

SB 284 INTRODUCED BY BECK
AUTHORIZING COUNTIES TO ESTABLISH FEES FOR SERVICES

2/04	INTRODUCED		
2/04	REFERRED TO LOCAL GOVERNMENT		
2/12	HEARING		
2/20	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/24	2ND READING PASSED AS AMENDED	25	24
2/25	3RD READING FAILED	25	25

1 *Senate* BILL NO. *284*
 2 INTRODUCED BY *Bush*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A COUNTY TO
 5 CHARGE A FEE FOR SERVICES PERFORMED BY THE COUNTY IF THE FEE
 6 IS NOT OTHERWISE PROVIDED FOR BY STATE LAW; AMENDING SECTION
 7 7-4-2511, MCA; AND PROVIDING AN EFFECTIVE DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 7-4-2511, MCA, is amended to read:
 11 "7-4-2511. Collection and disposal of fees. (1) Each
 12 salaried county officer must charge and collect for the use
 13 of his county and pay into the county treasury on the first
 14 Monday in each month all fees now or hereafter allowed by
 15 law, paid or chargeable in all cases, except as provided in
 16 25-10-403. Nothing in this subsection applies to the
 17 compensation received by the sheriff as mileage while in the
 18 performance of official duties or for the board of prisoners
 19 or other persons while in his custody.

20 (2) The board of county commissioners, upon
 21 determining that a fee for a service rendered or proposed to
 22 be rendered by the county is not otherwise provided for by
 23 law, may by resolution passed at a public meeting establish
 24 fees, penalties, and emoluments to be assessed for the
 25 service.

1 ~~(2)~~(3) No salaried county officer may receive for his
 2 own use any fees, penalties, or emoluments of any kind,
 3 except the salary as provided by law, for any official
 4 service rendered by him. Unless otherwise provided, all
 5 fees, penalties, and emoluments of every kind collected by a
 6 salaried county officer are for the sole use of the county
 7 and must be accounted for and paid to the county treasurer
 8 as provided by subsection (1) and credited to the general
 9 fund of the county."

10 NEW SECTION. Section 2. Effective date. This act is
 11 effective July 1, 1987.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 284

INTRODUCED BY BECK

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A COUNTY TO CHARGE A FEE FOR SERVICES PERFORMED BY THE COUNTY IF THE FEE IS NOT OTHERWISE PROVIDED FOR BY STATE LAW; AMENDING SECTION 7-4-2511, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2511, MCA, is amended to read:

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(2) The board of county commissioners, upon determining that a fee for a service rendered or proposed to be rendered by the county is not otherwise provided for by law, may by--resolution--passed-at-a-public-meeting PASS A RESOLUTION OF INTENT TO establish fees, penalties, and emoluments to be assessed for the service.

(3) (A) UPON PASSING A RESOLUTION OF INTENT UNDER SUBSECTION (2), THE BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE OF THE PASSAGE OF THE RESOLUTION AS PROVIDED IN 7-1-2121.

(B) AT ANY TIME WITHIN 15 DAYS AFTER THE DATE OF THE FIRST PUBLICATION OF THE NOTICE OF THE PASSAGE OF THE RESOLUTION OF INTENTION, ANY PERSON WHO WOULD BE AFFECTED BY THE PROPOSED FEE, PENALTY, OR EMOLUMENT MAY MAKE WRITTEN PROTEST.

(C) AT THE NEXT REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS AFTER THE EXPIRATION OF THE TIME WITHIN WHICH PROTEST MAY BE MADE, THE BOARD SHALL HEAR AND PASS UPON ALL PROTESTS SO MADE, AND ITS DECISION SHALL BE FINAL AND CONCLUSIVE. IF THE BOARD FINDS THE PROTEST TO BE SUFFICIENT, NO FURTHER PROCEEDINGS MAY BE TAKEN FOR A PERIOD OF 6 MONTHS FROM THE DATE OF THE MEETING AT WHICH PROTESTS WERE HEARD. IF THE BOARD FINDS THE PROTEST TO BE INSUFFICIENT, IT MAY BY RESOLUTION ESTABLISH THE FEE, PENALTY, OR EMOLUMENT PROPOSED UNDER SUBSECTION (2).

(2)(3)(4) No salaried county officer may receive for his own use any fees, penalties, or emoluments of any kind, except the salary as provided by law, for any official service rendered by him. Unless otherwise provided, all fees, penalties, and emoluments of every kind collected by a salaried county officer are for the sole use of the county



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1 and must be accounted for and paid to the county treasurer
2 as provided by subsection (1) and credited to the general
3 fund of the county."

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A COUNTY TO
5 CHARGE A FEE FOR SERVICES PERFORMED BY THE COUNTY IF THE FEE
6 IS NOT OTHERWISE--PROVIDED--FOR PROHIBITED BY STATE LAW;
7 AMENDING SECTION 7-4-2511, MCA; AND PROVIDING AN EFFECTIVE
8 DATE."

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

11 Section 1. Section 7-4-2511, MCA, is amended to read:

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13 salaried county officer must charge and collect for the use
14 of his county and pay into the county treasury on the first
15 Monday in each month all fees now or hereafter allowed by
16 law, paid or chargeable in all cases, except as provided in
17 25-10-403. Nothing in this subsection applies to the
18 compensation received by the sheriff as mileage while in the
19 performance of official duties or for the board of prisoners
20 or other persons while in his custody.

21 (2) The board of county commissioners, upon
22 determining that a fee for a service rendered or proposed to
23 be rendered by the county is not otherwise--provided--for
24 PROHIBITED by law, may by--resolution-passed-at-a-public
25 meeting PASS A RESOLUTION OF INTENT TO establish fees,

1 penalties, and emoluments to be assessed for the service.
2 THE RESOLUTION SHALL SET FORTH THE NATURE OF THE SERVICE,
3 FEES, PENALTIES, AND EMOLUMENTS TO BE ASSESSED. SUCH FEES
4 MAY NOT EXCEED \$10 FOR EACH INDIVIDUAL SERVICE PROVIDED.

5 (3) (A) UPON PASSING A RESOLUTION OF INTENT UNDER
6 SUBSECTION (2), THE BOARD OF COUNTY COMMISSIONERS SHALL
7 PUBLISH NOTICE OF THE PASSAGE OF THE RESOLUTION AS PROVIDED
8 IN 7-1-2121.

9 (B) AT ANY TIME WITHIN 15 DAYS AFTER THE DATE OF THE
10 FIRST PUBLICATION OF THE NOTICE OF THE PASSAGE OF THE
11 RESOLUTION OF INTENTION, ANY PERSON WHO WOULD BE AFFECTED BY
12 THE PROPOSED FEE, PENALTY, OR EMOLUMENT MAY MAKE WRITTEN
13 PROTEST.

14 (C) AT THE-NEXT-REGULAR-MEETING-OF-THE-BOARD-OF-COUNTY
15 COMMISSIONERS-AFTER A PUBLIC MEETING CONVENED SOLELY FOR THE
16 PURPOSE OF CONSIDERING THE ADOPTION OF THE RESOLUTION OF
17 INTENT FOLLOWING THE EXPIRATION OF THE TIME WITHIN WHICH
18 PROTEST MAY BE MADE, THE BOARD SHALL HEAR AND PASS ACT UPON
19 ALL PROTESTS SO MADE, AND ITS DECISION SHALL BE FINAL AND
20 CONCLUSIVE. IF THE BOARD FINDS THE PROTEST TO BE SUFFICIENT,
21 NO FURTHER PROCEEDINGS MAY BE TAKEN FOR A PERIOD OF 6 MONTHS
22 FROM THE DATE OF THE MEETING AT WHICH PROTESTS WERE HEARD.
23 IF THE BOARD FINDS THE PROTEST TO BE INSUFFICIENT, IT MAY BY
24 RESOLUTION ESTABLISH THE FEE, PENALTY, OR EMOLUMENT PROPOSED
25 UNDER SUBSECTION (2).

1 ~~(2)~~~~(3)~~(4) No salaried county officer may receive for
2 his own use any fees, penalties, or emoluments of any kind,
3 except the salary as provided by law, for any official
4 service rendered by him. Unless otherwise provided, all
5 fees, penalties, and emoluments of every kind collected by a
6 salaried county officer are for the sole use of the county
7 and must be accounted for and paid to the county treasurer
8 as provided by subsection (1) and credited to the general
9 fund of the county. UNDER THE PROVISIONS OF [THIS ACT], A
10 COUNTY MAY NOT IMPOSE FEES ON OTHER TAXING JURISDICTIONS FOR
11 THE COLLECTION, DISTRIBUTION, ADMINISTRATION, AND REPORTING
12 OF TAXES AND ASSESSMENTS."
13 NEW SECTION. Section 2. Effective date. This act is
14 effective July 1, 1987.

-End-