

HOUSE BILL NO. 483
INTRODUCED BY SPAETH

IN THE HOUSE

January 25, 1985	Introduced and referred to Committee on Local Government.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass. Considered correctly engrossed.
February 19, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 21, 1985	Introduced and referred to Committee on Local Government.
March 18, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 21, 1985	Second reading, concurrred in.
March 23, 1985	Third reading, concurrred in. Ayes, 49; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 25, 1985	Received from Senate.
April 5, 1985	Second reading, amendments concurrred in.

April 8, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PROCEDURE
5 FOR DISSOLVING COUNTY WATER AND SEWER DISTRICTS; PROVIDING
6 FOR A PETITION TO DISSOLVE THE DISTRICT; PROVIDING FOR A
7 PUBLIC HEARING ON THE QUESTION; AND REQUIRING A
8 DETERMINATION THAT THERE ARE NO OUTSTANDING DEBTS OF THE
9 DISTRICT."
10

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

12 Section 1. Dissolution of district. (1) Upon receipt
13 of a petition to dissolve the district, signed by more than
14 50% of the freeholders of the district, the board of
15 directors shall set a date for a public hearing on
16 dissolution of the district. The hearing date may be not
17 earlier than 45 days or later than 60 days after the date on
18 which the board schedules the date of the hearing. A notice
19 of the public hearing on the dissolution must be published
20 once a week for 3 consecutive weeks in a newspaper of
21 general circulation in each county in which the district is
22 located. The published notice must include notice to
23 creditors of the district to present claims owed by the
24 district to the board of directors prior to the date set for
25 the dissolution hearing.

1 (2) At the dissolution hearing the board of directors
2 shall hear testimony of all persons interested in whether
3 the district should be dissolved and shall determine whether
4 there are any outstanding debts of the district.

5 (3) After the hearing, if the board determines that
6 dissolution of the district is in the best interest of the
7 public and that there are no outstanding debts of the
8 district, it may resolve to recommend that the district be
9 dissolved. A copy of the resolution must be sent to the
10 boards of county commissioners of all the counties in which
11 the district is located.

12 (4) The district is dissolved after the approval of
13 the dissolution by all the boards of county commissioners of
14 the counties in which the district is located. An instrument
15 approving dissolution must be filed with the appropriate
16 county clerks.

17 Section 2. Codification instruction. Section 1 is
18 intended to be codified as an integral part of Title 7,
19 chapter 13, parts 22 and 23, and the provisions of Title 7,
20 chapter 13, parts 22 and 23, apply to section 1.

-End-



INTRODUCED BILL
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APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 483
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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PROCEDURE FOR DISSOLVING COUNTY WATER AND SEWER DISTRICTS; PROVIDING FOR A PETITION TO DISSOLVE THE DISTRICT; PROVIDING FOR A PUBLIC HEARING ON THE QUESTION; AND REQUIRING A DETERMINATION THAT THERE ARE NO OUTSTANDING DEBTS OF THE DISTRICT."

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

Section 1. Dissolution of district. (1) Upon receipt of a petition to dissolve the district, signed by more than 50% of the freeholders of the district, the board of directors shall set a date for a public hearing on dissolution of the district. The hearing date may be not earlier than 45 days or later than 60 days after the date on which the board schedules the date of the hearing. A notice of the public hearing on the dissolution must be published once a week for 3 consecutive weeks in a newspaper of general circulation in each county in which the district is located. The published notice must include notice to creditors of the district to present claims owed by the district to the board of directors prior to the date set for the dissolution hearing.

(2) At the dissolution hearing the board of directors shall hear testimony of all persons interested in whether the district should be dissolved and shall determine whether there are any outstanding debts of the district.

(3) After the hearing, if the board determines that dissolution of the district is in the best interest of the public and that there are no outstanding debts of the district, it may resolve to recommend that the district be dissolved. A copy of the resolution must be sent to the boards of county commissioners of all the counties in which the district is located.

(4) The district is dissolved after the approval of the dissolution by all the boards of county commissioners of the counties in which the district is located. An instrument approving dissolution must be filed with the appropriate county clerks, CLERK AND RECORDERS, WHO SHALL THEN CAUSE A COPY OF THE INSTRUMENT TO BE FILED WITH THE SECRETARY OF STATE.

(5) ANY ASSETS OF THE DISTRICT AFTER DISSOLUTION SHALL BE DISTRIBUTED PRO RATA BY TAXABLE VALUATION TO THE GENERAL FUNDS OF THE COUNTIES IN WHICH THE DISTRICT WAS LOCATED.

Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 7, chapter 13, parts 22 and 23, and the provisions of Title 7, chapter 13, parts 22 and 23, apply to section 1.

-End-

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23 intended to be codified as an integral part of Title 7,
24 chapter 13, parts 22 and 23, and the provisions of Title 7,
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-End-

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HB 483

THIRD READING

SENATE STANDING COMMITTEE REPORT

MARCH 18

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

having had under consideration..... HOUSE BILL No. 483

THIRD reading copy (BLUE)
color

(HIRSCH WILL CARRY)

PROCEDURE TO DISSOLVE COUNTY WATER AND SEWER DISTRICT

Respectfully report as follows: That..... HOUSE BILL No. 483

be amended as follows:

1. Page 2, line 10.
Following: line 9
Strike: "boards of"
Following: "commissioners of"
Strike: "all the"
Insert: "the county or"
2. Page 2, lines 15 and 16.
Following: "with the" in line 15
Strike: remainder of line 15 through "RECORDERS" in line 16
Insert: "clerk and recorder of the county or counties in which the district is located"
3. Page 2, line 22.
Following: line 21.
Insert: "Section 2. Coordination instruction. If Senate Bill No. 130, including the section of that bill that provides for newspaper publication of notices, is passed and approved, the sentence beginning on line 18 on page 1 of this act is amended to read: "A notice of the public hearing on the dissolution must be published as provided in [section 1 of Senate Bill No. 130]."

Renumber: Subsequent section

~~XXXXXX~~

AND AS AMENDED

~~XXXXXXXXXX~~

BE CONCURRED IN


.....
Senator Dave Fuller

Chairman.

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(2) At the dissolution hearing the board of directors shall hear testimony of all persons interested in whether the district should be dissolved and shall determine whether there are any outstanding debts of the district.

(3) After the hearing, if the board determines that dissolution of the district is in the best interest of the public and that there are no outstanding debts of the district, it may resolve to recommend that the district be dissolved. A copy of the resolution must be sent to the boards--of county commissioners of all-the THE COUNTY OR counties in which the district is located.

(4) The district is dissolved after the approval of the dissolution by all the boards of county commissioners of the counties in which the district is located. An instrument approving dissolution must be filed with the appropriate county clerks: CLERK-AND-RECORDERS CLERK AND RECORDER OF THE COUNTY OR COUNTIES IN WHICH THE DISTRICT IS LOCATED, WHO SHALL THEN CAUSE A COPY OF THE INSTRUMENT TO BE FILED WITH THE SECRETARY OF STATE.

(5) ANY ASSETS OF THE DISTRICT AFTER DISSOLUTION SHALL BE DISTRIBUTED PRO RATA BY TAXABLE VALUATION TO THE GENERAL FUNDS OF THE COUNTIES IN WHICH THE DISTRICT WAS LOCATED.

SECTION 2. COORDINATION INSTRUCTION. IF SENATE BILL NO. 130, INCLUDING THE SECTION OF THAT BILL THAT PROVIDES FOR NEWSPAPER PUBLICATION OF NOTICES, IS PASSED AND



1 APPROVED, THE SENTENCE BEGINNING ON LINE 18 ON PAGE 1 OF
2 THIS ACT IS AMENDED TO READ: "A NOTICE OF THE PUBLIC HEARING
3 ON THE DISSOLUTION MUST BE PUBLISHED AS PROVIDED IN (SECTION
4 1 OF SENATE BILL NO. 130)].

5 Section 3. Codification instruction. Section 1 is
6 intended to be codified as an integral part of Title 7,
7 chapter 13, parts 22 and 23, and the provisions of Title 7,
8 chapter 13, parts 22 and 23, apply to section 1.

-End-