

MINUTES OF MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 17, 1983

The meeting of the Local Government Committee was called to order by Chairman George McCallum at 12:30 on March 17, 1983 in Room 405 of the State Capitol.

ROLL CALL: Ten Senators were present with Sen. Van Valkenburg excused.

CONSIDERATION OF HOUSE BILL NO. 121: Sen. Mike Halligan, carried the bill before the committee in the absence of Rep. Veleber and the co-sponsor, Sen. Van Valkenburg. He said that this bill referred to Article 11, Section 9 of the Constitution and read the section to the committee. It simply amends one of the implementation statutes of the constitution.

Missoula will possibly be voting in November 1983 and this could preclude them from going through the constitutionally mandated procedure in 1986. They will miss the three years by four days. It just clarifies a portion of the law that they felt is needed.

There were no further proponents.

OPPONENTS: Barbara Evans, County Commissioner from Missoula County was in opposition to the bill and felt that if it is a good proposal it should survive the extra year and urged the committee's rejection of the bill.

DISCUSSION OF HOUSE BILL NO. 121: Sen. Ochsner asked if this really is just changing the four days so that they can hold the election now instead of waiting four years. Sen. Halligan said the moratorium was there initially to protect a new government and felt they should be allowed the ability, in 1986, to go through the constitutional review.

Sen. Thomas asked Mrs. Evans what her objections were to the bill. She said that it is a philosophical attitude. She felt if it is a good proposal it should survive an extra year and didn't see why they should have the right to change it.

Sen. Story asked if Missoula had changed governments in the last two years? Sen. Halligan said they had not but it would be on the ballot in November and if it fails in 1983 they would want to go through the constitutional requirement in 1986. Sen. Crippen said that the constitution provides for review every 10 years. Sen. Halligan said it was done in 1976 and has to be done again in 1986. Mrs. Evans, however, did not think this should affect them doing it in 1986. Sen. Halligan said if this was put on the ballot in 1983, even if it is passed, they must have an alternative form of government on the ballot in 1986. It is not intended to thwart the constitutional review in 1986. They want to propose a different form of government in Missoula.

Sen. Story asked if there are more people living outside the limits than there are inside? Sen. Halligan said there are about 33,000 within the city and about 35,000 in the outlying fringes around the city.

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Sen. Hammond felt that if they have studied this for three years, he felt that they have fulfilled the constitutional requirement and saw no problem.

Dave Bohyer pointed out that the Constitution says it must be done every 10 years, not within 10 years. There was some confusion that the election in 1983 would meet the requirements of the 10 years being it was within 10 years but that is not the way it is stated in the Constitution. It says it must be every 10 years.

The hearing was closed on HB 121.

CONSIDERATION OF HOUSE BILL NO. 193: Rep. Paul Pistoria, District #39, sponsor of the bill, said it is simply a matter of definition. He passed out a copy of the present law and referred to different portions of it. The word "professional" can mean anything; boxer, doctor, etc. How do you define it? It was defined in the House Committee. He handed out copies of the amendment so the Committee would know exactly what was amended into the bill. He explained a situation in Great Falls with the new sewer plant and handed out a copy of that contract which showed how they got around using a "professional". He said the wording to define professional and technical is in the state statutes and submitted a copy to the committee of the statutes. He also submitted a copy of a letter from Lee C. Nelson, contractor and also City Commissioner from Great Falls, urging the passage of the bill.

There were no proponents and no opponents.

There were no questions from the committee and the hearing was closed on House Bill 193.

CONSIDERATION OF HOUSE BILL NO. 343: Rep. Gary Spaeth, District #71, said that this deals with municipal volunteer fire departments and handed out a copy of the bill along with a section of the present statutes. He said volunteer fire departments in small towns are essentially combined with the rural fire departments and felt this is a good working relationship as both areas benefit. In the rural departments, as far as equipment is concerned, different statutes apply. In the county you have the county commissioners setting a special levy and in the city you have a city governing body and they essentially have a 2 mill cap. This bill would give the same authority to the city council and the county commissioners, and urged the committee to adopt this bill.

PROPOSERS: Davie Fisher, Montana Volunteer Fire Departments, said that Rep. Spaeth had explained it very well and was in support of the bill.

Clem Duaine, President of the Montana Volunteer Firemen's Association said it was the result of a resolution acted on at their last convention and wanted to go on record as supporting this bill.

There were no further proponents and no opponents.

DISCUSSION OF HOUSE BILL NO. 343: Sen. Ochsner asked if they are now

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able to have a special levy if they need more money. Rep. Spaeth said they could not, as far as purchase of equipment. Sen. Ochsner asked if the 2 mills could be used for equipment. Rep. Spaeth said this is the only mill levy that applies to a municipal fire department and that cannot go for equipment purchases.

Rep. Spaeth said the main problem seems to be the purchase of equipment.

The hearing was closed on HB 343.

CONSIDERATION OF HOUSE BILL NO. 282: Rep. Mike Kadas, District #95, sponsor of the bill, said that the Missoula Rural Fire Department asked that this be introduced. There is a problem in the Missoula area, particularly with some taverns. The fire department cannot go in these buildings and inspect to make sure they are up to the fire codes. This would allow the rural fire department, with the approval of the county commissioners and the State Fire Marshall to go in and inspect these buildings.

PROPOSERS: Bruce Suenan, Chief of the Rural Fire Department in Missoula, said they had asked Rep. Kadas to carry the bill for them. They have a problem dealing with the urban fringe around Missoula. This bill will allow them to tighten up their inspection procedures and inspect these public buildings.

Mike Young, Missoula, read a letter from the Mayor's office. This letter is attached to these minutes. His letter included a suggested amendment.

R.A. Ellis, West Helena Valley Fire Department, said there are a number of buildings that have been going without inspection. He felt that some are really fire hazards to the public. He supported the bill in its entirety.

Dave Fisher, Montana Volunteer Firemen's Association said that the Association had just looked at this bill more thoroughly in the last week or so and were in support of the bill.

Clem Duaine, President, Montana Volunteer Firemen's Association, said that this addresses problems throughout the state, not just in Missoula. He was in support of this bill and urged its passage.

DISCUSSION OF HOUSE BILL NO. 282: Sen. Story pointed out the fact that they didn't mention fees in their testimony and they are asking for a fee. Rep. Kadas said there is a \$15 fee in the bill. The rural fire departments want to get in there and do this but he didn't know if this would cover the cost. Sen. Thomas asked how these fees would work. Do they have to pay \$15 every time an inspection is conducted? Rep. Kadas said this would be up to the rural fire department. If they felt there was a problem they would have to inspect several times. Sen. Ochsner pointed out that they could inspect the building every day if they wanted to. Sen. Crippen asked if Rep. Kadas would like to comment on Mr. Young's amendment. Rep. Kadas said it was a good amendment changing "uniform fire code" to "state fire code". In researching the statutes, Sen. Story said that the state fire marshall now has

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the authority to inspect these types of buildings and also may appoint deputies all over Montana to inspect these buildings. What these people are asking for can be done under the present provision in the law. He said if they have buildings that need to be inspected the state fire marshall can appoint a deputy and also thought the fees are important.

Mr. Suenan said they don't do them every 6 months and they don't know what they are looking for being they are not trained firemen.

Sen. Thomas wanted to know what the need was for this bill - are there any blatant violations. Mr. Suenan said that the county attorney in Missoula now won't let them in to do it. They are trying to do it without going through the county attorney.

Sen. Thomas wanted to know, in some of these fire districts that don't have a fulltime fire marshall, who will do the inspection and who will they be responsible to - who will take and supervise the inspection. If they perhaps didn't like a person too well, they could actually close someone down.

Sen. Ochsner asked if they inspect up to 4 1/2 miles around the city, is there a great deal more outside that area? Mr. Young said there is a significant number when you look at Seely Lake and Lolo, and all the little developments around Missoula. Mr. Suenan said the city inspects for building code violations for 4 1/2 miles, not fire codes. They are trying to get those buildings safe for public occupancy. Sen. Story said they are breaking the law if they are not conforming to any codes. Rep. Kadas agreed with Sen. Story; it is illegal. He also felt the state fire marshall has neither the men nor has he been doing the inspections even though he has the authority. However, Sen. Story pointed out that he can appoint deputies throughout the state to do it.

CONSIDERATION OF HOUSE BILL NO. 596: Rep. Mike Kadas, District #95, sponsor of the bill, said that the county commissioners asked for this bill. This bill would allow the county commissioners to increase or delete members from these boards. The reason for this is the fair board and the planning board have more work than they can deal with and they would like to enlarge those boards. He presented an amendment to the committee deleting museum and library boards.

PROPOSERS: Barbara Evans, County Commissioner from Missoula County, said that they would like to be able to allow more people to serve on these boards. The fair board members take their travel trailers and live on the grounds for a week during the fair. She did not agree with the amendment. She did not feel that the library and museum boards should be exempted. The county commissioners are to oversee these boards. They do not intend to cause problems for those boards, but they would prefer to see the terms staggered a little more so that all the expertise is not lost at the same time.

Mike Stephens, Montana Association of Counties, supported the bill. He said it adds flexibility to the local level since they are appointed any way. The commissioners should be able to set the terms and the

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and the number to do the job.

There were no further proponents.

OPPONENTS: Sara Parker, Montana Library Association and State Librarian, said she was in opposition to the bill as written and spoke in favor of the amendments. Havre and Hill County are discussing the consolidation of the two libraries, however, each of those boards have five members which makes it easier for those two boards. She also was leary of the possible censorship problem. She read a letter from Lawrence Maxwell of the Montana Library Association into the record. He was opposed to the bill as written and urged the deletion of the library and museum boards.

J.D. Holmes, Montana Arts Advocacy, read portions of two statements; one statement was by himself, the other from Donna Forbes, Director of the Yellowstone Arts Center in Billings. Ms. Forbes supported the amendments to delete the museums. A copy of her testimony is attached to the minutes. The Montana Arts Advocacy supports the removal of both libraries and museums from the bill.

There were no further opponents.

DISCUSSION OF HOUSE BILL NO. 596: Sen. Ochsner said they abolished the Tax Appeals Board and turned everything over to the county commissioners; they set the number, the terms, everything. Rep. Kadas said that there must be notification of a hearing before anything can be done. The only way of removing anyone from the boards would be through attrition; the term has to run out. Sen. Crippen wondered about the quasi-public boards. As he reads the bill, the county commissioners would appoint all these members of the board. Rep. Kadas said it is a different situation with the museum boards in Yellowstone County.

Mrs. Evans said they have no problem with the Tax Appeals Board not being included. The state pays them, the county does not. The county commissioners have the backing to appoint those people to the boards right now. The problem of censorship, as referred to by Sara Parker has never been a problem. The commissioners still have the power to appoint those boards. Mr. Holmes said that the county commissioners appoint the first board for the museums, after that the museum board appoints its own members, not the commissioners. Ms. Parker said that is not the case for the libraries; the appointment authority goes back to the county commissioners.

Sen. Boylan asked if the reason was to increase or decrease the boards. Rep. Kadas said it was mainly to increase the planning and fair boards. It isn't a statewide problem. Sen. Thomas felt that in increasing the board, the philosophy of the board could be changed. Rep. Kadas agreed that the potential is there and that is why the bill asks for a hearing. Sen. Hammond asked if there are any city-county boards that might be influenced by this. Rep. Kadas said that this does not take in any of the inter-local agreements. Sen. Crippen asked if Rep. Kadas agreed with the amendments and he said he feels they are necessary to the bill.

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Mrs. Evans said that with a small board there is a problem of getting a quorum present to hold the meeting. With a larger board you have a better chance of getting enough members to show up. They are not interested in directing the board and are not interested in changing the political philosophy of the board. For the fair board they try to pick from agricultural and management backgrounds, if possible.

In closing, Rep. Kadas, said that this would not apply to inter-local agreements.

The hearing was closed on House Bill 596.

CONSIDERATION OF HOUSE BILL NO. 651: Rep. Lory, sponsored the bill for the committee in the absence of Rep. Eudaily, the sponsor of the bill. All the bill does is raise the figure from \$100 to \$2500, in all five sections, before an appraisal would be necessary to purchase or sell county property. It used to cost almost as much for an appraisal as some of the property was worth.

PROPOSERS: Gordon Morris, Administrative Officer for Missoula County, said the bill raises the real property value from \$100 to \$2500 which would be the same as the state statute for personal property.

There were no further proponents and no opponents.

DISCUSSION OF HOUSE BILL NO. 651: Chairman McCallum asked Rep. Lory if an appraisal would be required for above that \$2500. If so, who determines what the property is worth - the county commissioners or the school district, or whoever is involved? Rep. Lory said it is their judgment whether it is under \$2500 or not. Mr. Morris said the bill, as proposed to be amended, addresses real property. This is really for the acquisition of any real or personal property, not disposal of property. Most often it is more expensive to dispose of the property so it is usually just kept.

Sen. Boylan asked if they can't have an auction? Chairman McCallum said they are trying to get away from that if it is under \$2500. Sen. Hammond said that he thought there would be an awful lot of property that is going to be sold for just under \$2500.

The hearing was closed on House Bill NO. 651.

FURTHER CONSIDERATION OF HOUSE BILL NO. 232: If Sen. Lynch's bill passes, this one would not be needed. Dave Bohyer will check on this.

DISPOSITION OF HOUSE BILL NO. 399: Sen. Marbut had a problem with the tax lien property, however, that was cleared up. Sen. Hammond MOVED HB 399 BE CONCURRED IN. Sen. Marbut wondered if Dave Bohyer had checked the sections that were being repealed. Dave informed Sen. Marbut what the sections were all about. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 459: Sen. Hammond felt that this would be greater input to the boards. Sen. Fuller MOVED HB 459 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

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DISPOSITION OF HOUSE BILL NO. 421: Sen. Thomas MOVED HB 421 BE CON-
CURRED IN. MOTION CARRIED UNANIMOUSLY. Sen. Thomas will carry the
bill on the floor.

DISPOSITION OF HOUSE BILL NO. 491: Sen. Thomas MOVED HB 491 BE CON-
CURRED IN. Sen. Marbut said that the only relationship the assessor
has with the county is the space in which he works and he is elected.
Sen. Marbut made a SUBSTITUTE MOTION HB 491 BE NOT CONCURRED IN.
MOTION FAILED, 6-4. It was the consensus of the committee that the
votes be reversed for the original motion. ORIGINAL MOTION CARRIED,
6-4. Sen. Thomas will carry the bill on the floor.

DISPOSITION OF HOUSE BILL NO. 579: Sen. Story said that with the
passage of HB 491, this bill is not needed. Sen. Thomas MOVED THAT
HB 579 BE LAID ON THE TABLE. MOTION CARRIED UNANIMOUSLY.

FURTHER CONSIDERATION OF HOUSE BILL NO. 602: Sen. Boylan felt there is
a possibility of a lot of mischief in city government on these water
hearings and water rates. The city of Bozeman got caught in shifting
funds from the water fund to other funds. He felt this is a bad bill.

Sen. Ochsner said the cities are under this now because we passed it
two years ago. This bill applies to counties. Chairman McCallum said
if they want more than 12% they have to go to the PSC. If we are
going to let the cities go to 12% it should be extended to the counties
also. In answer to a question about the percentage, Dave Bohyer said
the bill says no more than 12%. Sen. Ochsner asked Sen. Crippen if
Billings Heights doesn't get its water from Billings? Sen. Crippen
said that it did. He said that two years ago they were fighting this
and now they are asking for it.

Sen. Boylan MOVED HOUSE BILL NO. 602 BE NOT CONCURRED IN. Dave
Bohyer said he thought this came out of a 1980 court case. The water
and sewer districts were doing this 12% thing and they said they
couldn't because they weren't under that law. They want the same
right as the cities have, to go up to 12% per year. ORIGINAL MOTION
FAILED, 8-2. Sen. Hammond MOVED THAT THE VOTE BE REVERSED THAT HB 602
BE CONCURRED IN. MOTION CARRIED 8-2.

DISPOSITION OF HOUSE BILL NO. 634: Sen. Hammond MOVED HOUSE BILL NO. 634
BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

FURTHER CO NSIDERATION OF HOUSE BILL NO. 718: It was decided to hold
this bill until Sen. Van Valkenburg returned. Mr. Romine said he
believed Sen. Van Valkenburg had an amendment prepared concerning
the prorating of costs. Sen. Ochsner asked Dave Bohyer if he had
checked this bill out. Dave said this would cover both even and odd
numbered years.

DISPOSITION OF HOUSE BILL NO. 788: Sen. Ochsner MOVED HB 788 BE NOT
CONCURRED IN. Sen. Fuller made a SUBSTITUTE MOTION THAT HB 788 BE
CONCURRED IN. Sen. Crippen felt there is a deficiency in this bill
in that it doesn't provide for protest. The SUBSTITUTE MOTION
FAILED ON A TIE VOTE, 5-5.

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DISPOSITION OF HOUSE BILL NO. 830: Sen. Story MOVED HB 788 BE NOT CONCURRED IN. MOTION CARRIED, with Sen. Fuller voting "no".

FURTHER CONSIDERATION OF HOUSE BILL NO. 172: Sen. Marbut said that this fiscal note has no relation to the bill. It was the consensus of the committee that no action be taken until Sen. Van Valkenburg returns.

DISPOSITION OF HOUSE BILL NO. 171: This is to annex into a fire district. After the person goes through all of the requirements and goes before the county commissioners, it could be thrown out. Sen. Marbut felt this is inappropriate and felt it would be a benefit for these people to be in a fire district. He tried to work out some amendments but there was no way it could be done to do what he wanted it to do. Sen. Ochsner agreed with Sen. Marbut. Sen. Marbut MOVED HB 171 BE NOT CONCURRED IN. MOTION CARRIED with Sen. Conover voting "no". Sen. Marbut will carry the bill on the floor.

FURTHER CONSIDERATION OF HOUSE BILL NO. 121: Sen. Hammond MOVED THAT HB 121 BE NOT CONCURRED IN. It was brought out that the 10-year requirement for review is constitutional and the three year is statutory. Paul Rapp-Svrcek, Legislative Aide to the Missoula delegation, said they did not want a conflict should they have an election this fall. They wanted to simply clarify that it was three years between elections and thought it was brought about by the local government study commission. Sen. Crippen felt it may be a bad situation - just to clarify it. Sen. Marbut asked if they couldn't just call a special election? The question of an alternative form of government has to be on the ballot in 1986 and Dave Bohyer said they are going to run into a problem in 1986 because of this. Statutorily, they are going to be four days short. The election will be November 8, 1986 and the election this fall is, he thought, November 4, 1983. Chairman McCallum said they are trying to get two elections in three years. Sen. Crippen suggested that the committee hold this bill until Sen. Van Valkenburg returns because he is co-sponsor of the bill. There was NO ACTION taken on the motion.

DISPOSITION OF HOUSE BILL NO. 193: Sen. Boylan MOVED HB 193 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 282: Sen. Story MOVED HB 282 BE NOT CONCURRED IN. Sen. Story said if the state fire marshall is authorized to do inspections and can appoint deputies to act on his behalf they have the authority without messing around with these guys. The sheriff has the same authorization. Sen. Ochsner said that the fire marshall could appoint one of these fire chiefs. MOTION CARRIED with Sen. Crippin voting "no".

FURTHER CONSIDERATION OF HOUSE BILL NO. 343: Sen. Story said if they passed this bill it would be the first time they did not set a ceiling on a levy. Chairman McCallum said the rural fire districts have no limits on what can be spent. Dave Bohyer read the statute to the committee concerning this. Sen. Hammond said he did not quite understand the remark that cities and counties are out of equality and he wondered what the need was for this bill. Sen. Ochsner MOVED THAT HB 343 BE NOT CONCURRED IN. Sen. Hammond said he would rather wait on

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this and do some calling before action is taken. Sen. Ochsner WITHDREW HIS MOTION.

DISPOSITION OF HOUSE BILL NO. 596: Sen. Ochsner MOVED HOUSE BILL 596 BE NOT CONCURRED IN. Sen. Fuller made a SUBSTITUTE MOTION FOR ADOPTION OF THE AMENDMENTS. The committee felt that rather than amend it and send it into a conference committee, they should either concur or not concur in the bill. Sen. Fuller WITHDREW THE SUBSTITUTE MOTION. THE ORIGINAL MOTION CARRIED WITH Sens. Fuller and Conover voting "no".

DISPOSITION OF HOUSE BILL NO. 651: Sen. Boylan MOVED HB 651 BE NOT CONCURRED IN. Sen. Crippen felt there was nothing really wrong with this bill. MOTION FAILED 6-4. Sen. Thomas MOVED HB 651 BE CONCURRED IN. MOTION CARRIED with Sen. Boylan voting "no". Sen. Marbut will carry the bill on the floor of the Senate.

MEETING ADJOURNED at 2:58 p.m.

Sen. Marbut asked that his vote on HB 596 be recorded to "aye".


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 3/¹⁷~~12~~/83

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

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

3/17/83

BILL SUMMARIES

SENATE LOCAL GOVERNMENT COMMITTEE

HB 121 *first*
(Veleber)

House Bill 121 clarifies an election provision relating to elections on alternative forms of local governments. The bill establishes that a general election held in any November is considered to be 1 year apart from a general election in any preceeding or succeeding November.

HB 193 *second*
(Pistoria)

House Bill 193 clarifies which professions, etc., are intended to be exempt from certain statutory provisions relating to contracting.

HB 282 *fourth*
(Kadas)

House Bill 282 authorizes a Board of County Commissioners to permit a fire district board of trustees to enforce the Uniform Fire Code in unincorporated areas for certain buildings.

HB 343 *third*
(Spaeth)

House Bill 343 would eliminate the 2 mill levy ceiling for the support of municipal volunteer fire departments.

HB 596 *fifth*
(as)

House Bill 596 requires the Board of County Commissioners to establish the number and terms of office of members to be appointed to various boards and commissions.

HB 651 *sixth*
(Eudaily)

House Bill 651 changes the dollar value limit for sales and purchases of property. The revised value limit for which an appraisal is required would be \$2,500.

(c) sections of Title 7, chapter 5, part 1, that address procedures or effects which are neither addressed by this part nor in conflict with any provision of this part.

History: En. Sec. 1, Ch. 315, L. 1981.

Compiler's Comments

Erroneous Reference: The reference in (1) which suggests that this part has provisions governing initiative and referendum procedures is erroneous. Those provisions were repealed by sec. 407, Ch. 571, L. 1979. For the current provisions governing initiative and referendum

procedures, see Title 7, chapter 5, part 1, as referred to in (2).

Codification Instruction: Section 2, Ch. 315, L. 1981, provided: "Section 1 is intended to be codified as an integral part of Title 7, chapter 5, part 42, and the provisions of section 1 apply to Title 7, chapter 5, part 42."

7-5-4209 and 7-5-4210 reserved.

7-5-4211 through 7-5-4225. Repealed. Sec. 407, Ch. 571, L. 1979.

Compiler's Comments

Histories of Repealed Sections:

7-5-4211 through 7-5-4216. En. Ch. 167, L. 1907; Sec. 3266, Rev. C. 1907; re-en. Sec. 5058, R.C.M. 1921; re-en. Sec. 5058, R.C.M. 1935; amd. Sec. 1, Ch. 24, L. 1951; amd. Sec. 1, Ch. 126, L. 1967; R.C.M. 1947, 11-1104.

7-5-4217. (1) En. Ch. 167, L. 1907; Sec. 3269, Rev. C. 1907; re-en. Sec. 5061, R.C.M. 1921; re-en. Sec. 5061, R.C.M. 1935; amd. Sec. 1, Ch. 94, L. 1967; Sec. 11-1107, R.C.M. 1947; (2) En. Ch. 167, L. 1907; Sec. 3276, Rev. C. 1907; re-en. Sec. 5068, R.C.M. 1921; re-en. Sec. 5068, R.C.M. 1935; Sec. 11-1114, R.C.M. 1947; R.C.M. 1947, 11-1107, 11-1114.

7-5-4218. En. Ch. 167, L. 1907; Sec. 3275, Rev. C. 1907; re-en. Sec. 5067, R.C.M. 1921; re-en. Sec. 5067, R.C.M. 1935; R.C.M. 1947, 11-1113.

7-5-4219. En. Ch. 167, L. 1907; Sec. 3274, Rev. C. 1907; re-en. Sec. 5066, R.C.M. 1921; re-en. Sec. 5066, R.C.M. 1935; R.C.M. 1947, 11-1112(part).

7-5-4220. En. Ch. 167, L. 1907; Secs. 3267, 3270, 3271, Rev. C. 1907; re-en. Secs. 5059, 5062, 5063, R.C.M. 1921; re-en. Secs. 5059, 5062, 5063, R.C.M. 1935; R.C.M. 1947, 11-1105, 11-1108, 11-1109.

7-5-4221. En. Ch. 167, L. 1907; Sec. 3272, Rev. C. 1907; re-en. Sec. 5064, R.C.M. 1921; re-en. Sec. 5064, R.C.M. 1935; R.C.M. 1947, 11-1110.

7-5-4222. En. Ch. 167, L. 1907; Sec. 3273, Rev. C. 1907; re-en. Sec. 5065, R.C.M. 1921; re-en. Sec. 5065, R.C.M. 1935; R.C.M. 1947, 11-1111(part).

7-5-4223. En. Ch. 167, L. 1907; Sec. 3274, Rev. C. 1907; re-en. Sec. 5066, R.C.M. 1921; re-en. Sec. 5066, R.C.M. 1935; R.C.M. 1947, 11-1112(part).

7-5-4224 and 7-5-4225. En. Ch. 167, L. 1907; Sec. 3273, Rev. C. 1907; re-en. Sec. 5065, R.C.M. 1921; re-en. Sec. 5065, R.C.M. 1935; R.C.M. 1947, 11-1111(part).

Part 43

Municipal Contracts and Franchises

7-5-4301. Power to enter and execute contracts. (1) The city or town council has power to make any and all contracts necessary to carry into effect the powers granted by this code and to provide for the manner of executing the same.

(2) All necessary contracts for professional, technical, engineering, and legal services are excluded from the provisions of 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307.

History: (1) En. Subd. 63, Sec. 5039, R.C.M. 1921; amd. Sec. 1, Ch. 115, L. 1925; amd. Sec. 1, Ch. 20, L. 1927; re-en. Sec. 5039.62, R.C.M. 1935; Sec. 11-965, R.C.M. 1947; (2) En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1, Ch. 59, L. 1941; amd. Sec. 1, Ch. 153, L. 1947; amd. Sec. 1, Ch. 139, L. 1949; amd. Sec. 1, Ch. 220, L. 1959; amd. Sec. 1, Ch. 26, L. 1963; amd. Sec. 1, Ch. 121, L. 1969; amd. Sec. 1, Ch. 371, L. 1971; Sec. 11-1202, R.C.M. 1947; R.C.M. 1947, 11-965, 11-1202(part).

USE FOR
H.B. 193

* 7-5-4302. Competitive, advertised bidding required for certain purchase and construction contracts. (1) Except as provided in 7-5-4303, all contracts for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, or equipment, for any materials or supplies of any kind, or for construction, repair, or maintenance for which must be paid a sum exceeding \$10,000 must be let to the lowest responsible bidder after advertisement for bids.

(2) Such advertisement shall be made in the official newspaper of the city or town if there be such official newspaper, and if not, it shall be made in a daily newspaper of general circulation published in the city or town if there be such and, otherwise, by posting in three of the most public places in the city or town. Such advertisement, if by publication in a newspaper, shall be made once each week for 2 consecutive weeks, and the second publication shall be made not less than 5 days or more than 12 days before the consideration of bids. If such advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of such advertisement and the day set for considering bids.

(3) The council may postpone action as to any such contract until the next regular meeting after bids are received in response to such advertisement and may reject any and all bids and readvertise as provided herein.

History: En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1, Ch. 59, L. 1941; amd. Sec. 1, Ch. 153, L. 1947; amd. Sec. 1, Ch. 139, L. 1949; amd. Sec. 1, Ch. 220, L. 1959; amd. Sec. 1, Ch. 26, L. 1963; amd. Sec. 1, Ch. 121, L. 1969; amd. Sec. 1, Ch. 371, L. 1971; R.C.M. 1947, 11-1202(part); amd. Sec. 1, Ch. 429, L. 1981.

Compiler's Comments

1981 Amendment: Extended the coverage of the types of contracts to include repair and

maintenance; increased the minimum contract amount requiring bids from \$4,000 to \$10,000 in (1).

* 7-5-4303. Exemptions from bidding or advertising requirements for certain contracts. (1) The provisions of 7-5-4302 as to advertisement for bids shall not apply upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot, insurrection, or other similar emergency, but in such case the council may proceed in any manner which, in the judgment of three-fourths of the members of the council present at the meeting, duly recorded in the minutes of the proceedings of the council by aye and nay vote, will best meet the emergency and serve the public interest. Such emergency shall be declared and recorded at length in the minutes of the proceedings of the council at the time the vote thereon is taken and recorded.

(2) When there are sufficient funds in the budget for supplies or equipment, a city or town may, without bid, purchase such supplies or equipment from government agencies available to cities or towns when the same can be purchased by such city or town at a substantial saving to such city or town.

History: En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1, Ch. 59, L. 1941; amd. Sec. 1, Ch. 153, L. 1947; amd. Sec. 1, Ch. 139, L. 1949; amd. Sec. 1, Ch. 220, L. 1959; amd. Sec. 1, Ch. 26, L. 1963; amd. Sec. 1, Ch. 121, L. 1969; amd. Sec. 1, Ch. 371, L. 1971; R.C.M. 1947, 11-1202(part).

* 7-5-4304. Certain contracts to be submitted to voters. No contract may be let extending over a period of 5 years or more without first submitting the question to a vote of the electors of the city or town.

History: En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1,

PROPOSED - AMENDMENT
TO H.B. 193

Pistonia

AMEND HOUSE BILL 193 AS FOLLOWS: *It was amended*

1. Title, line 4.
Following: "DELINEATING"
Strike: "SPECIFIC"

*in Local Gov't
House committee*

2. Page 1, line 17.
Following: "technical,"
Insert: "professional, technical,"
Strike : "medical, nursing, architectural, financial,"

3. Page 1.
Following: line 20
Insert: "(3) In subsection (2) each of the enumerated services are intended to include only those services that require advanced or specialized intellectual education, knowledge, and training and that involve exercise of discretion and judgment. Such services do not include services characterized as routine mental, manual, physical or mechanical."

NAME Barbara Stan BILL NO. 11K590
ADDRESS 2415 56th St - Mpls DATE 3-17-83
WHOM DO YOU REPRESENT Missoula County
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The bill will allow the Commissioner
to give the citizens more opportunities to
participate on boards, by increasing size of
boards if a large citizen interest is apparent.
It would allow more flexibility in the
structuring of the boards per interest.
I allow us to stagger the term between
some cases.

Reel - Mon - Jan. 24, 1983

1. Executive. The term "employee employed in a bona fide executive...capacity..." in M.A.C., Section 24-3.14BII(2)-S1420 means any employee:

See Page 7
for H.B. 193

- (a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department of a subdivision thereof; and
- (b) Who customarily and regularly directs the work of two or more other employees therein; and
- (c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring and firing or as to the advancement and promotion or any other change in status of other employees will be given particular weight; and
- (d) Who customarily and regularly exercises discretionary powers; and
- (e) Who does not devote more than 20 percent or, in the case of an employee of a retail or service establishment, who does not devote as much as 40 percent of his hours or work in a workweek to activities which are not directly and closely related to the performance of the work described in subsection (a) through (d) of this section: Provided that this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment; and
- (f) Who is compensated for his services on a salary basis at a rate of not less than \$150 per week...exclusive of board, lodging, or other facilities. Provided that an employee who is compensated on a salary basis at a rate of not less than \$200 per week...exclusive of board, lodging or other facilities, and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes a customary and regular direction of the work of two or more employees therein, shall be deemed to meet all of the requirements of this section. This subsection (1)(f) shall not apply to employees whose salary or wages are fixed by legislative action.

2. Administrative. (1) The term "employee employed in a bona fide...administrative...capacity..." in M.A.C., Section 24-3.14BII(2)-S1430 means any employee:

Whose primary duty consists of:

The performance of office or non-manual work directly related to management policies or general business operations of his employer or his employer's customers...

- (2) Who customarily and regularly exercises discretion and independent judgment; and
- (3) (a) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity...or
- (b) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or
- (c) Who executes under only general supervision special assignments and tasks; and
- (4) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment, who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraph (1) of this section; and
- (5) Who is compensated for his services on a salary or fee basis at a rate of not less than \$150 per week...exclusive of board, lodging, or other facilities, or

Provided, that an employee who is compensated on a salary or fee basis at a rate of not less than \$200 per week, exclusive of board, lodging, or other facilities, and whose primary duty consists of the performance of work described in paragraph (1) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section. This subsection (5) shall not apply to employees whose salary or wages are fixed by legislative action.

mr

H.B. 193

X 3.

Professional. (1) The term "employee employed in a bona fide... professional capacity..." in M.A.C., Section 24-3.14BII(2)-S1440 means any employee:

- (a) Whose primary duty consists of the performance of:
 - (i) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or
 - (ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with a general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee; or

- (b) Whose work requires consistent exercise of discretion and judgment in its performance; and
- (c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and
- (d) Who does not devote more than 20 percent of his hours worked in a workweek to activities which are not an essential part of the necessarily incident to the work described in paragraphs (a) through (c) of this section; and
- (e) Who is compensated for his services on a salary or fee basis at a rate of not less than \$150 per week...exclusive of board, lodging, or other facilities. Provided that this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof...and provided further in that an employee who is compensated on a salary or fee basis at a rate of not less than \$200 per week...exclusive of board, lodging, or other facilities, and whose primary duty consists of the performance either of work described in paragraph (1) of this section, which includes work requiring the consistent exercise of discretion and judgment or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section. This subsection (1)(e) shall not apply to employees whose salary or wages are fixed by legislative action.

This compensatory time and overtime pay policy shall apply to all full-time employees or part-time employees if their workday exceeds eight (8) hours. These employees may be permanent, temporary, or seasonal employees.

This policy shall be utilized unless it conflicts with negotiated labor contract provisions, which shall take precedence to the extent applicable.

Any questions concerning this policy should be directed to the Personnel Division of the Department of Administration, phone 449-3871.

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761-6500

City said not required to take bids for sewage

By SUE O'CONNELL
Tribune Staff Writer

Although the city was criticized this week for not going out to bid on operators for its sewage treatment plant, City Manager Al Johnson said the city saw no reason to do so.

He said state law does not require competitive bidding on contracts for professional services — the type of service provided by Envirotech Operating Services, which received a five-year city contract Tuesday.

The contract was the subject of a hotly contested City Commission meeting, and the commission split 3-2 in deciding the contract. Mayor Shirley Kuntz and Commissioner Lee Nelson voted against it.

State Rep. Paul Pistoria, D-Great Falls, continued his annual opposition to Envirotech during the meeting. And he berated the city for not advertising for bids on the contract, saying it was handed to Envirotech on "a silver platter."

Both Johnson and Dave Gliko, city attorney, point to a state law that exempts professional services for the bidding process. In general, all equipment purchases and construction work over \$10,000 must be put up for competitive bidding.

Johnson said when operation of the sewage treatment plant was first

contracted out in 1977, the city did advertise for bids. When Envirotech's two-year contract expired in 1979, the city decided not to advertise again.

This year, he said, "I don't think we even got into the idea of an advertisement."

But he defended the decision, saying no firms have contacted the city with proposals of their own. In fact, he said, few firms even provide such services.

"It's not exactly the most hotly competitive type of operation," he added.

And because Envirotech has five years of experience at the city plant, Johnson said the firm had an obvious advantage. A new firm would have had to charge the city for extra costs of just starting up in a new city.

Johnson doesn't consider the lack of bids a mistake on the city's part. While he acknowledged the city did, in effect, go to bid on parking enforcement last year, he said the situation was not quite the same as Envirotech.

Both parking enforcement and operation of the sewage plant are considered professional services, he said. Therefore, neither would be subject to the bidding process. Yet he said the similarities end there.

A number of firms — including successful bidder APCOA — put up proposals for the parking contract. Yet none inquired about sewage treatment operation.

"It's a question of competition," he said.

This year, the city faced another question: whether it could operate the plant at a lower cost.

Johnson said this question carried more weight with the commission than did the question of competing firms. And in the end, he noted, "the cost really wasn't the consideration."

City estimates showed its costs to be about the same as those Envirotech projected — \$1.2 million a year.

Envirotech's contract looked more lucrative to the city because the firm is liable for any fines resulting from a violation of federal standards on the purity of wastewater, Johnson said. Some of the fines run up to \$10,000 a day.

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GREAT FALLS, MONTANA 59406

February 7, 1983

Rec'd - used - Feb. 9, 1983

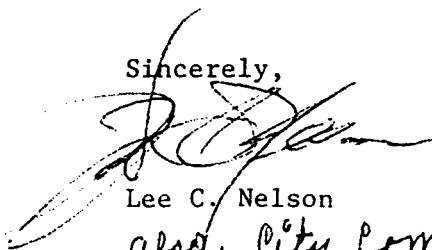
Representative Paul Pistoria
Capitol Station
1205 East 8th Avenue
Helena, Montana 59620

Dear Representative:

As I understand it, House Bill 193 would put professional services out for bid. This is as it should be.

I strongly favor house bill 193.

Sincerely,



Lee C. Nelson

*also, City Commissioner
City of Great Falls.*

LCN:jg

House BILL NO. *343*
INTRODUCED BY *Spauld*

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE 2-MILL
LEVY LIMIT FOR MUNICIPAL VOLUNTEER FIRE DEPARTMENTS;
AMENDING SECTION 7-33-4111, MCA."

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

Section 1. Section 7-33-4111, MCA, is amended to read:

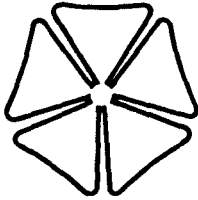
"7-33-4111. Tax levy for volunteer fire departments.
For the purpose of supporting volunteer fire departments in
any city or town which does not have a paid fire department
and for the purpose of purchasing the necessary equipment
for them, the council in any city or town may levy, in
addition to other levies permitted by law, a special tax not
exceeding ~~2 mills on each dollar of the taxable value upon~~
all of the property of the city or town subject to
taxation."

Rural Fire Districts

7-33-2109. Tax levy authorized. At the time of the annual levy of
taxes, the board of county commissioners may levy a special tax upon all
property within such districts for the purpose of buying or maintaining fire
protection facilities and apparatus for such districts or for the purpose of
paying to a city, town, or private fire service the consideration provided for
any contract with the council of such city, town, or private fire service for
the purpose of furnishing fire protection service to property within such dis-
trict. Such tax must be collected as are other taxes.

History: En. Sec. 3237, Pol. C. 1895; re-en. Sec. 2081, Rev. C. 1907; amd. Sec. 1, Ch. 16, L. 1915;
amd. Sec. 1, Ch. 16, L. 1921; re-en. Sec. 5148, R.C.M. 1921; amd. Sec. 1, Ch. 15, L. 1931; re-en.
Sec. 5148, R.C.M. 1935; amd. Sec. 1, Ch. 118, L. 1945; amd. Sec. 2, Ch. 97, L. 1947; amd. Sec. 1,
Ch. 75, L. 1953; amd. Sec. 1, Ch. 75, L. 1957; amd. Sec. 1, Ch. 48, L. 1959; amd. Sec. 1, Ch. 77,
L. 1959; amd. Sec. 1, Ch. 49, L. 1963; amd. Sec. 1, Ch. 45, L. 1969; amd. Sec. 2, Ch. 81, L. 1977;
R.C.M. 1947, 11-2008(part).

Mike Young



THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

March 16, 1983

BILL CREGG
MAYOR
201 West Spruce Street
Missoula, MT 59802
Phone 721-4700

TO: Senator George McCallum, Chairman,
Local Government Committee
Members of the Committee

FROM: The City of Missoula, by David Wilcox, Administrative Assistant

RE: HB 282 Granting Rural Fire Districts Authority to Adopt and
Enforce Fire Codes

HB 282 in its present form, before you, is much improved from earlier versions of the bill.

However, the bill as it now reads presents new concerns for the City of Missoula. Section 1 (a new section) drastically alters the original bill with some positive and some negative results. The City of Missoula supports placing the authority for the adoption of fire codes with the County Commissioners. The City opposes the apparent unilateral nature of the state fire marshal's authority to delegate responsibility for permits and inspections to the rural fire district.

The City of Missoula exercises its authority to enforce building and fire codes within a $4\frac{1}{2}$ mile radius of the City limits, pursuant to Section M.C.A. The City has provided this service since 1974, maintaining a sufficient staff to meet the need. In the last 3 years the City has been required to supplement the building inspection program with general fund monies, totaling \$ 120,259.

Further, the Building Inspection Department is part of a City-County department. ^{The Building Inspection Program} It is clearly structured to serve City and County residents within $4\frac{1}{2}$ miles of the City limits.

The City of Missoula can support this bill permitting rural fire departments this authority under the state fire marshal's jurisdiction only if it will not interfere with our well-established inspection program. Language in the original bill would serve this purpose. I, therefore, propose that Section 1 be amended by adding the following language:

"However, the fire marshal may not delegate such authority to a rural fire district for any area in which local governing authorities have exercised jurisdiction to enforce building and fire codes."

kma

NAME Bruce Swenson BILL NO. HB 282
ADDRESS 2521 S. Ave West DATE 3/17
WHOM DO YOU REPRESENT Wola Rural One District
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Support of HB 282 is a
Rural One District more direct control
that will protect the interests of the

Leg. body is one of the most important
elements in the protection of the people, especially
today with the tightening of fiscal belts

Urge your support of this bill and encourage others
to do the same.

AMENDMENTS TO HB596

1. Title, line 9.
Strike: "Museum Board"
2. Title, line 11.
Strike: "Library Board"
3. Title, line 14.
Strike: "7-16-2203"
4. Title, line 16.
Strike: "22-1-308"
5. Page 2, line 12.
Strike: section 2 in its entirety
6. Page 9, line 17.
Strike: section 13 in its entirety

Montana Library Association

March 16, 1983

Senator George McCallum, Chairman
Senate Local Government Committee
Capitol Building
Helena, Montana 59620

Dear Senator McCallum:

As Chairman of the Friends and Trustees Division of the Montana Library Association, I am concerned about those provisions of HB 596 that would affect county library boards.

Libraries in American are founded on the principles of freedom of thought and have materials representing a variety of viewpoints. The ability of the library boards to maintain freedom of access to materials could be weakened if boards become subject to strong political pressure. This bill would end the statutory protection they now have regarding composition and terms. The bill might also endanger library boards if situations arose where county commissions acted arbitrarily or capriciously.

I urge you either to reject HB 596 or delete those provisions affecting county library boards.

Sincerely,



Lawrence Maxwell
Chairman, Friends and Trustees Division
Montana Library Association

LM/jf

Re: HB 596

STATEMENT FROM MONTANA ARTS ADVOCACY:

AMENDMENT TO HB 596 (Kadas and others): An act providing that boards of county commissioners...may determine the number and terms of office of members on appointed boards and commissions that provide local government services.

On p. 1, line 8: strike county museum board.

On line 13: strike section 7-16-2203.

Page 2: strike lines 14 thru 24. Rationale: While there is merit in providing broader discretion to county commissioners in appointing local boards, it is important that certain boards be buffered from dramatic changes on a year-to-year basis. It is accepted structure that public boards that deal in constitutionally protected agencies relating to freedom of expression have boards which are appointed on a staggered basis so that at no given time, based on political whim, can a board be unilaterally dissolved and replaced overnight. This structure has been applied at the state level as is visible in the design of the Montana Arts Council, the Historical Society Board of Trustees, and the Library Commission. } There is little purpose served in eliminating the provision for staggered appointments at the county level. Keeping it in the law makes it consistent with state appointment policies. The provision has not caused undue hardship for county commissioners. It is just wise and prudent to have museums and art centers excluded from HB 596.

- A.W. Holmes.

Re: HB 596

Statement from Donna Forbes, Director, Yellowstone Art Center

As Director of the Yellowstone Art Center in Billings and immediate past president of the association of art center and art museum directors in Montana, I would like to ask that House Bill 596 be amended to eliminate museum boards from the suggested changes as outlined in HB 596. (Like libraries, museums are educational institutions and their strength lies in governing boards made up of members who are elected (or chosen?) individually and on staggered terms. The arts in a democratic society flourish because of their freedom. This free expression is a concern to all who present the arts to the public. My own institution, a county supported art center, has been effectively governed for 19 years by a board operating under the present statute. The other art centers and museums in this state have had the same experience with effective board guidance.

It would be unfortunate to open the door to the opportunity to change what has proven so successful for Montana's cultural institutions.

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **491**

Dozier (Thomas)

Respectfully report as follows: That **HOUSE** Bill No. **491**,
third reading copy,

HE CONCURRED IN

EXPENSE

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **651**

Eudaily (Marbut)

Respectfully report as follows: That **HOUSE** Bill No. **651**,
third reading copy,

BE CONCURRED IN

DOCKET

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **602**

Kitselman (McCallum)

Respectfully report as follows: That **HOUSE** Bill No. **602**,
third reading copy,

BE CONCURRED IN

DID NOT

STANDING COMMITTEE REPORT

March 17

83

19

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **171**

Williams

(Marbut)

Respectfully report as follows: That **HOUSE** Bill No. **171**,
third reading copy,

BE NOT CONCURRED IN

XXXXXX

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE**

Bill No. **421**

Thoft (Thomas)

Respectfully report as follows: That **HOUSE**

Bill No. **421,**

third reading copy,

BE CONCURRED IN

BOOKS

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **459**

Hemstad (McCallum)

Respectfully report as follows: That **HOUSE** Bill No. **459**,
third reading copy,

BE CONCURRED IN

XXXXXX

STANDING COMMITTEE REPORT

March 17 19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **634**

Compton (McCallum)

Respectfully report as follows: That **HOUSE** Bill No. **634**,
third reading copy,

BE CONCURRED IN

OKKESK

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **193**

Pistoria (R. Manning)

Respectfully report as follows: That **HOUSE** Bill No. **193,**
third reading copy,

BE CONCURRED IN

XXXXXX

STANDING COMMITTEE REPORT

March 17 19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **399**

Vinger (McCallum)

Respectfully report as follows: That **HOUSE** Bill No. **399**,
third reading copy,

BE CONCURRED IN

MARKS

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **596**

Kadas (McCallum)

Respectfully report as follows: That **HOUSE** Bill No. **596**,
third reading copy,

BE NOT CONCURRED IN

XXXXXX

STANDING COMMITTEE REPORT

March 17 1983

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **830**

Hansen (Story)

Respectfully report as follows: That **HOUSE** Bill No. **830,**
third reading copy,

BE NOT CONCURRED IN

DOUBT

STANDING COMMITTEE REPORT

March 17

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE**

Bill No. **282**

Kadas (Story)

Respectfully report as follows: That **HOUSE •**
third reading copy,

Bill No. **282,**

BE NOT CONCURRED IN

XXXXXX

SENATE COMMITTEE LOCAL GOVERNMENT

Date House Bill No. 491 Time 3:07

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: 1 - 2 - 6-4

Marbut motion

Be Not Concurred in.

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

SENATE COMMITTEE LOCAL GOVERNMENT

Date _____ Bill No. 788 Time 2:25

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: _____

(Con - 98 5-5)
→ 211

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

SENATE COMMITTEE LOCAL GOVERNMENT

Date _____ Bill No. 651 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	✓	pass
McCALLUM, George	✓	

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: C-2 C- → L 6-4

Be Not Concurred in Motion failed 6-4

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

SENATE COMMITTEE LOCAL GOVERNMENT

Date _____ Bill No. 602 Time _____

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: C - C - 8-2

Beate Concurred

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