



AN ACT REVISING THE CONDITIONS UNDER WHICH A MUNICIPALITY MAY PROVIDE GARBAGE AND SOLID WASTE SERVICES; AMENDING SECTIONS 7-2-4736 AND 7-13-4107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 7-2-4736, MCA, is amended to read:

"7-2-4736. Preservation of existing garbage or solid waste service in the event of annexation. (+)

A municipality that annexes or incorporates additional area ~~receiving garbage and solid waste disposal service~~ by within the service area of a motor carrier authorized by the public service commission to ~~conduct such~~ provide ~~that~~ service may not provide exclusive competitive or similar garbage and solid waste disposal service or impose charges or assessments for services not provided to any person or business located in the annexed or incorporated area ~~for 5 years following annexation except:~~

——— (a) ~~upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area; or~~

——— (b) ~~after the expiration of 5 years, if a majority of the residents of the annexed or incorporated area sign a petition requesting the municipality to provide the service:~~

——— (2) ~~If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or, after the expiration of 5 years, if a majority of the residents sign a petition requesting service from the municipality, the municipality may provide garbage and solid waste disposal service to the entire annexed or incorporated area:~~

——— (3) ~~For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate services. except upon a proper showing to the public service commission that the existing carrier is unable to or refuses to provide adequate service to the annexed or incorporated area.~~"

Section 2. Section 7-13-4107, MCA, is amended to read:

"7-13-4107. Protection of private waste disposal service in municipality. A municipality, as of January 1, 1979, that receives garbage and solid waste disposal services from a private motor carrier authorized by the public service commission to provide that service may not, by ordinance or otherwise, ~~elect to~~ elect to provide exclusive garbage and solid waste service ~~unless~~ until the municipality ~~pays~~ first fully compensates the private motor carrier for the resulting damage to its business. ~~fair market value for the carrier's equipment or unless the municipality delays commencing the public service for a period of 5 years from the date of the decision by the municipality to provide the garbage and solid waste services. The private motor carrier must be given notice of the decision by the municipality to provide exclusive garbage and solid waste services no later than 10 days after the decision has been made by the municipality."~~

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0234, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE BILL NO. 234

INTRODUCED BY J. SONJU, VANCE, HALE, STEINBEISSER, GALLUS, KEANE

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