

SENATE COMMITTEE ON LOCAL GOVERNMENT

March 7, 1989

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MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel M. Harding, on March 7,
1989, at 1:00 p.m. room 405, State Capitol

ROLL CALL

Members Present: Chairman Ethel M. Harding; Vice Chairman
Bruce D. Crippen; Senators R.J. "Dick" Pinsoneault, Tom
Beck, Eleanor Vaughn, H.W. "Swede" Hammond, Mike
Walker, Gene Thayer, Paul Boylan

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council;
Dolores Harris, Committee Secretary

Announcements/Discussion: None

HEARING ON HOUSE JOINT RESOLUTION

Presentation and Opening Statement by Sponsor:

Representative Jan Brown, house district 46, Helena ,
recommends the state of Montana adopt "McGruff" as the
symbol for the block parent program in local
communities.

List of Testifying Proponents and What Group they Represent:

Colleen McCarthy, MT. Crime Prevention Association
Marvin Dye, works with local crime schools

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Colleen McCarthy read her testimony into the record. Please
see Exhibit 1.

communities get started in this program. He stated the National Crime Coalition invented McGruff. He stated McGruff has more rapport with kids than Santa Claus.

McGruff asked them to help him help the children of the State of Montana to know what the symbol "McGruff" means when they want help.

Questions From Committee Members: None

Closing by Sponsor: Rep. Jan Brown closed.

Jan Brown asked Senator Hammond to carry HJR 10 to the Senate floor. He agreed.

DISPOSITION OF HOUSE JOINT RESOLUTION

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Hammond MOVED that we DO CONCUR IN HJR 10. The VOTE was UNANIMOUS in FAVOR of HJR 10.

HEARING ON HOUSE BILL 309

Presentation and Opening Statement by Sponsor:

Representative John Cobb on behalf of Marion Hanson, sponsor of HB 309, stated this is an act extending the time period for transmitting a copy of a municipal financial statement to the department of commerce and to the municipal governing body. In the last session they changed part of the law to 120 days to do the financial statement, but another part of the law states that within 60 days we're supposed to send the financial statement to the department of commerce. This bill conforms two statutes. This bill gives 120 days to send it to the department.

List of Testifying Proponents and What Group they Represent:

Scott Turner, Yellowstone County Manager
Alec Hanson, Montana League of Cities & Towns
Jim Neugent, City Attorney, Missoula

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Scott Turner stated that their audit didn't even get started until the end of August. The current 60 day time frame isn't working for getting the audit done. The change from 60 to 120 days is reasonable.

Alec Hanson stated in 1987 the legislature 7-6-4111 required that the annual financial statement be filed within 120 days. The section 7-6-4113 presently states 60 days and we're trying to make the two sections consistent. I urge you to pass this bill.

Jim Neugent stated the city of Missoula supports this bill.

Questions From Committee Members: None

Closing by Sponsor: Representative Cobb closed stating Marion Hanson will inform her who will carry HB 309.

DISPOSITION OF HOUSE BILL 309

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Walker MOVED that we DO CONCUR in HB 309. The VOTE was UNANIMOUS in FAVOR of passing HB 309 out of committee.

HEARING ON HOUSE BILL 366

Presentation and Opening Statement by Sponsor:

Representative Barry Stang, representing part of Missoula County, Sanders County, and all of Mineral County, is sponsoring HB 366. He stated the local county treasurers association advocated this legislation. HB 366 is an act to provide that 5 percent of the fees collected by a county treasurer for driver's licenses, duplicate driver's licenses, and commercial vehicle operator's endorsements are to be deposited in the county general fund. Thus making all the driving license fees consistent with each other. This bill effects rural counties that have a driver license examiner visit routinely. In bigger cities there is one drivers license office that handles all the licensing and they collect the fees.

List of Testifying Proponents and What Group they Represent:

Cort Harrington, Montana County Treasurers Association

List of Testifying Opponents and What Group They Represent:

None

Testimony: Cort Harrington stated the purpose of this bill is to bring uniformity among the license endorsement fees. Currently treasurers keep a different percentage, depending on which license endorsement it is. He thinks it will increase revenue to counties across the state around \$11,000. This bill makes the counties' percent of each of these fees uniform. This pays the county treasurers for collecting fees for the state.

Questions From Committee Members: Senator Hammond asked how many of these fees are there. Rep. Stang stated this bill only covers 3. This bill only actually changes the driver's license endorsement from 3 1/3% to 5%. The other endorsements are already 5%. On an \$8.00 drivers license the county treasurer with the 3 1/3% gets \$.26. Cort Harrington stated when they were trying to decide what percentage to use, the treasurers decided 5% would cover the cost. The State Motor Vehicle Division will be losing the \$11,000 but they know it costs the counties to do the work.

Senator Harding asked about the duplicate driver's license. Cort Harrington stated it is the same.

Closing by Sponsor: Representative Stang stated this bill will probably save money because it will eliminate mistakes that take time and money to correct. Senator Walker agreed to carry this bill.

DISPOSITION OF HOUSE BILL 366

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Beck made a MOTION that we DO CONCUR IN HB 366. The VOTE was UNANIMOUS in FAVOR of HB 366. Senator Walker will carry.

EXECUTIVE ACTION ON HOUSE BILL 388

Discussion: Connie Erickson stated that HB 205 and HB 388 could not be put together. HB 205 deals with city, town, or county roads. It does not deal with private roads. HB 388 specifically talks about roads that are

not county roads. Senator Story requested amendments to HB 388 that addressed his concerns for his property. It amended the bill to refer to benefited property. See exhibit 1. If you have a remote road that an owner allows people to drive across to get to their land, you would expect them to pay for improvements to that road, as the road does not benefit him, it benefits those beyond his property. Senator Crippen requested an amendment regarding HB 388 on how to determine the protest. C. Erickson drafted and passed out this amendment. See exhibit 2. The substantive change is in #6. on page 3, following line 2 insert: "(iv) specify the method or methods by which the costs of the improvements will be assessed against property in the district;". Then on page 3, lines 14 strike "more" through "district" on line 16 insert: "the owners of property in the district to be assessed for more than 50% of the cost of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention,"

Senator Beck asked if "benefited property" is defined in this amendment? Connie Erickson answered yes it was defined.

Amendments and Votes: Senator Crippen MOVED that this committee ADOPT the AMENDMENTS regarding methods of assessment and right of protest as presented in EXHIBIT 2. The VOTE was UNANIMOUS in FAVOR of this AMENDMENT to HB 388.

Senator Beck MOVED that this committee ADOPT the AMENDMENTS regarding "benefited property" as presented in EXHIBIT 1. The VOTE was UNANIMOUS in FAVOR of this AMENDMENT to HB 388.

Recommendation and Votes: Senator Hammond MOVED that this committee DO CONCUR AS AMENDED in HB 388. Seven members voted in FAVOR and Senators Beck and Pinsoneault voted AGAINST. MOTION CARRIED.

HEARING ON HOUSE BILL 439

Presentation and Opening Statement by Sponsor: Tom Kilpatrick, representative from house district 85, Laurel, stated HB 439 in section 1, lines 12 through 22, gives local governments the option of awarding bidding preference to a local bidder, if the local bid is within 2%. The state allows a 5% leeway for instate bidders over out-of-state bidders. In section 1, part 3 the house committee put in a grandfather clause, because they found cities presently do give bidder

preference. Rational is that a local bidder will probably hire local employees and the money will be spent locally so the economy of the local area would be improved. The local bidder must have his primary place of business in the area for at least 1 year. This gives the local government the option to accept a higher bid from a local bidder.

List of Testifying Proponents and What Group they Represent:

Alec Hanson, Mont. League of Cities and Towns
Shelly Lane, Director of Administrative Services,
Helena

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Alec Hanson stated the League of Cities and Towns supports HB 439 for 2 reasons. First, this is optional; second, it offers benefit to the local economy and local contractors. He agreed with the house amendment to section 1 on line 23 through 25. That section allows cities to adopt a different method for providing a local bid preference.

Shelly Lane stated the city of Helena supports HB 439 as written, especially the amendments that allows self-governing local government to adopt the bidders preference outlined in the bill or another of their choice. Helena presently has local bidder preference in place, and the terms are slightly different than those outlined in HB 439. They like their present policy and the amendments allows them to use it.

Questions From Committee Members: Senator Crippen asked about the definition of the local bidder. If he has his primary place of business, does that mean he has to domicile in that area? His example is of large companies from out of state have district offices and employ Montana people in Montana cities, and under present laws, they are excluded from preference bidding. Representative Kilpatrick stated that his idea was that if a company has an office in a community and hires local people, and is doing business there, they should have bidder preference. Senator Crippen stated "domicile" is the place of incorporation. Rep. Kilpatrick stated the 1 year residency stops people from opening an office and claiming they are a local business. Alec Hanson expressed the idea that if the

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business is located, has an office for a year, they hire and operate out of the city of Billings, they would operate under this law. In another Montana town, they would not get a preference.

Senator Pinsoneault state that Senator Williams had a bill in that would do just the opposite. He proposed to take the lowest bidder. When you start making distinctions, you generally run into problems. Senator Williams was not a local bidder, he was 50 miles down the road, there was no question he had all the credentials, and his bid was lowest and he didn't receive the bid. This is a good idea, but it creates problems in application.

Senator Walker stated that all the people in the local that are bidding get the 2% preference. He agreed with Senator Crippen that the word domicile did enter into this bidding process. But that word is not in this bill so it wouldn't apply.

Senator Thayer asked Rep. Kilpatrick about cities already giving bidder preference. He responded that Helena stated they are already giving bidder preference of 3%. How can they do that? Shelly Lane responded that they are a self-governing government.

Senator Hammond stated that according to Senator Williams testimony governments quite often don't give to the lowest bidder. Connie Erickson stated she didn't think cities had that authority at present. Senator Vaughn stated it's supposed to be the lowest responsible bidder. Alex Hanson stated that cities use "lowest responsible" to choose someone other than the lowest bidder. Alex Hanson stated that with this statute everyone would know the rules. He stated cities do not have authority to give preference to local contractors.

Senator Boylan asked about a bidder who sublets out the contract, is he bound to use local employees? Rep. Kilpatrick stated he could use whomever he got the lowest bid from and he could use the 2% preference if he wanted.

Rep. Kilpatrick stated according to statute an individual must have an actual residence in Montana for 1 or more years, immediately prior to be eligible for the preference. In a partnership or enterprise the majority must be residents to get bidder preference.

Closing by Sponsor: Representative Kilpatrick thinks this is a good idea and asks support of HB 439.

DISPOSITION OF HOUSE BILL 439

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 292

Presentation and Opening Statement by Sponsor:

Representative Fred Thomas, house district 62, stated HB 292 is an act to increase the rate at which a fine is paid off by imprisonment in lieu of payment of the fine. In Section 1 (4) line 25 it increases the fine day satisfaction amount from \$10.00 to \$25.00.

List of Testifying Proponents and What Group they Represent:

Tom Harrison, MT. Sheriffs & Peace Officers
Scott Turner, Yellowstone County
Jim DuPont, Mt. Sheriffs & Peach Officers Assn.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Tom Harrison stated there is; 1. an apparent disparity in the fines. The time in jail costs the county \$37.00 per day and the prisoner serves it out at \$10.00 per day. 2. This bill is keeping up with the times. Allowing more flexibility to the lower courts and the judge can control the fine and have the time in jail shorter.

Scott Turner from Yellowstone County stated that each prisoner day in the jail costs the Yellowstone County about \$60.00. When one pod becomes full they have to open another pod and that drives the per prisoner cost up. They have traffic violators paying off their fines at \$10.00 per day so the economics of this law needs to be upgraded. I would appreciate your support of this bill.

Jim Dupont as vice president of MT Sheriffs and Peace Officers Association asks your support of HB 292. Flathead County has a new facility and it is at maximum

capacity for long periods of time, so with this raise they could release prisoners sooner, and thus relieve the over-crowding.

Questions From Committee Members: Senator Hammond asked Tom Harrison if there are habitual offenders? Yes habitual offenders will get a 250% raise.

Closing by Sponsor: Representative Thomas stated this has been a good hearing.

DISPOSITION OF HOUSE BILL 292

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Vaughn MOVED that this committee DO CONCUR with HB 292. The VOTE was UNANIMOUS in FAVOR of HB 292. Senator Hammond will carry HB 292 to the Senate floor.

HEARING ON HOUSE BILL 291

Presentation and Opening Statement by Sponsor:

Representative Fred Thomas, house district 62, stated this bill is to help establish responsibility for payment of medical expenses incurred by a prisoner confined in a county jail. If a person is in jail and needs medical attention, who is responsible for his medical expenses? Mr. Thomas drew attention to page 2, lines 4 through 12 as amended says the prisoner is responsible for his medical expenses if he is able to pay. Estimate on medical costs range from \$300,000 and up. Depending on the severity of the situation, it could be very costly to counties. Please consider this bill.

List of Testifying Proponents and What Group they Represent:

Gordon Morris, MACO
Tom Harrison, Mt. Peace Officers Association
Wally Jewell, Mt. Magistrates Association, Helena
Jim DuPont, MT. Sheriffs & Peace Officers

List of Testifying Opponents and What Group They Represent:

Alex Hanson, MT League of Cities and Towns
Shelly Lane, Director of Administrative Services,
Helena

John Loughton, City of Billings
Jim Neugent, CPA, City of Missoula

Testimony:

Gordon Morris called SB 291 the Lazarus bill. It has been through the mill on the House side. It comes to this committee crippled, if not in a mortal state. Crippled that as we tried to introduce the bill, we were seeking to provide additional funding to help offset county prisoners medical expenses. In the end this bill simply says if a prisoner is financially able, he pays. Everyone acknowledges the problems with this bill. He handed the committee 3 pages of amendments to HB 291. He took the guts out of HB 493 and as a compromise between this and HB 291 and wants to put the funding mechanism into HB 291. I urge your support of these amendments and this bill.

Tom Harrison stated that from time to time it has been proposed that the state take over the cost of criminal justice and they haven't. The costs of jail operation has been on the increase in recent years. The ACLU has been after better facilities. The Montana taxpayers have responded by building better facilities. Severe medical problems with prisoners can be a budget buster. Some counties deplete the sheriff's funds, some counties go to the poor fund and deplete that first, then to the sheriff's fund. One county took money from the bridge fund. Mr. Harrison presented some amendments to items he thinks need to be addressed on the behalf of the magistrates association. He talked that judges will take any amount and make themselves an accounting nightmare. His amendment will increase the amount of the surcharge from \$10.00 to \$20.00 and 50% will stay with the city so they won't be losing anything. Then the extra 50% will go to the counties to offset the jail expenses for the counties. The concern that the surcharge will, in fact, apply on many normal traffic violations of the general population. The felon won't care about the \$20.00 surcharge. On the other hand, it is the public that expect good police, good jails, and so they will be the ones paying the surcharge when they have a traffic violation. He believes it is better to have a surcharge on traffic violators than on the taxpayers as a whole. Obviously, this bill needs funding.

Wally Jewell wants to point out several things. This surcharge funding mechanism won't bring any money from the felony offenders. He stated the surcharge of \$20.00 in Bozeman in district court raised \$1500 and in another town they raised \$15,000. He is not in favor

of Mr. Morris's amendment. He is not in favor of making judges into bookkeepers, they aren't trained in that area and don't have the time or staff.

Jim DuPont resenting the Flathead County Judges, stated this medical expense problem has been very expensive and has dipped tremendously into current budget. He says Flathead County has cut services to the county because they haven't had the funds to do it. He asks that they find alternate funding.

Jim Neugent, CPA for the City of Missoula, stated this bill addresses a problem for the city of Missoula. He does not support HB 291. If a city and town ordinance was violated, the city pays taxes to support county jails, so there could be a double taxation situation. The judges don't adhere to the surcharge law very well. He said if a city ordinance is violated then the city pays for the incarceration. When a state statute is violated, the county pays the tab. He thinks in Missoula this law applies to 30% of the cases. It is likely to reduce the amount of fines. This won't provide much relieve for the county. This is band aid legislation. It is important that this liability be dealt with in a meaningful manner. One reason the counties are looked to is that they are the arm of the state and the county is performing state functions. The funding mechanism is the problem with this bill.

John Loughton stated the city of Billings agrees that there are problems and wants to work with Yellowstone County to work out the financial problems. The additional problem he sees, other than those stated above, is that the State sets the level of fines and the municipal judge sets the bond schedule. Does this amendment apply to the bond schedule? Many traffic violators pay their fines by posting a bond. Thus the person escapes the surcharge. The surcharge is set by the state and the bond set by the municipality. Uniformity around the state is non-existent, whether a violator chooses to go before a judge, whether the surcharge is being collected, are all different among cities. The amendments presented today seem to be unworkable. The problems presented today are the problems of every department of the local governments.

Alex Hanson stated there is confusion with all these amendments. The municipal and county budgets supporting the jail can be double taxation. Funding for jails and medical problems for inmates are big financial problems.

Shelly Lane from Helena stated the original bill was fine, but the amendments change the bill drastically. The city adopted a policy to oppose any legislation making cities pick up the cost of incarcerating. We do pay for costs when people violate municipal ordinances. The cities would have to collect the surcharges, so they are against that procedure.

Questions From Committee Members: Senator Crippen asked asked Gordon Morris if this proposed amendment violates rules. Gordon Morris responded that would be a matter to decide. The question is who is responsible for medical problems of a prisoner, if the prisoner can not pay for his own?

Senator Vaughn asked Gordon Morris if this money would have to be put in a fund to take care of the prisoners. Presently these payments are made from the general fund. G. Morris answered it would be a sub-account like the county attorney's salary.

Senator Harding asked why don't all the judges charge the surcharge? How can some jurisdictions charge and some not when it is a law? Wally Jewell stated that judges think they are powers unto themselves. The Attorney General opinion regarding the surcharge law states the judges have to impose that charge. He suggested the courts order them to do so. Senator Pinsoneault stated there is chain of command that local judges come under the Supreme Court that they fulfill what the legislature imposes. Senator Harding wondered how a judge who is fining people who don't obey the law, can disobey the law.

Senator Harding asked Alec Hanson if he said the cities should not pay for prisoners. He answered that when a city is upholding a state law, shouldn't have to pay for incarceration of that prisoner.

Rep. Thomas commented that the double taxation issue has nothing to do with this bill. The fee that this bill assesses is on the offender. It is collected and it goes to the county for the state law violation. The \$10.00 for the misdemeanor charge does go to the cities presently. He's asking that the increase in the surcharge go to the counties to offset expenses.

Senator Thayer asked if this bill passed, and someone in jail needed medical attention, how many of the prisoners can actually pay? Senator Pinsoneault answered that the fiscal note states that 10% are able to pay their own medical expenses. Wally Jewell stated

he thought 10% was an optimistic outlook.

Closing by Sponsor: Representative Thomas thinks the bill has merit as it sits right now because it says if you are able to pay you will pay. Presently, any medical expense administered while a person is incarcerated is paid by the county. The surcharges are infuriating to him that the law is not being followed. The double taxation statement was clarified by Tom Harrison. We need to strive to come up with a solution to the jails and their problems. Please bring life into this bill and help solve this problem.

DISPOSITION OF HOUSE BILL 291

Discussion: Rep. Thomas asked Senator Thayer to carry HB 291.

Amendments and Votes: None

Recommendation and Vote: None

ADJOURNMENT

Adjournment At: 2:55 p.m.


SENATOR ETHEL M. HARDING, Chairman

EMH/dh

Minutes.307

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date March 7, 1989

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck	X		
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X		
Sen. Mike Walker	X		
Sen. Gene Thayer	X		
Sen. Paul Boylan	X		
Sen. Bruce D. Crippen	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

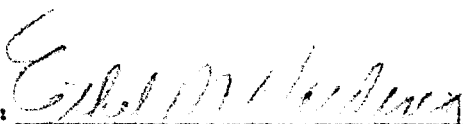
March 7, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HJR 10 (third reading copy -- blue), respectfully report that HJR 10 be concurred in.

Sponsor: Brown, J. (Hammond) 24

BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

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SENATE STANDING COMMITTEE REPORT

March 7, 1989

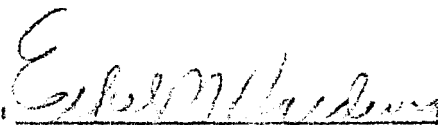
MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 309 (third reading copy -- blue), respectfully report that HB 309 be concurred in.

Sponsor: Hanson, M. (Harding) 3

BE CONCURRED IN

Signed:



Ethel M. Harding, Chairman

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SENATE STANDING COMMITTEE REPORT

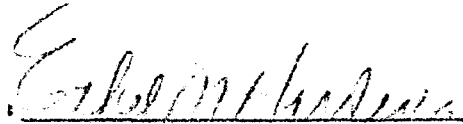
March 7, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 366 (third reading copy -- blue), respectfully report that HB 366 be concurred in.

Sponsor: Stang (Walker) 6

BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

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SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 8, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 388 (third reading copy -- blue), respectfully report that HB 388 be amended and as so amended be concurred in:

Sponsor: Mercer (Harding)

1. Title, line 9.

Following: "OF"

Insert: "BENEFITED"

2. Page 1, line 14.

Following: "purpose"

Insert: "-- benefited property defined"

Following: "purpose."

Insert: "(1)"

3. Page 1, line 17.

Following: line 16

Insert: "(2)"

4. Page 1.

Following: line 24

Insert: "(3) For the purposes of [this act], "benefited property" means land within the district that receives a direct benefit from the road for which the road improvement district was created. A parcel of land is not benefited property if the parcel is within the district solely because the road passes over the property to provide access to benefited property. A parcel of land within the district used solely for agricultural purposes is not considered benefited property."

5. Page 2, line 18.

Strike: "be"

6. Page 2, line 19.

Following: "(i)"

Insert: "be"

7. Page 2, line 21.

Following: "(ii)"

Insert: "be"

Strike: "and"

8. Page 2, line 22.

Following: "(iii)"

Insert: "be"

9. Page 3, line 2.

Following: ";"

Insert: "and"

10. Page 3.

Following: line 2

Insert: "(iv) specify the method or methods by which the costs of the improvements shall be assessed against property in the district;"

11. Page 3, lines 14 through 16.

Strike: "more" on line 14 through "district" on line 16

Insert: "the owners of property in the district to be assessed for more than 50% of the cost of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention,"

12. Page 4, line 5.

Following: "owners of"

Insert: "benefited"

13. Page 4, line 23.

Strike: "parcels of land"

Insert: "benefited property"

14. Page 5, lines 7, 12, 16 and 23.

Strike: "LAND"

Insert: "benefited property"

15. Page 6, line 4.

Following: "PARCEL"

Insert: "of benefited property"

16. Page 6, line 8.

Following: "all"

Insert: "the benefited"

AND AS AMENDED BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

3-8-4
1-40

SENATE STANDING COMMITTEE REPORT

March 7, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 292 (third reading copy -- blue), respectfully report that HB 292 be concurred in.

Sponsor: Thomas (Hammond) 24

BE CONCURRED IN

Signed: 

Ethel M. Harding, Chairman

H.C.
3/14/89
9:51
9:6:11

*Local Government
Senate Committee*

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 3-7-89

BILL NO. HJR 10

HJR10-ADOPTION OF McGRUFF AS THE STATE BLOCK PARENT PROGRAM COLLEEN MCCARTHY, SECRETARY/TREASURE MONT CRIME PREVENTION/CRIME STOPPERS ASSOCIATION-----HOME PHONE 443-2060

McGRUFF IS THE NATIONAL CRIME PREVENTION COUNCILS SPOKESHOUND FOR THEIR CRIME PREVENTION CAMPAIGN. McGRUFF WAS CREATED BY THE JACK KEIL, A CREATIVE CONSULTANT AT THE THE AD COUNCIL. McGRUFF RECEIVED HIS NAME FROM A CONTEST WON BY A NEW ORLEANS POLICE OFFICER. McGRUFF IS CURRENTLY THE MOST RECOGNIZABLE CHARACTER IN AMERICAN TODAY. 99% OF CHILDREN BETWEEN THE AGES OF 6-12 YRS, KNOW WHO McGRUFF IS AND 97% OF THOSE CHILDREN WILL TRY AND CHANGE THEIR BEHAVIOR IF McGRUFF TELLS THEM TO. 96% OF OUR TEEN POPULATION CAN ALSO RECOGNIZE McGRUFF. THERE IS NO OTHER SYMBOL OR CARTOON CHARACTER, BE IT MICKEY MOUSE OR SMOKEY BEAR THAT HAS THAT MUCH INFLUENCE OR RECOGNITION WITH OUR CHILDREN.

THE UTAH CRIME PREVENTION COUNCIL ADOPTED AND DEVELOPED THE McGRUFF HOUSE PROGRAM SOME YEARS AGO. THE PROGRAM ENCOURAGES ADULTS TO PARTICIPATE BY COMPLETING AN APPLICATION AND HAVING A BACKGROUND CHECK RUN. IF THEY QUALIFY THEY ARE GIVEN A POSTER TO HANG IN THERE FRONT WINDOW. A CHILD WHO IS PLAYING OR COMING HOME FROM SCHOOL AND FEELS THREATENED IN ANY WAY CAN SEEK HELP AT A McGRUFF HOUSE.

THE POSTERS ARE ALL NUMBERED AND ARE DISTRIBUTED ONLY THROUGH UTAH'S CRIME PREVENTION COUNCIL AND LOCAL LAW ENFORCEMENT OFFICIALS.

REASONS FOR McGRUFF HOUSE SYMBOL AS A NATIONAL PROGRAM:

1) PROVIDES A COMMUNITY A METHOD OF PROTECTION AND SENDS A MESSAGE TO WOULD BE CRIMINALS THAT THE NEIGHBORHOOD IS UNITED AND WATCHING FOR SUSPICIOUS ACTIVITIES.

2) INCREASES PARENT/CHILD AWARENESS REGARDING DANGEROUS SITUATIONS AND INCREASES COMMUNICATION BETWEEN PARENTS AND CHILD

3) CREATES A UNIFORM BLOCK PARENT SYMBOL. WE DON'T TEACH OUR CHILDREN DIFFERENT STOP SIGNS. WE CURRENTLY HAVE UNIVERSAL SAFETY SYMBOLS. WE SHOULD ENCOURAGE McGRUFF HOUSE AS THE NATIONAL BLOCK PARENT SYMBOL.

BECAUSE OF THE STATISTICS SUPPORTING McGRUFF'S POPULARITY AND TRUST AMONG OUR CHILDREN, THE MONTANA CRIME PREVENTION/CRIMESTOPPERS ASSOCIATION REQUESTS THAT THE STATE OF MONTANA ADOPT McGRUFF HOUSE AS THE OFFICIAL BLOCK PARENT PROGRAM OF THE STATE OF MONTANA.

TO ENCOURAGE COMMUNITIES TO ESTABLISH McGRUFF HOUSE THE ASSOCIATION WILL PROVIDE THE McGRUFF START UP KIT TO ANY COMMUNITY.

CITIES CURRENTLY USING McGRUFF HOUSE: HELENA, MISSOULA, GREAT FALLS, BUTTE, BILLINGS. CITIES INTERESTED IN STARTING A McGRUFF HOUSE PROGRAM: NILES CITY, HAVRE, WHITE SULFUR SPRINGS, KALISPELL

County of Yellowstone



OFFICE OF THE SHERIFF

P.O. BOX 35017
BILLINGS, MONTANA 59107

February 15, 1989

House of Representatives
State of Montana
Capitol Station
Helena, MT 59620

Re: HJR 10

Mr. Chairman and Representatives:

This is an excellent resolution and would help law enforcement immensely, as well as the child who, for some unknown reason, may be in danger or lost. This would give the child an identifiable emblem where he or she could feel free to go to seek assistance.

It would also help because law enforcement would know where an individual lives who may be home almost all the time during the week. In other words, it would be a source the officer could go to for any follow-up investigation, whether it be for a missing child or other type of criminal investigation that may be going on within the neighborhood.

This resolution has my support and, I am sure, the support of all law enforcement.

Sincerely,

MIKE SCHAFFER, SHERIFF

YELLOWSTONE COUNTY

lr



GREAT FALLS PTA COUNCIL

*"To bring into closer relation the home and the school,
that parents and teachers may cooperate intelligently
in the education of children and youth."*

February 26, 1989

TO: Montana Senate Local Government Committee

FR: Carol Shipley, Great Falls PTA Council President

RE: HJR10

I am writing to urge your support of HJR10. Montana is no longer a refuge from crimes against children. Yes, children in Montana can and have been taken without parent's permission. In order to minimize this happening our local school district and PTA's in conjunction with the local police department offer educational programs in our schools. However, this is not enough! We can and are doing more.

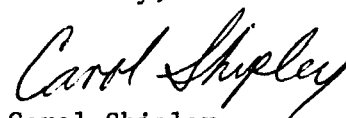
Let me share with you my experiences in Great Falls. I was instrumental in working with Ken Grady from the Great Falls Police Department in establishing The McGruff Safe House program here. Previously, we had a block parent program which included displaying a "BP" sign in the window of homes whose inhabitants indicated an interest in offering their home as a refuge to children. Now we have McGruff Signs in the windows of about 700 homes in Great Falls. The advantages this program offers are:

- Universal Recognition: Children moving into the community immediately recognize McGruff and know that a home with that sign is a "safe home" to go to in time of need.
- Police Safety Checks: With the McGruff program we are able to have applications completed by anyone interested so that these individuals can be checked for past criminal records, etc. Not just anyone can be a "McGruff House".

I am so pleased to have played a part in establishing this program in Great Falls and feel proud that I may have saved a child from a terrifying experience because he went to a house that was not safe (and this has happened in the past). I feel so strongly about McGruff being adopted as a universal symbol that I addressed the legislative body speaking favorably of a similar resolution before the National PTA at their convention last June in Salt Lake City.

If we are to protect our children we must do all we can to assure they have a safe place to go while on their way to or from school and we must assure that they know or can recognize a safe house. McGruff is the answer!

Sincerely,


Carol Shipley



City of **GREAT FALLS** *Montana*

59403-5021

P. O. BOX 5021

TELEPHONE 406 / 727-5881

TO: Senate Local Government Committee

DATE: 2-23-89

FROM: Sgt. Ken Grady
Great Falls Police Department

RE: Bill HJR10

I am very much in support of Bill HRJ10 concerning the adoption of "McGruff as the symbol for the block parent program in local communities throughout the State of Montana.

The latest statistics indicate that McGruff is an overwhelming success in the United States and that 96% of all students from ages 6-12 years will try and do what McGruff tells them.

The adoption of the McGruff symbol will be an excellent move to make children think of the prevention of crime plus bring about a closer relationship with their local law enforcement.

Bill HJR10 should be considered.

Thank you,

Sgt. Ken Grady

Sgt. Ken Grady
Great Falls Police Department



LEWIS & CLARK COUNTY

SHERIFF'S DEPARTMENT

221 Breckenridge
Helena, MT 59601
406-443-1010 Business
406-442-7880 Emergency Only

HUCK O'REILLY, SHERIFF

January 24, 1989

Colleen McCarthy
Crimestopper
Helena, MT 59601

Dear Colleen,

Please be aware that I fully support adopting McGruff as a symbol for the Safe House program for the kids in our community.

Due to national exposure that McGruff has received throughout all facets of the news media, he is a readily identifiable subject by all young children, much more so than a hand or outline of a house as has been used in the past on safe home posters.

The whole intent of a Safe House program is to have kids be able to identify those homes that they may approach for sanctuary in an emergency.

McGruff certainly fits the readily recognizable image necessary for the success of all safe house programs.

Please add my department to the list of those in favor of HJR10.

Sincerely,

A handwritten signature in cursive script that reads "Charles M. O'Reilly".

Charles M. O'Reilly
Lewis & Clark Co. Sheriff

/dr

Commissioners
Russell J. Ritter, Mayor
Rayleen Beaton
Tom Huddleston
Rose Leavitt
Blake J. Wordal



Police Department
221 Breckenridge
Helena, MT 59601
Phone: 406/442-9920

William J. Verwolf
City Manager

City of Helena

William J. Ware
Chief of Police

January 25, 1989

Colleen McCarthy
Crime Prevention Committee
Helena Area Crimestoppers
Helena, MT 59601

Dear Ms. McCarthy:

I want to go on record as supporting the McGruff House project locally and on a statewide level. McGruff is a nationally recognized symbol which is readily identifiable by children of all ages.

I feel it is important to encourage consistency in programs such as this so that when a child moves from one community to another, the symbol for a safe shelter is the same. We have had great success in our community with the McGruff House project and I feel that this program should be extended to a statewide level.

Thank you for your work in the past on programs such as this. Good luck in future programs, and please add my department to the list of those supporting HJR10.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. J. Ware", is written over the typed name.

William J. Ware
Chief of Police
Helena Police Department

WJW/na

Amendments to House Bill No. 388
Third Reading Copy

Requested by Senator Story
For the Committee on Local Government

Prepared by Lee Heiman
March 1, 1989

1. Title, line 9.

Following: "OF"

Insert: "BENEFITED"

2. Page 1, line 14.

Following: "purpose"

Insert: "-- benefited property defined"

Following: "purpose."

Insert: "(1)"

3. Page 1, line 17.

Following: line 16

Insert: "(2)"

4. Page 1.

Following: line 24

Insert: "(3) For the purposes of [this act], "benefited property" means land within the district that receives a direct benefit from the road for which the road improvement district was created. A parcel of land is not benefited property if the parcel is within the district solely because the road passes over the property to provide access to benefited property. A parcel of land within the district used solely for agricultural purposes is not considered benefited property."

5. Page 4, line 5.

Following: "owners of"

Insert: "benefited"

6. Page 4, line 23.

Strike: "parcels of land"

Insert: "benefited property"

7. Page 5, line 7.

Strike: "LAND"

Insert: "benefited property"

8. Page 5, line 12.

Strike: "LAND"

Insert: "benefited property"

9. Page 5, line 16.

Strike: "LAND"

Insert: "benefited property"

10. Page 5, line 23.

Strike: "LAND"

Insert: "benefited property"

11. Page 6, line 4.

Following: "PARCEL"

Insert: "of benefited property"

12. Page 6, line 8.

Following: "all"

Insert: "the benefited"

passed

SENATE LOCAL GOVERNMENT

EXHIBIT NO. _____

Amendments to House Bill No. 388
Third Reading Copy

For the Committee on Senate Local Government

Prepared by Connie Erickson
March 3, 1989

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 3-7-89

BILL NO. HB 388

1. Page 2, line 18.
Strike: "be"

2. Page 2, line 19.
Following: "(i)"
Insert: "be"

3. Page 2, line 21.
Following: "(ii)"
Insert: "be"
Strike: "and"

4. Page 2, line 22.
Following: "(iii)"
Insert: "be"

5. Page 3, line 2.
Following: ";"
Insert: "and"

6. Page 3.
Following: line 2
Insert: "(iv) specify the method or methods by which the costs of the improvements will be assessed against property in the district;"

7. Page 3, lines 14 through 16.
Strike: "more" on line 14 through "district" on line 16
Insert: "the owners of property in the district to be assessed for more than 50% of the cost of the proposed work, in accordance with the method or methods of assessment described in the resolution of intention,"

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 HOUSE BILL NO. 439

2 INTRODUCED BY KILPATRICK

3 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
4 PERCENT BIDDING PREFERENCE FOR LOCAL BIDDERS IN COUNTY,
5 MUNICIPAL, SCHOOL, COMMUNITY COLLEGE, AND CERTAIN DISTRICT
6 PURCHASING LAWS; AND AMENDING SECTIONS 7-3-1323, 7-5-2301,
7 7-5-2302, 7-5-4302, 7-14-2404, 7-14-2406, 7-14-2716,
8 20-9-204, AND 20-15-104, MCA."

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

10
11 NEW SECTION. Section 1. Bid preference for local
12 business. (1) A local governmental entity in awarding a
13 contract pursuant to a bidding process may award the
14 contract to the lowest responsible local bidder whose bid
15 does not exceed by more than 2% the bid of the lowest
16 responsible bidder who is not a local bidder.

17
18 (2) For the purposes of this section, "local bidder"
19 means a person or commercial entity that has had its primary
20 place of business within the geographical boundary of the
21 contracting governmental entity for at least 1 year prior to
22 the solicitation for bids.

23 (3) A SELF-GOVERNING LOCAL GOVERNMENT MAY ADOPT THE
24 LOCAL BID PREFERENCE AUTHORIZED BY THIS SECTION OR IT MAY
25 ADOPT A DIFFERENT METHOD FOR PROVIDING A LOCAL BID

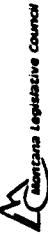
73-18

Subject Report

1 PREFERENCE.

2 Section 2. Section 7-3-1323, MCA, is amended to read:
3 "7-3-1323. Competitive, advertised bidding required
4 for certain contracts. All contracts entered into by the
5 municipality for supplies or materials, for any public work,
6 or for the construction, reconstruction, repair,
7 maintenance, or operation of any public works or
8 improvements 7-for-which-must-be-paid-a-sum exceeding \$2,0007
9 shall be awarded to the lowest responsible bidder, with
10 consideration given local bidders as provided in [section
11 1]. The award must be made after public advertisement and
12 competition as may be prescribed by ordinance, but the
13 manager shall have the right to reject all bids and
14 advertise again. All advertisements as to contracts shall
15 must contain a reservation of the foregoing right. All
16 contracts entered into by the municipality shall must be
17 signed by the manager after approval thereof by the
18 commission."

19 Section 3. Section 7-5-2301, MCA, is amended to read:
20 "7-5-2301. Competitive, advertised bidding required
21 for certain large purchases or construction contracts. (1)
22 Except as provided in 7-5-2304, no contract for the purchase
23 of any vehicle, road machinery, or other machinery,
24 apparatus, appliances, or equipment or for any materials or
25 supplies of any kind for-which-must-be-paid-a-sum in excess



Madam Chairwoman and members of the Committee.

For the record my name is Tom Kelpatrick from House District 85, the Laurel area.

House Bill 439 is a simple bill ~~that~~ no one asked me to sponsor. I saw what I thought was a problem and needed addressing.

The whole "meat" of the bill is on page 1 line 10 to 13. This gives a local government the option of awarding a bid to a "local bidder" if the bid does not exceed by more than 2% the bid of the lowest responsible bidder who is not a local bidder. local bid put in a bracket above

The state allows a 5% leeway of an in-state bidder over an out-of-state bidder so the idea is not new.

The rationale is that a local bidder will more than likely hire local employees and the money will be spent locally therefore actually increasing the economy of the local area and more than offsetting the difference in price.

The local bidder must have had his primary place of business within the area for at least one year.

This Bill does not "tie the hands" of the local government but just gives them the option, if they so desire, of contracting with local bidders. Could exist the lowest bidder, bid

I am not adverse to raising the bidding preference to 3 or 4% if the committee deems

Local Plans

Stolly Lane City of Redwood

of Martin Jones

U.S. West

Grandfather

The Committee Added a few

I feel this actually cleared up the Bell. This is really the Grandfather clause.

HB 439
3/7/89
Senate Local Govt.

State of Montana
Office of the Legislative Auditor

PERFORMANCE AUDIT

IN-STATE BIDDERS PREFERENCE
Department of Administration

This report discusses the effects of Montana's in-state bidders preference law. The report recommendation addresses changing the definition of a Montana resident vendor.



Direct comments/inquiries to:
Office of the Legislative Auditor
Room 135, State Capitol
Helena, Montana 59620

PROPOSED AMENDMENTS TO HB 291

SENATE LOCAL GOVERNMENT

Amend page 1, line 6 as follows: prisoner confined in a county jail; and amending sections

Amend page 1, line 7 as follows: "7-32-222, MCA and 46-18-236, MCA.

Adding new section as follows beginning on Page 2, line 25.

Section 2 Section 46-18-236, MCA, is amended to read:

Page 3

"Section 46-18-236. Imposition of charge upon conviction or forfeiture -- administration. (1) Except as provided in subsection (2), there must be imposed by all courts of original jurisdiction on a defendant upon his conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail a charge that is in addition to other taxable court costs, fees, or fines, as follows:

(a) ~~\$10~~ \$20 for each misdemeanor charge; and

(b) the greater of ~~\$20~~ \$45 or 10% of the fine levied for each felony charge.

(2) If a convicting court determines under 46-18-231 and 46-18-232 that the defendant is not able to pay the fine and costs or that he is unable to pay within a reasonable time, the court must waive payment of the charge imposed by this section.

(3) The charge imposed by this section is not a fine and must be imposed in addition to any fine and may not be used in determining the jurisdiction of any court.

(4) When the payment of a fine is to be made in installments

19 over a period of time, the charge imposed by this section must be
20 collected from the first payment made and each subsequent payment
21 as necessary if the first payment is not sufficient to cover the
22 charge.

23 (5) (a) The Ten dollars of the charges collected under
24 subsection (1) (a) and 44.5% of the charges collected under
25 subsection (1) (b), except those collected by a justice's court,

Page 4

1 must be deposited with the appropriate local government finance
2 officer or treasurer. If a city municipal court or city or town
3 court is the court of original jurisdiction, the charges collected
4 ~~under section (1)~~ must be deposited with the city or town finance
5 officer or treasurer. If a district court is the court of original
6 jurisdiction, the ~~charges collected under subsection (1)~~ must be
7 deposited with the county finance officer or treasurer. If the
8 court of original jurisdiction is a court within a consolidated
9 city-county government within the meaning of Title 7, chapter 3,
10 the charges ~~collected under subsection (1)~~ must be deposited with
11 the finance officer or treasurer of the consolidated government.

12 ~~(6)~~ (a) (b) A city or town finance officer or treasurer may
13 retain the charges ~~collected~~ deposited under subsection ~~(1)~~ (5) (a)
14 by a city municipal court or a city or town court and may use that
15 money for the payment of salaries of the city or town attorney and
16 his deputies.

17 ~~(b)~~ (c) Each county finance officer or treasurer may retain
18 the charges ~~collected~~ deposited under subsection ~~(1)~~ (5) (a) by
19 district courts for crimes committed or alleged to have been

20 committed within the county. The county finance officer or
21 treasurer shall use the money for the payment of salaries of its
22 deputy county attorneys and for the payment of other salaries in
23 the office of the county attorney, and any funds not needed for
24 such salaries may be used for the payment of any other county
25 salaries.

Page 5

1 (6) Ten dollars of the charges collected under subsection
2 (1)(a) and 55.5% of the charges collected under subsection (1)(b),
3 except those collected by a justice's court, must be deposited with
4 the county finance officer or treasurer to be retained by him and
5 used as follows:

6 (a) for the payment of prisoner medical expenses where it is
7 determined that the prisoner is financially unable to pay the
8 expenses, and the responsible agency is the county; and

9 (b) for appropriation towards the payment of salaries of
10 jailers and deputy sheriffs and to provide for county jail
11 security, for repair and maintenance of the county jail, and for
12 payment of any other costs of operating the jail.

