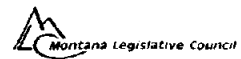


1 *House* BILL NO. *625*
 2 INTRODUCED BY *Steve Jernigan Aquino Hays*
 3 *Cosponsors: Connelly Mabe*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 5 PENALTIES A CITY OR TOWN MAY INVOKE FOR NONPAYMENT OF A CITY
 6 WATER OR SEWER ASSESSMENT; PROVIDING THAT SEWER SERVICE MAY
 7 BE DISCONTINUED, THAT FULL PAYMENT MUST BE MADE PRIOR TO
 8 REESTABLISHMENT, AND THAT PAST-DUE PAYMENTS ARE A DEBT
 9 COLLECTABLE IN COURT; AND AMENDING SECTIONS 7-13-4305,
 10 7-13-4306, AND 7-13-4309, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 7-13-4305, MCA, is amended to read:
 14 "7-13-4305. Consumers required to pay for services.
 15 (1) No person, firm, or corporation shall be permitted to
 16 use said system unless they pay the full and established
 17 rate for said service.
 18 (2) No person may have service reestablished after it
 19 is discontinued pursuant to 7-13-4306 unless they have paid
 20 the full amount past due, any interest or penalty on such
 21 past-due amount, and any required reestablishment deposit."
 22 Section 2. Section 7-13-4306, MCA, is amended to read:
 23 "7-13-4306. Effect of failure to pay charges. In the
 24 event of nonpayment of charges for either water or sewer
 25 service and benefits to any premises, the governing body may

1 direct the supply of water or provision of sewer service to
 2 such premises to be discontinued until such charges are
 3 paid."
 4 Section 3. Section 7-13-4309, MCA, is amended to read:
 5 "7-13-4309. Procedure to collect sewer charges. (1)
 6 The sewer charges shall be collected by the treasurer.
 7 (2) On or before January 15 of each year, notice shall
 8 be given by the city treasurer or town clerk to the owners
 9 of all lots or parcels of real estate to which sewer service
 10 has been furnished prior to January 1 by the city or town.
 11 Said notice shall specify the assessment owing and in
 12 arrears at the time of giving such notice. Such notice shall
 13 be in writing and shall state the amount of such arrearage,
 14 including any penalty and interest assessed pursuant to the
 15 provisions of the city or town ordinance and that unless the
 16 same is paid by July 1 thereafter, the same will be levied
 17 as a tax against the lot or parcel of real estate to which
 18 sewer service was furnished and for which payment is
 19 delinquent as above specified. The notice shall also state
 20 that the city or town may by suit collect past-due
 21 assessments, interest, and penalties, as a debt owing the
 22 city or town, in any court of competent jurisdiction,
 23 including the city court. Such notice may be delivered to
 24 such owner personally or by letter addressed to such owner
 25 at the post-office address of such owner as recorded in the



-2- INTRODUCED BILL
 HB-625

1 office of the county assessor.

2 (3) (a) Except as provided in subsection (3)(b), on
3 March 1, the city treasurer or town clerk shall certify and
4 file with the county assessor a list of all lots or parcels
5 of real estate, giving the legal description thereof, to the
6 owners of which notices of arrearage in payments were given
7 as above specified and which arrearage still remains unpaid
8 and stating the amount of such arrearage, including any
9 penalty and interest. The county assessor shall insert the
10 same as a tax against such lot or parcel of real estate.

11 (b) In cities where the council has provided by
12 ordinance for the collection of taxes, the city treasurer
13 shall insert such delinquent amount, including penalty and
14 interest, as a tax against the lot or parcel of real estate
15 to which sewer service was furnished and payment for which
16 is delinquent.

17 (4) A city or town may, in addition to pursuing the
18 collection of assessments in the same manner as a tax, bring
19 suit in any court of competent jurisdiction, including city
20 court, to collect the amount due and owing, including
21 penalties and interest, as a debt owing the city or town."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 *House* BILL NO. *625*
 2 INTRODUCED BY *Steve Jaramila* *Aguilar* *Stacy*
 3 *Connelly* *Mahe*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 5 PENALTIES A CITY OR TOWN MAY INVOKE FOR NONPAYMENT OF A CITY
 6 WATER OR SEWER ASSESSMENT; PROVIDING THAT SEWER SERVICE MAY
 7 BE DISCONTINUED, THAT FULL PAYMENT MUST BE MADE PRIOR TO
 8 REESTABLISHMENT, AND THAT PAST-DUE PAYMENTS ARE A DEBT
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 11 Said notice shall specify the assessment owing and in
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 13 be in writing and shall state the amount of such arrearage,
 14 including any penalty and interest assessed pursuant to the
 15 provisions of the city or town ordinance and that unless the
 16 same is paid by July 1 thereafter, the same will be levied
 17 as a tax against the lot or parcel of real estate to which
 18 sewer service was furnished and for which payment is
 19 delinquent as above specified. The notice shall also state
 20 that the city or town may by suit collect past-due
 21 assessments, interest, and penalties, as a debt owing the
 22 city or town, in any court of competent jurisdiction,
 23 including the city court. Such notice may be delivered to
 24 such owner personally or by letter addressed to such owner
 25 at the post-office address of such owner as recorded in the



1 office of the county assessor.

2 (3) (a) Except as provided in subsection (3)(b), on
3 March 1, the city treasurer or town clerk shall certify and
4 file with the county assessor a list of all lots or parcels
5 of real estate, giving the legal description thereof, to the
6 owners of which notices of arrearage in payments were given
7 as above specified and which arrearage still remains unpaid
8 and stating the amount of such arrearage, including any
9 penalty and interest. The county assessor shall insert the
10 same as a tax against such lot or parcel of real estate.

11 (b) In cities where the council has provided by
12 ordinance for the collection of taxes, the city treasurer
13 shall insert such delinquent amount, including penalty and
14 interest, as a tax against the lot or parcel of real estate
15 to which sewer service was furnished and payment for which
16 is delinquent.

17 (4) A city or town may, in addition to pursuing the
18 collection of assessments in the same manner as a tax, bring
19 suit in any court of competent jurisdiction, including city
20 court, to collect the amount due and owing, including
21 penalties and interest, as a debt owing the city or town."

-End-

1 *House* BILL NO. *625*
 2 INTRODUCED BY *Steve Jaramila Aquino Hogan*
 3 *Conrad Connelly* *Mahe*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 5 PENALTIES A CITY OR TOWN MAY INVOKE FOR NONPAYMENT OF A CITY
 6 WATER OR SEWER ASSESSMENT; PROVIDING THAT SEWER SERVICE MAY
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 8 REESTABLISHMENT, AND THAT PAST-DUE PAYMENTS ARE A DEBT
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 19 is discontinued pursuant to 7-13-4306 unless they have paid
 20 the full amount past due, any interest or penalty on such
 21 past-due amount, and any required reestablishment deposit."

22 Section 2. Section 7-13-4306, MCA, is amended to read:
 23 "7-13-4306. Effect of failure to pay charges. In the
 24 event of nonpayment of charges for either water or sewer
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1 direct the supply of water or provision of sewer service to
 2 such premises to be discontinued until such charges are
 3 paid."

4 Section 3. Section 7-13-4309, MCA, is amended to read:
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7 (2) On or before January 15 of each year, notice shall
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 16 same is paid by July 1 thereafter, the same will be levied
 17 as a tax against the lot or parcel of real estate to which
 18 sewer service was furnished and for which payment is
 19 delinquent as above specified. The notice shall also state
 20 that the city or town may by suit collect past-due
 21 assessments, interest, and penalties, as a debt owing the
 22 city or town, in any court of competent jurisdiction,
 23 including the city court. Such notice may be delivered to
 24 such owner personally or by letter addressed to such owner
 25 at the post-office address of such owner as recorded in the



-2- THIRD READING
 HB-625

1 office of the county assessor.

2 (3) (a) Except as provided in subsection (3)(b), on
3 March 1, the city treasurer or town clerk shall certify and
4 file with the county assessor a list of all lots or parcels
5 of real estate, giving the legal description thereof, to the
6 owners of which notices of arrearage in payments were given
7 as above specified and which arrearage still remains unpaid
8 and stating the amount of such arrearage, including any
9 penalty and interest. The county assessor shall insert the
10 same as a tax against such lot or parcel of real estate.

11 (b) In cities where the council has provided by
12 ordinance for the collection of taxes, the city treasurer
13 shall insert such delinquent amount, including penalty and
14 interest, as a tax against the lot or parcel of real estate
15 to which sewer service was furnished and payment for which
16 is delinquent.

17 (4) A city or town may, in addition to pursuing the
18 collection of assessments in the same manner as a tax, bring
19 suit in any court of competent jurisdiction, including city
20 court, to collect the amount due and owing, including
21 penalties and interest, as a debt owing the city or town."

-End-

HOUSE BILL NO. 625

INTRODUCED BY HANSEN, SQUIRES, HARPER, CORNE',
CONNELLY, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PENALTIES A CITY OR TOWN MAY INVOKE FOR NONPAYMENT OF A CITY WATER OR SEWER ASSESSMENT; PROVIDING THAT SEWER SERVICE MAY BE DISCONTINUED, THAT FULL PAYMENT MUST BE MADE PRIOR TO REESTABLISHMENT, AND THAT PAST-DUE PAYMENTS ARE A DEBT COLLECTABLE IN COURT; AND AMENDING SECTIONS 7-13-4305, 7-13-4306, AND 7-13-4309, MCA."

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

Section 1. Section 7-13-4305, MCA, is amended to read:

"7-13-4305. Consumers required to pay for services.

(1) No person, firm, or corporation shall be permitted to use said system unless they pay the full and established rate for said service.

(2) No person may have service reestablished after it is discontinued pursuant to 7-13-4306 unless they have paid the full amount past due, any interest or penalty on such past-due amount, and any required reestablishment deposit.

Section 2. Section 7-13-4306, MCA, is amended to read:

"7-13-4306. Effect of failure to pay charges. In the event of nonpayment of charges for either water or sewer

service and benefits to any premises, the governing body may direct the supply of water or provision of sewer service to such premises to be discontinued until such charges are paid."

Section 3. Section 7-13-4309, MCA, is amended to read:

"7-13-4309. Procedure to collect sewer charges. (1)

The sewer charges shall be collected by the treasurer.

(2) On or before January 15 of each year, notice shall be given by the city treasurer or town clerk to the owners of all lots or parcels of real estate to which sewer service has been furnished prior to January 1 by the city or town.

Said notice shall specify the assessment owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of such arrearage, including any penalty and interest assessed pursuant to the provisions of the city or town ordinance and that unless the same is paid by July 1 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which sewer service was furnished and for which payment is delinquent as above specified. The notice shall also state that the city or town may by suit collect past-due assessments, interest, and penalties, as a debt owing the city or town, in any court of competent jurisdiction, including the city court. Such notice may be delivered to such owner personally or by letter addressed to such owner



1 at the post-office address of such owner as recorded in the
2 office of the county assessor.

3 (3) (a) Except as provided in subsection (3)(b), on
4 March 1, the city treasurer or town clerk shall certify and
5 file with the county assessor a list of all lots or parcels
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9 and stating the amount of such arrearage, including any
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11 same as a tax against such lot or parcel of real estate.

12 (b) In cities where the council has provided by
13 ordinance for the collection of taxes, the city treasurer
14 shall insert such delinquent amount, including penalty and
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18 (4) A city or town may, in addition to pursuing the
19 collection of assessments in the same manner as a tax, bring
20 suit in any court of competent jurisdiction, including city
21 court, to collect the amount due and owing, including
22 penalties and interest, as a debt owing the city or town."

-End-