRICT~~
24 SHALL BE COMPRISED OF ONE OR MORE EXISTING VOTING PRECINCTS
25 THAT MAY CROSS COUNTY LINES. NOT LESS THAN 25% OF THE

1 QUALIFIED ELECTORS OF EACH PRECINCT WHO ARE TAXPAYERS UPON
2 PROPERTY WITHIN THE PROPOSED DISTRICT AND WHOSE NAMES APPEAR
3 ON THE LAST COMPLETED ASSESSMENT ROLL FOR STATE AND COUNTY
4 TAXES MAY INITIATE BY PETITION THE PROCEEDINGS FOR CREATION
5 OF A REFUSE DISPOSAL DISTRICT. THE CONSENT OF THE GOVERNING
6 BODY OF AN INCORPORATED CITY OR TOWN MUST BE OBTAINED TO BE
7 INCLUDED IN A DISTRICT.

8 NEW SECTION. Section 2. Details relating to petition.

9 (1) The petition may consist of one sheet or several sheets,
10 identical in form and fastened together after being
11 circulated and signed so as to form a single, complete
12 petition before being delivered to the county clerk. The
13 petition shall give the post office address and voting
14 precinct of each petitioner.

15 (2) Only persons who are qualified to sign such
16 petitions are qualified to circulate them, and there must be
17 attached to the complete petition the affidavit of some
18 person who circulated or assisted in circulating the
19 petition that he believes the signatures thereon are genuine
20 and the signers knew the contents thereof before signing it.

21 NEW SECTION. Section 3. Petition to be filed with
22 county clerk -- clerk's certificate. The complete petition,
23 addressed to the commissioners of the county in which the
24 proposed district is situated, shall be filed with the
25 county clerk and recorder, who shall, within 15 days

1 thereafter, carefully examine it and the county records
2 showing the qualifications of the petitioners and attach it
3 to a certificate under his official signature and the seal
4 of his office, which certificate shall set forth:

5 (1) the total number of persons who are registered
6 electors within the proposed refuse disposal district and
7 whose names appear upon the last-completed assessment roll
8 for state and county taxes;

9 (2) which and how many of the persons whose names are
10 subscribed to such petition are possessed of all of the
11 qualifications required of signers to such petition;

12 (3) whether such qualified signers constitute more or
13 less than 25% of the registered electors of the proposed
14 refuse disposal district who are taxpayers upon property
15 therein and whose names appear on the last-completed
16 assessment roll for state and county taxes.

17 NEW SECTION. Section 4. Presentation of petition to
18 board of county commissioners -- hearing required. (1) The
19 county clerk and recorder shall present the petition and his
20 certificate to the commissioners at their first meeting held
21 after he has attached his certificate.

22 (2) The commissioners shall carefully examine the
23 petition, and if it is found that the petition is in proper
24 form and bears the requisite number of signatures of
25 qualified petitioners, they shall by resolution call a

1 hearing on the creation of such refuse disposal district.

2 NEW SECTION. Section 5. Notice of hearing. (1) A
3 notice of the hearing required by [section 4] shall be
4 published in a newspaper having general circulation in the
5 territory within the boundaries of the proposed refuse
6 disposal district once each week for at least 2 weeks, the
7 last publication to be at least 2 weeks before the hearing.
8 If there is no newspaper having general circulation within
9 the boundaries of the proposed refuse disposal district, the
10 notice of hearing shall be posted in at least three public
11 places within the boundaries of the proposed district for 2
12 weeks before the hearing.

13 (2) The notice shall state the time, date, place, and
14 purpose of the hearing, describe the boundaries of the
15 proposed refuse disposal district, and state that any person
16 residing in or owning property within the proposed refuse
17 disposal district may appear in support of or in opposition
18 to the petition at the hearing.

19 NEW SECTION. Section 6. Hearing on petition. At the
20 time fixed for the hearing, the commissioners shall hear all
21 competent and relevant testimony offered in support of or in
22 opposition to the petition and the creation of the district.
23 The hearing may be adjourned from time to time for the
24 determination of facts or hearing petitioners or objectors
25 without additional published or posted notice, but

1 adjournments may not exceed 2 weeks in all from the date
2 originally noticed and published for the hearing.

3 NEW SECTION. Section 7. Election on question of
4 creating refuse disposal district. The commissioners, upon
5 completion of the hearing provided for in [sections 4
6 through 6], shall proceed by resolution to refer the
7 question of the creation of the district to the persons
8 qualified to vote on the proposition.

9 NEW SECTION. Section 8. Resolution calling for
10 election. (1) The commissioners in their resolution of
11 reference may make such changes in the boundaries of the
12 proposed district as they consider advisable, without
13 including any additional lands not described in the
14 petition, and they shall call an election upon the question
15 of the creation of the district.

16 (2) The commissioners must designate in the resolution
17 whether the matter shall be determined at the next general
18 election conducted under 13-1-104, at the next primary
19 election conducted under 13-1-107, or at the next regular
20 school election conducted under 20-20-105.

21 NEW SECTION. Section 9. Territory of refuse disposal
22 district. A refuse disposal district may contain the entire
23 territory embraced within a county or any portion or
24 subdivision thereof.

25 NEW SECTION. Section 10. Conduct of election on

1 question of creating district. (1) The election shall be
2 held in all respects, as nearly as practicable, in
3 conformity with the general election laws.

4 (2) At the election, the ballots must contain the
5 words "Refuse disposal district -- Yes" and "Refuse disposal
6 district -- No".

7 NEW SECTION. Section 11. Who may vote. Only qualified
8 electors residing within the proposed refuse disposal
9 district may vote on the question of the creation of the
10 refuse disposal district.

11 NEW SECTION. Section 12. Procedure upon favorable
12 vote. (1) If a majority of the votes cast are in favor of
13 the creation and establishment of the refuse disposal
14 district, the commissioners shall, within 10 days after the
15 election, certify such result by resolution and proceed with
16 the organization of the district as specified in this part.

17 (2) After 20 days from the passage of the resolution,
18 the validity of the creation of the refuse disposal district
19 and the regularity of all proceedings preliminary thereto
20 may not be questioned or asserted in any legal action.

21 NEW SECTION. Section 13. District to be governed by
22 elected directors. (1) The refuse disposal district shall be
23 governed and managed by a board of five directors, elected
24 by the registered electors residing in the district.

25 (2) The directors must be elected from among the

1 registered electors qualified to vote at general elections
2 within the district.

3 NEW SECTION. Section 14. Election of first board of
4 directors. (1) The first board of directors shall be elected
5 at the same election held upon the creation of the district,
6 subject to the creation thereof, and shall qualify upon the
7 organization of the district if created.

8 (2) The directors serving on July 1, 1981, in a refuse
9 disposal district established prior to July 1, 1981, under
10 the laws of Montana shall continue to serve until succeeded
11 on the first Monday of May, 1982, by those five persons
12 elected and qualified as required in [section 15] on the
13 first Tuesday of April, 1982.

14 (3) The directors may be nominated and have their
15 names appear upon the ballots as provided in 13-14-113.

16 NEW SECTION. Section 15. Procedure for the conduct of
17 election for directors. (1) All elections and nominations
18 for election of directors following the election of the
19 first board of directors shall be conducted on the first
20 Tuesday of April each year and in the manner provided by
21 Title 13.

22 (2) If there is no nomination petition filed, it is
23 not necessary to hold an election but the commissioners
24 shall appoint a director to fill the term, the term to be
25 the same as if the director were elected.

1 NEW SECTION. Section 16. Term of office. (1) The
2 directors elected for the first board shall serve for terms:
3 (a) commencing upon their being elected and qualified;
4 and
5 (b) terminating 1, 2, 3, 4, and 5 years, respectively,
6 from the first Monday in May following their election and
7 until their respective successors are elected and qualified,
8 and the duration of the terms of the members of the first
9 board of directors shall be determined by lot.

10 (2) Annually thereafter a director shall be elected to
11 serve for a term of 5 years and until his successor is
12 qualified. Such term of 5 years commences on the first
13 Monday in May following the director's election.

14 NEW SECTION. Section 17. Organization of board of
15 directors. The directors at their first meeting shall adopt
16 bylaws for the government and management of the district and
17 shall appoint a qualified person to serve as clerk of the
18 board, who may or may not be one of their number.

19 NEW SECTION. Section 18. Compensation of directors.
20 The directors shall serve without pay.

21 NEW SECTION. Section 19. Vacancies. A vacancy upon
22 the board of directors or in the office of clerk shall be
23 filled by appointment by the remaining members, and, in the
24 case of a director, the appointee shall serve until the next
25 ensuing election for directors.

1 Section 20. 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~~ [section 13] 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.

15 (5) "Refuse disposal district" means an area
16 established with definite boundaries for the purpose of
17 collecting and disposing of all refuse created in said
18 district."

19 Section 21. Section 7-13-203, MCA, is amended to read:

20 "7-13-203. Authorization to hold election to create
21 refuse disposal district. ~~{}~~ Whenever it becomes necessary,
22 and subject to the provisions of this part, the
23 commissioners may create call an election on the question of
24 creating a refuse disposal district that may include cities
25 and towns for the purpose of collection and/or disposal of

1 refuse.

2 ~~{2}--Cities-and-towns-may-be-included-in-the-district~~
3 ~~if-approved-by-the-city-and-town-councils"~~

4 Section 22. Section 7-13-241, MCA, is amended to read:

5 "7-13-241. Creation of joint refuse disposal
6 districts. (1) Joint refuse disposal districts are districts
7 which encompass two or more counties or parts thereof.

8 (2) A joint refuse disposal district may be created in
9 the following manner:

10 ~~{a}--The~~ by the commissioners of each county affected
11 ~~will-ereate~~ creating the district following the procedure as
12 prescribed under ~~7-13-203~~ [sections 1 through ~~7-13-212~~ 14].

13 ~~{b}--The-commissioners-shall-appoint-a-joint-board-of~~
14 ~~directors-composed-of-at-least-five-members."~~

15 Section 23. Section 7-13-242, MCA, is amended to read:

16 "7-13-242. Composition of board of directors of joint
17 district. ~~{}~~ The board of directors for a joint district
18 will consist of ~~one-commissioner-from-each-county-involved,~~
19 ~~one-member-from-each-of-the--incorporated--cities--or--towns~~
20 ~~that--are-included-in-the-district--and-one-member-from-each~~
21 ~~of-the-county-or-city-county-boards-of-health.~~

22 ~~{2}--The-rest-of-the-joint-board-of-directors--shall~~
23 ~~consist--of--interested--citizens--distributed--equally~~
24 ~~throughout-the--district--and--the--appointments--shall--be~~
25 ~~acceptable--to--all--groups--of--county-commissioners. the~~

1 members of the board in each county as elected under
 2 [sections 14 through 16]."

3 Section 24. Section 20-15-403, MCA, is amended to
 4 read:

5 "20-15-403. Applications of other school district
 6 provisions. (1) When the term "school district" appears in
 7 the following sections outside of Title 20, the term
 8 includes community college districts and the provisions of
 9 those sections applicable to school districts apply to
 10 community college districts: 2-9-101, 2-9-111, 2-9-316,
 11 2-16-114, 2-16-602, 2-16-614, 2-18-703, 7-3-1101, 7-6-2604,
 12 7-6-2801, 7-7-123, 7-8-2214, 7-8-2215, 7-8-2216, 7-11-103,
 13 7-12-4106, 7-13-110, ~~7-13-210~~, 7-15-4206, 10-1-703,
 14 15-1-101, 15-6-204, 15-16-101, 15-16-601, 15-18-108,
 15 15-24-502, 15-24-505, 15-30-221, 15-55-106, 15-70-301,
 16 15-70-322, 17-5-101, 17-5-202, 17-6-103, 17-6-204, 17-6-213,
 17 17-7-201, 18-1-102, 18-1-105, 18-1-112, 18-1-201, 18-2-101,
 18 18-2-103, 18-2-113, 18-2-114, 18-2-115, 18-2-404, 18-2-408,
 19 18-5-205, 19-1-102, 19-1-602, 19-1-811, 22-1-309, 25-1-402,
 20 27-18-406, 33-20-1104, 39-3-104, 39-4-107, 39-31-103,
 21 ~~39-31-304~~, ~~39-71-116~~, 39-71-117, 39-71-2106, 39-71-2206,
 22 40-6-237, 40-8-124, 40-8-125, 40-8-128, 41-5-912, 49-3-101,
 23 49-3-102, 53-20-304, 77-3-321, 82-10-201, 82-10-202,
 24 82-10-203, 85-7-2158, and 90-6-208 and Rules 40(2)(g) and
 25 15(c), M.R.Civ.P., as amended.

1 (2) When the term "school district" appears in a
 2 section outside of Title 20 but the section is not listed in
 3 subsection (1), the school district provision does not apply
 4 to a community college district."

5 Section 25. Codification instruction. Sections 1
 6 through 19 are intended to be codified as an integral part
 7 of Title 7, chapter 13, part 2, and the provisions of Title
 8 7, chapter 13, part 2, apply to sections 1 through 19.

9 Section 26. Repealer. Sections 7-13-204 through
 10 7-13-214 and 7-13-217, MCA, are repealed.

11 Section 27. Effective date. This act is effective on
 12 July 1, 1981.

-End-

1 SENATE BILL NO. 343

2 INTRODUCED BY AKLESTAD, UNDERDAL, IVERSON,
3 KOLSTAD, HAMMOND, ROTH

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
6 LAW ON CREATION OF REFUSE DISPOSAL DISTRICTS TO PROVIDE FOR
7 CREATION BY ELECTION AFTER SUBMISSION OF PETITIONS BY
8 RESIDENTS OF THE AREA; PROVIDING FOR A BOARD OF DIRECTORS
9 AND THEIR ELECTION; REVISING PROCEDURES FOR CREATION OF A
10 JOINT REFUSE DISPOSAL DISTRICT; AMENDING SECTIONS 7-13-202,
11 7-13-203, 7-13-241, 7-13-242, AND 20-15-403, MCA; REPEALING
12 SECTIONS 7-13-204 THROUGH 7-13-214 AND 7-13-217, MCA; AND
13 PROVIDING AN EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Petition required to create
17 refuse disposal district. ~~Proceedings--for--creation--of--a~~
18 ~~refuse--disposal--district--shall--be--initiated--by--a--petition~~
19 ~~signed--by--not--less--than--25%--of--the--qualified--electors--of--the~~
20 ~~proposed--refuse--disposal--district--who--are--taxpayers--upon~~
21 ~~property--within--the--proposed--refuse--disposal--district--and~~
22 ~~whose--names--appear--on--the--last--completed--assessment--roll--for~~
23 ~~state--and--county--taxes.~~ A PROPOSED REFUSE DISPOSAL DISTRICT
24 SHALL BE COMPRISED OF ONE OR MORE EXISTING VOTING PRECINCTS
25 THAT MAY CROSS COUNTY LINES. NOT LESS THAN 25% OF THE

1 QUALIFIED ELECTORS OF EACH PRECINCT WHO ARE TAXPAYERS UPON
2 PROPERTY WITHIN THE PROPOSED DISTRICT AND WHOSE NAMES APPEAR
3 ON THE LAST COMPLETED ASSESSMENT ROLL FOR STATE AND COUNTY
4 TAXES MAY INITIATE BY PETITION THE PROCEEDINGS FOR CREATION
5 OF A REFUSE DISPOSAL DISTRICT. THE CONSENT OF THE GOVERNING
6 BODY OF AN INCORPORATED CITY OR TOWN MUST BE OBTAINED TO BE
7 INCLUDED IN A DISTRICT.

8 NEW SECTION. Section 2. Details relating to petition.

9 (1) The petition may consist of one sheet or several sheets,
10 identical in form and fastened together after being
11 circulated and signed so as to form a single, complete
12 petition before being delivered to the county clerk. The
13 petition shall give the post office address and voting
14 precinct of each petitioner.

15 (2) Only persons who are qualified to sign such
16 petitions are qualified to circulate them, and there must be
17 attached to the complete petition the affidavit of some
18 person who circulated or assisted in circulating the
19 petition that he believes the signatures thereon are genuine
20 and the signers knew the contents thereof before signing it.

21 NEW SECTION. Section 3. Petition to be filed with
22 county clerk -- clerk's certificate. The complete petition,
23 addressed to the commissioners of the county in which the
24 proposed district is situated, shall be filed with the
25 county clerk and recorder, who shall, within 15 days

1 thereafter, carefully examine it and the county records
2 showing the qualifications of the petitioners and attach it
3 to a certificate under his official signature and the seal
4 of his office, which certificate shall set forth:

5 (1) the total number of persons who are registered
6 electors within the proposed refuse disposal district and
7 whose names appear upon the last-completed assessment roll
8 for state and county taxes;

9 (2) which and how many of the persons whose names are
10 subscribed to such petition are possessed of all of the
11 qualifications required of signers to such petition;

12 (3) whether such qualified signers constitute more or
13 less than 25% of the registered electors of the proposed
14 refuse disposal district who are taxpayers upon property
15 therein and whose names appear on the last-completed
16 assessment roll for state and county taxes.

17 NEW SECTION. Section 4. Presentation of petition to
18 board of county commissioners -- hearing required. (1) The
19 county clerk and recorder shall present the petition and his
20 certificate to the commissioners at their first meeting held
21 after he has attached his certificate.

22 (2) The commissioners shall carefully examine the
23 petition, and if it is found that the petition is in proper
24 form and bears the requisite number of signatures of
25 qualified petitioners, they shall by resolution call a

1 hearing on the creation of such refuse disposal district.

2 NEW SECTION. Section 5. Notice of hearing. (1) A
3 notice of the hearing required by [section 4] shall be
4 published in a newspaper having general circulation in the
5 territory within the boundaries of the proposed refuse
6 disposal district once each week for at least 2 weeks, the
7 last publication to be at least 2 weeks before the hearing.
8 If there is no newspaper having general circulation within
9 the boundaries of the proposed refuse disposal district, the
10 notice of hearing shall be posted in at least three public
11 places within the boundaries of the proposed district for 2
12 weeks before the hearing.

13 (2) The notice shall state the time, date, place, and
14 purpose of the hearing, describe the boundaries of the
15 proposed refuse disposal district, and state that any person
16 residing in or owning property within the proposed refuse
17 disposal district may appear in support of or in opposition
18 to the petition at the hearing.

19 NEW SECTION. Section 6. Hearing on petition. At the
20 time fixed for the hearing, the commissioners shall hear all
21 competent and relevant testimony offered in support of or in
22 opposition to the petition and the creation of the district.
23 The hearing may be adjourned from time to time for the
24 determination of facts or hearing petitioners or objectors
25 without additional published or posted notice, but

1 adjournments may not exceed 2 weeks in all from the date
2 originally noticed and published for the hearing.

3 NEW SECTION. Section 7. Election on question of
4 creating refuse disposal district. The commissioners, upon
5 completion of the hearing provided for in [sections 4
6 through 6], shall proceed by resolution to refer the
7 question of the creation of the district to the persons
8 qualified to vote on the proposition.

9 NEW SECTION. Section 8. Resolution calling for
10 election. (1) The commissioners in their resolution of
11 reference may make such changes in the boundaries of the
12 proposed district as they consider advisable, without
13 including any additional lands not described in the
14 petition, and they shall call an election upon the question
15 of the creation of the district.

16 (2) The commissioners must designate in the resolution
17 whether the matter shall be determined at the next general
18 election conducted under 13-1-104, at the next primary
19 election conducted under 13-1-107, or at the next regular
20 school election conducted under 20-20-105.

21 NEW SECTION. Section 9. Territory of refuse disposal
22 district. A refuse disposal district may contain the entire
23 territory embraced within a county or any portion or
24 subdivision thereof.

25 NEW SECTION. Section 10. Conduct of election on

1 question of creating district. (1) The election shall be
2 held in all respects, as nearly as practicable, in
3 conformity with the general election laws.

4 (2) At the election, the ballots must contain the
5 words "Refuse disposal district -- Yes" and "Refuse disposal
6 district -- No".

7 NEW SECTION. Section 11. Who may vote. Only qualified
8 electors residing within the proposed refuse disposal
9 district may vote on the question of the creation of the
10 refuse disposal district.

11 NEW SECTION. Section 12. Procedure upon favorable
12 vote. (1) If a majority of the votes cast are in favor of
13 the creation and establishment of the refuse disposal
14 district, the commissioners shall, within 10 days after the
15 election, certify such result by resolution and proceed with
16 the organization of the district as specified in this part.

17 (2) After 20 days from the passage of the resolution,
18 the validity of the creation of the refuse disposal district
19 and the regularity of all proceedings preliminary thereto
20 may not be questioned or asserted in any legal action.

21 NEW SECTION. Section 13. District to be governed by
22 elected directors. (1) The refuse disposal district shall be
23 governed and managed by a board of five directors, elected
24 by the registered electors residing in the district.

25 (2) The directors must be elected from among the

1 registered electors qualified to vote at general elections
2 within the district.

3 NEW SECTION. Section 14. Election of first board of
4 directors. (1) The first board of directors shall be elected
5 at the same election held upon the creation of the district,
6 subject to the creation thereof, and shall qualify upon the
7 organization of the district if created.

8 (2) The directors serving on July 1, 1981, in a refuse
9 disposal district established prior to July 1, 1981, under
10 the laws of Montana shall continue to serve until succeeded
11 on the first Monday of May, 1982, by those five persons
12 elected and qualified as required in [section 15] on the
13 first Tuesday of April, 1982.

14 (3) The directors may be nominated and have their
15 names appear upon the ballots as provided in 13-14-113.

16 NEW SECTION. Section 15. Procedure for the conduct of
17 election for directors. (1) All elections and nominations
18 for election of directors following the election of the
19 first board of directors shall be conducted on the first
20 Tuesday of April each year and in the manner provided by
21 Title 13.

22 (2) If there is no nomination petition filed, it is
23 not necessary to hold an election but the commissioners
24 shall appoint a director to fill the term, the term to be
25 the same as if the director were elected.

1 NEW SECTION. Section 16. Term of office. (1) The
2 directors elected for the first board shall serve for terms:
3 (a) commencing upon their being elected and qualified;
4 and
5 (b) terminating 1, 2, 3, 4, and 5 years, respectively,
6 from the first Monday in May following their election and
7 until their respective successors are elected and qualified,
8 and the duration of the terms of the members of the first
9 board of directors shall be determined by lot.

10 (2) Annually thereafter a director shall be elected to
11 serve for a term of 5 years and until his successor is
12 qualified. Such term of 5 years commences on the first
13 Monday in May following the director's election.

14 NEW SECTION. Section 17. Organization of board of
15 directors. The directors at their first meeting shall adopt
16 bylaws for the government and management of the district and
17 shall appoint a qualified person to serve as clerk of the
18 board, who may or may not be one of their number.

19 NEW SECTION. Section 18. Compensation of directors.
20 The directors shall serve without pay.

21 NEW SECTION. Section 19. Vacancies. A vacancy upon
22 the board of directors or in the office of clerk shall be
23 filled by appointment by the remaining members, and, in the
24 case of a director, the appointee shall serve until the next
25 ensuing election for directors.

1 Section 20. 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~~ [section 13] 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.

15 (5) "Refuse disposal district" means an area
16 established with definite boundaries for the purpose of
17 collecting and disposing of all refuse created in said
18 district."

19 Section 21. Section 7-13-203, MCA, is amended to read:

20 "7-13-203. Authorization to hold election to create
21 refuse disposal district. ~~{}~~ Whenever it becomes necessary,
22 and subject to the provisions of this part, the
23 commissioners may erree call an election on the question of
24 creating a refuse disposal district that may include cities
25 and towns for the purpose of collection and/or disposal of

1 refuse.

2 ~~{2}--Cities and towns may be included in the district~~
3 ~~if approved by the city and town councils."~~

4 Section 22. Section 7-13-241, MCA, is amended to read:
5 "7-13-241. Creation of joint refuse disposal
6 districts. (1) Joint refuse disposal districts are districts
7 which encompass two or more counties or parts thereof.

8 (2) A joint refuse disposal district may be created in
9 the following manner:

10 (a) ~~The~~ by the commissioners of each county affected
11 ~~will create~~ creating the district following the procedure as
12 prescribed under ~~7-13-203~~ [sections 1] through ~~7-13-212~~ 14.

13 (b) ~~The commissioners shall appoint a joint board of~~
14 ~~directors composed of at least five members."~~

15 Section 23. Section 7-13-242, MCA, is amended to read:

16 "7-13-242. Composition of board of directors of joint
17 district. ~~{}~~ The board of directors for a joint district
18 will consist of ~~one commissioner from each county involved,~~
19 ~~one member from each of the incorporated cities or towns~~
20 ~~that are included in the districts, and one member from each~~
21 ~~of the county or city-county boards of health.~~

22 (2) ~~The rest of the joint board of directors shall~~
23 ~~consist of interested citizens, distributed equally~~
24 ~~throughout the districts, and the appointments shall be~~
25 ~~acceptable to all groups of county commissioners. The~~

1 members of the board in each county as elected under
 2 [sections 14 through 16]."

3 Section 24. Section 20-15-403, MCA, is amended to
 4 read:

5 "20-15-403. Applications of other school district
 6 provisions. (1) When the term "school district" appears in
 7 the following sections outside of Title 20, the term
 8 includes community college districts and the provisions of
 9 those sections applicable to school districts apply to
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 25 15(c), M.R.Civ.P., as amended.

1 (2) When the term "school district" appears in a
 2 section outside of Title 20 but the section is not listed in
 3 subsection (1), the school district provision does not apply
 4 to a community college district."

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 7 of Title 7, chapter 13, part 2, and the provisions of Title
 8 7, chapter 13, part 2, apply to sections 1 through 19.

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 10 7-13-214 and 7-13-217, MCA, are repealed.

11 Section 27. Effective date. This act is effective on
 12 July 1, 1981.

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