

HOUSE BILL NO. 602

INTRODUCED BY KITSELMAN

IN THE HOUSE

February 1, 1983	Introduced and referred to Committee on Local Government.
February 17, 1983	Committee recommend bill do pass as amended. Report adopted.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Local Government.
March 19, 1983	Committee recommend bill be concurred in. Report adopted.
March 22, 1983	Second reading, concurred in.
March 24, 1983	Third reading, concurred in. Ayes, 45; Noes, 4.

IN THE HOUSE

March 24, 1983	Returned to House.
March 25, 1983	Sent to enrolling.
	Reported correctly enrolled.

House BILL NO. *602*

INTRODUCED BY *Kitselman*

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTY WATER AND COUNTY SEWER DISTRICTS TO REGULATE UTILITIES THAT THEY OWN; PROVIDING THAT SUCH A DISTRICT IS SUBJECT TO THE SAME PROCEDURES AND LIMITS AS A MUNICIPALITY REGULATING A MUNICIPALLY OWNED UTILITY; AMENDING SECTION 7-13-2301, MCA."

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

NEW SECTION. Section 1. Regulation of rates by county water and county sewer districts. (1) A county water district or a county sewer district formed under the provisions of Title 7, chapter 13, part 22 or 23, may impose, as it considers proper, rates, charges, and classifications for utility services to the residents of the district and other persons served by its utility system.

(2) In exercising its regulatory authority a county water or a county sewer district is granted the same authority and is bound by the same procedures and limitations as a municipality regulating a utility under the provisions of this chapter.

Section 2. Section 7-13-2301, MCA, is amended to read: "7-13-2301. Establishment of charges for services. (1) ~~The Subject to the provisions of [section 1],~~ the board of

directors shall fix all water and sewer rates and shall, through the general manager, collect the sewer charges and the charges for the sale and distribution of water to all users.

(2) The board in the furnishing of water, sewer service, other services, and facilities shall fix such rate, fee, toll, rent, or other charge as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due.

(3) Notwithstanding any other section of this part or part 22 or limitation imposed therein and when the board has applied for and received from the federal government any money for the construction, operation, and maintenance of treatment services and works, the board may adopt a system of charges and rates to require that each recipient of treatment works services pays its proportionate share of the costs of operation, maintenance, and replacement and to require industrial users of treatment works to pay the portion of the cost of construction of the treatment works which is allocable to the treatment of that industrial user's wastes."

NEW SECTION. Section 3. Codification instruction.

1 Section 1 is intended to be codified as an integral part of
2 Title 69, chapter 7, and the provisions of Title 69, chapter
3 7, apply to section 1.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 602
INTRODUCED BY KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTY WATER AND COUNTY SEWER DISTRICTS TO REGULATE UTILITIES THAT THEY OWN; PROVIDING THAT SUCH A DISTRICT IS SUBJECT TO THE SAME PROCEDURES AND LIMITS AS A MUNICIPALITY REGULATING A MUNICIPALLY OWNED UTILITY; AMENDING SECTION 7-13-2301, MCA."

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

NEW SECTION. Section 1. Regulation of rates by county water and county sewer districts. (1) A county water district or a county sewer district formed under the provisions of Title 7, chapter 13, part 22 or 23, may impose, as it considers proper, rates, charges, and classifications for utility services to the residents of the district and other persons served by its utility system.

(2) In exercising its regulatory authority a county water or a county sewer district is granted the same authority and is bound by the same procedures and limitations as a municipality regulating a utility under the provisions of this chapter.

Section 2. Section 7-13-2301, MCA, is amended to read: "7-13-2301. Establishment of charges for services. (1) The Subject__to_the_provisions_of_[section_1],_the board of

directors shall fix all water and sewer rates and shall, through the general manager, collect the sewer charges and the charges for the sale and distribution of water to all users.

(2) The board in the furnishing of water, sewer service, other services, and facilities shall fix such rate, fee, toll, rent, or other charge as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due.

(3) Notwithstanding any other section of this part or part 22 or limitation imposed therein and when the board has applied for and received from the federal government any money for the construction, operation, and maintenance of treatment services and works, the board may adopt a system of charges and rates to require that each recipient of treatment works services pays its proportionate share of the costs of operation, maintenance, and replacement and to require industrial users of treatment works to pay the portion of the cost of construction of the treatment works which is allocable to the treatment of that industrial user's wastes."

NEW SECTION. Section 3. Codification instruction.

1 Section 1 is intended to be codified as an integral part of
2 Title 69, chapter 7, and provisions of Title 69, chapter 7,
3 apply to section 1.

4 SECTION 4. COORDINATION INSTRUCTION. IF SENATE BILL
5 436, INTRODUCED IN THE 48TH LEGISLATURE, IS PASSED AND
6 APPROVED CONTAINING AS AMENDATORY LANGUAGE IN SECTION 5 OR
7 ANY OTHER SECTION AMENDING 69-3-101, AN EXCLUSION OF COUNTY
8 OR CONSOLIDATED CITY AND COUNTY WATER OR SEWER DISTRICTS AS
9 ESTABLISHED UNDER TITLE 7, CHAPTER 13, PARTS 22 AND 23, FROM
10 THE DEFINITION OF PUBLIC UTILITY, THEN THIS ACT IS VOID.

-End-

HOUSE BILL NO. 602

INTRODUCED BY KITSELMAN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTY WATER AND COUNTY SEWER DISTRICTS TO REGULATE UTILITIES THAT THEY OWN; PROVIDING THAT SUCH A DISTRICT IS SUBJECT TO THE SAME PROCEDURES AND LIMITS AS A MUNICIPALITY REGULATING A MUNICIPALLY OWNED UTILITY; AMENDING SECTION 7-13-2301, MCA."

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

NEW SECTION. Section 1. Regulation of rates by county water and county sewer districts. (1) A county water district or a county sewer district formed under the provisions of Title 7, chapter 13, part 22 or 23, may impose, as it considers proper, rates, charges, and classifications for utility services to the residents of the district and other persons served by its utility system.

(2) In exercising its regulatory authority a county water or a county sewer district is granted the same authority and is bound by the same procedures and limitations as a municipality regulating a utility under the provisions of this chapter.

Section 2. Section 7-13-2301, MCA, is amended to read:

"7-13-2301. Establishment of charges for services. (1)

The Subject to the provisions of [section 1], the board of

directors shall fix all water and sewer rates and shall, through the general manager, collect the sewer charges and the charges for the sale and distribution of water to all users.

(2) The board in the furnishing of water, sewer service, other services, and facilities shall fix such rate, fee, toll, rent, or other charge as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due.

(3) Notwithstanding any other section of this part or part 22 or limitation imposed therein and when the board has applied for and received from the federal government any money for the construction, operation, and maintenance of treatment services and works, the board may adopt a system of charges and rates to require that each recipient of treatment works services pays its proportionate share of the costs of operation, maintenance, and replacement and to require industrial users of treatment works to pay the portion of the cost of construction of the treatment works which is allocable to the treatment of that industrial user's wastes."

NEW SECTION. Section 3. Codification instruction.

1 Section 1 is intended to be codified as an integral part of
2 Title 69, chapter 7, and provisions of Title 69, chapter 7,
3 apply to section 1.

4 ~~SECTION 4. COORDINATION INSTRUCTION. IF SENATE BILL~~
5 ~~436, INTRODUCED IN THE 48TH LEGISLATURE, IS PASSED AND~~
6 ~~APPROVED CONTAINING AS AMENDATORY LANGUAGE IN SECTION 5 OR~~
7 ~~ANY OTHER SECTION AMENDING 69-3-101, AN EXCLUSION OF COUNTY~~
8 ~~OR CONSOLIDATED CITY AND COUNTY WATER OR SEWER DISTRICTS AS~~
9 ~~ESTABLISHED UNDER TITLE 7, CHAPTER 13, PARTS 22 AND 23, FROM~~
10 ~~THE DEFINITION OF PUBLIC UTILITY, THEN THIS ACT IS VOID.~~

-End-

1 HOUSE BILL NO. 602

2 INTRODUCED BY KITSELMAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTY
5 WATER AND COUNTY SEWER DISTRICTS TO REGULATE UTILITIES THAT
6 THEY OWN; PROVIDING THAT SUCH A DISTRICT IS SUBJECT TO THE
7 SAME PROCEDURES AND LIMITS AS A MUNICIPALITY REGULATING A
8 MUNICIPALLY OWNED UTILITY; AMENDING SECTION 7-13-2301, MCA."

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

11 NEW SECTION. Section 1. Regulation of rates by county
12 water and county sewer districts. (1) A county water
13 district or a county sewer district formed under the
14 provisions of Title 7, chapter 13, part 22 or 23, may
15 impose, as it considers proper, rates, charges, and
16 classifications for utility services to the residents of the
17 district and other persons served by its utility system.

18 (2) In exercising its regulatory authority a county
19 water or a county sewer district is granted the same
20 authority and is bound by the same procedures and
21 limitations as a municipality regulating a utility under the
22 provisions of this chapter.

23 Section 2. Section 7-13-2301, MCA, is amended to read:

24 "7-13-2301. Establishment of charges for services. (1)

25 ~~The subject to the provisions of [section 1], the~~ board of

1 directors shall fix all water and sewer rates and shall,
2 through the general manager, collect the sewer charges and
3 the charges for the sale and distribution of water to all
4 users.

5 (2) The board in the furnishing of water, sewer
6 service, other services, and facilities shall fix such rate,
7 fee, toll, rent, or other charge as will pay the operating
8 expenses of the district, provide for repairs and
9 depreciation of works owned or operated by it, pay the
10 interest on any bonded debt, and so far as possible, provide
11 a sinking or other fund for the payment of the principal of
12 such debt as it may become due.

13 (3) Notwithstanding any other section of this part or
14 part 22 or limitation imposed therein and when the board has
15 applied for and received from the federal government any
16 money for the construction, operation, and maintenance of
17 treatment services and works, the board may adopt a system
18 of charges and rates to require that each recipient of
19 treatment works services pays its proportionate share of the
20 costs of operation, maintenance, and replacement and to
21 require industrial users of treatment works to pay the
22 portion of the cost of construction of the treatment works
23 which is allocable to the treatment of that industrial
24 user's wastes."

25 NEW SECTION. Section 3. Codification instruction.

1 Section 1 is intended to be codified as an integral part of
2 Title 59, chapter 7, and provisions of Title 69, chapter 7,
3 apply to section 1.

4 SECTION 4. COORDINATION INSTRUCTION. IF SENATE BILL
5 436, INTRODUCED IN THE 48TH LEGISLATURE, IS PASSED AND
6 APPROVED CONTAINING AS AMENDATORY LANGUAGE IN SECTION 5 OR
7 ANY OTHER SECTION AMENDING 69-3-101, AN EXCLUSION OF COUNTY
8 OR CONSOLIDATED CITY AND COUNTY WATER OR SEWER DISTRICTS AS
9 ESTABLISHED UNDER TITLE 7, CHAPTER 13, PARTS 22 AND 23, FROM
10 THE DEFINITION OF PUBLIC UTILITY, THEN THIS ACT IS VOID.

-End-