

1 House BILL NO. 762
 2 INTRODUCED BY J. Brown, Connie Brackley
 3 Donaldson, Rudy Clark
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAW
 5 RELATING TO THE PROVISION OF SOLID WASTE DISPOSAL SERVICES
 6 TO AN AREA ANNEXED BY A MUNICIPALITY; CLARIFYING THAT THE
 7 CUSTOMERS OF THE PRIVATE MOTOR CARRIER INCLUDE PERSONS THAT
 8 MOVE INTO THE AREA AFTER ANNEXATION; CLARIFYING THE MANNER
 9 OF REQUESTING CITY SERVICES; PROVIDING FOR ESTABLISHING
 10 ADEQUATE SERVICE; AND AMENDING SECTION 7-2-4736, MCA."

11
 12 WHEREAS, the Montana Supreme Court, in D & F Sanitation
 13 Service v. Billings, ___ Mont. ___, 713 P.2d 977, 43 St.
 14 Rep. 74 (1986), interpreted section 7-2-4736, MCA; and

15 WHEREAS, the Supreme Court's interpretation of the
 16 section was contrary to the commonly understood intent of
 17 the statute and results in an unwieldy provision of
 18 services.

19
 20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 Section 1. Section 7-2-4736, MCA, is amended to read:
 22 "7-2-4736. Preservation of existing garbage or solid
 23 waste service in the event of annexation. (1) A municipality
 24 that annexes or incorporates additional area receiving
 25 garbage and solid waste disposal service by a motor carrier

1 authorized by the public service commission to conduct such
 2 service may not provide competitive or similar garbage and
 3 solid waste disposal service to any person or business
 4 located in the area for 5 years following annexation except:

5 (a) upon a proper showing to the public service
 6 commission that the existing carrier is unable or refuses to
 7 provide adequate service to the annexed or incorporated
 8 area; and; or

9 (b) after the expiration of 5 years, ~~the municipality~~
 10 ~~may provide such service only if~~ a majority of the residents
 11 of the annexed or incorporated area ~~request--in--writing--to~~
 12 ~~sign a petition requesting the municipality that such to~~
 13 ~~provide the service be provided by the municipality.~~

14 (2) If a proper showing is made that the existing
 15 carrier is unable or refuses to provide adequate service to
 16 the annexed or incorporated area or if a majority of the
 17 residents request service from the municipality, the
 18 municipality may ~~assume--sole--jurisdiction--for~~ provide
 19 garbage and solid waste disposal service to the entire
 20 annexed or incorporated area.

21 (3) For the purposes of determining whether an
 22 existing motor carrier provides adequate service, those
 23 services provided by the carrier prior to annexation are
 24 considered adequate services."

-End-

INTRODUCED BILL
HB-762



APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 762

INTRODUCED BY J. BROWN, CONNELLY, BRANDEWIE,
DONALDSON, GRADY, COHEN, DARKO

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