

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE  
February 20, 1983

The meeting of the Local Government Committee held on February 20, 1983, 5 p.m. in Room 224A of the Capitol Building was called to order by Chairman Kathleen McBride. All members were present.

HOUSE BILL 632

REP. BLISS, sponsor. This bill requires county governing body to appoint a fire district trustee when there are no nominees for the position.

REP. SALES moved HOUSE BILL 632 DO PASS.

REP. SALES questioned if on page 2, line 15 the word "shall" or "may" should be used.

CHAIRMAN McBRIDE said if there are no nominees, you would want the county commissioners to do that so "shall" should remain.

Question was called and the motion PASSED UNANIMOUSLY.

HOUSE BILL 732

REP. HARPER, sponsor. This bill repeals provisions on optional forms of county government in order to eliminate confusion and duplication.

REP. SALES moved HOUSE BILL 732 DO PASS.

CHAIRMAN McBRIDE stated there is a question as to whether or not we are repealing anything other than the 1973 law.

LEE HEIMAN said we are not.

Question was called and the motion to DO PASS HOUSE BILL 732 PASSED UNANIMOUSLY.

HOUSE BILL 830

REP. STELLA HANSEN, sponsor. This bill would allow a local government to establish and charge a fee for review of a minor subdivision.

REP. HANSEN: We could never figure out where the real estate lobbyist was coming from. This applied to a section in the codes that allows a "no fee" for changing a boundary in a minor subdivision. All they are asking is that they can charge a fee to cover the price of doing the book work.

REP. HAND: I also have in my notes that we are to amend the title and put "THE DEVELOPER".

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REP. HANSEN: This bill mentions the amount for plats under five acres. It also mentions changing the boundaries.

REP. SALES moved HOUSE BILL 830 DO PASS.

REP. SALES: The purpose of the bill--when you have special considerations that have to be looked into such as high water tables, etc. that require an extensive review of the situation, they felt that they should be reimbursed for that extra work that normally doesn't occur in reviewing a subdivision. But this bill doesn't tie it down--it leaves it open.

REP. HAND: Moved to amend page 1, line 5,

Following: "CHARGE"  
Insert: "THE DEVELOPER"

REP. HAND: That would seem to me that the developer would pay for those charges imposed by extensive reviews which, I believe, is correct.

CHAIRMAN McBRIDE: Do you know if there are some things that the developer is not charged for? Are some things handled at the local level for which the local level is not allowed to charge.

LEE HEIMAN: I don't know.

REP. KITSELMAN: Where you run into some problems is in the line of minor plats. Major subdivisions are taken care of. This is really very broad in scope and does not address the problem. If you are talking \$13 a lot to pick up those fees, you mentioned that the city is a charter form but the county is still the standard form of government. The way this is set up, that fee is levied over everybody.

CHAIRMAN McBRIDE: Who reviews those certain types of reviews where you have less than five parcels? The work is all done at the local level but part of the money goes to the state?

REP. KITSELMAN: Part of the money goes to the state to run their office and that is why I say there is some debate about what the Department of Health does. Normally the review is done at the local level; they send the plat up there, check it off, and mail it back. But that could take six months of time.

CHAIRMAN McBRIDE: Do you see a problem where this bill only covers or would only allow local government to charge in a situation where you have five or fewer parcels that are apparently left to the local government to deal with.

REP. KITSELMAN: Usually this is a small landowner that is selling off some lots and is not used to going through the whole process.

CHAIRMAN McBRIDE: The costs to run those tests would be far in excess of what the local government would be getting back.

REP. KITSELMAN: Those tests would be charged to the developer.

CHAIRMAN McBRIDE: The intent is to make sure that if the local government would perform the tests, the local developer would cover the costs.

REP. KADAS: This is for five or less parcels. The other point is--do we need the developer in there?

REP. HANSEN: I don't think we do.

CHAIRMAN McBRIDE: What would you say if we changed the language to charge the person requesting the review?

REP. HAND: I withdraw my motion to amend.

REP. HAND: I move to charge the person who is requesting the review.

REP. NEUMAN: We need to put the word "APPLICANT" in there and that could be corporation or whatever.

REP. KITSELMAN: The person applying may not be the person going through due process. The person initiating the change is the person you charge the fee to.

REP. HAND: I withdraw my motion to amend.

REP. SANDS proposed an amendment. "If the fee transfer described in subsection (3) does not cover all the local government's costs of review, it may establish and collect an additional fee to cover the remaining costs." What this does--it seems to me the way the language is written now, you have the potential for a mini-local block grant program.

With the alternative language it makes it clear that the additional fee can only cover the costs which are not compensated for by the additional fee and, therefore, it eliminates the possibility that they can collect twice.

LEE HEIMAN: What is being said, the way it is being written, the local government could get a portion of the \$15 fee in subsection (3) as free money and they can charge the fee for its costs on top of it and end up with a small profit.

CHAIRMAN McBRIDE: The charge that the local government may make may only be made if the fee from subsection (3) has not covered the costs. She asked REP. HANSEN if that was what she wanted?

REP. HANSEN: I was thinking of smaller-type things. I was thinking of the person who comes in and has to change a boundary or a fuel line. Local government has to review that but they are not able to charge what it costs them to do the book work.

REP. NEUMAN: I don't think we need the amendment. It says "in addition to the fee transfer described in subsection (3)", that means that you already have \$15 for each parcel of the minor subdivision--"the local government may establish and collect a fee for such review, commensurate with the cost of the review". So I think your question is answered the way I read the language.

REP. BERTELSEN: What REP. SANDS is trying to get away from--you can go ahead and charge an additional amount. It doesn't limit it to actual expenses. REP. SANDS' amendment limits it to additional costs that occur.

REP. BERGENE: Doesn't the costs commensurate with the review take care of that?

REP. HOLLIDAY: REP. SANDS' amendment is trying to have them pay the balance of the \$15.

CHAIRMAN McBRIDE: Rather than being able to get the \$15 and then say, it cost \$10 for review so you are going to get charged \$10 more.

Question was called and the motion to amend HOUSE BILL 830 passed with REP. NEUMAN voting no.

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REP. KITSELMAN moved HOUSE BILL 830 DO PASS AS AMENDED.

The motion passed with REPS. SWITZER and VINGER voting no.

HOUSE BILL 798

REP. McBRIDE, sponsor. This bill provides for the transfer of authority of the county Department of Public Welfare to the Department of Social and Rehabilitation Services at the option of the Board of County Commissioners.

CHAIRMAN McBRIDE: HOUSE BILL 798 has some proposed amendments. There are three things we requested in these amendments. There were some technical amendments; there was also a request that we look at the work program as an integral part of the requirement that if the county was going to opt it, that they have a work program. I believe there was a part concerning the advisory committee role. (EXHIBIT 1)

LEE HEIMAN: The technical amendments on page 1 do three basic things: the provision talking about the transfer on page 4. SRS thought it might be cleaned up some so it read a little better without changing the meaning of it.

CHAIRMAN McBRIDE: Another one is Amendment 2 which is making the immediate effective date only because the process has to get started if local governments want to become a part of this July 1, 1983.

LEE HEIMAN: Amendment 3 just makes sure that materials and supplies are transferred on transfer of assumption. Amendments 4 - 8 clarifies subsection (4). Amendment 9 was a technical amendment. Amendment 10 is a technical amendment.

REP. SWITZER: In Amendment 8, could LEE HEIMAN explain to us why a county could not request a full assumption.

CHAIRMAN McBRIDE: There is a situation where a county may decide it wants the state to assume the whole assistance package. There is also the situation where a county may decide it wants the state to assume certain aspects of the program. The only parts that the county could continue to administer would be county welfare assistance and county medical. Those are the only ones that are completely controlled at the county level. All the other programs that SRS handles are a combination of state or federal monies administered to the local level.

REP. SWITZER: What I was inquiring about was why they couldn't change their mind the second time. If they make a determination and find it isn't satisfactory, they can't go back to their regular status.

CHAIRMAN McBRIDE: The county that requests the state take full assumption may reassume the county medical and the general assistance. But if they reassume those, they can't turn them back to the state. The idea is to provide continuity for services as well as administration. The law, as it is written, will accommodate any situation that will happen in the next two years.

REP. SWITZER: I think they ought to be able to change their mind every year.

CHAIRMAN McBRIDE: They have to opt in and opt out on a fiscal year basis. After they have assumed limited responsibility for county medical and county general assistance, they can't ask SRS to take them over again.

REP. HANSEN: Does that say that the county that is doing o.k. now can continue the way they are.

CHAIRMAN McBRIDE: Yes.

REP. HANSEN: If they decide not to go, at a later date they have the option to go with this program?

CHAIRMAN McBRIDE: No county has to opt into this program. This language only affects those counties that would opt into this program.

REP. WALLIN: How does this change the funding. Does this mean that SRS take it all over. The county doesn't levy for any part of it?

CHAIRMAN McBRIDE: If a county opted into this program, you would go back and look at fiscal year 1982 costs of whatever you levied minus cost of medical and that would be what would be levied by the state to the county. In Silver Bow and Cascade Counties, it would be at the top and the top that can be levied would be 12 mills. But in doing that, the state would be responsible for those programs for five years. For five years the level would be the same. The bill provides that in 1988 all counties that would opt in would go to 12 mills.

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REP. WALLIN: Right now, the Welfare Department operates a program. If they go to this program is the Director eliminated or does someone else take over.

CHAIRMAN McBRIDE: I don't know if the title would change. The Welfare Director is paid half by the state and half by the county. Whatever title they have, their function is going to be the same. I can't guarantee that it is going to be the same person. The state will have full assumption of the whole program.

REP. KEENAN: The state stands on a merit system and the county commission chooses whom they want to employ. The county commission still has a handle on it.

REP. KITSELMAN moved that the technical amendments (1-11) be accepted.

The motion passed unanimously.

REP. KADAS moved that Amendment 12 be accepted.

The motion passed unanimously.

LEE HEIMAN: Amendments 13 through 15 provide for the county commissioners to become involved as part of the review process of the advisory board.

REP. HAND moved that Amendments 13 through 15 be accepted.

REP. KADAS: Does this require that they set up a council or leave it to the discretion of the county?

LEE HEIMAN: This leaves it to the discretion of the county.

REP. NEUMAN: Upon application of the governing body, the state appoints the board--on page 3 you talk about the county commissioners transferring this--is there a process that SRS has to go through to accept this?

LEE HEIMAN: This is an application to establish an advisory board. There might be two counties out of fifteen that want an advisory board. We could say "upon request of the governing body".

REP. SANDS: I don't understand why we should require the department to establish a county advisory council on application of county commissioners. The whole purpose of this is that the county wants to remove the responsibility and give it to the state. On the other hand we are saying that even though that responsibility is gone, we insist the county commissioners request and insist upon establishing a county advisory council.

REP. KEENAN: As I would perceive it, the advisory council would be a sounding board. Once something is assumed by another agency, there might be some concerns at the local level of a city-county government or some complaints or people saying they are not being served. So all it does is give that body advisory capacity to at least be in on the proceedings and be able to answer questions or go to the department as the sounding board versus the county commissioners running out and trying to get some information.

REP. SANDS: If the counties are saying that we want the state to have the responsibility, then the state should have that responsibility. The county can talk to them but I don't know why they should have the right to insist on that. This follows another general concern of mine. It seems to be a theme that runs throughout the legislation. The county and the local governments want to shift the responsibilities to the state for things that cost money and yet they want more freedom and authority at the local level. The time should come when they make their decision.

CHAIRMAN McBRIDE: In a lot of ways, one of the problems is the state practically runs the whole welfare program. We talk about local control. In reality, there isn't much local control. There is very much a need to know what is going on at the local level. With those differences, while they may eventually be ironed out, they need to be discussed and have some form to be incorporated eventually.

REP. SANDS: I have no problem with this if it would say "may" instead of "shall".

CHAIRMAN McBRIDE: The difference is--there may be a few counties who want it.



REP. KADAS: Moved that we

Strike: "application"  
Insert: "request"

He stated it has to be at the request of the county.

REP. BERGENE: A point that I am wondering about--an advisory council consisting of the board of county commissioners--I would think that one or two of the county commissioners but why not some other people from the Welfare Department. Advisory councils are usually made up of people that are part of the profession.

REP. SWITZER: Am I correct in my assumption that a board of county commissioners is a county welfare board? That would be one reason to use what they have.

REP. SANDS: Moved that we

Strike: "shall"  
Insert: "may"

CHAIRMAN McBRIDE: If we do that, there is no reason for the amendment because the language that exists on page 4, line 20 says "The department may establish one or more advisory councils."

REP. SANDS withdrew his amendment.

CHAIRMAN McBRIDE: In my discussions with John LaFavor, he is more than willing to work with those county advisory councils and look at the overall program. One of the areas that becomes sticky is when you institute the workfare program. Workfare programs are going to be different because what may work in some rural county may not work in Silver Bow County because of other considerations. That is the other function of the advisory council.

REP. SANDS: If that is the case, then you don't need the requirement.

REP. SWITZER: Who proposed Amendments 13, 14 and 15.

CHAIRMAN McBRIDE: The request was made that there be something very specific for a county that wanted to have some advisory type function to make sure they could get it. REP. KITSELMAN made the request.

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REP. HANSEN: Why did you decide the board had to be all three of the county commissioners.

LEE HEIMAN: The three are the board now.

REP. BERTELSEN: I am inclined to feel it isn't necessary. I think you are just establishing another board.

REP. KITSELMAN: This ombudsman came from the Great Falls area at their request.

REP. HANSEN: I could understand this board better if it was a board of local people already involved in this kind of service.

CHAIRMAN McBRIDE: As the language is written now, the advisory board with the amendatory language would be pretty limiting. There is nothing to prevent SRS from allowing two or three different advisory councils.

REP. KITSELMAN: Going back to the purpose of this board, the county commissioners would be on there ex officio; and because each county is unique, the management of their own welfare department should come from the county area through the SRS. If it comes the other way around and SRS says you don't need this advisory board; we don't want you to be involved in the process; then, they don't have to. And, you are eliminating input from the local government.

Question was called on the motion to accept Amendments 13-15. The motion PASSED with eleven voting yes (REPS. PISTORIA, BERGENE, DARKO, HANSEN, HOLLIDAY, KADAS, KEENAN, KITSELMAN, SCHYE, WALDRON and CHAIRMAN McBRIDE) and eight voting no (REPS. BERTELSEN, HAND, NEUMAN, SALES, SANDS, SWITZER, VINGER and WALLIN).

REP. KITSELMAN: Moved that the Committee accept the amendments regarding the workfare requirements.

LEE HEIMAN: Because of the state taking over the program, the state would also have to run the workfare program. This is a mandatory provision. Section 28 - this goes back and forth allowing the county or telling the state how to do it as required by the previous new section. The only major change here is that REP. BERTELSEN made a suggestion which is incorporated. The suggestion was to perform the work at a minimum wage or may pay recipient prevailing rate of wages in that county.

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REP. HANSEN: If they opt to stay the way they are, their workfare program will stay the same also.

CHAIRMAN McBRIDE: If the county decided to stay the way they are, there is nothing in the law that would change them. It is important to realize that any county could have a workfare program. What HOUSE BILL 13 did that we passed during the special session was mandate that if you wanted to participate in the matching rate, you had to have a workfare program. The part that we are amending on Amendment 28 would allow the state to contract to help administer this program.

Question was called on accepting Amendments 16 through 28.

The motion PASSED UNANIMOUSLY.

REP. WALDRON moved HOUSE BILL 798 DO PASS AS AMENDED.

The motion PASSED with REP. SALES, SANDS and SWITZER voting no.

#### HOUSE BILL 793

REP. BERTELSEN, sponsor. This bill provides for optional local government taxes; authorizing a 55-mill all-purpose levy for counties, a local government income tax not to exceed 20% of the state income tax liability.

CHAIRMAN McBRIDE: There is one amendment I would suggest, and if it meets with the Committee's approval, it would cut down on the amount of time we would have to spend in discussion.

REP. BERTELSEN asked KEN MORRISON to explain the amendment. He said we felt we needed an upfront appropriation to set up a data processing system to handle local income tax (\$37,000). We would get this into the appropriations field and we could discuss it there (EXHIBIT 2).

CHAIRMAN McBRIDE: The intention would be to amend it and have it stay in this committee. It would not have to meet the transmittal deadline.

Question was called on the amendment and the motion PASSED UNANIMOUSLY.

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CHAIRMAN McBRIDE: What we may need to do in place of the actual placement of where this amendment is to go, just make it a general appropriation and put it on the end of the bill.

REP. BERTELSEN: Moved that we amend HOUSE BILL 793. The motion passed unanimously.

HOUSE BILL 793 will stay in the Local Government Committee.

HOUSE BILL 821

REP. FAGG, sponsor. This bill would relieve local government fiscal problems; creating a local government services efficiency incentive program.

CHAIRMAN McBRIDE: REP. FAGG mentioned to me to take out the appropriations. Page 12, line 23, the figure of 12.5 million dollars from the general fund is given.

REP. SALES: Moved to TABLE HOUSE BILL 821.

REP. WALDRON: Moved to delete page 12, Section 19 in its entirety and renumber subsequent sections.

CHAIRMAN McBRIDE: We would also need to go through the bill and strike any references to the grants they would be getting.

REP. WALDRON: Not really, just strike Section 19. That takes out the money.

REP. SANDS: If we leave the appropriation in and REP. FAGG comes up with some amendments that would make it an acceptable bill, then he could pass the bill later. Shouldn't we give him that opportunity?

CHAIRMAN McBRIDE: In talking to him, he wanted the appropriation taken out and for us to take action on the remainder of the bill.

REP. SANDS: I think he would prefer it be alive with an appropriation than dead with it taken out. I think he wanted to take the appropriation out because he felt that with the appropriation in it, it would never pass. But the circumstances have changed now. If we leave the appropriation in, we have time to leave it in committee and review it.

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REP. WALDRON: Withdrew motion to strike Section 19.

Question was called on the original motion to TABLE HOUSE  
BILL 821.

The motion PASSED UNANIMOUSLY.

HOUSE BILL 863

REP. FAGG, sponsor. This bill would provide for the abolishment of the municipal police officers retirement system, firefighters' unified retirement system and the locally administered police and firefighters' retirement funds.

REP. VINGER: Moved to TABLE HOUSE BILL 863.

The motion to TABLE HOUSE BILL 863 PASSED UNANIMOUSLY.

HOUSE BILL 872

REP. SALES, sponsor. This bill would authorize local governments to issue limited special and rural improvement district bonds; removing the liability of taxable property for the improvements.

REP. SALES: This bill has to be rewritten by a bond attorney who works with Montana law.

REP. SALES: Moved that HOUSE BILL 872 DO PASS.

REP. PISTORIA: Made a substitute motion to TABLE HOUSE BILL 872.

CHAIRMAN McBRIDE: One of my concerns--it makes me very reluctant to pass a bill out of committee that we don't know what it does. What we would be doing in giving this bill a do pass would be giving our vote of recommendation.

Question was called and the motion to TABLE HOUSE BILL 872 did not pass with eight members voting yes (REPS. PISTORIA, DARKO, HANSEN, HOLLIDAY, KEENAN, NEUMAN, SCHYE and CHAIRMAN McBRIDE) and eleven members voting no (REPS. BERGENE, HAND, KADAS, KITSELMAN, SALES, SANDS, SWITZER, VINGER, WALDRON, WALLIN and BERTELSEN).

REP. SALES: What the bill does--it sets up an alternate form of financing for RID's and SID's.

CHAIRMAN McBRIDE: It goes a way beyond that. It also goes on to say if you are a week late, they can come and take your property. It's not like a tax sale that says three years.

REP. SALES: That is the delinquency part of it. It is set up as the same way as a mortgage.

CHAIRMAN McBRIDE: But that is different from taxes because taxes are three years delinquency and this isn't the same as that?

REP. SALES: No, and I didn't indicate that it was. None of it is going to work within the bond laws. It has to be done in a different way. As far as doing what we might want the bill to do--it says what we are trying to accomplish. It says that we are going to have a district and the obligation is going to be limited to that district. It also sets up a way of collecting the money that won't take six or seven years to do it.

With the vote being reversed, the bill went out of committee with eleven members voting yes (REPS. BERGENE, BERTELSEN, HAND, KADAS, KITSELMAN, SALES, SANDS, SWITZER, VINGER, WALDRON, and WALLIN) and eight members voting no (REPS. PISTORIA, DARKO, HANSEN, HOLLIDAY, KEENAN, NEUMAN, SCHYE and CHAIRMAN McBRIDE) on a DO PASS MOTION.

#### HOUSE BILL 859

REP. WALDRON, sponsor. This bill would generally standardize notice requirements relating to the conduct of business of local government units other than municipalities.

CHAIRMAN McBRIDE: There is an amendment (EXHIBIT 3).

REP. WALDRON: The amendment changes the definition of "newspaper" to comply with state law. There are some sections of law that are not approved. The problem is everytime you do something with local government, you practically have to have the county attorney live in your office because a notice requirement is different for everything you do. This is an attempt to standardize that. The counties would like to have that notice procedure straightened out so they have it standardized.

REP. WALDRON: Moved that the amendments be accepted.

REP. SWITZER: It says that the bill is misdrafted.

REP. WALDRON: It doesn't include all the sections of law that you have to include. I don't know if these are the Urban Coalition amendments or the county amendments. If they are the county amendments, they were put in the last week of December.

REP. HAND: This Committee has the option of sending it over to the Senate.

REP. SANDS: If the bill draft request was in early, I think we should send it over to the Senate.

CHAIRMAN McBRIDE: In general, I would agree. The only other consideration--as a Committee we have to be somewhat responsible of what we have in front of us. When it comes to moving it to the Senate with the hope that the Senate will amend it, we take a real chance. When we do pass a bill out and we are not satisfied with it, we have to ask ourselves are we taking our responsibility as Committee member.

Question was called and the motion to accept the amendment  
PASSED UNANIMOUSLY.

REP. WALDRON: Moved HOUSE BILL 859 DO PASS AS AMENDED.

REP. NEUMAN: The problem isn't with the mechanics. It's just that you don't have all the sections to make everything uniform. I think it is all right to go ahead.

Question was called and the motion to DO PASS HOUSE BILL 859  
PASSED with REP. PISTORIA voting no.

#### HOUSE BILL 394

REP. JENSEN, sponsor. This bill prohibits the distribution of certain public assistance funds through county welfare departments.

REP. VINGER: Moved HOUSE BILL 394 DO NOT PASS. The county commission has the option of going with the HRDC. I think that is the best place to leave it.

A substitute motion was made to TABLE HOUSE BILL 394.

REP. WALDRON: I have a real problem tabling bills if the intention is to kill them. We deny the other members of the Legislature a chance to vote on those bills.

REP. SANDS: Does every county have an appropriate community-based organization to distribute these funds?

CHAIRMAN McBRIDE: What happens in a lot of counties--since the HRDC's are set up in regions, the HRDC having a local base can contract out to do it for a county that does not have the HRDC located in that area. Every region would have some way to contract these services.

REP. HANSEN: None of them want to go to the Welfare Department.

REP. SCHYE: Isn't that what this bill does. These funds will come out of a different office than the Welfare Department.

CHAIRMAN McBRIDE: I think that is a real important point. The HRDC's are the most commonly used public assistance contractor. This bill says -- who distributes -- not whether the county contractors do it or not. Even if the county chooses to be the contracting agent, the money is not to be distributed through the welfare office.

REP. HOLLIDAY: I have that HRDC's take care of 35 counties and county welfare takes care of 21

REP. BERGENE: I asked one of the people who testified what happens to counties who don't have HRDC's. They did set aside one little section that does handle notarization. They are very willing to do that but it is still coming through the county.

REP. SWITZER: Dawson County does not participate in the program. There are a whole bunch of counties in that area where the commissioners do handle it through the welfare service. The more local it is, the less anonymous these people are. We don't see any need for this bill.

REP. WALLIN: One of the deciding factors is the size of the county.

Question was called and the motion to TABLE HOUSE BILL 394 FAILED with nine members voting yes (REPS. PISTORIA, BERTELSEN, HOLLIDAY, KITSELMAN, SALES, SANDS, SWITZER, VINGER and WALLIN) and ten members voting no (REPS. BERGENE, DARKO, HAND, HANSEN, KADAS, KEENAN, NEUMAN, SCHYE, WALDRON and CHAIRMAN McBRIDE).

A roll call vote was taken on the motion to DO NOT PASS HOUSE BILL 394. The motion PASSED with twelve members voting



yes (REPS. PISTORIA, BERTALSEN, HAND, HOLLIDAY, KITSELMAN, NEUMAN, SALES, SANDS, SWITZER, VINGER, WALDRON, and WALLIN) and seven members voting no (REPS. BERGENE, DARKO, HANSEN, KADAS, KEENAN, SCHYE and CHAIRMAN McBRIDE).

HOUSE BILL 120

REP. WALDRON, sponsor. This bill is an act to provide for state funding of the operational expenses for district courts, including district court staff, court reporters and their staff.

REP. WALDRON passed out the suggested amendments and discussed them (EXHIBIT 4). He said the amendments do away with the six-mill levy and make it clear that we are not talking about the Clerks of Court. The bill as it is written right now does not affect the Clerks of Court. We added an additional sentence that specifically excludes the Clerks of Court even though they are excluded anyway. One of the complaints of rural areas was that the activity takes place in the urban areas. To find a mechanism that hits the urban areas more than rural areas, a senator suggested vehicle fees. There were two ways to go about doing it. One way would be \$20 per vehicle; the other way would be on the sliding scale that is established.

CHAIRMAN McBRIDE: What relationship does the fee or owning a car and taking the fee out of the car bear to the cost of running a court.

REP. WALDRON: Probably about as much as the property tax does.

REP. WALDRON: Moved that the amendments be accepted.

REP. WALDRON: The districts courts are really performing a state function so they ought not to be funded by local governments. The money would still go to the general fund and would have to be appropriated by the state Legislature. By doing that, you end up getting some fiscal control over those judges.

REP. HAND: What is the flat fee tax on automobiles now?

REP. WALLIN: It depends on the size and the year.

REP. HAND: How are these courts financed now?

REP. WALDRON: Through property tax. A third-class county can levy up to four mills, a second-class county up to 5 mills and a first-class county up to six mills. But the judges can court order the local government to pay--in Butte Silver Bow, they pay 10 mills.

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Minutes of the Meeting of the Local Government Committee  
February 20, 1983

REP. BERTELSEN: I am going to support REP. WALDRON. A lot of the problems you have in court seem to be based on the automobile.

REP. HAND: The mill levy is repealed now so it won't stay on?

REP. WALDRON: You will still have to levy a couple mills to pay for the Clerk of the Court.

REP. HAND: Then, that is not repealed. It will be a levy in addition to the car tax.

REP. WALDRON: You can levy up to that but there is no place to use it.

REP. BERTELSEN: You do have the Clerk of Court hired locally and so it appears that part of it would be logical out of the local funds. It does put some control over the courts.

REP. WALLIN: I feel that we are going back to the old way and high car taxes. It all came about saying people that are buying cars, let them pay for it. You are settling the funding on that one particular industry and that wouldn't be right. Property tax is a much fairer tax.

REP. KEENAN: Just to take that a step further, out of these district court costs are juvenile costs and probationary costs. This way of funding it would be much more equal because you are dealing with lots of juveniles that have cars. You put it on the property tax owner and you are limiting it. A car tax touches more people.

REP. SALES: This doesn't relate to the ability to pay nor does it relate to the value of the automobile.

REP. WALDRON: That is true of property tax. It doesn't relate to ability to pay--it relates to value.

A roll call vote was taken on the motion to accept the amendments. The motion passed with eleven members voting yes (REPS. BERGENE, BERTELSEN, DARKO, HAND, HOLLIDAY, KADAS, KEENAN, SCHYE, SWITZER, WALDRON and CHAIRMAN McBRIDE) and seven members voting no (REPS. PISTORIA, HANSEN, KITSELMAN, SALES, SANDS, NEUMAN and WALLIN).

REP. KADAS: Moved that HOUSE BILL 120 DO PASS AS AMENDED.

REP. SANDS: I don't think it makes sense to have a state bureaucracy tell the district courts how they have to run their personnel. Establishing a personnel plan for court employees, qualifications for each position, court reporters, juvenile probation officers--there is nothing that is more appropriate to be decided on a local basis as those things.

REP. WALDRON: The problem is--it is not decided on a local basis. It is decided by the court judges.

REP. SANDS: The state of Montana makes the laws that apply across the boards and counties and subdivisions of the state of Montana. Just because they are enforcing state laws doesn't mean that court secretaries be appointed as an administrator.

REP. SALES: If we do get the court system under the state, the next step is to put the Clerk of Court into the state system.

A roll call vote was taken to DO PASS AS AMENDED HOUSE BILL 120. The motion passed with eleven members voting yes (REPS. BERGENE, BERTELSEN, DARKO, HAND, HANSEN, HOLLIDAY, KADAS, KEENAN, SCHYE, WALDRON and CHAIRMAN McBRIDE) and eight members voting no (REPS. PISTORIA, KITSELMAN, NEUMAN, SALES, SANDS, SWITZER, VINGER and WALLIN).

#### HOUSE BILL 230

REP. WALDRON, sponsor. This bill authorizes local governments to impose a tourist tax on charges for use of hotel, motel and tourist campground facilities.

REP. WALDRON: If you think we should be expanding the means of providing revenue for local government, that is one way to do it. REP. BERTELSEN has some other ways.

CHAIRMAN McBRIDE: One thing I will point out to the Committee, in looking through REP. BERTELSEN'S bill, he does have a hotel-motel type tax. His bill says a county may do it by resolution or by ordinance.

REP. WALDRON: Mine is also by resolution.

REP. SWITZER: Moved HOUSE BILL 230 DO NOT PASS.

REP. WALLIN: If this were to pass, would the matter of the guest ranch be included?

REP. WALDRON: They can break that out.

REP. WALLIN: I would like to put in an amendment to eliminate the dude ranches

REP. KITSELMAN: Why don't you wait until the DO PASS motion.

Question was called and the motion to DO NOT PASS HOUSE BILL 230 PASSED with REP. KADAS voting no.

HOUSE BILL 729

REP. ADDY, sponsor. This bill would remove the prohibition on the exercise of certain powers by local governments with self-government powers.

CHAIRMAN McBRIDE: The taxing power and the gambling power would be removed from prohibition.

REP. HAND: Moved HOUSE BILL 729 DO NOT PASS.

REP. KADAS: Moved to reinstate lines 3 and 4, page 2.

Question was called and the motion to amend reinstating lines 3 and 4, page 2 passed with REP. KEENAN and CHAIRMAN McBRIDE voting no.

REP. KADAS: As a substitute motion, I move HOUSE BILL 729 DO PASS AS AMENDED.

A roll call vote was taken with nine members voting yes (REPS. BERGENE, DARKO, HANSEN, HOLLIDAY, KADAS, KEENAN, SALES, WALLIN and CHAIRMAN McBRIDE) and nine members voting no (REPS. PISTORIA, BERTELSEN, HAND, KITSELMAN, NEUMAN, SANDS, SCHYE, SWITZER and WALDRON). Being a tie vote, the motion FAILED.

REP. SANDS: As a substitute motion, I move to TABLE HOUSE BILL 729.

A roll call vote was taken with fifteen members voting yes (REPS. PISTORIA, BERGENE, BERTELSEN, DARKO, HAND, HANSEN, HOLLIDAY, KITSELMAN, NEUMAN, SALES, SANDS, SCHYE, SWITZER, WALDRON and WALLIN) and three members voting no (REPS. KADAS, KEENAN and CHAIRMAN McBRIDE). The motion PASSED.

HOUSE BILL 720

REP. LORY, sponsor. This bill would provide for the negotiated sale of county, municipal and school district general obligation refunding bonds and municipal revenue refunding bonds.

REP. SALES: Moved HOUSE BILL 720 DO PASS.

REP. HAND: Moved that the amendments be accepted (EXHIBIT 5).

Question was called and the motion PASSED UNANIMOUSLY.

REP. HAND: Moved that HOUSE BILL 720 DO PASS AS AMENDED.

The motion PASSED UNANIMOUSLY.

HOUSE BILL 282

REP. KADAS, sponsor. This bill would allow the trustees of a rural fire district to adopt fire codes and rules, conduct fire safety inspections, issue fire safety permits, and charge a fee for issuance of a permit.

REP. KADAS: Moved to RECONSIDER HOUSE BILL 282.

Question was called and the motion to RECONSIDER HOUSE BILL 282 PASSED UNANIMOUSLY.

REP. KADAS: Moved to accept amendments for HOUSE BILL 282 (EXHIBIT 6).

Question was called and the motion to amend HOUSE BILL 282 PASSED with REP. SWITZER voting no.

REP. KADAS: Moved HOUSE BILL 282 DO PASS AS AMENDED.

REP. SANDS: Who pays for the inspections?

REP. KADAS: There is a \$15 fee paid by the person who is getting an inspection.

REP. KITSELMAN: Is that on an annual basis or is it a one time only.

REP. KADAS: One time only.

Question was called and the motion to DO PASS AS AMENDED HOUSE BILL 282 PASSED with REPS. NEUMAN and SWITZER voting no.

HOUSE BILL 495

REP. HANNAH, sponsor. This bill would provide a term of 4 years for appointed city judges.

CHAIRMAN McBRIDE: He wanted appointed judges to serve 4 year terms. He wants the term set so there is a mechanism to protect the city judges. LEE HEIMAN's suggestion is to leave the bill as it was written, striking the original amendments.

REP. WALDRON: Does this just deal with third-class cities?

LEE HEIMAN: Just a few of them but the section of law covers all of them.

REP. HANSEN: You would have to appoint a judge and they would serve 4 years.

LEE HEIMAN: It is unconstitutional for a judge to be dismissed from office. There are certain third-class cities where they are judges for life. This would be a general section that would cover all judges.

REP. WALDRON: Moved HOUSE BILL 495 DO PASS.

REP. KADAS: If we have elected a judge with a 4-year term; he serves a year and is shot--someone is appointed as a new judge. Would the new judge serve three years or four?

LEE HEIMAN: There is a vacancy in office and it is covered by a general vacancy-in-office law.

REP. SALES: I still have a problem. I have a lot of small towns in my district where they have to have a town judge and so the old town judge quits. It's tough to find somebody who wants to be a judge. If you don't have the right person, you have to have a way to let the council correct their mistake.

CHAIRMAN McBRIDE: Even if we amend it, for cause that judge could be replaced.

LEE HEIMAN: We went over the minutes of the last two sessions; and the Attorney General was going to issue an opinion, unless this bill was passed, saying that those individuals would be in for life rather than for four years.

REP. KADAS: Moved we reconsider our past action on HOUSE BILL 495.

The motion PASSED UNANIMOUSLY.

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Minutes of the Meeting of the Local Government Committee  
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REP. KITSELMAN: Moved we STRIP the amendments on HOUSE  
BILL 495.

The motion PASSED UNANIMOUSLY.

Question was called on the original motion for HOUSE BILL 495  
DO PASS.

The motion PASSED UNANIMOUSLY.

The meeting adjourned at 8 p.m.

*Kathleen McBride*

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CHAIRMAN KATHLEEN McBRIDE

*Geri Brusatt*

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Secretary

AMEND HOUSE BILL 798

Technical Amendments and Amendments proposed by SRS:

1. Title, line 9.

Strike: "AND"

Following: "53-2-323,"

Insert: "AND 53-3-301"

2. Title, line 10.

Following: line 9

Insert: "IMMEDIATE"

3. Page 4, line 5.

Following: "department."

Insert: "Counties opting for state assumption shall transfer to the department all materials and supplies used in the operation of the county department and which were paid for in whole or in part with federal or state funds."

4. Page 4, line 7.

Following: "exceptions"

Insert: "(1)"

5. Page 4, line 9.

Following: "reassume"

Strike: "operational"

6. Page 4, line 10.

Following: "responsibility"

Strike: "under contract with the department"

7. Page 4, line 17.

Following: "department"

Insert: "but the department may contract with the counties for the operation of programs provided in Title 53, chapter 3"

8. Page 4.

Following: line 18

Insert: "(2) A county transferring all duties and responsibilities to the department may reassume limited responsibility for medical assistance or monetary payments to needy persons as provided in subsection (1), but may not thereafter request full state assumption. A county initially requesting limited state assumption may not thereafter request full state assumption. A county opting for limited or full state assumption does so on a permanent basis except as provided in this section."

9. Page 11, line 19.

Strike: "amount paid the"

Following: "state"

Insert: "levy"



10. Page 17.

Following: line 16

Insert: "Section 15. Section 53-3-301, MCA, is amended to read:  
"53-3-301. Amount of general relief assistance to be determined by county board. The Except in a county that has transferred its public assistance and protective services responsibilities to the department of social and rehabilitation services under [sections 1 through 7], the amount of general relief assistance granted any person or family shall be determined by the county board of public welfare, according to rules and standards of assistance established by the board and approved by the department."

Renumber: subsequent section

11. Page 17, line 18.

Following: "effective"

Strike: "July 1, 1983"

Insert: "on passage and approval"

#### Further Amendments to House Bill 798

##### Hospital Association:

12. Page 5, line 11.

Following: "children"

Insert: "as necessary to carry out the purposes of [sections 1 through 7]"

##### Ombudsman:

13. Page 4, line 20.

Following: "councils."

Insert: "(1)"

14. Page 4, line 25.

Following: "discretion."

Insert: "(2) Upon application of the governing body of a county opting for state assumption, the department shall establish a county advisory council for the county. The advisory council shall consist of the board of county commissioners of the county, or if the county governing body consists of greater than three members, three members of the governing body chosen by the governing body. The department may appoint two other members to the advisory council as provided in subsection (1).

(3)"

15. Page 5, line 1.

Following: "members"

Insert: "for their service on the advisory council"

Workfare Requirement:

16. Title, line 9.  
Strike: "AND"  
Following: "53-2-323,"  
Insert: "AND 53-3-304,"

17. Page 1, line 23.  
Following: "through"  
Strike: "7]"  
Insert: "8]"

18. Page 2, line 22.  
Following: "through"  
Strike: "7]"  
Insert: "8]"

19. Page 5, line 6.  
Following: "through"  
Strike: "7]"  
Insert: "8]"

20. Page 5, line 15.  
Following: "through"  
Strike: "7]"  
Insert: "8]"

21. Page 6.  
Following: line 14.  
Insert: "NEW SECTION. Section 8. Work program required. The  
department shall establish a work program as provided in  
53-3-304. The department may contract with the county, a  
municipality, or state agency that has work available for  
recipients of general relief."  
Renumber: subsequent sections

22. Page 6, line 21.  
Following "through"  
Strike: "7]"  
Insert: "8]"

23. Page 7, line 9.  
Following "through"  
Strike: "7]"  
Insert: "8]"

24. Page 10, line 4.  
Following "through"  
Strike: "7]"  
Insert: "8]"

25. Page 11, line 2.  
Following "through"  
Strike: "7]"

Insert: "8]"

26. Page 11, line 19.

Following "through"

Strike: "7]"

Insert: "8]"

27. Page 14, line 11.

Following "through"

Strike: "7]"

Insert: "8]"

28. Page 17.

Following: line 16

Insert: "Section 15. Section 53-3-304, MCA, is amended to read:

"53-3-304. Power ~~of--county--department~~ to require recipient to perform ~~county~~ work. (1) If the county has work available which a recipient of general relief is capable of performing or the department of social and rehabilitation services is required to operate a work program under the provisions of [section 8], then the county department of public welfare or the department of social and rehabilitation services may require ~~the~~ a recipient to perform ~~the~~ work at the minimum wage or may pay a recipient at the prevailing rate of wages paid by that county for similar work, to be paid from the county poor fund or state funds in place of granting him general relief.

(2) The county department of public welfare or the department of social and rehabilitation services, as the case may be, shall provide coverage under the Workers' Compensation Act for those recipients of general relief working under the provisions hereof and may enter into such agreements with the division of workers' compensation of the department of labor and industry as may be necessary to carry out the provisions of this section."

Renumber: subsequent section

Amendment to House Bill No. 793

Page 6, line 22

Following: "tax."

Insert: "(5) The department shall receive a general fund appropriation of \$37,000 for the initial development costs of the local income tax program."

AMEND HOUSE BILL 859 AS FOLLOWS:

1. Page 2, line 3.

Following: "be"

Strike: ":"

Insert: "the newspaper as provided in 7-5-2411."

2. Page 2, lines 4 through 14.

Strike: the remainder of subsection (2) and all of subsection (3) in their entirety.

Re-number: subsequent subsections

AMEND HOUSE BILL 120 AS FOLLOWS:

1. Title, line 8.

Following: "PERSONS;"

Insert: "TO PROVIDE FUNDING FOR INDIGENT DEFENSE;"

2. Title, line 11.

Following: "ESTABLISHING A"

Strike: "STATEWIDE 6 MILL PROPERTY TAX LEVY"

Insert: "FEE ON MOTOR VEHICLES"

3. Title, line 14.

Strike: "AND"

Following: "41-5-705,"

Insert: "46-8-114 AND 46-8-201,"

4. Title, line 16.

Strike: "AND"

Following: "40-3-114,"

Insert: "AND 46-8-202,"

5. Page 2, line 3.

Following: "any"

Insert: ", but does not include clerks of the district court or  
their staff"

6. Page 2, line 6.

Following: "courts"

Insert: ", including the provision of indigent defense,"

7. Page 5.

Following: line 3.

Insert: "NEW SECTION. Section 6. Defense of indigent defendants.

The supreme court shall establish by rule the operation of  
indigent defense in the state. The rules shall allow the  
maximum operational flexibility within local conditions.

The supreme court administrator shall allocate funds for  
indigent defense to each judicial district, and the judges of  
such districts shall administer the provision of indigent  
defense within the counties of the judicial district subject  
to the rules promulgated by the supreme court and the  
supreme court's supervisory control."

Renumber: subsequent sections

8. Page 5, line 4.

Following: "6."

Strike: "Tax levy"

Insert: "Vehicle fee"

9. Page 5, lines 5 through 10.

Strike: the remainder of section 6 in its entirety

10. Page 5.

Following: line 10

Insert: "(1) There is a fee imposed upon all light vehicles as defined in 61-3-531 in the state, in addition to all other taxes and fees, an amount as provided in the following schedule:

<u>Vehicle age</u>	<u>Weight</u>	
	2850 pounds or less	More than 2850 pounds
Less than or equal to 4 years	\$35	\$45
More than 4 years and less than 8 years	20	25
More than 8 years	5	7.50

(2) No vehicle in the state subject to the fee required by subsection (1) may be operated in the state unless the fee has been paid.

(3) The fee imposed by this section must be collected at the same times and in the same manner as the fees established in 61-3-533.

(4) The revenues derived from the fee must be deposited in the state general fund."

11. Page 15.

Following: line 7

Insert: "Section 19. Section 46-8-114, MCA, is amended to read:

"46-8-114. Time and method of payment of costs. When a defendant is sentenced to pay the costs of court-appointed counsel, the court may order payment to be made within a specified period of time or in specified installments. Such payments shall be made to the ~~clerk of the district court~~ the state of Montana and deposited in the general fund. The clerk of the district court shall disburse the payments to the county or state agency responsible for the expenses of court-appointed counsel as provided for in 46-8-201."

Section 20. Section 46-8-201, MCA, is amended to read:

"46-8-201. Remuneration of appointed counsel. (1) Whenever in a criminal proceeding an attorney represents or defends any person by order of the court on the ground that the person is financially unable to employ counsel, the attorney shall be paid for his services such sum as a district court or justice of the state supreme court certifies to be a reasonable compensation therefor under the provisions of [section 6], and shall be reimbursed for reasonable costs incurred in the criminal proceeding.

(2) The expense of implementing subsection (1) is chargeable to the ~~county in which the proceeding arose~~ state, except that:

(a) in proceedings solely involving the violation of a city local government ordinance or resolution or state statute prosecuted entirely in a justice's, municipal or city court, the expense is chargeable to the county, city or town in which the proceeding arose; and

(b) when there has been an arrest by agents of the department of fish, wildlife, and parks or agents of the

department of justice, the expense must be borne by the  
state agency causing the arrest.""

Renumber: subsequent sections

12. Page 15, line 13.

Strike: "and"

13. Page 15, line 14.

Following: "40-3-114,"

Insert: "and 46-8-202,"



# STANDING COMMITTEE REPORT

HOUSE BILL 720

Page 1 of 3

February 21, 1983

Ex 5  
HB 720

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 720

first reading copy (white)  
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE NEGOTIATED SALE OF COUNTY, MUNICIPAL, AND SCHOOL DISTRICT GENERAL OBLIGATION REFUNDING BONDS AND MUNICIPAL REVENUE REFUNDING BONDS: AMENDING SECTIONS 7-7-2302, 7-7-4302, 7-7-4311, 7-7-4501, 7-7-4503, AND 20-9-412, MCA."

Respectfully report as follows: That HOUSE Bill No. 720

## BE AMENDED AS FOLLOWS:

### 1. Title, Lines 7

Following: "REFUNDING BONDS;"

Insert: "TO PROVIDE FOR THE ISSUANCE OF ADVANCE REFUNDING GENERAL OBLIGATION BONDS BY COUNTIES, MUNICIPALITIES AND SCHOOL DISTRICTS"

### 2. Page 4

Following: Line 20

Insert: "(4) Refunding bonds issued pursuant to this section may be issued to refund outstanding bonds in advance of the date on which such bonds mature or are subject to redemption; provided the proceeds of the refunding bonds, less any accrued interest or premium received upon the sale thereof, are deposited with other funds appropriated to the payment of the outstanding bonds in escrow with a suitable banking institution in or out of the state. Funds deposited shall be invested in securities which are general obligations of the United States or the principal and interest of which is guaranteed by the United States and which mature or are callable at the option of the holder on such dates and bear interest at such rates and payable on such dates as shall be

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February 21,

1983

required to provide funds sufficient, with any cash retained in the escrow account, to pay when due the interest to accrue on each refunded bond to its maturity or redemption date, if called for redemption, and to pay the principal thereof at maturity or upon such redemption date, and to pay any redemption premium. The escrow account shall be irrevocably appropriated to the payment of the principal of and interest and redemption premium, if any, on the refunded bonds. Funds to the credit of the debt service fund for the payment of the refunded bonds and not required for the payment of principal of or interest thereon due prior to issuance of the refunding bonds may be appropriated by the district to the escrow account. The school district may pay the reasonable costs and expenses of printing the refunding bonds and of establishing and maintaining the escrow account. Bonds refunded pursuant to this part are not to be considered outstanding for purposes of 23-9-406 or any other debt limitation.

New Section. Section 7. Advance Refunding Bonds. The board of county commissioners may issue refunding bonds pursuant to this section to refund outstanding bonds in advance of the date on which such bonds mature or are subject to redemption; provided the proceeds of the refunding bonds, less any accrued interest or premium received upon the sale thereof, are deposited with other funds appropriated to the payment of the outstanding bonds in escrow with a suitable banking institution in or out of the state. Funds so deposited shall be invested in securities which are general obligations of the United States or the principal and interest of which is guaranteed by the United States and which mature or are callable at the option of the holder on such dates and bear interest at such rates and payable on such dates as shall be required to provide funds sufficient, with any cash retained in the escrow account, to pay when due the interest to accrue on each refunded bond to its maturity or redemption date, if called for redemption, and to pay the principal thereof at maturity or upon such redemption date, and to pay any redemption premium. The escrow account shall be irrevocably appropriated to the payment of the principal of and interest and redemption premium, if any, on the refunded bonds. Funds to the credit of the sinking fund account for the refunded bonds and not required for the payment of principal of or interest thereon due prior to issuance of the refunding bonds may be appropriated by the county to the escrow account. The county may pay the reasonable costs and expenses of printing the refunding account. Bonds refunded pursuant to this part are not considered outstanding for purposes of 7-7-2203 or any other debt limitation.

KATHLEEN McBRIDE.....

Chairman.

February 21,

19 83

New Section. Section 8. Advance Refunding Bonds. A city or town may issue refunding bonds pursuant to this section to refund outstanding bonds in advance of the date on which such bonds mature or are subject to redemption; provided that proceeds of the refunding bonds, less any accrued interest or premium received upon the sale thereof, are deposited with other funds appropriated to the payment of the outstanding bonds in escrow with a suitable banking institution in or out of the state. Funds so deposited shall be invested in securities which are general obligations of the United States or the principal and interest of which is guaranteed by the United States and which mature or are callable at the option of the holder on such dates and bear interest at such rates and payable on such dates as shall be required to provide funds sufficient, with any cash retained in the escrow account, to pay when due the interest to accrue on each refunded redemption, and to pay the principal thereof at maturity or upon such redemption date, and to pay any redemption premium. The escrow account shall be irrevocably appropriated to the payment of the principal of and interest and redemption premium, if any, on the refunded bonds. Funds to the credit of the sinking fund account for the refunded bonds and not required for the payment of principal of or interest thereon due prior to issuance of the refunding bonds may be appropriated by the city or town to the escrow account. The city may pay the reasonable costs and expenses of printing the refunding bonds and of establishing and maintaining the escrow account. Bonds refunded pursuant to this part are not to be considered outstanding for purposes of 7-7-4201 or any other debt limitation."

Renumber: Subsequent section.

AND AS AMENDED  
DO PASS

AMEND HOUSE BILL 282 AS FOLLOWS:

1. Title, line 4.

Following: "ALLOWING"

Insert: "THE BOARD OF COUNTY COMMISSIONERS TO DESIGNATE UNDER  
CERTAIN CIRCUMSTANCES PUBLIC BUILDINGS WITHIN THE COUNTY  
WHERE THE UNIFORM FIRE CODE APPLIES; PROVIDING THAT THE  
STATE FIRE MARSHAL MAY DESIGNATE"

2. Title, line 5.

Following: "DISTRICT"

Insert: "THE AUTHORITY"

Strike: "ADOPT"

Following: "ADOPT"

Insert: "ENFORCE THE UNIFORM"

Following: "FIRE"

Strike: "CODES"

Insert: "CODE"

Following: "AND"

Strike: "RULES,"

3. Page 1.

Following: the enacting clause

Insert: "NEW SECTION. Section 1. Uniform fire codes for public  
buildings in county. The board of county commissioners,  
with the concurrence of the state fire marshal and the board  
of trustees of the appropriate fire district, may designate  
public buildings as set forth in 50-61-103, not within a  
municipality, for compliance with the Uniform Fire Code.  
The state fire marshal may inspect such buildings for  
compliance with such codes or he may delegate all or part of  
such responsibility to a rural fire district as provided in  
7-33-2105."

Renumber: subsequent sections

4. Page 2, line 2.

Following "may"

Strike: "adopt and"

Insert: "the Uniform Fire Code if delegated to do so under  
[section 1]"

Strike: "appropriate"

5. Page 2, line 3.

Following: line 2

Strike: "fire codes or rules"

Following: "all"

Insert: "applicable"

6. Page 2, lines 4 through 7.

Following: "district."

Strike: the remainder of subsection (4) in its entirety

7. Page 2, line 9.

Following: "in"

Strike: "adopting"

Insert: "enforcing"

Following: "codes"

Strike: "or rules"

Insert: "to be applied pursuant to [section 1]"

8. Page 2, line 10.

Following: "may"

Insert: ", subject to the authority granted by the state fire marshal"

9. Page 2, line 16.

Following: "[section"

Strike: "2]"

Insert: "3]"

10. Page 2, line 18.

Following: "violates"

Strike: "a code"

Insert: "the Uniform Fire Code"

Strike: "or rule"

11. Page 2, line 19.

Strike: "subsection (4)"

Insert: "[section 1]"

12. Page 3, line 7.

Following: line 6

Strike: "Section 2 is"

Insert: "Sections 1 and 2 are"

13. Page 3, line 9.

Following: "apply to"

Strike: "section 2"

Insert: "sections 1 and 2"