

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel M. Harding, on March 21, 1989, at 12:30 p.m. in 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: The Montana Association of Counties and the League of Cities and Towns has invited this committee and their spouses to dinner at the Montana Club on March 29, at 7:00 p.m. The committee accepted this gracious offer.

Chairman Harding stated that HB 440 had been amended by this committee and passed out of committee with a do concur recommendation. Because of technical changes, the amendments were a little different than the committee had seen, she wanted them to read them and be certain they approved. The committee members read the amendments and did not find any problem, so Chairman Harding signed the standing committee report. See Exhibit 1.

EXECUTIVE ACTION ON HOUSE BILL 647

Discussion: Chairman Harding stated this is the "Citizen Bonds" bill and there were some amendments suggested at the hearing. Connie Erickson passed out copies of the proposed amendments. See exhibit 1. This is a technical amendment that Rep. Kadas requested. It goes on page 1, following line 21 add a new subsection (4) An officer, employee, contracted financial consultant, or contracted advisor employed or retained by a city or

town selling citizen bonds may not purchase those bonds.

Senator Crippen asked if you had citizen bonds as part of an overall bond issue, if they did not sell this part, what would happen? Senator Pinsoneault answered that the overall issue would be underwritten by someone like D. A. Davidson or some other underwriter, and if all the citizen bonds didn't sell, the contractual consultant would take them over. Senator Crippen said when they underwrite don't they buy the bonds? Connie Erickson stated contracted financial consultant was put in the amendment to avoid conflict of interest. Senator Crippen and Senator Thayer said the underwriter takes on the whole obligation. This is a citizen bond. Senator Thayer wondered about the compelling need to have small denomination bonds out there.

Senator Hammond asked who are you trying to help, the cities or the purchaser of the bonds? Senator Pinsoneault understands that philosophically if a city has a project such as a swimming pool, bridge or whatever, this would allow the people who want the project to have a part in this particular project. He agrees with this concept. He says the A. G. is there if the project gets in trouble and needs advise. Conceptually there isn't a problem. Senator Hammond stated that for small projects, the large underwriters aren't interested. So this is a method to fund smaller city projects. Senator Vaughn stated that was the testimony from Missoula. The city can manage smaller bond issues by themselves and allow local people to participate.

Senator Harding said her note says this bill allows small scale investors to buy tax exempt bonds. That was the big thrust. Senator Pinsoneault said he can understand why professional brokers stand against this bill; they would loose a commission. Senator Hammond said they don't bother with these small issues much anyway. Senator Harding stated this bill is based on the Oregon statute. She wondered about the attorney general's roll in this situation. Senator Pinsoneault said this is a rather new area and he is concerned about the purchaser, how much risk is there. He supports this bill with cautious optimism. Let's try this and see what happens. Senator Crippen talked with an exbroker and he represents municipalities and the like and he agrees with this bill, and most cities that do this would not do it on their own, they would contract with someone with expertise to help them. There is a need for this, but he worries that city governmental officials do work that is offered in the free

enterprise business area better. Senator Pinsoneault stated a city would be foolish if they didn't use an expert for a professional opinion. Giving cities this authority doesn't mean they will not use prudent decisions and obtain advise.

Amendments and Votes: Senator Vaughn MOVED that we ACCEPT the AMENDMENT as stated above. The VOTE was UNANIMOUS in FAVOR of the AMENDMENT.

Recommendation and Vote: Senator Vaughn MOVED that HB 647 BE CONCURRED IN AS AMENDED. 8 Senators VOTED in FAVOR and Senator Thayer VOTED OPPOSED. Motion carried and Senator Pinsoneault will carry HB 647 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 656

Discussion: Connie Erickson stated last session there was work done on SID laws and this is an accompaniment to that. It's to help cities and towns that are caught with a bunch of property with SIDs. Columbia Falls and Bozeman are two cities caught in this situation, and this bill will give them some flexibility in dealing with them.

Senator Vaughn asked if there is a problem in getting the SIDs paid off if they can waive these delinquent payments? Is there provisions for funds to pay off these obligations anyway? What happens to SIDs where certain people haven't paid their share and they lay there delinquent and its spread out over a group to pay? The city gets the property. So all they're waiving is the penalty and interest?

Senator Harding stated in Polson they have a Woodvine Addition and they divided into lots and assessed SID against each of those lots. The city ended up with all those delinquent taxes on them. This bill waives the penalty and interest on the SIDs.

Senator Hammond thought this was an attempt to restructure the SIDs and get the people to pick them up again. This is an attempt to let the city resell some of the property. Senator Harding said that the cities that are stuck with these SIDs could sell or negotiate. Senator Hammond said there are cities that have had to pay the SIDs because property owners haven't paid them. SIDs are looked on with a lot less favor than they used to be.

Recommendation and Vote: Senator Boylan MOVED that HB 656

BE CONCURRED IN. The VOTE was UNANIMOUS in FAVOR OF HB 656. Senator Hoffman will carry this bill to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 667

Discussion: Senator Harding stated HB 667 is representative Good's bill from Great Falls. Senator Crippen stated we didn't have any amendments on this one. Connie Erickson stated that in 7-12-1114 there is right of protest provision. It gives 3 possibilities; Owners of property in the proposed district have the taxable evaluation when aggregated representing not less than 50% of the total taxable valuation property within the district. Or not less than 50% of the owners of property within the district. Or owners of property within the proposed district have the projected assessments when aggregated representing not less than 50% of the total projected assessments. Currently that's what the law says. Senator Crippen stated that would cover this bill.

Recommendations & Vote: Senator Thayer MOVED that we DO CONCUR in HB 667. The VOTE was UNANIMOUS in FAVOR of CONCURRING in HB 667. Senator Thayer will carry HB 667 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 682

Discussion: Senator Walker asked Connie Erickson to draft a proposed amendment to HB 682 and she gave these out to the committee. Senator Walker stated that these amendments will address the issue of the tenants electing someone to the board without the board having any voice in the choice. This amendment changes the board from 5 to 7 members. The tenants through a process of petition signed by no less than 25 adult tenants of the authority or 25% of the adult tenants of the authority, whichever is greater, make themselves available to serve on the board. That would qualify the nominees to be on a list, then that list would be given to the mayor and the mayor would appoint from that list who he thought would be best. One of those people would represent tenants and the other would represent the disabled and elderly. The terms would be 2 years, instead of the 4 or 5 year terms the other members have. This would give them some say, it lets the mayor do the picking, and the person has to get his petition signed. It gives both sides a bit of what they asked, and it's a fair proposal.

Senator Thayer thought we were going to leave the board at 5

members with 1 member a tenant. 7 member boards can be unwieldy. Connie Erickson stated the reason that they asked to increase the board was that they did not want to eliminate any current members to a tenant commissioner. We did not want to displace anyone currently serving on the board.

Senator Crippen asked how big is the smallest housing units? 50 units is the smallest. Senator Crippen liked the idea of 2 for the reason that one tenant on a board might be over-awed by the others. Two would work together and on a 7 member board it seems about right. Senator Thayer asked if we could have just 1. Senator Walker stated they wanted to represent a broader spectrum of the people within the development. Senator Pinsoneault agreed with the 2, one for younger, and one for elderly and disabled. This seems to give a good balance to the board. Senator Crippen stated one would check on the other, too.

Senator Hammond stated this amendment takes care of one strong feeling, and that was if they were going to allow tenants on the board that they be appointed in the same manner as they were. These amendments do that. He has only one home in his area and they are completely opposed to this bill, so the number 1 or 2 matters little.

Amendments & Votes: Senator Walker MOVED that we ACCEPT the AMENDMENTS as presented in Exhibit 1. The VOTE was 7 IN FAVOR of accepting these amendments and Senator Thayer and Senator Beck OPPOSED the amendment. MOTION CARRIED.

Recommendation and Votes: Senator Pinsoneault MOVED that we DO CONCUR AS AMENDED in HB 682. Senator Thayer asked if anyone testified about tenants advisory boards? He said in Great Falls their advisory board does this anyway. He doesn't think there are any problems with the way things are. The people involved in these housing authorities really have the tenants at heart. Senator Walker stated there is a federal standard that is requiring them to put tenants on the board. HUD has encouraged this.

Senator Crippen stated that by having 2 tenants involved in this board's operation, they might realize the real intricacies of running a home. The regulations that are involved and all the stuff that tenants complain about are situations set up by federal law. If the other 5 members realize their power, they can use the tenant members to funnel information to the other

tenants, to develop a better rapport and understanding. To be without some type of representation is a source of irritation.

Senator Pinsoneault stated that in his town they go into agreement with the Tribes for funding the rehabs. So 1 time they deliberately picked a tribal elder in the community and asked him to serve to represent Tribal interests. It was amazing how much he had to offer, and only when you asked him.

Senator Hammond stated that a lot of the people on the advisory board have put in an enormous amount of time to get the project there and they have pride invested and it's hard for them to accept the fact that they wouldn't have the tenants best interests at heart. They raised the point that some tenants are only there a short time, so there is a flux in membership.

Senator Beck stated we have some people unsatisfied with the way the operation is going so they want representation on the board. This signifies displeasure with something and perhaps it is governmental regulations. He thinks people that are already on the board should be kept and the representation added. Is there an ulterior motive with this bill to harass the working board?

Senator Vaughn stated she agrees with Senator Pinsoneault and Senator Crippen. She thinks that with 5 members on there, 2 additional aren't going to be able to stir things up that much and it might help the housing authority to get these problems brought back to the tenants so they can help solve some of these problems. She thinks they serve an excellent purpose being there.

Senator Walker stated that sometime some insignificant thing happens and it snowballs through the complex. So having 2 representatives on the inside they can explain the truths of what is happening. Those members can dispel and defuse those situations.

Senator Pinsoneault said you may get a trouble maker on the board but he soon learns. Senator Walker stated they tend to be tougher on their own people than the people on the board.

Senator Beck stated that present board members are not receptive to the idea.

Chairman Harding stated this has been well discussed. Senator Boylan called for the question. All those in

favor of concurring in HB 682 AS AMENDED say aye. Six senators VOTED yes, DO CONCUR AS AMENDED. Senators Beck, Hammond and Thayer VOTED against HB 682 AS AMENDED. MOTION CARRIED, 6 FOR, 3 AGAINST. Senator Walker will carry HB 682 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 704

Discussion: This is representative Cohen's bill. Connie Erickson stated this bill has to do with zoning districts that were created quite a few years ago and they're trying to put a limit on the amount of time that you can challenge the creation of a district.

Senator Hammond stated that each district will have the same length of time, 5 years, to protest. It's either 5 years from that date of this bill, or 5 years from creation of the district. That's correct. Senator Crippen stated there is a statute of limitations. Senator Hammond says here it's 5 years from the date of this bill.

Senator Walker asked Senator Crippen if this bill encouraged development? Senator Crippen stated it's designed to prevent people from coming in late in the development and telling everyone they're doing things wrong and challenging. Senator Crippen stated as a developer he likes to plan his zoning because it makes a certainty out of uncertainty. He explained that, now, when you create a zoning district there is no time limit to objections and this bill will set a time limit of 5 years.

Recommendation and Vote: Senator Walker MOVED that we DO CONCUR in HB 704.

Senator Hammond stated that in their county there are hearings, and rehearings, this should help some of that. Chairman Harding asked Mona Jamison if she would speak to this bill. Mona Jamison stated that there is still ability to change but after 5 years you won't be able to challenge the district. There are still procedures available to pursue changes. This bill has to do with challenging the zoning of the district as a whole.

Chairman Harding called for the question. All those in FAVOR of CONCURRING IN HB 704 say "AYE". 7 Senators VOTED in FAVOR of HB 704 and Senators Boylan and Hammond VOTED AGAINST. HB 704 carried 7 for, 2 opposed. Senator Walker will carry HB 704 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 244

Discussion: Senator Pinsoneault stated that we live in Montana where we generally like guns. This bill is a shot gun approach. These activities of trap shooting, hunting, archery, and gun related activities are important. An interim study to come up with a law that considers these activities and funding with regard to forced moves, makes sense. We need a solution to a problem that is going to plague us for years if we don't do something. This is not the proper bill for our purposes.

Senator Beck agreed with Senator Pinsoneault. He thinks there is a definite problem here. An interim study is an excellent solution.

Senator Harding asked if they would consider grandfathering in the existing sites and leave them be? She agrees that they can't be exempt from zoning and planning forever. But it would be fair to grandfather the existing sites in, so rather than kill the bill, she would like to do that. There is no way we can exempt them from future planning and zoning. They will have to be a part of that.

Senator Crippen asked if they had received their second letter from Gary Marbut? Senator Pinsoneault stated they have grandfather protection anyway from other statutes. He doesn't think they will plan those people out of existence. Senator Harding stated that is a fear they have; that they will be zoned out of existence.

Senator Thayer stated that people move next to the railroad or the airport, then they complain of the noise. This is exactly the same thing. We have zoning laws that put these ranges way out to begin with, then a developer comes along and the range has to move again. It's not fair. You have to pay damages when you want a site for a parking garage and there is a business there. In Great Falls they went out and found a suitable sight for that business and relocated it so they could build the parking garage. It was no cheap deal. Cost the city 1/2 million dollars to do that, but there plan specified that piece of land. He thinks government has a obligation to look after the existing business. This bill goes far beyond that, but philosophically it has some validity to expect that we can't just close them down.

Senator Walker stated that Senator Jacobson had that bill

before. Senator Jacobson stated that she talked to a number of people and they are concerned that local government is not aware of the implications of the bill when it went through the house. She prepared 2 pages of amendments trying to fix the bill, and no matter what you do with this bill, it has prime impact on local government. She asked Mr. Marbut if there was an immediate threat of a closure and he doesn't believe that any particular local government is trying to shut down a shooting range. There have been problems in the eastern part of the country. She said Senator Thayer is correct in that these people do deserve to be protected, but we need to have the local governments and shooting ranges get together and get a reasonable compromise, and she would bring that bill the next session.

Senator Pinsoneault stated we need a comprehensive package that would include some sort of funding.

Senator Vaughn thinks these older ranges need protection. They have been outside city limits and everything is moving around them. She also thinks when developers come in, that city planners and commissioners would take that into consideration and make the developer work out something with the shooting ranges.

Senator Hammond stated interim studies do not seem to produce good legislation yet.

Senator Harding asked Connie Erickson if there is any way to salvage this bill? Connie Erickson answered that some of the sections regarding zoning could be salvaged and apply them to shooting ranges in existence on the effective date of this bill. Gary Marbut does talk about doing that in his letter. He also said that on page 2, section 4 (2) they would be willing to drop that entire subsection, which was the 6 months interim resolution. In terms of the closure or relocation, the big issue there was not future ranges, but who would pay for the move or closure. The sections relating to litter, community decay, disorderly conduct, or public nuisance need some work. On the bottom of page 9 noises resulting from shooting activities of a shooting range are not considered a public nuisance. Senator Beck questioned the section on disorderly conduct. These sections probably could have established hours of operation attached. She said you probably could salvage something out of this bill.

Connie Erickson stated it's her understanding that if a range is in an unzoned place, and later zoning takes

place, the existing businesses are automatically grandfathered in. Mona Jamison stated she believed that to be true. C. Erickson stated there was a case in Helena where they tried to do that and couldn't. Mona Jamison said it's in "non-conforming use".

Senator Harding asked Gordon Morris if existing ranges are already protected? Gordon Morris stated that he testified that a shooting range cannot be zoned out of existence, due to the non-conforming use statute, which I sighted. That statute states that if there is a zoning change that puts them into conflict with the way it's being redefined for zoning purposes, the non-conforming use statute applies and they can stay there as long as they like. They are protected. They can't be zoned out of existence. Senator Walker stated condemnation laws have been used a time or two. Gordon Morris stated that is a different matter.

Senator Beck asked why are local governments so concerned? Gordon Morris stated we can apply nuisance statutes, we can apply other environmental conditions and we can require them to relocate, but at no personal cost to themselves and at no personal cost to the county.

Recommendation and Votes: Senator Pineseault MOVED that we DO NOT CONCUR in HB 244. The VOTE was 6 in FAVOR of the MOTION to DO NOT CONCUR in HB 244. Senators Walker, Thayer and Harding VOTED AGAINST the MOTION to DO NOT CONCUR. The motion carried 6 for, and 3 against.

EXECUTIVE ACTION ON HOUSE BILL 630

Discussion: Connie Erickson explained this bill was sponsored by Representative Koehnke regarding the refuse disposal fees for mobile homes parks. Currently the fees are paid by the park owners. This bill would revise the charges for the refuse disposal to the individual owners of the mobile homes themselves. The park owners proposed an amendment to page 1, line 23 strike the phrase "base upon the number of mobile homes spaces occupied on January 1," and insert "paid by the registered owner of each mobile home in the mobile home park." She explained that the title is also amended to agree. See exhibit 1. Connie Erickson stated she researched the attorney general's opinion, and the basis for that opinion was the fact that the whole chapter that has to do with refuse disposal districts refers to real property and that's why he decided that the fees had to be paid by the mobile home park and not the owner of the mobile home. Because mobile homes are

personal property not real property.

Amendments and Votes: Senator Hammond MOVED that we ACCEPT THE AMENDMENTS as outlined in exhibit 1.

Senator Hammond stated it seemed reasonable that when they pay their taxes on their home they should pay their refuse disposal the same as anyone else. This way each will pay their share. Senator Hammond said in Malta they designated 2 blocks in the city that covenant that those lots are for mobile homes. Those people all pay for the refuse disposal district when they pay their taxes, and those in mobile home parks should do that also.

Senator Harding asked Gordon Morris if there is a problem with this bill. Gordon Morris said that commissioners determine the cost of their refuse disposal system by the per unit in the district and that can vary. According to the A. G.'s opinion a park owner is a single unit and should pay only for 1 and Broadwater County is counting homes in the park and charging. Gordon Morris said the park owner could pass the fees on to the home owner, the same as an apartment owner. He thinks it's a problem stipulating each mobile home in a mobile home park.

Senator Hammond said the testimony said that they counted the homes in the park and charged on a percentage of that. G. Morris stated that is contrary to the A. G.'s opinion. He says the A. G.'s opinion states very clearly that the parks have to be treated as a single unit. Senator Hammond said this bill will supercede the A. G.'s opinion. Senator Harding stated that is the objection to it, because the refuse disposal districts are saying how are you going to monitor this?

Connie Erickson asked if the fees from district to district are different? Gordon Morris answered that you develop a refuse district budget for the coming fiscal year, then you divide that by the units you have, and that determines each charge. Would this apply in cities? Refuse disposal district are non-municipal in nature. Senator Beck thought refuse disposal districts included everybody, including municipalities. It can. Connie Erickson said if we do this it will only be mobile homes in a mobile home park. Senator Beck said he would rather see it mobile homes in a refuse disposal district, not necessarily in a mobile home park. Outside of the parks are already covered in another statute.

The VOTE to ACCEPT the AMENDMENTS was UNANIMOUS. The amendments carried.

Recommendation and Votes: Senator Hammond MOVED that we DO CONCUR AS AMENDED in HB 630. The VOTE was UNANIMOUS in FAVOR of HB 630 AS AMENDED.

ADJOURNMENT

Adjournment At: 2:00 p.m.


SENATOR ETHEL M. HARDING, Chairman

EMH/dh

Minutes.321

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date *March 21*

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 Crippen	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 16, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 440 (third reading copy -- blue), respectfully report that HB 440 be amended and as so amended be concurred in:

Sponsor: Brown, D. (Walker)

1. Title, line 5.

Following: "EXCLUDING"

Insert: "THAT"

2. Title, line 6.

Strike: "AMOUNTS"

Insert: "AMOUNT"

3. Title, line 8.

Following: "UNDERSHERIFFS;"

Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2503"

Insert: "AND 7-4-2504"

4. Page 2, line 18.

Following: "year"

Insert: "."

Strike: "plus"

Insert: "(c) The county sheriff shall receive"

5. Page 2, line 20.

Following: "department"

Insert: ", but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases"

6. Page 2, line 20.

Strike: "amounts"

Insert: "amount"

7. Page 5, line 16

Following: "certify.""

Insert: "Section 2. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district

court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

~~(2)~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

~~(3)~~(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year."

Renumber: subsequent section

AND AS AMENDED BE CONCURRED IN

Signed:

Ethel M. Harding
Ethel M. Harding, Chairman

SENATE STANDING COMMITTEE REPORT

March 27, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 647 (third reading copy -- blue), respectfully report that HB 647 be amended and as so amended be concurred in:

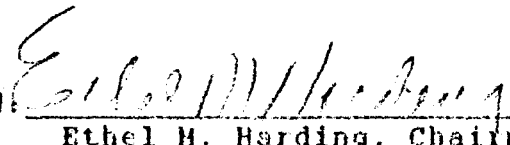
Sponsor: Kadas (Pinsoneault)

1. Page 1.

Following: line 21

Insert: "(4) An officer, employee, contracted financial consultant, or contracted advisor employed or retained by a city or town selling citizen bonds may not purchase those bonds."

AND AS AMENDED BE CONCURRED IN

Signed: 

Ethel H. Harding, Chairman

Y.P.C. 189
31277
11:47
H.A.

SENATE STANDING COMMITTEE REPORT

March 22, 1989

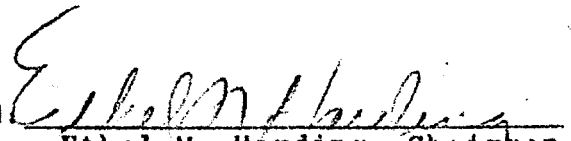
MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 656 (third reading copy -- blue), respectfully report that HB 656 be concurred in.

Sponsor: Wallin (Hofman)

BE CONCURRED IN

Signed


Ethel M. Harding, Chairman

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3.7.11

SENATE STANDING COMMITTEE REPORT

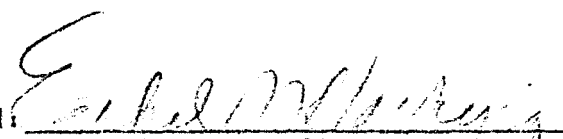
March 22, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 667 (third reading copy -- blue), respectfully report that HB 667 be concurred in.

Sponsor: Good (Thayer)

BE CONCURRED IN

Signed: 
Ethel M. Harding, Chairman

M.C.
3/23/89
3:24
P.M.

SENATE STANDING COMMITTEE REPORT

page 1 of 2
March 22, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 682 (third reading copy -- blue), respectfully report that HB 682 be amended and as so amended be concurred in:

Sponsor: O'Keefe (Walker)

1. Title, line 7.

Strike: "ELECTION"

Insert: "APPOINTMENT"

2. Title, line 9.

Strike: "7-15-4436,"

3. Page 1, line 13 through page 3, line 6.

Strike: sections 1 through 5 in their entirety

Renumber: subsequent sections

4. Page 3, lines 19 and 20.

Following: "appoint"

Strike: "appointment of five"

Insert: "mayor to appoint seven"

Strike: "and the election of two tenant commissioners"

5. Page 4, line 7.

Following: "~~official.~~"

Strike: the remainder of line 7 through "chairman" on line 9

Insert: "(1) An authority consists of seven commissioners appointed by the mayor, and he shall designate the first chairman. A commissioner may not be a city official"

6. Page 4.

Following: line 9

Insert: "(2) Two of the commissioners must be tenants of the housing authority. One tenant commissioner shall represent family tenants and one tenant commissioner shall represent elderly and handicapped tenants. Nominees for tenant commissioner shall submit to the city clerk a petition signed by not less than 25 adult tenants of the authority or 25% of the adult tenants of the authority, whichever is greater. The city clerk shall submit a list of the tenant nominees to the mayor for appointment to the housing authority. The staff of the housing authority may not involve itself in the nomination or appointment of tenant commissioners."

7. Page 4, line 10.
Following: "+2)"
Insert: "(3)"

8. Page 4, line 21.
Strike: "elected"
Insert: "appointed"

9. Page 4, line 23.
Strike: "election"
Insert: "appointment"

10. Page 4, line 24.
Strike: "5"
Insert: "2"

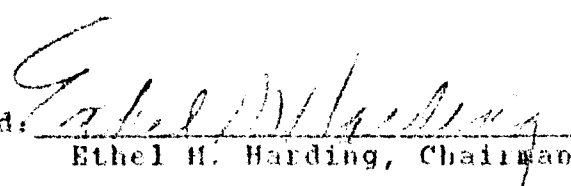
11. Page 5, lines 1 through 4.
Strike: "A" on line 1 through "appointed." on line 4

12. Page 5, line 7.
Strike: "[section 21]"
Insert: "7-15-4431"

13. Page 5, line 24 through page 6, line 23.
Strike: section 10 in its entirety
Renumber: subsequent sections

14. Page 7, lines 19 through 23.
Strike: section 12 in its entirety

AND AS AMENDED BE CONCURRED IN

Signed: 
Ethel H. Harding, Chairman

41. C. 3154
317. 01
S. 0. 12

SENATE STANDING COMMITTEE REPORT

March 22, 1989

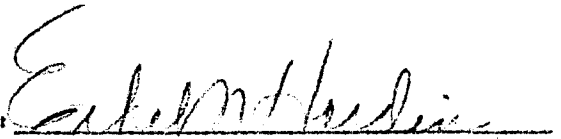
MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 704 (third reading copy -- blue), respectfully report that HB 704 be concurred in.

Sponsor: Cohen (Walker)

BE CONCURRED IN

Signed:


Ethel H. Harding, Chairman

*W.C.
3/22/89
J.P.M.*

SENATE STANDING COMMITTEE REPORT

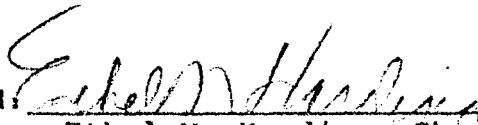
March 22, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 244 (third reading copy -- blue), respectfully report that HB 244 be not concurred in.

Sponsor: Swift (Pinsoneault)

BE NOT CONCURRED IN

Signed: 
Ethel H. Harding, Chairman

4/10/89
3:39
9:30 p.m.

SENATE STANDING COMMITTEE REPORT

March 22, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 630 (third reading copy -- blue), respectfully report that HB 630 be amended and as so amended be concurred in:

Sponsor: Koehnke (Hammond)

1. Title, line 5.

Strike: "DETERMINATION"

Insert: "PAYMENT"

2. Title, lines 6 and 7.

Following: "PARKS;" on line 6

Strike: remainder of line 6 through "ON" on line 7

3. Title, lines 7 and 8.

Following: "SPACE" on line 7

Strike: remainder of line 7 through "1" on line 8

Insert: "REQUIRING THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK TO PAY THE FEE"

4. Page 1, line 15.

Strike: "Except" through "(2)."

Insert: "The"

5. Page 1, lines 23 and 24.

Following: "ACCOUNTS" on line 23

Strike: "SHALL"

Insert: "must"

Following: "BE" on line 23

Strike: remainder of line 23 through "1" on line 24

Insert: "paid by the registered owner of each mobile home in the mobile home park"

AND AS AMENDED BE CONCURRED IN

Signed:


Ethel M. Harding, Chairman

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 440 (third reading copy -- blue), respectfully report that HB 440 be amended and as so amended be concurred in:

Sponsor: Brown, D. (Walker)

1. Title, line 5.

Following: "EXCLUDING"

Insert: "THAT"

2. Title, line 6.

Strike: "AMOUNTS"

Insert: "AMOUNT"

3. Title, line 8.

Following: "UNDERSHERIFFS;"

Insert: "ALLOWING A COUNTY GOVERNING BODY TO RESTORE ALL OR PART OF THE LONGEVITY INCREASES THAT WERE LOST AS A RESULT OF COUNTY WAGE FREEZES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2503"

Insert: "AND 7-4-2504"

4. Page 2, line 18.

Following: "year"

Insert: "."

Strike: "plus"

Insert: "(c) The county sheriff shall receive"

5. Page 2, line 20.

Following: "department"

Insert: ", but years of service during any year in which the salary was set at the level of the salary of the prior fiscal year may not be included in any calculation of longevity increases"

6. Page 2, line 20.

Strike: "amounts"

Insert: "amount"

7. Page 5, line 16

Following: "certify.""

Insert: "Section 2. Section 7-4-2504, MCA, is amended to read:

"7-4-2504. Salaries to be fixed by resolution -- cost-of-living increments. (1) The county governing body shall by resolution, on or before July 1, 1982, and on or before July 1 of each year thereafter adjust and uniformly fix the salaries of the county treasurer, county clerk, county assessor, county school superintendent, county sheriff, and the clerk of the district

court; the county auditor (if there is one); and the county surveyor (if he receives a salary) for cost-of-living increase by adding to the annual salary computed under 7-4-2503 an increment calculated by applying to the annual salary established by 7-4-2503(1) plus previous cost-of-living increments, 70% of the last previous calendar year's consumer price index for all urban consumers, U.S. department of labor, bureau of labor statistics, or other index that the bureau of business and economic research of the university of Montana may in the future recognize as the successor to that index. The county governing body may, however, for all or the remainder of each fiscal year, in conjunction with setting salaries for the same action on the salaries of justices of the peace (if applicable), the county governing body, county attorney, and coroner, set the salary at the prior fiscal year level if that level is lower than the level required by this subsection. The cost-of-living increment for the fiscal year beginning July 1, 1983, and for each subsequent fiscal year shall be added to all cost-of-living increments granted for previous years unless salaries were set for the fiscal year at the level of salaries received in the prior fiscal year. In such case the cost-of-living increment that would have been received for such fiscal year, computed on the prior fiscal year, may not be added to previous increments.

(2) The county governing body may, in any subsequent fiscal year, restore for 1 or more years the annual cost-of-living increments withheld pursuant to subsection (1). If cost-of-living increments are restored, the longevity increases provided for sheriffs in [section 1] must also be restored for the years for which the cost-of-living increment was restored.

~~(2)~~(3) If the application of 7-4-2503 does not qualify a county official for a salary increase of at least 7% on July 1, 1981, his salary on that date shall be increased by an amount sufficient to provide him total salary equal to 7% more than during the previous year.

~~(3)~~(4) The county governing body shall by resolution, prior to July 1 of each year, establish the salary of the coroner and may, for all or the remainder of each fiscal year, in conjunction with setting salaries for other officers as provided in subsection (1), set the salary at the prior fiscal year level. The salary must be in effect upon the first day of each ensuing fiscal year."

Renumber: subsequent section

AND AS AMENDED BE CONCURRED IN

Signed: _____
Ethel M. Harding, Chairman

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 3-21-89

BILL NO. HB 647

Amendments to House Bill No. 647
Third Reading Copy

Requested by Representative Kadas
For the Senate Committee on Local Government

Prepared by Connie Erickson
March 20, 1989

1. Page 1.

Following: line 21

Insert: "(4) An officer, employee, contracted financial consultant, or contracted advisor employed or retained by a city or town selling citizen bonds may not purchase those bonds."

Amendments to House Bill No. 682
Third Reading CopyRequested by Senator Walker
For the Senate Committee on Local GovernmentPrepared by Connie Erickson
March 21, 1989

1. Title, line 7.
Strike: "ELECTION"
Insert: "APPOINTMENT"
2. Page 1, line 13.
Strike: section 1 in its entirety
3. Page 1, line 16.
Strike: section 2 in its entirety
4. Page 1, line 24.
Strike: section 3 in its entirety
5. Page 2, line 16.
Strike: section 4 in its entirety
6. Page 3, line 3.
Strike: section 5 in its entirety
Re-number: subsequent sections
7. Page 3, line 19.
Following: "appoint"
Insert: "mayor to appoint"
Strike: "appointment of five"
Insert: "seven"
Strike: "and the election of two tenant commissioners"
8. Page 4, line 7.
Following: "~~official~~"
Strike: the remainder of line 7 through "chairman" on line 9
Insert: "An authority shall consist of seven commissioners appointed by the mayor, and he shall designate the first chairman. A commissioner may not be a city official"

9. Page 4.

Following: line 9

Insert: "(2) Two of the commissioners must be tenants of the housing authority. One tenant commissioner shall represent family tenants and one tenant commissioner shall represent elderly and handicapped tenants. Nominees for tenant commissioner shall submit to the city clerk a petition signed by not less than 25 adult tenants of the authority or 25% of the adult tenants of the authority, whichever is greater. The city clerk shall submit a list of the tenant nominees to the mayor for appointment to the housing authority. The staff of the housing authority may not involve itself in the nomination or appointment of tenant commissioners."

10. Page 4, line 10.

Following: "~~2~~"

Insert: "(3)"

11. Page 4, line 21.

Strike: "elected"

Insert: "appointed"

12. Page 4, line 23.

Strike: "election"

Insert: "appointment"

13. Page 4, line 24.

Strike: "5"

Insert: "2"

14. Page 5, lines 1 through 4.

Strike: "A" on line 1 through "appointed" on line 4

15. Page 5, line 24.

Strike: section 10 in its entirety

Re-number: subsequent section

16. Page 7, line 19.

Strike: section 12 in its entirety

Amendments to House Bill No. 244
Third Reading Copy

Requested by Senator Jacobson
For the Committee on Senate Fish and Game

Prepared by Connie Erickson
March 7, 1989

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1DATE 3-21-89BILL NO. HB 244

1. Page 2, line 17.
Strike: "or inhibit"
Following: "of"
Strike: "a"
Insert: "an existing"

2. Page 2, line 21.
Strike: "or"

3. Page 2, line 22.
Strike: "inhibit"
Following: "of"
Strike: "a"
Insert: "an existing"

4. Page 2, line 19.
Strike: "(1) Except as provided in subsection (2), a"
Insert: "A"

5. Page 2, line 23 through page 3, line 2.
Strike: subsection (2) in its entirety

6. Page 3, line 19.
Strike: "PROVABLE"
Insert: "convincing"

7. Page 3, line 20 through line 22.
Strike: "AND" on line 20 through "COMMISSION" on line 22

8. Page 3, line 25.
Strike: "RELOCATED"
Insert: "closed"

9. Page 3, line 23.
Strike: "(A)"

Bill is killed

10. Page 4, line 3.

Strike: "(I)"

Insert: "(a)"

11. Page 4, line 6.

Following: " ; "

Insert: "and"

12. Page 4, line 7 through line 23.

Strike: subsections (II), (II), (IV), and (B) in their entirety

Insert: "(b) the agency, unit of local government, or court ordering the closure shall pay the appraised cost of land and improvements to the range operators, and the range operators shall relinquish their property interest to the agency, unit of local government, or court."

13. Page 6, line 7 through line 21.

Strike: section 7 in its entirety

14. Page 7, line 4.

Following: "range"

Insert: "during established hours of operation"

15. Page 9, line 1.

Following: "nuisance"

Insert: "if the noises occur during the shooting range's established hours of operation"

16. Page 10, line 13.

Strike: "or after"

Amendments to House Bill No. 630
Third Reading Copy

For the Senate Committee on Local Government

Prepared by Connie Erickson
March 21, 1989

1. Title, line 5.

Strike: "DETERMINATION"

Insert: "PAYMENT"

2. Title, lines 6 and 7.

Following: "PARKS;" on line 6

Strike: remainder of line 6 through "ON" on line 7

3. Title, lines 7 and 8.

Following: "SPACE" on line 7

Strike: remainder of line 7 through "1" on line 8

Insert: "REQUIRING THE REGISTERED OWNER OF EACH MOBILE HOME IN
THE MOBILE HOME PARK TO PAY THE FEE"

4. Page 1, line 15.

Strike: "Except" through "(2),"

Insert: "The"

5. Page 1, lines 23 and 24.

Following: "ACCOUNTS" on line 23

Strike: "SHALL"

Insert: "must"

Following: "BE"

Strike: remainder of line 23 through "1" on line 24

Insert: "paid by the registered owner of each mobile home in the
mobile home park"