MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Darko, on March 9, 1989, at 3:20 p.m.

ROLL CALL

Members Present: All except:

Members Excused: Rep. Dave Brown

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 317

Presentation and Opening Statement by Sponsor:

Senator Dorothy Eck, District 40, stated that this bill addresses Bozeman in particular but may apply to other areas of the state as well. There are small parcels of land that entirely surround the municipality but which have never been annexed. Some of it is still being used as agricultural land and those parcels are exempt. The intent is to limit the size of the property that could be annexed to 2 acres but there appears to be a need for an amendment to 2.5 acres. There is also a mistake in the title - it says "are eligible for agricultural valuation". It should read "are not eligible for agricultural valuation".

Testifying Proponents and Who They Represent:

Alec Hansen, Montana League of Cities and Towns Mary Vant Hull, Bozeman City Commission

Proponent Testimony:

- Alec Hansen stated that this is a very simple annexation bill that amends the law to provide that nobody can claim agricultural exemption unless they own more than two acres or produce \$1500 in value from that land in agricultural products. The bill will make the law consistent. If someone claims an agricultural exemption then they should be engaged in agriculture.
- Mary Vant Hull stated that Bozeman is "pock-marked" with parcels throughout the city. These parcels should be annexed for many reasons including dog control, city elections, fire

services and police protection. An amendment making the bill slightly more than 2 acres would be appreciated because there are some parcels that are slightly over 2 acres that should be included. Exhibit 1 and 2.

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

- Questions From Committee Members: Rep. Good asked Ms. Vant Hull if the people that are being annexed wanted to be annexed.

 Ms. Vant Hull said they had been contacted and did not seem to seem strongly opposed it and simply remarked that some day they would get around to requesting it.
- Rep. Gould asked Mr. Hansen if these parcels are totally surrounded. Mr. Hansen stated that they must be wholly surrounded by the municipality.
- Closing by Sponsor: Senator Eck asked the committee to act favorably and to consider the two amendments.

DISPOSITION OF SENATE BILL 317

Motion: Rep. Good moved SB 317 BE CONCURRED IN. Rep. Johnson seconded.

Discussion: None

- Amendments, Discussion, and Votes: Rep. Wallin moved to amend the bill to 2.5 acres from the present 2 acres and that the title be amended as well. Rep. Stickney seconded. The vote to amend CARRIED with Rep. Gould opposing.
- Rep. Johnson moved to amend the title to include "not" to read "are not eligible for agricultural valuation". Rep. Nelson seconded. The vote to amend was unanimous.
- AS AMENDED. Rep. Wallin seconded. The motion CARRIED with Rep. Gould opposing. Rep. Brooke will carry the bill on the House floor for Sen. Eck.

HEARING ON SENATE BILL 370

Presentation and Opening Statement by Sponsor:

Senator Cecil Weeding, District 14, stated that this is a permissive bill that would allow the county commissioners the option of going back and restoring the cost of living increases and the longevity increases that were frozen after the 1985. The deputy county attorneys, undersheriffs, and deputy sheriffs had their salaries frozen and the law does not allow the counties to go back and restore those increases for any or all of the past four years. This bill

does not circumvent I-105. Thirty-five counties froze salaries.

Testifying Proponents and Who They Represent:

Bob McCarthy, Butte-Silver Bow County Attorney, Montana County Attorneys Association

Mike McGrath, Lewis & Clark County Attorney

Captain Bill Fleiner, Lewis & Clark County, Montana Sheriffs and Peace Officers Association

Gordon Morris, Montana Association of Counties

Proponent Testimony:

- Bob McCarthy stated that this bill would amend two sections of the Montana code. The first (7-4-2503) would be amended to delete language that prohibits county commissioners from restoring cost of living increments that were frozen. The second (7-4-2504) would be amended to add language allowing the county commissioners to restore cost of living increments that were lost for one or more years. The point that is most important is that it allows the commissioners the discretion to restore those lost increases should they choose.
- Mike McGrath concurred with Mr. McCarthy's testimony. The 1985 Legislature recognized that county attorneys' offices throughout the state are not able to pay sufficient salaries to keep people working for government. The longevity provision helped the counties and this bill would allow counties to retain employees that are well trained and experienced.
- Bill Fleiner stood in support of Senate Bill 370 for the reasons cited in previous testimony.
- Gordon Morris stated that his organization supported the bill because it is a local option bill giving permissive authority and local control.

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

- Questions From Committee Members: Rep. Wallin asked Senator
 Weeding if the increases would have to be given for a full
 year or could they be given for a partial year. Gordon
 Morris responded that raises can only be given on the first
 of July because the budgets are prepared in June for the
 entire fiscal year.
- Closing by Sponsor: Sen. Weeding stated that pay raises are being considered for state employees and that the counties are suffering too. This is optional and not mandatory.

DISPOSITION OF SENATE BILL 370

Motion: Rep. Johnson moved SB 370 BE CONCURRED IN. Rep. Wyatt seconded.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED unanimously. Rep. Johnson will carry the bill on the House floor for Sen. Weeding.

HEARING ON SENATE BILL 413

Presentation and Opening Statement by Sponsor:

Senator Fred Van Valkenburg, District 30, stated that this bill gives the county government the same authority as city governments in regulating pawn shops. It is unfortunate but true, that stolen property often ends up at such shops and law enforcement authorities have difficulty recovering and identifying the person that sold the property to the shop. This bill will make it easier to arrest and prosecute the thieves. The Senate deleted the portion of the bill that included second hand shops and antique shops but the bill would be much stronger if at least second hand shops were included. This would enable law enforcement to make routine checks of pawn brokers' records to see if there was stolen property there.

Testifying Proponents and Who They Represent:

Willis Hintz, Deputy, Missoula County Sheriff's Department John Connor, Montana County Attorneys' Association Captain Bill Fleiner, Lewis & Clark County Sheriff's Office

Proponent Testimony:

- Willis Hintz stated that this bill would enable law enforcement officers to recover stolen property from these shops. Many shops are cooperative but the bill would help regulate these shops. The shops do keep records but they are not complete which makes it difficult to identify the thief. Exhibit 3
- John Connor stated that this legislation is directed toward the victim's rights. Presently, if a person finds some of their stolen property in a pawn shop they must obtain a search warrant and post a bond to insure that they will return the property if they find it is not theirs. HB 645 meshes well with this bill because it makes it a felony offense for pawn shop operators to not turn over property that is stolen. This bill allows the implementation of the mechanics to put in the kind of regulation that is long overdue in this area.

- Bill Fleiner concurred with the previous testimony.
- Bob McCarthy urged the committee to pass this bill and to amend it to again include second hand stores.
- Testifying Opponents and Who They Represent: None

Opponent Testimony: None

- Questions From Committee Members: Rep. Gould asked Sen. Van
 Valkenburg if there was a license fee or is that left to the
 county commissioners. Sen. Van Valkenburg stated that this
 bill does not contain any provision for a license fee.
 However, Rep. Schye has a bill that is now in the Senate
 that repeals a county license fee for pawn brokers. If that
 bill passes, there probably could not be a license fee under
 this bill.
- Rep. Hoffman asked Sen. Van Valkenburg if the language was restored would it make it through the Senate. Sen. Van Valkenburg thought that he might be able to get it through the Senate with the provision restored. Their particular concern was with antique stores.
- Closing by Sponsor: Sen. Van Valkenburg closed.

DISPOSITION OF SENATE BILL

Motion: Rep. Hansen moved SB 413 BE CONCURRED IN. Rep. Good seconded.

Discussion: None

- Amendments, Discussion, and Votes: Rep. Brooke moved to restore the stricken language. Rep. Hoffman seconded. Rep. Gould asked if that would include antique dealers and Lee responded that it would include them. The motion to amend CARRIED unanimously.
- Recommendation and Vote: Rep. Good moved SB 413 BE CONCURRED IN

 AS AMENDED. Seconded by Rep. Wyatt. The motion CARRIED unanimously. Rep. Hansen will carry it on the House floor for Sen. Van Valkenburg.

EXECUTIVE ACTION

DISPOSITION OF SENATE BILL 119

- Motion: Rep. McDonough moved SB 119 BE CONCURRED IN. Rep. Wyatt seconded.
- <u>Discussion:</u> Rep. Gould asked the status of HB lll since this bill must be coordinated with it. Rep. Darko thought it would get out of committee soon and that it has been amended to grant a \$0.25 increase in the junk vehicle fee.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED with Reps. Hoffman, Gould, Guthrie, Rehberg, Wallin and Nelson opposing.

ADJOURNMENT

Adjournment At: 4:15 p.m.

REP. PAULA DARKO, Chairman

PD/td

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DAILY ROLL CALL

	LOCAL GOVERNMEN	T COMMITTEE
DATE	3/9/89	

NAME	PRESENT	ABSENT	EXCUSED
BRQOKE, VIVIAN	Xlandy		
BROWN, DAVE			X
BROWN, JAN	XX		
DARKO, PAULA	X		
GOOD, SUSAN	X		
GOULD, BUDD	X.		
GUTHRIE, BERT	X		
HANSEN, STELLA JEAN			
HOFFMAN, ROBERT	\times		
JOHNSON, JOHN	\longrightarrow		
McDONOUGH, MARY	X		
NELSON, THOMAS	X		
REHBERG, DENNIS	XXubO		
STICKNEY, JESSICA	X		
WALLIN, NORM	X		
WYATT, DIANA	X		
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	March 9, 198	9
	Page 1 of	1
Mr. Speaker: We,	the committee on Local Government report tha	t
SENATE BILL 119	(third reading copy blue) be concurred in	•
	Signed:	
	Paula Darko, Chairma	n
[REP///	WILL CARRY THIS BILL ON THE HOUSE FLOOR	}

March 9, 1989
Page 1 of

Mr. Speaker: We, the committee on <u>Local Government</u> report that <u>SENATE BILL 370</u> (third reading copy -- blue) be concurred in .

Signed: Paula Darko, Chairman

[REP. JOHNSON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

March 9, 1989 Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that
SENATE BILL 317 (third reading copy -- blue) be concurred in
as amended .

Signed: Paula Darko, Chairman

[REP. BROOKE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 6. Strike: "2"
Insert: "2.5"
Following: "ARE"
Insert: "NOT"

2. Page 1, line 16.
Strike: "2"
Insert: "2.5"

March 9, 1989
Page 1 of 1

Mr. Speaker: We, the committee on <u>Local Government</u> report that <u>SENATE BILL 413</u> (third reading copy -- blue) <u>be concurred in</u> as amended.

Signed: Paula Darko, Chairman

[REP. STELLA JEAN HANSEN WILL CARRY THIS BILL ON THE HOUSE FLOOR]
And, that such amendments read:

1. Page 2, line 7. Following: "purchase"

Insert: ", or engaged in the business of purchasing articles of personal property and reselling or agreeing to resell the articles to the vendors or their assigns at prices agreed on at or before the time of purchase"

3|9|89 SB 3|7

416 E. Story Bozeman MT 59715 March 9, 1989

Dear Members of the House Local Government Committee,

A burr under our saddle is that we have a few small pieces of land totally surrounded by the city which somehow are not legally part of the city. They are not really agricultural, but call themselves that without justification.

These stray bits of land cause problems because we often have to provide services just because of the layout of the land. They mess up questions of city/county jurisdiction. There's an on-going question of who provides services, and city employees have an impossible job trying to memorize these peculiar zigs and zags of boundary. They make it more difficult to enforce ordiances on dog control, etc.

And it's just another very small group getting a free ride on the backs of other taxpayers. People do prefer taxes fairly distributed to all who use the service.

This bill was amended in the Senate from 10 acres to two acres and with a definition of value of agricultural products of \$1,500. Even so SB 317 will help remove this burr under our saddle.

Please vote for SB 317.

Thank you.

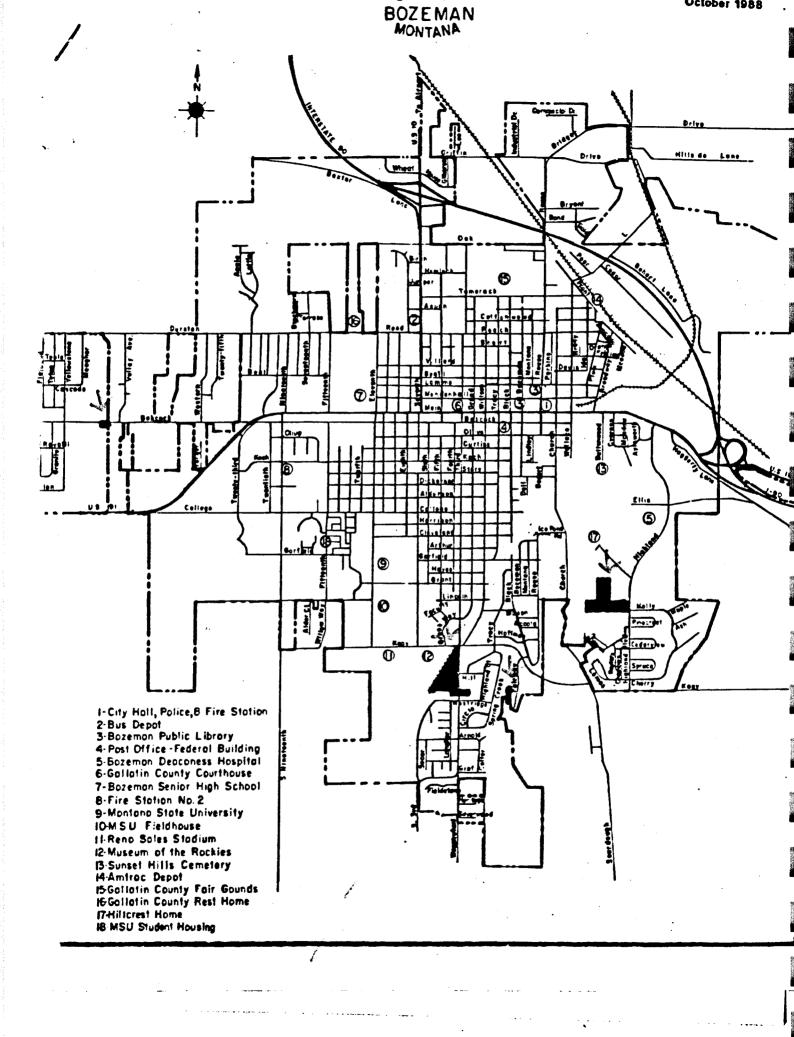
Sincerely,

Mary Vant Hull

Bozeman City Commissioner

Mary Vant Hull

(Enclosed is a map showing most of these areas.)





THE CITY OF BOZEMAN

411 E. MAIN ST. P.O. BOX 640 PHONE (406) 586-3321 BOZEMAN, MONTANA 59771-0640

3/9/89 SB 3/7

March 7, 1989

Rep. Paula Darko Chairperson Local Government Committee Capitol Station Helena, Montana 59620

Dear Rep. Darko:

Please support SB317, as amended, which allows for the annexation of wholly surrounded parcels of less than two acres, or those eligible for agricultural valuation.

The cities provide most services to parcels of this nature.

Thank you for the positive consideration.

Sincerely,

ROBERT L. HAWKS
Mayor Pro Tempore

mayor rro rempo

RLH:rs

cc: Members of the House

Local Government Committee

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3/9/89

DOUG CHASE UNDERSHERIFF

DANIEL L. MAGONE SHERIFF OFFICE OF THE SHERIFF
COUNTY COUNTHOUSE
MISSOULA, MONTANA 59802

March 9, 1989

Dear Representatives:

I am writing to request that you give every consideration to the passage of SB 413.

It is a well known fact that criminals dispose of much of their stolen property by selling it to unsuspecting pawn shop operators. While most of the pawn shop operators in our area make a genuine effort to assist us in recovering stolen property and identifying the thieves, others do not. We badly need legislation requiring a uniform identification and reporting system. It seems totally unfair that a pawnee in a municipality is regulated and a fellow pawnee outside the city is not. The revenue shortfalls in county government have resulted in decreasing manpower in law enforcement, and we need to seriously address any and all methods of reducing the workload and streamlining the processes of property recovery. Passage of this legislation would be of great assistance to us.

Sincerely,

Daniel I Magone

DANIEL L. MAGONE mS

DLM/ms



Willis W. Hintz, Deputy
MISSOULA COUNTY SHERIFF'S DEPARTMENT
Missoula, Montana 59801

Please refer to case number -

(406) 721-5700 Ext.____ 721-5025 after hours 9-1-1 emergency

7/11/SSOULA COUNTY

DANIEL L. MAGONE SHERIFF OFFICE OF THE SHERIFF COUNTY COURTHOUSE MISSOULA, MONTANA 59802 (406) 721-5700

DOUG CHASE UNDERSHERIFF

SECOND HAND & PAWN SHOP PROBLEMS

The primary problem that exists between pawn shop operation and law enforcement stems from our recovery of stolen property, after it has been purchased by the individual operator.

This stems from a multifaceted larger set of circumstances which include logging of the sale, verifying identification of the seller, and simply, not always logging or recording the sale. A minor adjunct to this problem is that occasionally the item frequently gets resold prior to law enforcement obtaining information about where (which shop) the suspect had sold the item at. Added to this, a real need exists for law enforcement to know the identity of the purchaser, which has never been recorded, making recovery impossible in some cases.

The primary objection from the businessman's point of view seems to be that he has no privacy in his transactions, with particular objection to purchase price and sale price. Law enforcement has contended that this is of little interest to us with the possible exception of the IRS. Legislation is in place regarding the sale of firearms and, if made <u>freely available</u>, can be of assistance to local law enforcement.

One new additional problem has surfaced in recent months. A Supreme Court case decision indicates that pawn shop dealers have an interest in property they purchase. Implications are that they should somehow be compensated for that interest. The controversy begins when pawn shop dealers and members of law enforcement debate on whom should be the compensating party. Dealers realize that compensation from the courts is slow in coming, or nonexistent, and want police and sheriff personnel to fork over cash before they relinquish the merchandise. This puts law enforcement in a position of subsidizing the thief. This sort of behavior might also foster the attitude on the part of the dealer to purchase merchandise more freely, as he will always be compensated by some entity along the way.

SOLUTIONS AVAILABLE

- 1). All pawns and purchases be recorded on a uniform transaction sheet.
- 2). The printing or writing be legible.
- 3). The sale time be accurate, reflecting the sale and purchase dates, not the recorded date.
- 4). A demand is made for good identification, i.e. photo identification.
- 5). A vehicle and license number be obtained from out of state sellers.
- 6). The dealer or operator record the transaction, not the seller doing the writing.
- 7). A full description be given of the item sold, i.e. model, serial number, color, size, accessories, brand name, etc.
- 8). A signature be obtained from the customer/seller.
- 9). A need for holding merchandise by the dealer to permit investigators time to check with victims and to examine if necessary; 10 days has been suggested.
- 10). That dealer license requiring operation times of business be set out and be reasonable.
- 11). That dealer not purchase items that are not recorded in the guise of buying it for his own use.
- 12). That both second hand and pawn dealers keep records of purchases and sales, whether in the city or in the county.
- 13). That the licensing agency have some method of redress on dealers who fail to comply with the required standards and that legislation be put in place to deal with this on a criminal basis, depending upon the magnitude of the violation.

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MISSOULA POLICE DÉPARTMENT

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MISSOULA POLICE DEPARTMENT

PAWNBROKER OR SECOND HAND DEALER TRANSACTION RECORD

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A NICKELS WORTH

LAST NAME

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SANDERS

GARY LEE

549-7528

STREET ADDRESS 1212 MCDONALD # A

06/13/61

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5-09 160 BLC BLU

RACE

CITY MISSOULA STATE MT

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ARTICLE

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1 BANJO/BROWN

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211/26

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Ticket /2

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE
BILL NO

517-64-1767

CHECK CASHING IDENTIFICATION CARD



Fred VanValkenburg 7660 Morman Cr. Rd. Lolo.Mt. 59847

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VISITORS' REGISTER

Local Hausment COMMITTEE

BILL NO	SB	3/7	DATE	3/9/8	9
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SPONSOR Eck

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
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BEUGRLY BARNHART Mary Vant Hull	. (\rightarrow	
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PRÉPARED STATEMENT WITH SECRETARY.

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BILL NO.	SB	370		DATE	3/9/89		
SPONSOR _	We	eding			/ /		

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS	S' REGISTER		Ψ.
Lord Haven	ment COMMITTEE		
BILL NO. 5B 413	DATE 3/9/89		
SPONSOR Van Valkenburg			
NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Willis HINTZ	M. JSO c/A County Strape Dept of Justice Mt. County Ally ASSA	7	
John Connor	Mt. County Atty ASSM BUTTE-SILVER USW COUNT ITT SOLET	X	
Bill Fleiner	BUTTE-SILLAR USIN CHUNY ATTOCKET HANTS COUNTY ATTOCKETS JASSES MONTONA SHERITS & CACE OFFICERS	1	
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.