

MINUTES OF MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 10, 1983

The meeting of the Local Government Committee was called to order by Chairman George McCallum on March 8, 1983 at 12:30 p.m. in Room 405, State Capitol.

ROLL CALL: All Senators were present.

CONSIDERATION OF HOUSE BILL NO. 171: Rep. Mel Williams, District #70, sponsor of the bill said it is a more simple and cheaper way for petitioners of privately owned lands adjacent and not already a part of a fire district to be annexed to an existing fire district. He read a letter from Merrill H. Klundt, Yellowstone County Clerk and Recorder and explained the bill. He urged the committee's support of the bill.

PROPOSERS: Merrill Klundt, Yellowstone County Clerk and Recorder, said that the intent of the bill is to simplify the procedures and cut costs. To notify everyone in a fire district becomes very expensive. If you have someone that wants to get in it is too expensive and they might as well buy a bunch of fire extinguishers! This bill would allow them to get into a district and basically, it is for people abutting the district to come in and receive fire protection.

R.A. Ellis, West Helena Valley Fire Association, said this is something they have needed for a long time. They have had five such annexations forced on them which they really didn't want. They had 27 miles which they were covering with two trucks and 28 men. The firemen are unhappy about the new area that covers 8 square miles with about 30 families.

There were no further proponents and no opponents.

There being no questions from the committee, the hearing on HB 171 was closed.

CONSIDERATION OF HOUSE BILL NO. 172: Rep. Mel Williams, District #70, sponsor of the bill also, advised the committee to ignore the fiscal note that has been attached to this bill. This bill had been scheduled for hearing previously but was postponed until today so Rep. Williams could have some more realistic figures to present, as there is a lot of difference between counties in the state. Two years ago there were some changes made in the statutes and HB 172 is making a few changes to the recording statutes. There has not been an increase in recording fees for several years. Bill Romine and Merrill Klundt were present with some figures.

PROPOSERS: Bill Romine, representing the County Clerks and Recorders, explained why the change was made on page 3, lines 7 and 8, changing the word "index" to "entry". In line with an attorney general's opinion on July 15, 1982, this change has been made.

On page 3, line 19, the word "certified" has been inserted. The last change in the bill is on line 3, page 4, increasing the recording fee from \$2.00 to \$3.00 per page. Mr. Romine explained how the figures

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were reached on the fiscal note and most importantly, the year 1975-76 was a time when there was a high number of fees as a result of subdivisions. From 1975-79 there was a consistent increase in fees to the clerks and recorders. That stopped in 1980 and there has been a steady decrease. The clerks and recorders felt that perhaps 45-52% of their fees come from recording fees, not 75% as stated in the fiscal note. The recording fee has not been increased since 1959, or 25 years ago. \$1.00 should not be an undue burden on any one. As to the clerk and recorders' offices being fully funded by the fees received, the answer is "no". About 52% of the fees fund the office. The rest comes out of the general fund.

Merrill H. Klundt, Yellowstone County Clerk and Recorder, said there was an increase in 1977-78-79 because of the economy. He referred to his written testimony which contains schedules of filing fees in the states of Wyoming and North Dakota. A copy of this testimony is attached to the minutes. Other states are much higher in their fees. Some are charging \$5 for the first page and dropping it down a fraction for the succeeding pages. Some are charging \$50 for a plat, which he felt is too much. They would like to be a lot more self-sufficient and with the \$1 increase in recording fees, this would be possible.

Darryl Meyer, Cascade County, said the financial situation is just about the same in Cascade County. Expenses are going up in equipment, developing equipment, wages, etc., and no increase in fees since 1959. He felt the \$1 increase was long overdue and supported the bill.

Joanne Peres, Montana Association of Clerks and Recorders, Ft. Benton, read her written testimony which is attached to the minutes.

There were no further proponents and no opponents.

DISCUSSION OF HOUSE BILL NO. 172: Sen. Van Valkenburg said they had amended this section last session and changed the terminology but not the dollar amount. What is the effect of changing "filing" to "indexing" would this have a dollar impact? Mr. Romine said he didn't remember what the fiscal impact was. Mr. Klundt said the filing fee was increased from \$1 to \$2. They also tried to increase the recording fee from \$2 to \$3 and the recording fee was reduced to \$2.00. Sen. Van Valkenburg said he was aware they had changed it from filing and indexing to recording. Would this change the amount of revenue that is received? Mr. Klundt said it would not. So in other words, Sen. Van Valkenburg stated, there was no economic effect. Mr. Klundt said that the recording fee was not increased. Sen. Van Valkenburg wondered if, because they had changed the statute, would that change what had to be recorded. Mr. Romine said the title had "filing and indexing by mechanical means". This is merely cleaning up the language.

Sen. Fuller asked Mr. Romine if, being he represents the clerks and recorders if they have a legislative committee or how they operate. Mr. Romine explained the procedure that they use to keep track of bills that are presented before the legislature and whether they are going to support or oppose these bills.

In closing, Rep. Williams felt that the bill had been thoroughly covered

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CONSIDERATION OF HOUSE BILL 232: Rep. Mary Ellen Connelly, District #15, said that this bill came about as a request and it was combined with a license plate for the handicapped. She explained the bill and said it would be optional and not mandatory. It also provides for a temporary disability and changes the provisions for the annual renewal for the permanently disabled. The governing body would be responsible for designating areas for enforcement of the parking spaces. It provides a plate for 100% disabled veterans and provides for a penalty. The fiscal note for this bill would be \$300 for the plate for the license. She suggested an amendment on page 3, line 9 and 11 where it reads "special license plate and card" to be changed to "special license plate or card or both".

PROPOSERS: Connie Westby, herself a handicapped person, said she strongly supported this bill and felt it is very important to the handicapped persons. She also wished to bring up the fact that a bill pertaining to handicapped persons was held in such an inaccessible area.

Sylvia Sperry, representing herself, was very much in support of the bill. She mentioned the fact that the title of the bill says "license plate or card" and would like to see the bill amended to conform with the title, saying "license plates or cards, or both".

Larry Majerus, Administrator of the Motor Vehicle Division, was in support of the bill and particularly the amendment suggested by Rep. Connelly. He urged the committee's support of the bill.

There were no further proponents and no opponents to the bill.

DISCUSSION OF HOUSE BILL NO. 232: Sen. Crippen said that in the Senate Taxation Committee they passed out a number of bills and wondered if they didn't have a similar bill to this as far as license plates. Rep. Connelly said that bill was for prisoners of war and disabled veterans and she didn't feel there was any conflict.

Sen. Crippen felt that if there is space provided for handicapped parking on private property, the police have no jurisdiction so he wasn't sure how the penalty could be upheld in court. Rep. Connelly said they usually have an agreement with the city. Sen. Crippen wondered if there was any statutory authority that provides for this on private property. Mr. Majerus said that the cities have said they are enforcing this now and this would be taken care of under city ordinances. There is nothing in the law concerning parking in these spaces unlawfully.

In closing, Rep. Connelly, referred to 49-4-302 which deals with the enforcement of parking space. Columbia Falls now has an ordinance that allows the city police to enforce handicapped parking.

The hearing was closed on HB 232.

CONSIDERATION OF HOUSE BILL NO. 602: Rep. Les Kitselman, District #60 said that this bill simply exempts the water districts from the Public Service Commission and allows them to go up to 12% per year at the discretion of the water board. If SB 436 is passed, this act is void, as stated in Section 4 on page 3.

PROPOSERS: Oscar Harmon, President of the County Water District Billings Heights, wanted to say that they need this bill in case SB 436 should not pass and like Rep. Kitselman said, if it passes, this would not be needed. This bill would put them on the same level as the cities.

Bruce Restad, Manager, County Water District, Billings Heights, simply agreed with the former witness, Mr. Harmon, in supporting the bill.

There were no further proponents and no opponents.

DISCUSSION OF HOUSE BILL NO. 602: Sen. Marbut asked how the committee should mechanically proceed with this bill - should they just sit back and watch for SB 436. Rep. Kitselman felt this would be alright but even if this bill is passed and SB 436 passes, this bill would then be void. Chairman McCallum asked if they wanted the water districts to be granted the same authority as the municipalities to raise the fees 12% a year. Rep. Kitselman said that now if they want to raise it 1 or 2% they must go through the PSC so they would like to have this authority. Mr. Harmon said that the PSC is not really too interested in going through all of these small rate increases.

Sen. Ochsner said that two years ago they were opposing the 12% increase and now they are asking for it.

DISPOSITION OF HOUSE BILL NO. 58: Sen. Thomas MOVED HB 58 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Sen. Thomas will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 675: Rep. Francis Koehnke, District #45, read the title of the bill and said it was to provide fire protection when confusion arose. If a fire department is wrongfully or accidentally called, this would require it to fight the fire under limited conditions, which are outlined in subsection (b) on page 2. This is presented because of a few problems that have happened throughout the state. Nothing requires them to respond to a fire when they know it is outside their district.

PROPOSERS: Dave Fisher, Montana Volunteer Firemen's Association, was in support of the bill. In many of the areas they are already doing this and have had some legal liabilities. This would give them some protection.

Clem Duaine, President, Montana Volunteer Firemen's Association, was in support of the bill. They have a policy to respond to a call and worry about the consequences later.

Mike Koehnke, son of Rep. Koehnke, said he had helped draft this bill and they did not want it to be abused. They did not want people that are not in a district to call and require them to fight a fire they were not supposed to be fighting. He suggested an amendment on page 1, "until" insert "either". This bill may also be

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limited to structural fires and not range fires - this was not their intent - that range fires be included. Some property owners may not know what district they are in and wrongfully call a department and the wrong department gets dispatched to the fire. These units should fight the fire until the proper fire department arrives.

There were no further proponents.

OPPONENTS: Norm Gray, Chief, Helena Fire Department felt that this would be a hardship on the smaller fire departments. In requiring these fire departments to fight fires outside their districts, you would be taking away from the people that are paying the bills. He agreed with the concept but not in paid departments. They are paid by the taxpayer and this is not fair to the taxpayers, but would like to see some way of working this out.

Richard Sandman, Department of State Lands, said there are 100 or more volunteer fire departments in the state that are not a legal entity. They are not part of a voted in district so they cannot sign a mutual aid agreement. If they are in a volunteer fire department that cannot sign mutual aid agreements there may be double taxation. He felt there are some problems with section 4. At the present time HB 318 and 319 are trying to solve some of the problems. In HB 675, with section 4, you may wish to amend it to charge the county emergency fund and encourage the county to fund some type of fire protection in that area.

There were no further opponents.

DISCUSSION OF HOUSE BILL NO. 675: Sen. Story said he is president of the fire company that has a mutual aid agreement with the fire district. Does this mean that this agreement has no standing in court? Mr. Sandman said they could not sue something that is not a legal entity but the fire department could not collect under this either. This bill also affects cities because when a paid up member calls in a fire and the department is outside the district fighting somebody else's fire they would not be able to leave until another department arrived. This is a bad precedent to set.

Sen. Ochsner wondered if we wouldn't be helping fight a fire for people that don't want to belong to a fire district.

Sen. Story said that the most crucial time for a fire is the first 20 minutes in order to save a structure. The department could not possibly get to another fire from the first one, especially if there was no hydrant and they had to use the water on the truck, roll hoses, etc. Sen. Fuller stated that this was not necessarily volunteer fire departments that would be affected.

Sen. Marbut asked Rep. Koehnke how he would feel about the bill if they removed section 4? Sen. Story felt that after a fire or while his place is burning down is a poor time to ask someone to pay for the fire department. Rep. Koehnke said section 6 covers the gentleman's concerns about mutual aid agreements.

Chairman McCallum said they had passed a bill that would cover each other mutually through an agreement. HB 319 makes it legal for...

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to enter into these agreements. Would this perhaps cover the problems? Rep. Koehnke said the bill is not mandatory and is not meant to hurt anyone. It is to help the dedicated firemen and the people that sometimes watch their property burn because the fire truck is in the wrong district.

Sen. Marbut felt that the rest of the bill deals with protection of liability. Sen. Story remarked that section 4 is the section that he liked about the bill.

Sen. Ochsner said that HB 319 was passed to clear up the problems that we are dealing with. HB 319 makes them a legal entity; in that case you could have mutual aid agreements. Section 4 would not be needed in this bill.

Sen. Fuller asked Chief Gray if he felt that they have other legal responsibilities and this would be jeopardizing those responsibilities? Chief Gray explained a situation that happened in Helena where one truck and men were called to a fire outside the limits so they did what they could do until the county got there. In the meantime, the main station got another call. They cannot have the men and trucks tied up. It takes quite a while to get one of those trucks to go to another fire when the hoses are unrolled, etc. The first 8 minutes are the most crucial. Sen. Crippen was astonished that Helena only has 6 men and two pumper trucks but Chief Gray explained that is the men and trucks that are on duty at the time. They do have 7 trucks but only 6 men on duty. Sen. Fuller didn't think this would be mandatory but it was pointed out that the title of the bill says "to require". Sen. Story remarked that after 20 minutes no structure is going to be saved anyway.

There were no further questions.

Rep. Koehnke remarked that there were no objections in the House. He suggested that if the bill passes to sunset it in two years and see how it is working.

CONSIDERATION OF HOUSE BILL NO. 269: Jan Brown, District #32, sponsor of the bill handed out a booklet entitled "Child Care in Montana".

HB 269 is permissive in allowing the county, city, town or municipality to levy up to 1 mill for day care training and programs for licensed day care centers. The present law does not include counties to do this. We would like to expand this authority to county government because some of the recipients of the program live outside the city limits. The intention is not to be in competition with private business. She mentioned that there were other witnesses present to testify in favor of the bill.

PROPOSERS: Maureen Redfield, Jefferson County, said she had been involved in the early childhood profession for about 10 years. Approximately 40% of women are working so this puts several thousand children in someone's care outside the home. Most of these people are not being trained in any way, there is no law requiring this and they may not even be experienced. Most of these people are making less than minimum wage. She felt that we need to look at our local governments for support on this. She gave some figures from a recent study that was conducted for

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that have been taken care of in day care centers where the people have been trained show a lower percentage of delinquency, fewer are in special education, more are employed, more attended college, less high school dropouts. More of them are supporting themselves as adults and fewer are dependent on public assistance. She said she would like to see her tax dollars spent in this way.

Rosalie Buzzas, member of the Board of Directors of Child Care Resources, Inc., in Missoula read her attached written testimony.

Nan Munzenrider, private citizen, spoke in favor of the bill because she felt quality day care is very important. She had been in the business of taking care of children for several years but has since retired from it. She still gets calls from mothers because they are very concerned about good quality day care for this children.

Shirley Tiernan, representing herself and Child Care Resources in Missoula, said that the firemen were talking about the first 8-20 minutes being very important in controlling a fire. The first 5 or 6 years are very crucial in the life of a child. The attention span of a 2 year old is only about 8 minutes and this type of thing is very important to know when you are involved with these children. The issue we are talking about today is whether government should be involved in child care. She believed they should be. These children may someday be here in the legislature. They do not feel that the people who care for these children are merely babysitters; they are child care professionals.

Kathy Bosfield, Missoula, supported HB 269. She felt that children are our most important resource so let's make their situation the best that we can.

Sen. Fred Van Valkenburg, District #50, said that this is one of his bills and one that he has a very strong interest in. The House amended the bill to include the cities. The House felt very strongly that the government not have a role in actively running day care centers but there is no need for that. They should have the option of providing some assurance to the users that it is quality day care. These people should be able to turn to some agency to find a good place for their children. The State previously did this but has since ceased doing it. This is purely a local option. He felt this was as important as libraries, museums, etc., and hoped that the committee would look at it in the same way. There is a need for this legislation to provide training for these people so we can have quality day care.

DISCUSSION OF HOUSE BILL NO. 269: Sen. Fuller asked if this was just expanded to the counties. Sen. Van Valkenburg told him that was correct and it also limits the abilities of cities and towns to set up a government run day care center. He thought perhaps Missoula is the only city that utilizes this levy, and perhaps Bozeman.

Mrs. Buzzas remarked that in Missoula they have people living outside the city that come into Missoula to leave their children in a day care center. Sen. Story felt that most county residents in most counties take very little advantage of day care centers.

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Mrs. Buzzas said that all working mothers are not unmarried, single parents. The state does pay for day care for women who are receiving AFDC.

Sen. Crippen wanted to know if SRS licensed these people. Norma Vestre of SRS said they are licensed. Sen. Thomas asked how this money would be used. Mrs. Tierman said it would be used in counties or cities throughout the state. She teaches two classes a year on early childhood development, a workshop meeting in the evening. She also visits centers to do counselling, observation and training. Sen. Thomas said, in other words, this money is simply to pay for the development of these programs but the operational costs will be borne by the parents. Ms. Tiernan said that each year they submit a proposal to the city of Missoula and they have the option of saying yes or no to that. The training is free to all centers and homes. Ms. Vestre said there is a preventive program grant administered by DHES. If the counties want to, they could spend this money in this direction. The counties are not without an option to fund this, however, it does compete with other things.

Chairman McCallum said if the county commissioners would levy 1 mill, that would be about \$80,000 in Missoula County, however, Sen. Marbut thought it was about \$130,000. Sen. Marbut also asked Sen. Van Valkenburg what his reaction was to the amendments that were made in the House? Sen. Van Valkenburg said he had no objection to the amendments.

Sen. Hammond asked Ms. Vestre what the criteria was for licensing. She said that the standards for day care homes are different than for day care centers. The day care homes are pretty much in line with a normal family home; the standards for centers are much more stringent, such as fire standards and health standards. Sen. Hammond wondered if they have to have some of this training and Ms. Vestre said that they did not. A day care home can have no more than 6 children; a group home no more than 12. Anything over that must have a license to be a day care center.

FURTHER CONSIDERATION OF HOUSE BILL NO. 602: Sen. Hammond said he felt they want to get out of something that they were put under in 1981. Chairman McCallum said that the only way they can raise their fees is to go before the PSC. The legislature has allowed the municipalities to raise to 12% per year. There was no final action taken.

DISPOSITION OF HOUSE BILL NO. 269: Sen. Fuller MOVED THAT HB 269 BE CONCURRED IN. Sen. Boylan wondered how many permissive levies have been passed in Local Government this session and wondered if we were going to permissive ourselves about out of existence. Chairman McCallum said it is about 20-30 mills so far.

Sen. Ochsner said, with all respect to Sen. Van Valkenburg, that they really need it but not all counties. Sen. Hammond remarked that the Big Sky Youth Ranch cannot be licensed because they have some employees that have not had formal training yet they are just as competent as those with training. Sen. Van Valkenburg suggested that maybe this could be limited to a certain population.

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cities can do it and then it goes to the counties. Sen. Fuller's MOTION CARRIED. Sen. Van Valkenburg will carry the bill.

DISPOSITION OF HOUSE BILL NO. 212: Sen. Marbut presented some proposed amendments, a copy of which is attached to the minutes. They would allow for a voted permissive levy increase beyond the maximum levy upon approval by the voters and authorizing the electorate to require an increase in the library mill levy for library services. Sen. Marbut MOVED ADOPTION OF THE AMENDMENTS. Sen. Story said this would be legislation to make it the same as the state initiative process. MOTION FAILED 6-5. (See Roll Call Vote attached.)

Sen. Thomas had proposed amendments from Sen. Mazurek's bill, SB 272. Sen. Thomas MOVED ADOPTION OF THE AMENDMENTS. (Copy attached.) MOTION CARRIED 6-5. (See Roll Call Vote attached.) Sen. Thomas then MOVED HB 212, AS AMENDED, BE CONCURRED IN. MOTION CARRIED 6-5. (See Roll Call Vote.)

DISPOSITION OF HOUSE BILL NO. 675: Sen. Van Valkenburg MOVED HB 675 BE NOT CONCURRED IN. MOTION CARRIED with Sen. Fuller voting "no".

MEETING ADJOURNED at 2:50 p.m.


SENATOR GEORGE MCCALLUM, CHAIRMAN

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/10/83

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER	X		
CRIPPEN	X		
HAMMOND	X		
STORY	X		
MARBUT	X		
CONOVER	X		
FULLER	X		
THOMAS	X		
VAN VALKENBURG	X		
BOYLAN	X		
McCALLUM	X		

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Merrill H. Thundt	Clerk & Recorder	171	✓	
" " "	" " "	172	✓	
Joanne Pires	Clerk & Recorder	172	✓	
Ruth Sandman	Dept. of State Lands	HB 675	✓	✓
Norma Jorg	Helena Fire Dept	675		-
Bill Romaine	Clerks & Recorder	HB 171 + 172	✓	
Kare Fisker	Mt. Vol Firemen's Assoc	HB 675	✓	
Clem Duseine	MT. Vol Firemen's Assoc	HB 675	✓	
Jack Fisker	Home Atherton Fire Dept	HB 675	✓	
Darryl Meyer	Cascade County	HB 172	✓	
Monnie Westing	Montana Building & Loan	HB 232	✓	
Richard Spang	Mayor of	HB 232	✓	
Maurice Redfield	Mayor	269	✓	
Mike KOEHNKE	myself	675		
R. A. Ellis	West Helena Valley West Helena Valley Fire Dept	HB 171 HB 675	✓	
Bertie Bousfield	Self	269	✓	
Shirley Steman	Self-Child Care Resources	269	✓	
Kathy Bousfield	Montana Day Care Assoc	269	✓	
Van Munzenrider	Child Care	269	✓	
Larry Mathews	Mt. Vehicle Div	232	✓	
Dea Harmon	Pres. County Water Dist. Blg Hts	608	✓	
Bruce Restad	MANAGER COUNTY Water Dist. Blgs Heights	602	✓	

BILL SUMMARIES

~~SENATE LOCAL GOVERNMENT COMMITTEE~~

HB 171 ✓
(Williams)

Currently, property owners desiring to be included in a rural fire district must petition the Board of County Commissioners for annexation. The Board is then required to hold a public hearing on the petition, after notice by mail and posting. If 50% or more of the property owners within the existing district do not protest the annexation, the annexation must be allowed.

House Bill 171 would require that the petition first be presented to the fire district board of trustees for approval. If the petition is approved by the board, it would in turn be presented to the Board of County Commissioners, which must hold a public hearing on the petition, after notice by publication. After the hearing, the Commissioners may approve or disapprove the petition in whole or in part.

HB 172 ✓
(Williams)

House Bill 172 would require county clerks to charge for each entry in an index for certain documents rather than charging for each index in which the document is recorded. The bill would also increase the fee for recording documents through mechanical means.

HB 232 ✓
(Annally)

House Bill 232 would require the Division of Motor Vehicles to issue, upon request, license plates and cards to handicapped persons for parking privileges. The bill would also allow temporarily handicapped persons to take advantage of handicapped parking privileges. A penalty is provided for violations.

The bill also provides for a special license plate for disabled veterans.

HB 269 ✓
(J. Brown)

House Bill 269 would allow counties, as well as cities, to levy not more than 1 mill to establish day-care programs, including employee training, for day-care centers.

The bill would eliminate cities and towns' authority to establish day-care centers and homes.

HB 602 ✓
(Itselman)

House Bill 602 would permit county water and sewer districts to set and impose rates and charges for services. Currently, municipalities have such authority but a Supreme Court opinion held that those services provided by counties are "public utilities" and therefore must go through the PSC to set rates.

HB 675 ✓
(Rehnke)

House Bill 675 would require a fire department to fight a fire to which it was called, even if the fire was not within the department's jurisdiction. The bill also provides such authority and protection to the department as the department would enjoy if fighting a fire in its jurisdiction. Payment for fighting the fire would be the property owner's responsibility.

County of Yellowstone

MERRILL H. KLUNDT
Clerk & Recorder



BILLINGS, MONTANA

59101

February 24, 1983

George McCallum, Chairman
Senate Local Government Committee
Capitol Building
Helena, Montana 59601

Dear Chairman McCallum and Members:

House Bill #171 is a bill to provide a simpler and cheaper way for petitioners of privately owned lands adjacent and not already a part of a fire district to be annexed to an existing fire district upon the approval of the board of trustees of an existing fire district and upon their approval presented to the Board of County Commissioners who will hold a public hearing on such petition. The hearing shall be no less than 4 weeks after the date of the presentation to the Board of County Commissioners and shall be published for two successive weeks in a newspaper published within the county. The Board of County Commissioners may approve the petition in whole or in part or disapprove the annexation.

Presently the costs are considerable as a Notice must be mailed to every freeholder within the existing fire district. In Yellowstone County the only way to get a list of all the current freeholders is to contact a local abstract and title company and their cost is \$3.50 per freeholder. Therefore a district with 600 freeholders could cost \$2,100.00 plus publication costs.

This bill simplifies the process and at a small fraction of the cost as in the current statutes.

Your approval and passage of this bill will be greatly appreciated.

Respectfully submitted

MERRILL H. KLUNDT
Chairman of Montana Association of
Clerk & Records Legislative
Committee and Yellowstone County
Clerk & Recorder

000011 Aug 24 1982

AMERICAN TITLE & ESCROW
1216 10th Street West
Alpine Village North, Suite 21
Billings, Montana 59102

OUR ORDER NO 3-14412-1
CREDIT TO. 1

Date August 31, 1981

Description Land Located in Sections 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, 26 and 27,
Township 1 NORTH, Range 26 East, Yellowstone County, Montana.

to Rural Special Improvement
District #604
Billings Heights Sewer

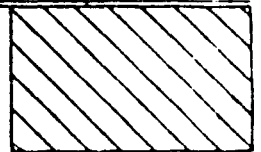
REMINDER INVOICE
SENT 6-10-82
7-6-82

REMINDER INVOICE
SENT ~~11-6-81~~ ^{not sent}
3-10-82
4-13-82
5-13-82

Reference Supplementing RSD Ownership 3-14412

Title Insurance 550 changes at \$3.50 each
OR 144 hours at \$13.50 per hour

\$1925.00
\$1944.00



Total Title Insurance \$

Supplemental Ownership

Report \$ 1 25.00

Fee \$

ADVANCES FOR:

Inspection \$

Recheck \$

Recording \$

INVOICE NO
25255

4-1544 ^{per 500}
ch # 161 ^{per 500}
Total this Invoice \$ 1925.00
Amount Paid \$ -0- ^{1000.00}
Balance Due \$ 1925.00 ^{925.00}
Amount Overpaid \$

WITNESS STATEMENT

Name Bill Ramine Committee On Local Gov.
Address Helena Date 3-10-83
Representing Clerks & Recordars Support X
Bill No. H.B. 172 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. ~~There are no candidates~~
This bill makes it clear that a fee is to be charged each time the clerk enters a new name into the index books in excess of the first name. It takes as much clerk time to enter the name, address, legal description ~~if~~ The second time as it does the first time.
2. The bill also raises the recording fee one dollar.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

County of Yellowstone

MERRILL H. KLUNDT
Clerk & Recorder



BILLINGS, MONTANA

59101

February 28, 1983

Senator George McCollum, Chairman
Senate Local Government Committee
Capitol Building
Helena, Montana 59601

Dear Chairman McCollum and Members:

House Bill #172 is a bill which is making a few changes in the recording statutes.

Under Section (K), page 3, line 7 and 8, the changes made are the word index to entry.

There has been some confusion state wide as to the interpretation of the language of line 7 and 8 which currently states 50¢ per index in excess of the first index contained in a single document. The Attorney General issued an opinion on this subject matter on July 15, 1982, Opinion #64, Volume 39.

Therefore in order to avoid future confusion the language on lines 7 and 8 has been changed to read: 50¢ per entry in excess of the first entry contained in a single document.

Under Section (O), line 19, page 3, the word certified is being inserted. This word was left out in the revision of 7-4-2631, MCA, under House Bill #624, 1981 session.

The last change in this bill is on line 3, page 4, increasing the recording fee from \$2.00 to \$3.00 per page. There has not been an increase in the recording fees since the year 1959.

Attached are the laws relating to the recording fees of the states of Wyoming and North Dakota and they are higher in many other areas.

Your approval and passage of this bill will be greatly appreciated.

Respectfully submitted

Merrill H. Klundt

MERRILL H. KLUNDT

Yellowstone County Clerk & Recorder and
Chairman, Montana Association of Clerks
& Recordors

Encl. *Exhibits A, B & C*

VOLUME NO. 39

OPINION NO. 64

CLERK AND RECORDER - Fees county clerk must charge for multiple indexing under section 7-4-2631(k), MCA; COUNTY OFFICIALS - Statutory fees county clerk and recorder must charge for multiple indexing; FEES - Definition and application of term "multiple indexing" as affecting fees charged by county clerk under section 7-4-2631(k), MCA; MONTANA CODE ANNOTATED - Sections 7-4-2619, 7-4-2620, 7-4-2631.

HELD: The charge to be computed for multiple entries in several indexes under section 7-4-2631(k), MCA, is 50 cents per index in excess of the first index contained in the document regardless of the number of entries made in the index.

22 June 1982

Robert L. Deschamps, III, Esq.
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59801

Dear Mr. Deschamps:

You have requested my opinion on the following question:

Under section 7-4-2631(k), MCA, how are charges to be computed for documents which require multiple entries in several indexes?

Section 7-4-2631, MCA, lists the fees county clerks must charge for recording documents. Your question relates to the term "multiple indexing" as it is used in this subsection. Section 7-4-2631, MCA, provides that the county clerk must charge:

(k) for documents requiring multiple indexing (including but not limited to mortgages; releases; deeds; certificates of location; affidavits of annual labor on mining claims; assignments of leases; assignments of mortgages; oil, gas, and mineral leases; release of oil, gas, and mineral leases; assignments of overriding royalties;

executions; lis pendens; attachments; and all liens), 50 cents per index in excess of the first index contained in a single document....

The indexes a county clerk is required to keep are listed in section 7-4-2619, MCA. Each index is to be kept separately but two or more indexes may be placed in the same volume. § 7-4-2620, MCA. You indicate that the Missoula County practice is to charge for each entry made in the index while other counties charge only 50 cents per extra index regardless of the number of entries made in each index. A number of other counties do not charge per index but rather per volume.

It is well settled that in construing a statute the intent of the Legislature controls and must first be determined from the plain meaning of the words contained in the statute. *State ex rel. Zander v. District Court*, 181 Mont. 454, 591 P.2d 565 (1979). Applying this rule to section 7-4-2631(k), MCA, it is clear that the term "multiple indexing" refers to entries which must be made in more than one index. The subsection renders a charge of "50 cents per index in excess of the first index contained in a single document." The fact that several entries must be made in each index does not change the plain and ordinary meaning of the phrase "per index."

You indicated that some of the examples contained in subsection (k) require recordation in only one index and that this fact supports Missoula County's charge of 50 cents per entry per index. The legislative history on this subsection is sparse and there is no discussion on this point. However, without contrary legislative intent as indicated by the history, the plain meaning rule controls and thus the "per index" language governs. *Shannon v. Keller*, 37 St. Rptr. 1079, 612 P.2d 1293 (1980).

THEREFORE, IT IS MY OPINION:

The charge to be computed for multiple entries in several indexes under section 7-4-2631(k), MCA, is 50 cents per index in excess of the first index contained in the document regardless of the number of entries made in the index.

Very truly yours,

MIKE GREELY
Attorney General

Epheber "A"

RECORDING FEES 1982

Chouteau County, Fort Benton	18,553.30
Big Horn County, Hardin	21,744.23
Park County, Livingston	29,075.54
Fergus County, Lewistown	24,420.59
Golden Valley County, Ryegate	6,097.45
Mussellshell County, Roundup	16,794.55
Powder River County, Broadus	14,366.52
Wheatland County, Harlowtown	3,814.47 (1981)
Mineral County, Superior	8,740.20 (1981)
Flathead County, Kalispell	71,844.33 (1981)

Exhibit "B"

County of Yellowstone



MERRILL H. KLUNDT
Clerk & Recorder

BILLINGS, MONTANA
59101

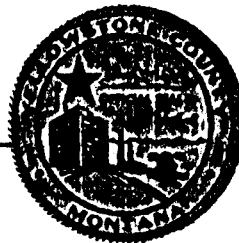
INSTRUMENT FILINGS FOR 1980

DEEDS	<i>average 1 page</i>	6562	=	6,562.00
MORTGAGES	<i>average 4 page</i>	3866	=	15,464.00
SATISFACTIONS AND ASSIGNMENTS OF MORTGAGES	<i>average 1 page</i>	4295	=	4,295.00
DEGREES	<i>average 3 page</i>	63	=	189.00
DISCHARGES	<i>no fee</i>	134		
MISCELLANEOUS	<i>average 2 page</i> <i>50% Filed & 50% Recorded</i>	5986	=	5,986.00
FINANCING STATEMENTS	<i>Filed</i>	4626		\$ 32,496
TERMINATION STATEMENTS	<i>Filed</i>	2724		<i>this use</i> <i>32.5%</i>
CERTIFIED COPIES AND SEARCHES		4293		<i>increase</i>
TOTAL		32,549		
TOTAL FEES				\$ 100,059.15

serial under #B 172
\$ 32,496.00 x 56 Counties = 1,819,776
55% = 17,913 Recorded Documents
14,636 Filed Documents

County of Yellowstone

MERRILL H. KLUNDT
Clerk & Recorder



BILLINGS, MONTANA
59101

INSTRUMENT FILLINGS FOR 1981

Deeds	<i>Average 1 page</i>	7210	= \$ 7,210.00
Mortgages	<i>Average of 4 page</i>	3094	= 12,376.00
Satisfactions and Assignments of Mortgages	<i>Average 1 page</i>	3268	= 3,268.00
Decrees	<i>3 page average</i>	72	216.00
Discharges	<i>no fee</i>	92	
Miscellaneous	<i>average 2 page law 50% Filed & 50% Recorded</i>	6471	= 6,471.00
Financing Statements	<i>Filed</i>	3886	
Termination Statements	<i>Filed</i>	2659	
Certified Copies and Searches		5669	
Total		32,421	
Total Fees			\$ 98,813.67

29,541.00

This is a 29.9% increase

Increase under #B172
 # 29,541 X 56 Counties 1,654,296
 16,972 = 52.35% Recorded Documents
 15,449 = 47.65% Filed Documents

County of Yellowstone

MERRILL H. KLUNDT
Clerk & Recorder



BILLINGS, MONTANA

59101

Instrument Filings For 1982

Deeds	1 page average	6369	=	6,369
Mortgages	4 page average	3878	=	15,512
Satisfactions and Assignments of Mortgages	1 page average	3492	=	3,492
Decrees	3 page average	63	=	189
Discharges	no fee	97		
Miscellaneous	average 2 pages 50% Recorded, 50% Filed	5885	=	5,885
Financing Statements	Filed	3937		
Termination Statements	Filed	2956		
Certified Copies and Searches		6039		
Total		32,716		
Total Fees		\$ 109,824.20		

\$ 31,447.00
this is a
28.6 %
increase.

Increase under AB 172 \$ 1,761,032

31,447.00 X 56 Counties =

Documents 16,842 = 51.48 % Recorded Documents
15,874 = 48.52 % Filed Documents

2 m. Phases per entry in

STATE OF MONTANA

REQUEST NO. 120-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 15, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 172 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 172 clarifies the amount of fees to be charged by County Clerk and Recorders for certain services and raises the fee for recording documents by mechanical means.

ASSUMPTIONS:

- 1) The Clerk and Recorders' fee collections will increase by approximately 10% during each year of the 1985 biennium.
- 2) The fees for photographic recording represent approximately 75% of all fees collected.

LOCAL IMPACT:

The primary purpose of the bill is to clarify the fact that a fee may be charged for each entry in a multiple index. Some counties had been charging a single fee for multiple indexes. Therefore, some counties will realize additional general fund revenue from this clarification.

All counties will realize increased general fund revenue from the 50% increase in the fee for recording documents by mechanical means. This increased revenue is estimated as:

	<u>FY 1984</u>	<u>FY 1985</u>
County General Fund	\$1,835,968	\$2,018,463

FISCAL NOTE 5:D/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-20-83

11-18-08. Fees of register of deeds. The register of deeds shall charge and collect the following fees:

1. For recording an instrument affecting title to real estate:
 - a. Deeds, mortgages, and all other instruments not specifically provided for in this subsection, five dollars for the first page and two dollars for each additional page.
 - (1) "Page" means one side of a single legal size sheet of paper not exceeding eight and one-half inches [21.59 centimeters] in width fourteen inches [35.56 centimeters] in length.
 - (2) ~~The printed, written, or typed words must be considered legible by the register of deeds before the page will be accepted for recording.~~
 - (3) ~~Each real estate instrument must have a legal description considered to be adequate by the register of deeds before such instrument will be accepted for recording.~~
 - (4) A space of at least four inches by three and one-half inches [10.16 by 8.89 centimeters] square must be provided on the front side of each instrument for register of deeds' recording information. If recording information can only be placed on the reverse side of an instrument, an additional page charge shall be levied.
 - b. ~~Multipurpose mortgages or mineral instruments which contain additional mortgages or mineral instruments, five dollars for the first page and two dollars for each additional page plus three dollars for each additional mortgage or mineral instrument described therein.~~
 - c. Plats, irregular tracts, or annexations, five dollars for one lot plus ten cents for each additional lot.
 - d. Oil, gas, and mineral leases, six dollars per page.

78

REGISTER OF DEEDS

11-18-16

2. For filing any instrument, including instruments under the Uniform Commercial Code, notices of intent to drill, and monument corner records, three dollars.
3. For filing and indexing a financing statement termination, no fee.
4. For making certified copies of any recorded instrument, the same charge as for recording that instrument.
5. For making a financing statement abstract, three dollars for the first five entries and one dollar for each additional five entries or fraction thereof.
6. For making a copy of any filed instrument, one dollar.

Source: N.D.C.C.; S.L. 1977, ch. 101, § 1.

North Dakota

Ephraim C.

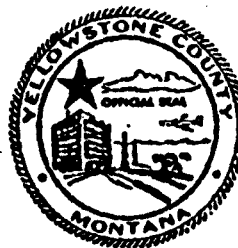
FEES IN COUNTY CLERK'S OFFICE

Recording charges for Microfilming any instrument--First page-----	\$4.00
For each additional page-----	\$2.00
Additional recording charge for any instrument with more than one (1) grantor or grantee of a different surname - each additional name-----	\$0.25
Additional recording charge for each section, block or tract - description in excess of five (5) -----	\$0.25
Plats filed (including cemeteries and amended plats) -----	\$50.00
Recording charges for mining claims -- First page-----	\$9.00
Additional recording charge for any mining claim with more than one (1) grantor or grantee of a different surname - each additional name-----	\$1.00
Additional recording charge for a mining claim for each section, block or tract description in excess of five (5)-----	\$1.00
Survey Maps-----	\$25.00
Security Agreement and Financing Statement-----	\$3.00
Assignment-----	\$3.00
Continuation-----	\$3.00
Termination Statement-----	\$3.00
Mechanic's Lien-----	\$4.00
Release of Mechanic's Lien-----	\$4.00
Notary Public Commission-----	\$4.00
Military Discharge -- First recording-----	No charge
Marriage License-----	\$5.00
Certified copy of marriage license-----	\$4.00
Certificate of Title-----	\$3.00
Duplicate certificate of title-----	\$3.00
Copy of our record -- First page-----	\$1.00
For each additional page-----	\$0.50
State tax liens-----	\$3.00
Release of state tax liens-----	\$3.00
Certification-----	\$1.00

No individual, corporation or governmental entity is exempt from payment of fees in advance.

County of Yellowstone

MERRILL H. KLUNDT
Clerk & Recorder



BILLINGS, MONTANA

59101

INSTRUMENT FILLINGS FOR 1979

DEEDS-----	8426
MORTGAGES-----	5895
SATISFACTIONS AND ASSIGNMENTS OF MORTGAGES-----	5583
DECREES -----	76
DISCHARGES-----	113
MISCELLANEOUS -----	4406
FINANCING STATEMENTS-----	6840
TERMINATION STATEMENTS-----	3580
CERTIFIED COPIES AND SEARCHES-----	4909
TOTAL -----	39,828
TOTAL FEES-----	\$ 133,443.36

County of Yellowstone

MERRILL H. KLUNDT
Clerk & Recorder



BILLINGS, MONTANA
59101

INSTRUMENT FILLINGS FOR 1978

DEEDS	9,511
MORTGAGES	6,134
SATISFACTIONS AND ASSIGNMENT OF MORTGAGES	6,062
DECREES	59
DISCHARGES	55
MISCELLANEOUS	4,817
FINANCING STATEMENTS	9,422
TERMINATION STATEMENTS	2,622
CERTIFIED COPIES AND SEARCHES	4,757
TOTAL	43,439
TOTAL FEES	\$ 126,838.80

County of Yellowstone



MERRILL H. KLUNDT
Clerk & Recorder

BILLINGS, MONTANA
59101

INSTRUMENT FILINGS FOR 1977

DEEDS	9,585
MORTGAGES	5,946
SATISFACTIONS AND ASSIGNMENT OF MORTGAGES	5,008
DECREES	79
DISCHARGES	90
MISCELLANEOUS	3,996
FINANCING STATEMENTS	5,323
TERMINATION STATEMENTS	2,587
SATISFACTION OF CHATTEL MORTGAGES	5
CERTIFIED COPIES AND SEARCHES	4,250
TOTAL	36,869
TOTAL FEES	\$ 119,680.69

WITNESS STATEMENT

NAME JOANNE M. PERES BILL No. HB-172
ADDRESS FORT BENTON, MT DATE March
WHOM DO YOU REPRESENT MONTANA ASSOCIATION OF CLERKS AND RECORDERS
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

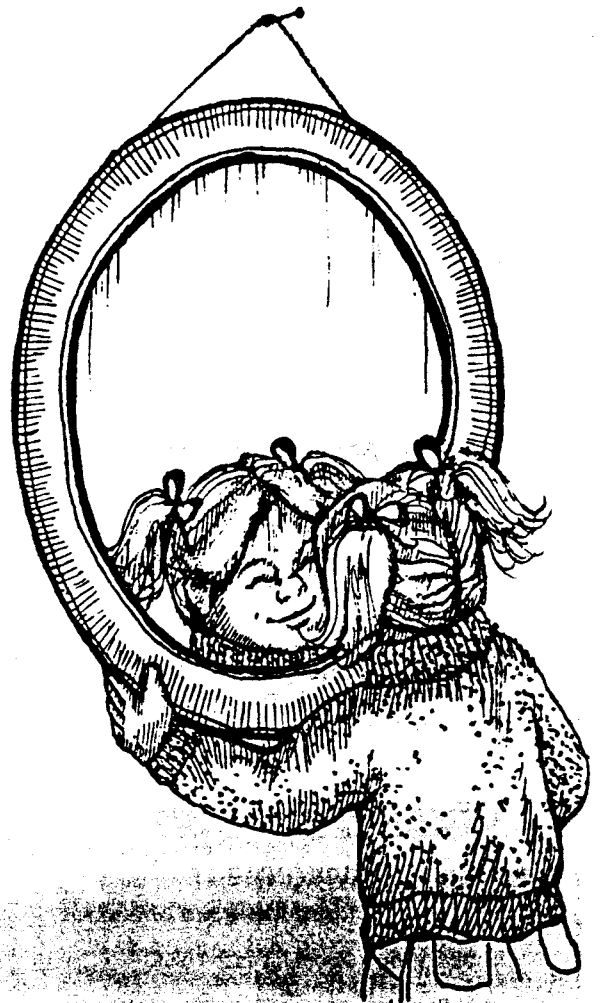
I would first like to speak to the fiscal note, which under 2) states that the fees for photographic recording represent approximately 75% of all fees collected by giving you this information:

I went through my fee book covering the last 12 month period, March, 1982 through February, 1983 and found that we had collected a total of (\$17,766) for that 12 month period. Of that amount, photographic recording amounted to (\$7,991) which amounts to 43% of the fees collected which accounted for photographic recording. The balance of the fees collected was for filing, selling maps, making certified copies, Election reimbursements.

So you see that in my county at least the fiscal note is quite in error. The \$1.00 increase we are asking will only serve to cover the costs involved. It is expensive to make and keep these records - Currently I have been soliciting prices on a new microfilm camera to replace the relic we have and which we have reason to believe is producing film that will deteriorate in a matter of years - and found that it will cost \$24,700 to replace the system that we have. Surely increasing my recording fees of (\$7,991) by 50% is not unreasonable. That would amount to a \$3,995.50 increase for a total recording charge of \$11,986. Now you might think that that would enable me to pay for the new camera in a little over a couple of years - but that in no way covers the entire cost involved in recording - Salaries to cover the cost of counter work, indexing, typing, film, postage, maintenance contracts.

I hope you will see that this portion of our fees will only help us to be partially reimbursed for the cost of the service.

Montana Child Care



**Quality Child Care a
Reflection of Your Concern**

House Bill 675

Richard Sandman
Chief - Fire Bureau
Department of State Lands

Reference House Bill 318
House Bill 319

House Bill 319 clears up the problem addressed in section (4) of HB675.

If HB675 is passed in its present form, section (4) would force a fire department to bill a property owner when the property owner is already paying for protection through a county. (Assuming no mutual aid agreement.)

House Bill 319 provides for organized fire protection county-wide through either ^(separate statutes.) municipal fire departments, ^(separate statutes) rural fire districts, or county volunteer ^(7-33-2201 & HB319) fire companies. HB318 provides funding for the county volunteer companies through county levies. If HB319 is accepted, no voids would appear in the county for organized protection and thus no extra - special run charge - should be made against the property owner.

Recommendations:

- A) Hold HB675, for action on HB318 and HB319. If 318 and 319 pass, then HB675 may not be necessary.
- B) If HB318 and 319 pass, and the fire service feels that HB675, sections 1 through 3, are still needed, delete section 4 from HB675 before passage.

C) If HB675 is passed without section 4, also recommend changing:

Page 2 - Line 6: (D) the fire is ~~under-control~~ out.

Note: IF HB675 passes with section 4 as written:

There are many Volunteer Fire Companies in the state that are not "legal entities" and therefore cannot sign mutual aid agreements. The landowners however do many times pay for protection to these Companies. A billing against the landowner in this case would also constitute "double taxation" precipitated by the fact that his vol. co. cannot sign mutual aid agreements. Perhaps the charge should be against the County and its emergency Fire Fund.

Richard Sandman

NAME Maureen Redfield BILL NO. 269

ADDRESS Box 22 Blue Sky Heights, Clancy DATE 3-10-82

WHOM DO YOU REPRESENT myself

SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

March 10 1983

Senate Local Government Committee
Montana State Legislature
Helena, Montana 59601

Chairman McCallum and Members of the Committee,

Thank you for the opportunity to speak in favor of H.B. 269, which would authorize counties and municipalities to levy up to one mill for local day care support services. Under present state law, the ability to levy such a permissive mill is limited to municipalities.


Child Care Resources, Inc., Board of Directors of Missoula, of which I am a member, is very interested in the passage of this bill as the local option mill has been used in Missoula to fund (in part) a day care training program administered by our organization. Our reason for wanting to extend this funding authority to the County is that our program serves a county-wide population. Our Day Care Training Program has been operating for the past six years with local funding from the City, utilizing this special mill, and matched by United Way. It was originally one of several programs administered by Missoula 4C's, which was dissolved four years ago when state funding for that service was terminated. The training program survived because of its local funding base.

We realize that this legislation would only authorize our local governments to levy special funds and that the year to year decision to fund would rest with the governing body. We are comfortable in having to justify our existence to our local government as they are in the best position to assess local needs and determine the interests of the community.

Aside from my interest in this legislation as a member of an organization which will seek it as a funding source, I have an over-riding interest in it as a piece of legislation that will promote quality child care.

Our children are our most valuable resource. They are our future. During the International Year of the Child, observed by the United States in 1979, many interesting statistics emerged. One of the most significant which comes to mind is that one out of every ten families in the United States has children under the age of 10. These children will run our country and our economy in 30 years. We cannot afford to waste any of them. They must be our best possible products.

Research has shown that the formative years (or pre-school years) are most important in shaping a child's future potential. Training programs, such as the one operated in Missoula, help day care providers become better qualified to meet the many developmental needs of children, so critical in these formative years. There are 8,020 licensed day care spots in the state of Montana. Passage of HB. 269 would provide the opportunity for local communities to establish and maintain the support services necessary to assure quality day care.


Rosalie Buzzas
215 Dixon
Missoula, Montana

Adopted 3/10/83

Amendments to House Bill 212 (Third Reading Copy)
Thomas

1. Title, line 8.
Following: "MILLS;"

Insert: "AND AUTHORIZING A GOVERNING BODY TO EXCEED THE
MAXIMUM MILL LEVY FOR LIBRARY SERVICES UPON APPROVAL BY
THE VOTERS;"

2. Page 1, line 23.
Following: line 22

Insert: "(2) (a) The governing body of any city or
county may by resolution submit the question of exceeding
the maximum tax levy provided in subsection (1) to a vote
of the qualified electors thereof at the next general
election. Such resolution must be adopted at least 60
days prior to the general election at which the question
will be voted on.

(b) Upon petition being filed with the governing
body and signed by not less than 5% of the resident
taxpayers of any city or county requesting an election
for the purpose of exceeding the maximum mill levy, the
governing body shall submit to a vote of the qualified
electors thereof at the next general election the
question of exceeding the maximum mill levy. Such
petition must be delivered to the governing body at least
90 days prior to the general election at which the
question will be voted on.

(c) The question shall be submitted by ballots upon
which the words "FOR exceeding the....mill maximum levy
and authorizing an additional....mill(s) for the

....
library" and "AGAINST exceeding the....mill maximum
library levy" shall appear, with a square before each
proposition and a direction to insert an "X" mark in the
square before one or the other of the propositions.

(d) The votes cast for the adoption or rejection of
the question must be canvassed, and:

(i) if a majority of the voters voting on the
question vote to exceed the maximum mill levy, the
governing body shall levy the additional tax for the year
in which the vote was taken; or

(ii) if a majority of the voters voting on the
question vote to not exceed the maximum mill levy, the
maximum mill levy may not be exceeded. ✓

Renumber: subsequent subsections

Rejected 3/10/83

Amendments to House Bill 212 (Third Reading Copy)
Marbut

1. Title, line 8.

Following: "MILLS;"

Insert: "AUTHORIZING A GOVERNING BODY TO EXCEED THE
MAXIMUM MILL LEVY FOR LIBRARY SERVICES UPON APPROVAL BY
THE VOTERS; AND AUTHORIZING THE ELECTORATE TO REQUIRE AN
INCREASE IN THE LIBRARY MILL LEVY FOR LIBRARY SERVICES;"

2. Page 1, line 23.

Following: line 22

Insert: "(2)(a)(i) The governing body of any city or
county may by resolution submit the question of exceeding
the maximum tax levy provided in subsection (1) to a vote
of the qualified electors thereof at the next general
election. Such resolution must be adopted at least 60
days prior to the general election at which the question
will be voted on.

(ii) Upon petition being filed with the governing
body and signed by not less than 5% of the resident
taxpayers of any city or county requesting an election
for the purpose of increasing the mill levy set by the
governing body (which includes imposing a mill levy if
the governing body has not imposed a mill levy), the
governing body shall submit to a vote of the qualified
electors thereof at the next general election the ques-
tion of increasing the mill levy set by the governing
body. Such petition must be delivered to the governing
body at least 90 days prior to the general election at
which the question will be voted on.

(b) The question shall be submitted by ballots upon
which the words "FOR ("increasing" or "exceeding") the
.... mill ("maximum" or "set") levy and authorizing an
additional mill(s) for the library" and
"AGAINST ("exceeding" or "increasing") the mill
("maximum" or "set") library levy" shall appear, with a
square before each proposition and a direction to insert
an "X" mark in the square before one or the other of the
propositions.

(c) The votes cast for the adoption or rejection of
the question must be canvassed and:

(i) if a majority of the voters voting on the
question vote to increase the set mill levy or exceed the
maximum mill levy, the governing body shall levy the
additional tax for the year in which the vote was taken:
or

(ii) if a majority of the voters voting on the
question vote to not increase the set mill levy or exceed
the maximum mill levy, the set levy remains unchanged or
the mill levy may not be exceeded.

Renumber: subsequent subsections

3. Page 2, line 9.

Following: "erection"

Insert: ", repair of,"

4. Page 2, line 10.

Following: line 9

Strike: "of"

STANDING COMMITTEE REPORT

March 10

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **269**

J. Brown (Van Valkenburg)

Respectfully report as follows: That **House** Bill No. **269,**
third reading copy,

BE CONCURRED IN

DEPXX

STANDING COMMITTEE REPORT

March 10

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **House** Bill No. **212**

Fabrega (Mazurek)

Respectfully report as follows: That **House** Bill No. **212**,
third reading copy, be amended as follows:

1. Title, line 8.

Following: "MILLS"

Insert: "AND AUTHORIZING A GOVERNING BODY TO EXCEED THE MAXIMUM
MILL LEVY FOR LIBRARY SERVICES UPON APPROVAL BY THE VOTERS;"

2. Page 1, line 23.

Following: line 22

Insert: "(2) (a) The governing body of any city or county
may by resolution submit the question of exceeding the maximum
tax levy provided in subsection (1) to a vote of the qualified
electors thereof at the next general election. Such resolution
must be adopted at least 60 days prior to the general election
at which the question will be voted on.

(b) Upon petition being filed with the governing body and
signed by not less than 5% of the resident taxpayers of any
city or county requesting an election for the purpose of exceed-
ing the maximum mill levy, the governing body shall submit to a

~~XXXXXX~~

(CONTINUED)

vote of the qualified electors thereof at the next general election the question of exceeding the maximum mill levy. Such petition must be delivered to the governing body at least 90 days prior to the general election at which the question will be voted on.

(c) The question shall be submitted by ballots upon which the words "FOR exceeding themill maximum levy and authorizing an additionalmill(s) for the library" and "AGAINST exceeding themill maximum library levy" shall appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions.

(d) The votes cast for the adoption or rejection of the question must be canvassed, and;

(i) if a majority of the voters voting on the question vote to exceed the maximum mill levy, the governing body shall levy the additional tax for the year in which the vote was taken; or

(ii) if a majority of the voters voting on the question vote to not exceed the maximum mill levy, the maximum mill levy may not be exceeded."

Renumber: subsequent subsections

AND, AS SO AMENDED,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 10 19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **House** Bill No. **675**

Koehnke

Respectfully report as follows: That **House** Bill No. **675**,
third reading copy,

BE NOT CONCURRED IN

XXXXXX

STANDING COMMITTEE REPORT

March 10

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **House**

Bill No. **58**

Ryan (Thomas)

Respectfully report as follows: That **House**

Bill No. **58**

third reading copy,

BE CONCURRED IN
DOINGS

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3/10/83 House Bill No. 269 Time 2:40

NAME	YES	NO
OCHSNER, J. Donald, Vice-Chairman		✓
CRIPPEN, Bruce	✓	
HAMMOND, H.W.		✓
STORY, Pete		✓
MARBUT, Reed	✓	
CONOVER, Max	✓	
FULLER, David	✓	
THOMAS <u>Bill</u>	✓	
VAN VALKENBURG, Fred	✓	
BOYLAN, Paul		✓
	✓	

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: Fuller Moved 269 Be Concurred In
Motion Carried 7-4

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3/10/83 House Bill No. 212 Time 2:45

NAME	YES	NO
OCHSNER, J. Donald, Vice-Chairman		✓
CRIPPEN, Bruce	✓	
HAMMOND, H.W.		✓
STORY, Pete		✓
MARBUT, Reed	✓	
CONOVER, Max		✓
FULLER, David	✓	
THOMAS, Bill	✓	
VAN VALKENBURG, Fred	✓	
BOYLAN, Paul		✓
McCallum, George		✓

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: Marbut's Amendment, Be Adopted
Motion Failed 6-5

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3/10/83 House Bill No. 212 Time 2:50

NAME	YES	NO
OCHSNER, J. Donald, Vice-Chairman		✓
CRIPPEN, Bruce	✓	
HAMMOND, H.W.		✓
STORY, Pete		✓
MARBUT, Reed		✓
CONOVER, Max	✓	
FULLER, David	✓	
THOMAS, Bill	✓	
VAN VALKENBURG, Fred	✓	
BOYLAN, Paul		✓
McCallum, George	✓	

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: Thomas' Amendment Be Adopted.
Motion Carried 6-5

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3/10/83 House Bill No. 212 Time 2:55

NAME	YES	NO
OCHSNER, J. Donald, Vice-Chairman		✓
CRIPPEN, Bruce	✓	
HAMMOND, H.W.		✓
STORY, Pete		✓
MARBUT, Reed	✓	
CONOVER, Max	✓	
FULLER, David	✓	
THOMAS, Bill	✓	
VAN VALKENBURG, Fred	✓	
BOYLAN, Paul		✓
McCallum, George		✓

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: As Amended, Be Concurred In
Motion Carried 6-5

(include enough information on motion—put with yellow copy of committee report.)