HOUSE BILL NO. 625

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

IN THE HOUSE

	IN THE HOUSE
FEBRUARY 5, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 13, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 14, 1987	PRINTING REPORT.
FEBRUARY 16, 1987	SECOND READING, DO PASS.
FEBRUARY 17, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 93; NOES, 2.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTEE

	IN THE SENATE
FEBRUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTED ON LOCAL GOVERNMENT.
MARCH 4, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1987	SECOND READING, CONCURRED IN.
MARCH 10, 1987	THIRD READING, CONCURRED IN. AYES, 40; NOES, 9.
	RETURNED TO HOUSE.
	IN THE HOUSE

IN THE HOUSE

MARCH 11, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

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1	House BILL NO. 625
2	INTRODUCED BY Heels Jesus Aguin Hom
3	Come Connelly Make
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

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 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 as a tax against the lot or parcel of real estate to which 17 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, including the city court. Such notice may be delivered to 23 such owner personally or by letter addressed to such owner 24 at the post-office address of such owner as recorded in the

office of the county assessor.

- (3) (a) Except as provided in subsection (3)(b), on March 1, the city treasurer or town clerk shall certify and file with the county assessor a list of all lots or parcels of real estate, giving the legal description thereof, to the owners of which notices of arrearage in payments were given as above specified and which arrearage still remains unpaid and stating the amount of such arrearage, including any penalty and interest. The county assessor shall insert the same as a tax against such lot or parcel of real estate.
- (b) In cities where the council has provided by ordinance for the collection of taxes, the city treasurer shall insert such delinquent amount, including penalty and interest, as a tax against the lot or parcel of real estate to which sewer service was furnished and payment for which is delinquent.
- (4) A city or town may, in addition to pursuing the collection of assessments in the same manner as a tax, bring suit in any court of competent jurisdiction, including city court, to collect the amount due and owing, including penalties and interest, as a debt owing the city or town."

APPROVED BY COMM. ON LOCAL GOVERNMENT

T	House Bill No. (ed.)
2	INTRODUCED BY Halla Jeen Agrice Them
3	Cioren Connelly Make
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
Б	WATER OR SEWER ASSESSMENT; PROVIDING THAT SEWER SERVICE MAY
7	BE DISCONTINUED, THAT FULL PAYMENT MUST BE MADE PRIOR TO
В	REESTABLISHMENT, AND THAT PAST-DUE PAYMENTS ARE A DEBT
9	COLLECTABLE IN COURT; AND AMENDING SECTIONS 7-13-4305,
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2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
3	Section 1. Section 7-13-4305, MCA, is amended to read:
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5	(1) No person, firm, or corporation shall be permitted to
6	use said system unless they pay the full and established
7	rate for said service.
В	(2) No person may have service reestablished after it
9	is discontinued pursuant to 7-13-4306 unless they have paid
σ	the full amount past due, any interest or penalty on such
1	past-due amount, and any required reestablishment deposit."
2	Section 2. Section 7-13-4306, MCA, is amended to read:
3	"7-13-4306. Effect of failure to pay charges. In the
4	event of nonpayment of charges for either water or sewer
5	service and henefits to any premises, the governing hody may

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

direct the supply of water or provision of sewer service to such premises to be discontinued until such charges are

1 office of the county assessor.

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 - (b) In cities where the council has provided by ordinance for the collection of taxes, the city treasurer shall insert such delinquent amount, including penalty and interest, as a tax against the lot or parcel of real estate to which sewer service was furnished and payment for which is delinquent.
 - (4) A city or town may, in addition to pursuing the collection of assessments in the same manner as a tax, bring suit in any court of competent jurisdiction, including city court, to collect the amount due and owing, including penalties and interest, as a debt owing the city or town."

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1 INTRODUCED BY Cornelly Connelly 3 "AN ACT TO CLARIFY THE A BILL FOR AN ACT ENTITLED: PENALTIES A CITY OR TOWN MAY INVOKE FOR NONPAYMENT OF A CITY WATER OR SEWER ASSESSMENT; PROVIDING THAT SEWER SERVICE MAY 7 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." 10 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. (1) No person, firm, or corporation shall be permitted to 15 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 is discontinued pursuant to 7-13-4306 unless they have paid 19 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

service and benefits to any premises, the governing body may

such premises to be discontinued until such charges are 3 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 22 city or town, in any court of competent jurisdiction. including the city court. Such notice may be delivered to 23 24 such owner personally or by letter addressed to such owner 25 at the post-office address of such owner as recorded in the

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office of the county assessor.

- (3) (a) Except as provided in subsection (3)(b), on March 1, the city treasurer or town clerk shall certify and file with the county assessor a list of all lots or parcels of real estate, giving the legal description thereof, to the owners of which notices of arrearage in payments were given as above specified and which arrearage still remains unpaid and stating the amount of such arrearage, including any penalty and interest. The county assessor shall insert the same as a tax against such lot or parcel of real estate.
- (b) In cities where the council has provided by ordinance for the collection of taxes, the city treasurer shall insert such delinquent amount, including penalty and interest, as a tax against the lot or parcel of real estate to which sewer service was furnished and payment for which is delinquent.
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