

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 28, 1985

The twenty-eighth meeting of the Local Government Committee was called to order at 12:30 p.m. on March 28, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 683: Representative Mary Ellen Connelly, District #8, is the sponsor of this bill. The bill was introduced to authorize a county governing body to enact ordinances for the enforcement of county park board rules; to allow the county governing body to authorize a county park board to employ a county park warden; and to provide that such a warden is not a peace officer.

PROPOSERS

There were no proposers to HB 683.

OPPOSERS

There were no opposers to HB 683.

Chairman Fuller opened the hearing for Committee questions.

Senator McCallum asked if they were able to hire wardens now. Representative Connelly said they were able to, but the wardens cannot issue citations.

Senator Fuller said he had spoken with the Helena sheriff and his concern was liability in the case of something like crowd control. Representative Connelly said in that case, they would call the sheriff anyway.

Senator Fuller asked Representative Connelly what the specific problem in the parks is. Representative Connelly said often when they call the sheriff's office, by the time they arrive the vandals have already gone.

The hearing was closed on HB 683.

ACTION TAKEN ON HB 683: Senator Crippen moved that HB 683 BE CONCURRED IN. The motion passed unanimously. Senator Brown will carry the bill.

March 28, 1985

CONSIDERATION OF HOUSE BILL 687: Representative Harry Fritz, District #56, is the sponsor of this bill. The bill was introduced to allow the adoption of schedules for the retention of finance-related records of counties and municipalities rather than requiring retention for specific time periods, and requiring Department of Commerce approval of such schedules. A fact sheet was submitted on the bill and is attached as Exhibit A to these minutes.

PROPONENTS

James Dopp, Records Manager for Missoula County, spoke in favor of the bill. His written testimony is attached as Exhibit B to these minutes.

Mike Stephen, representing the Montana Clerk and Recorders Association, stated his support of the bill.

Bill Verwolf, representing the City of Helena and the Montana Municipal Clerks, Treasurers, and Finance Officers Association, stated his support of the bill.

Alec Hansen, representing the Montana League of Cities and Towns, stated his support of the bill.

OPPONENTS

There were no opponents to HB 687.

Chairman Fuller opened the hearing for Committee questions. There were no questions from the Committee regarding HB 687.

The hearing was closed on HB 687.

ACTION TAKEN ON HOUSE BILL 687: Senator Story moved that HB 687 BE CONCURRED IN. The motion passed unanimously. Senator Story will carry the bill.

CONSIDERATION OF HOUSE BILL 813: Representative Ted Schye, District #18, is the sponsor of this bill. The bill was introduced at the request of the House Local Government Committee. The purpose of the bill is to allow city councils to set the date for the monthly report by the clerk on expenditures, liabilities, and appropriations.

PROPONENTS

Bill Verwolf, representing the City of Helena and the Montana Municipal Clerks, Treasurers, and Finance Officers Association, stated his support of the bill.

March 28, 1985

Alec Hansen, representing the Montana League of Cities and Towns, stated his support of the bill.

OPPONENTS

There were no opponents to HB 813.

Chairman Fuller opened the hearing for Committee questions. There were no questions from the Committee regarding HB 813.

The hearing was closed on HB 813.

ACTION TAKEN ON HOUSE BILL 813: Senator McCallum moved that HB 813 BE CONCURRED IN. The motion passed unanimously. Senator McCallum will carry the bill.

CONSIDERATION OF HOUSE BILL 818: Representative John Patterson, District #97, is the sponsor of this bill. The bill was introduced at the request of the House Local Government Committee. The purpose of the bill is to authorize a county to contribute money from the mill levy for the support of public museums not owned by the county.

PROPOSERS

Brenda Schye, representing the Montana Arts Advocacy, stated her support of the bill.

Bill Pratt, representing the Montana Arts Council, stated his support of the bill.

OPPONENTS

There were no opponents to the bill.

Chairman Fuller expressed concern that the bill would not enable counties to contribute to private non-profit museums. Representative Patterson said if the museum is on publicly owned property, he believes it would still qualify. He said they could also contribute to an organization such as the senior citizens and they could in turn contribute to the museum.

The hearing was closed on HB 818.

ACTION TAKEN ON HOUSE BILL 818: Senator Eck moved that HB 818 BE CONCURRED IN. The motion passed with Senators McCallum and Hirsch voting no.

March 28, 1985

CONSIDERATION ON HOUSE BILL 883: Representative Mike Kadas, District #55, is the sponsor of this bill. The bill was introduced to define purposes for which a county may incur indebtedness, and provide that a debt for more than \$150,000 must be submitted for a vote of the electors.

PROPOSERS

There were no proponents to HB 883.

OPPOSERS

There were no opposers to HB 883.

Chairman Fuller opened the hearing for Committee questions.

Senator McCallum expressed concern that the bill does not specify how many times a loan may be obtained.

Senator Mohar said a section should be included to read that loans would only be obtained to meet county expenses if they run short before tax revenues are received. Representative Kadas stated that it was already taken care of in another section of the law. Karen Renne said it would still be a good idea to put it in the bill as one of the listed items.

Senator Fuller asked Greg Jackson what problems he had faced at Lewis and Clark County in needing emergency loans. Mr. Jackson said that obtaining loans in emergency situations was not cost effective. He said they normally passed resolutions or held hearings for emergency funds.

Senator Pinsoneault suggested a limit such as "four times a year" be put in the bill.

The hearing was closed on HB 883.

ACTION TAKEN ON HOUSE BILL 883: Senator McCallum moved that HB 883 BE NOT CONCURRED IN.

Senator Eck made a substitute motion to adopt the proposed amendment to the bill. It is attached as Exhibit C to these minutes. The motion passed unanimously.

Senator Eck moved that HB 883 as amended BE CONCURRED IN. The motion failed with Senators Mohar, Eck, Regan, and Pinsoneault voting yes and Senators Harding, Hirsch, Crippen, McCallum, Story, and Fuller voting no.

Senator McCallum's original motion that the bill BE NOT CONCURRED IN passed with the above vote reversed. Senator Fuller will carry the Adverse Committee Report.

March 28, 1985

ACTION TAKEN ON HOUSE BILL 673: Senator Mohar moved that HB 673 as amended BE CONCURRED IN. The motion passed with Senators Fuller, Harding, Eck, Mohar, Regan, Pinsoneault, and Crippen voting yes and Senators McCallum, Hirsch, and Story voting no. Senator Mohar will carry the bill.

ACTION TAKEN ON HOUSE BILL 791: Senator Story explained his proposed amendments to the bill. They are attached as Exhibit D to these minutes.

Senators Mohar and Harding expressed concern that the copy of the determination of the review be reflected on the certificate of survey or deed of conveyance. Karen Renne will put this language in the proposed amendments.

Senator Story moved that the proposed amendments be adopted. The motion passed unanimously.

Senator Mohar expressed concern with the additional burden that would be put on counties. Senator Harding said it would not be as much of a burden as they have in reviewing plats under twenty acres.

Senator Harding moved that HB 791 as amended BE CONCURRED IN. The motion passed with Senators Mohar and Crippen voting no. Senator Harding will carry the bill.

ACTION TAKEN ON HOUSE BILL 736: Senator Hirsch moved that HB 736 BE NOT CONCURRED IN.

Senator Eck spoke against the motion, saying she feels the bill gives counties a lot of flexibility.

Senator Hirsch's motion passed with Senators Mohar, Story, Crippen, McCallum, Hirsch, and Harding voting yes and Senators Regan, Eck, and Fuller voting no. Senator Crippen will carry the Adverse Committee Report.

ACTION TAKEN ON HOUSE BILL 612: Senator Regan moved that HB 612 BE TABLED. The motion passed unanimously.

ACTION TAKEN ON HOUSE BILL 885: Senator Mohar moved that HB 885 be amended to reduce the figure of "one half" to "one third." The motion passed unanimously.

Senator Crippen moved that Section 42 of the bill be stricken. The motion passed with Senator Eck voting no.

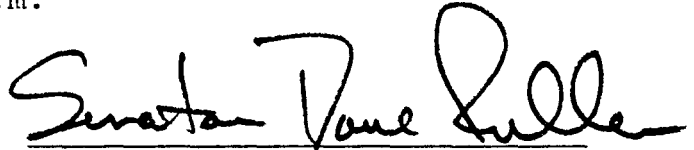
Senator Crippen moved that Subsection (e) on Page 12 be stricken to coordinate with striking Section 42. The motion passed unanimously.

Local Government Committee
Page Six

March 28, 1985

The amendments to HB 885 are attached as Exhibit E to these minutes. Senator Crippen moved that HB 885 as amended BE CONCURRED IN. The motion passed unanimously. Senator Fuller will carry the bill.

The meeting adjourned at 2:30 p.m.


Senator Dave Fuller, Chairman

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th

LEGISLATIVE SESSION -- 1985

Date 3-28-85

SENATE
SEAT

#

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	✓		
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V.Chair)	✓		
44 Senator Pinsoneault, Dick	✓		
19 Senator Regan, Pat	✓		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

HOUSE BILL 673
PAGE 1 of 2 PAGES

MARCH 29

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

No. 673

having had under consideration.....

No.

THIRD

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color

(MOHAR WILL CARRY)

ADVANCING TIME FOR TESTING LOCAL PETITION VALIDITY IN COURT

Respectfully report as follows: That.....

HOUSE BILL

No. 673

be amended as follows:

1. Title, lines 8 and 9.
Following: "SUIT;" on line 8
Strike: remainder of line 8 through "ADMINISTRATOR;"
on line 9
2. Page 1, lines 18 and 19.
Following: "electors" on line 18
Strike: remainder of line 18 through "WORKING" on line 19
Insert: "The governing body may direct that a suit be
brought in district court by the local government
to determine whether the proposed action would
be valid and constitutional, but such a suit must
be initiated within 14"
3. Page 1, lines 20 through 24.
Following: "7-5-134" on line 20
Strike: remainder of line 20 through "constitutional"
on line 24
4. Page 2, line 6.
Following: "defendant the"
Strike: remainder of line 6

XXXXXXXX

00-4433

XXXXXXXXXX

00-4436

CONTINUED

Chairman.

MARCH 29

19 85

5. Page 2, lines 8 and 9.
Following: "7-5-134" on line 8
Strike: remainder of line 8 through "APPLICATION" on line 9
6. Page 2, line 15.
Following: "AS TO WHETHER"
Strike: remainder of line 15
7. Page 2, line 17.
Following: line 16
Insert: "(4) If the defendant prevails, he is entitled to be
reimbursed by the local government for costs and
reasonable attorney's fees incurred."
Renumber: subsequent section

AND AS AMENDED

HE CONCURRED IN

Senator Dave Fuller, Chairman

STANDING COMMITTEE REPORT

MARCH 28

19 95

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

having had under consideration..... **HOUSE BILL** No. **683**

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HOUSE)
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(BROWN WILL CARRY)

COUNTY PARK BOARD - COUNTY ORDINANCE FOR RULE ENFORCEMENT AND PARK WARDEN

HOUSE BILL

Respectfully report as follows: That..... No. **683**

BE CONCURRED IN

~~XXXXX~~
DO PASS

~~XXXXXXXXX~~
DO NOT PASS

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 28

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

687

having had under consideration..... No.....

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(STORY WILL CARRY)

color

COUNTY AND MUNICIPAL FINANCE RECORDS RETENTION SCHEDULES

HOUSE BILL

~~LOCAL GOVERNMENT~~

687

Respectfully report as follows: That..... No.....

BE CONCURRED IN

~~XXXX~~
DO PASS

~~XXXXXXXX~~
DO NOT PASS

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 29

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

736

having had under consideration..... No.....

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(CRIPPER WILL CAREY)

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SECURITY FOR REVOLVING FUNDS FOR IMPROVEMENT DISTRICTS

HOUSE BILL

736

Respectfully report as follows: That..... No.....

BE NOT CONCURRED IN

~~XXXXX~~
DO PASS

~~XXXXXX~~

.....
Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

Page 1 of 2

MARCH 28

1935

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

having had under consideration..... No. 791

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REVISING DEFINITION OF SUBDIVISION

HOUSE BILL

791

Respectfully report as follows: That..... No.....

1. Page 6, line 10.

Following: "(2)"

Insert: "(3)"

2. Page 6, line 12.

Following: "shall"

Strike: "approve, conditionally approve, or disapprove"

Insert: "review"

3. Page 6, line 14.

Following: "for"

Strike: "approval"

Insert: "review"

4. Page 6, line 15.

Following: "review"

Strike: "and approval"

5. Page 6, line 17.

Following: "provided."

Insert: "The review shall provide either:

(i) that the access and easements are suitable for the purposes of providing appropriate services to the land; or

(ii) that the access and easements are not suitable for the purposes of providing appropriate services to the land, in which case the county, the school district or districts, and other authorities and districts in which the land is located will not provide services that involve use of the unsuitable access and easements. Such services include:

(A) fire protection;

(B) school bussing;

(C) ambulance;

(D) snow removal; and

(E) similar services as determined by the governing

body.

(continued)

Chairman.

March 29,

19. 05

(b) The governing body shall deliver a copy of the determination of the review to the county clerk and recorder to be reflected on the certificate of survey or deed of conveyance of the land that was subject to review.

(c) The governing body may, upon application by a landowner, redetermine the suitability of access and easements. If the governing body determines that there has been a material change regarding access or easements and the change provides for suitable access and easements for services, it may determine that such land is now suitable as provided in subsection (2)(a)(i) and shall deliver a copy of such determination to the county clerk and recorder to be reflected on the certificate of survey or deed of conveyance.

(d) "

PC3HB791.641

AND AS AMENDED

BE CONCURRED IN

Senator Dave Fuller, Chairman

STANDING COMMITTEE REPORT

MARCH 28

85

..... 19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on

HOUSE BILL

813

having had under consideration..... No.....

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(MCCALLUM WILL CARRY)

CITY COUNCIL TO SET DATE FOR CLERK'S MONTHLY FINANCIAL REPORT

Respectfully report as follows: That.....
HOUSE BILL No. 813

BE CONCURRED IN

XXXXXX
DO PASS

XXXXXXXX
DO NOT PASS

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 23

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

918

having had under consideration..... No.....

THIRD

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reading copy ()

color

(BENGSTON WILL CARRY)

COUNTY CONTRIBUTION TO MUSEUM NOT OWNED BY COUNTY

HOUSE BILL

918

Respectfully report as follows: That..... No.....

BE CONCURRED IN

XXXXX

XXXXXXXXX

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

MARCH 29

85

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

having had under consideration..... No. 883

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color

(FULLER WILL CARRY)

EXPANDING COUNTY AUTHORITY TO CONTRACT INDEBTEDNESS FOR
CERTAIN PURPOSES

HOUSE BILL

Respectfully report as follows: That..... No. 883

be amended as follows:

1. Page 1, line 17.

Following: "money"

Strike: remainder of line 17

AND AS AMENDED

BE NOT CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

Senator Dave Fuller

Chairman.

STANDING COMMITTEE REPORT

HOUSE BILL 885
PAGE 1 of 2 PAGES

MARCH 29

95

19.....

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

having had under consideration..... No. 885

THIRD

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(FULLER WILL CARRY)

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GENERAL REVISION OF RURAL SPECIAL AND SPECIAL IMPROVEMENT DISTRICTS

HOUSE BILL

885

Respectfully report as follows: That..... No.....

be amended as follows:

1. Page 12, lines 19 through 23.
Strike: subsection (e) in its entirety
2. Page 15, lines 17 and 18.
Following: "published" on line 17
Strike: remainder of line 17 through "made" in line 18
Insert: "as provided in [Senate Bill No. 130, section 1]"
3. Page 16, line 4.
Following: "5"
Strike: "10"
Insert: "5"
4. Page 16, line 5.
Following: line 4
Insert: "second"
Following: "publication"
Strike: "and"
Insert: "or less than 10 days after the"
5. Page 24, line 17.
Following: "expired"
Insert: "after one-third of the term for which they were issued has expired"

XXXXXX

DO PASS

XXXXXXXXXX

DO NOT PASS

CONTINUED

Chairman.

MARCH 29

19 85

6. Page 30, line 19.
Following: "(a)"
Strike: "one-half"
Insert: "one-third"
7. Page 48, line 21, through line 2, page 49.
Strike: section 42 in its entirety
Renumber: subsequent sections
8. Page 61, line 7.
Following: "expired"
Insert: "after one-third of the term for which they were
issued has expired"
9. Page 66, line 9.
Following: "(a)"
Strike: "one-half"
Insert: "one-third"

AND AS AMENDED

BE CONCURRED IN

.....
Senator Dave Fuller, Chairman

FACT SHEET
HOUSE BILL #687

LOCAL GOVERNMENT COMMITTEE
MARCH 28, 1985
EXHIBIT A

The Montana State Historical Society in cooperation with the National Historical Publications and Records Committee is conducting a local government records project during the present calendar year. The main goal of this project is the development and implementation of negotiated, state approved records retention schedules for a large percentage of Montana local government records.

Employing a system of records retention based upon overall schedules guarantees the integrity of local government records. Each record type is retained for a period based upon an assessment of its legal, fiscal and historical value.

"Blanket" retention periods now contained in sections 7-5-2132 and 7-5-4124 are overly simplistic, illogical and cause undue expenditures for equipment, space and personnel hours in research and retrieval.

Failure to pass House Bill 687 will cause delays in implementation of a professional approach to the ever increasing burden of information flow and retrieval for local governments.

TESTIMONY IN SUPPORT OF PASSAGE OF HOUSE BILL #687
BEFORE THE HOUSE COMMITTEE ON LOCAL GOVERNMENT
FEBRUARY 14, 1985

PRESENTED BY:
JAMES DOPP
RECORDS MANAGER
MISSOULA COUNTY

House Bill #687 is a proposal to change Sections 7-5-2132 and 7-5-4124 of the Montana Codes. The proposal would replace the "Blanket" 25 and 5 year retention periods now authorized with a retention schedule for the individual record types covered by the two statutes.

The Montana Historical Society in conjunction with the National Historic Publications and Records Commission is conducting a local government records project this year. The main focus of the project will be to develop retention schedules for a large majority of local government records. Passage of this bill will enable local governments to adopt these schedules subject to approval of the Department of Commerce.

We feel it is extremely inappropriate to assign arbitrary retention requirements to very large segments of relatively unlike records as is now the case under the present statutes. This type of "blanket" retention fosters over-expenditures for unneeded storage equipment, the use of expensive and extremely inadequate storage areas, and wholesale destruction of large volumes of records.

We are asking in this legislation for the ability to ascertain realistic retention periods based on the legal, fiscal and historical value of each record type. This approach guarantees the intent of the law, which is to keep governmental records for as long as they must be kept, while also allowing us to dispose of those records at a time and in a manner conducive to sound business practice.

Passage of House Bill #687 will be a large step towards implementation of a professional approach to the problem of records management for Montana's local governments. The goals of this and all other professional records management programs are as follows:

1. To assure the retention and protection of all vital records of the entity.
2. To assure retention of records for a period satisfying all legal requirements.
3. To assure retention of records needed for the continued normal functioning of the entity.
4. To assure retention of records which are historically valuable to entity, the state and the region.
5. To restrict the amount of and guarantee the adequacy of the filing equipment and the space allocated to records storage.

6. To guarantee the proper disposition of records that have served their purpose and are of no further use to the entity.

Failure to adopt House Bill #687 will cause delays in the implementation of a professional approach to the ever increasing burden of information flow and retrieval for local governments.

James E. Dopp

PROPOSED AMENDMENT TO HOUSE BILL 883
(suggested by Lee Heiman)

1. Page 1, line 17.
Following: "money"
Strike: remainder of line 17

Senate amendments
Hordmann has this
but it must be corrected

bill & amendments
passed 3/27

PROPOSED AMENDMENTS TO HB 791
(Version of March 28, 1985)

LOCAL GOVERNMENT COMMITTEE
MARCH 28, 1985
EXHIBIT D

1. Page 6, line 10.
Following: "(2)"
Insert: "(a)"

2. Page 6, line 12.
Following: "shall"
Strike: "approve, conditionally approve, or disapprove"
Insert: "review"

3. Page 6, line 14.
Following: "for"
Strike: "approval"
Insert: "review"

PL3H3791.641

4. Page 6, line 15.
Following: "review"
Strike: "and approval"

5. Page 6, line 17.
Following: "provided."
Insert: "The review shall provide either:

(i) that the access and easements are suitable for the purposes of providing appropriate services to the land; or
(ii) that the access and easements are not suitable for the purposes of providing appropriate services to the land, in which case the county, the school district or districts, and other authorities and districts in which the land is located will not provide services that involve use of the unsuitable access and easements. Such services include:

- (A) fire protection;
- (B) school bussing;
- (C) ambulance;
- (D) snow removal; and
- (E) similar services as determined by the governing body.

(1) (b) The governing body shall deliver a copy of the determination of the review to the county clerk and recorder to be attached to the plat of the land that was subject to review.

(c) The governing body may, upon application by a landowner, redetermine the suitability of access and easements. If the governing body determines that there has been a material change regarding access or easements and the change provides for suitable access and easements for services, it may determine that such land is now suitable as provided in subsection (2)(a)(i) and shall deliver a copy of such determination to the county clerk and recorder to be attached to the plat.

(d) "

* reflected on
the certificate of survey or deed of conveyance

LOCAL GOVERNMENT COMMITTEE
MARCH 28, 1985
EXHIBIT E

AMENDMENTS TO HOUSE BILL 885 (adopted by Senate Local Government
Committee, March 27, 1985)

1. Page 12, lines 19 through 23.
~~Following: "published"~~
Strike: subsection (e) in its entirety
2. Page 15, lines 17 and 18.
Following: "published" in line 17
Strike: remainder of line 17 through "made:" in line 18
Insert: "as provided in [Senate Bill No. 130, section 1]"
3. Page 16, line 4.
Following: "5"
Strike: "10"
Insert: "5"
4. Page 16, line 5.
Following; line 4
Insert: "second"
Following: "publication"
Strike: "and"
Insert: "or less than 10 days after the"
5. Page 24, line 17.
Following: "~~expired~~"
Insert: "after one-third of the term for which they were issued has expired"
6. Page 30, line 19.
Following: "(a)"
Strike: "one-half"
Insert: "one-third"
7. Page 48, line 21, through line 2, page 49.
Strike: section 42 in its entirety
Renumber: subsequent sections
8. Page 61, line 7.
Following: "~~expired~~"
Insert: "after one-third of the term for which they were issued
has expired"
9. Page 66, line 9.
Following: "(a)"
Strike: "one-half"
Insert: "one-third"

3-28-85

LOCAL GOV'T

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)