

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on February 9, 1993, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 244, HB 39, HB 44, HB 169
Executive Action: SB 112, SB 189, SB 215, SB 230, SB 243,
HB 39, HB 169

HEARING ON SB 244

Opening Statement by Sponsor:

Senator Ethel Harding, Senate District 25, stated SB 244 would grant counties or municipalities the authority to issue revenue bonds to finance treatment facilities for the developmentally disabled. She said it was her opinion these facilities were erroneously omitted from the list of agencies authorized to obtain revenue bonds.

Proponents' Testimony:

Mr. Brody Mahl, Executive Director, Mission Mountain Enterprises, stated Mission Mountain is located in Lake County and is a non-profit organization which provides services to people with developmental disabilities. He said Mission Mountain owns and operates four group homes plus an office, however, they have trouble getting long term financing for the construction of new facilities. Mr. Mahl said SB 244 would give them and similar facilities the opportunity to get more affordable financing. He said Mission Mountain currently has some long term financing, however it is both costly and complicated to receive since the interest rate runs at about 10%. Mr. Mahl said the 7% rate available through bonds is more affordable and would allow them to use their money more efficiently.

Mr. Jerry Hoover, Director, Health Facility Authority, stated his organization is a state bond issuer that issues tax-exempt revenue bonds to developmentally disabled facilities. He said SB 244 would increase options available to facilities similar to Mr. Mahl's. He said the Authority, to date, has issued three bond issues totalling \$10 million with an average interest rate of 7%. Mr. Hoover stated SB 244 provides municipalities with the discretion to issue bonds on their behalf. He added the bonds are not general obligation bonds but are revenue bonds which are secured by the revenues the facilities generate.

Mr. Joe Roberts, representative of various provider organizations, stated his organization's support for SB 244. He said the purchaser of these services is Montana, so the passage of SB 244 would create a savings to the General Fund.

Mr. Gordon Morris, Montana Association of Counties, stated his organization's support for SB 244 because it is discretionary.

Mr. Mike Hanshew, Administrator, Developmental Disabilities Division, stated his organization contracts with the private, non-profit organizations that would be the principal borrowers under SB 244. He said SB 244 would provide additional financing options and would allow more money to go towards services.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Gage asked Mr. Mahl if the term "treatment facilities" as stated in SB 244 was problematic. Mr. Mahl replied there was some concern over this phrase and believed the Department of Social and Rehabilitational Services was going to offer an amendment. Mr. Hanshew said his Department had some concern over the language and asked the Committee to consider replacing "treatment facilities" with "community based facilities" which is consistent with existing statute.

Closing by Sponsor:

Senator Harding stated she accepted the amendment to SB 244. She concluded SB 244 would help developmentally disabled centers throughout Montana and would allocate more money towards services.

HEARING ON HB 39**Opening Statement by Sponsor:**

Representative David Ewer, House District 45, stated HB 39 would clarify the election requirement for municipal water and sewer revenue bonds. He said current law requires local governments wishing to issue water and sewer bonds to do so after a vote of the people. Representative Ewer added other statutes, however, allow enterprises to have bonds backed by the enterprise revenues if the bonds are not general obligation bonds. He said typically in Montana, water and sewer bonds are revenue bonds and are not voted on by the people. He said the intent of HB 39 is to clarify existing contradictory statute.

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated HB 39 was part of a general effort to clarify Title 7. He said municipal governments have the authority, under separate statutes, to issue water and sewer revenue bonds without a public vote.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Representative Ewer stated he closed his remarks on HB 39.

HEARING ON HB 44

Opening Statement by Sponsor:

Representative David Ewer, House District 45, stated HB 44 was drafted at the request of Lewis and Clark County. He said HB 44 would enable a county to take money collected from a maintenance district and deposit the interest to the district. He said current law requires interest earned on maintenance districts be deposited in the county's general fund. Representative Ewer stated maintenance districts are not common in Montana, however, Lewis and Clark County has the majority of them. He concluded the people who pay for these districts should get the total benefit of the funds collected for that purpose.

Proponents' Testimony:

Mr. Steve Moore, President, Treasure State Acres Homeowners Association, stated his subdivision enacted a maintenance district to maintain the streets in the subdivision. He said the homeowners are taxed by the county to pay for the district, and then the money is deposited into a separate fund. He added the money is to be used for the sole purpose of maintaining their streets and said the interest derived from that fund should return to the maintenance district.

Mr. Blake Wordal, Lewis and Clark County Commissioner, stated Lewis and Clark County alone has seventeen road maintenance districts while the rest of Montana has only four or five. He said the districts were created to help cope with I-105 because the county does not have enough funds to maintain all roads on their county road system. Mr. Wordal said the county used to credit the interest to the maintenance districts until they were informed by a new county treasurer they were not authorized to do so. He said the people who pay for road maintenance districts should receive the interest earned on their own money.

Mr. Gordon Morris, Montana Association of Counties stated his organization's support for HB 44.

Ms. Paulette Diehart, Lewis and Clark County, spoke from prepared testimony in support of HB 44. (Exhibit #1)

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Bartlett asked Representative Ewer of his preference for an effective date for HB 44. Representative Ewer stated he preferred an immediate effective date.

Senator Gage asked Representative Ewer why "federal savings and loan insurance corporation" was struck when "savings and loans" was left in HB 44. Representative Ewer stated he was unsure. Connie Erickson stated she believed the deletion applied to federal statutes, and said she would check to make sure. Senator Gage asked Representative Ewer if HB 44 was similar to a bill introduced by Senator Towe which allowed the Board of Investments to invest in obligations not issued but guaranteed by the Federal government. Representative Ewer stated he was unsure. Mr. Morris stated Senator Towe's bill goes beyond the intent of HB 44 and is not in conflict with HB 44.

Senator Eck asked Mr. Hansen if cities would want this same authority granted to counties as outlined in HB 44. Mr. Hansen stated he was unsure if cities would be interested in HB 44.

Closing by Sponsor:

Representative Ewer stated he closed his remarks on HB 44.

HEARING ON HB 169

Opening Statement by Sponsor:

Representative Ewer, House District 45, stated HB 169 had two purposes. First, HB 169 would increase the bid limits under which local governments may buy equipment and vehicles without first going through a bid process. He said the limits would be changed to: \$20,000 for the purchase of any vehicle or equipment; \$25,000 for the construction of any building, road or bridge; and, \$45,000 for the repair of any building, road or bridge.

Representative Ewer noted these bid limits have not been increased since 1981. Second, HB 169 would decrease the installment purchase contract threshold. He said under current law, a city cannot borrow money to purchase equipment or a vehicle unless the amount is more than \$10,000. Representative Ewer said HB 169 would change this amount to \$4,000, which is consistent with county law. He added current law presents a hardship for local governments, especially in rural areas, who want to purchase equipment for less than \$10,000 but do not have the entire amount of cash on hand to pay for the item in full. He concluded HB 169 was drafted at the request of the Montana League of Cities and Towns.

Proponents' Testimony:

Ms. Shelly Laine, City of Helena, stated her support for HB 169. She said HB 169 would make city bid limits the same as county bid limits which is advantageous when they undertake joint projects. Ms. Laine added inflation has required the city to bid more items which is costly and time-consuming.

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support for HB 169. He said the city bid limits were last changed in 1981 and felt the limit increase was reasonable. Mr. Hansen said this law was changed for counties in the 1991 session. He said the \$45,000 limit is for unanticipated repairs and maintenance on roads, buildings or bridges.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Eck asked Connie Erickson to check with the bill drafters to find out why "if there be such" was struck from page 1, line 25.

Senator Gage asked Representative Ewer if all cities and towns have an official newspaper. He said Cut Bank has two newspapers, and he is unsure which one is the "official newspaper". Representative Ewer replied he was unsure, however, he thought it was the city's weekly newspaper or the nearest metropolitan newspaper. Senator Bartlett noted there was a designation in HB 169 which identified for local governments the requirements to be met by official newspapers. Senator Rye stated while newspapers

are private sector enterprises, a county or city can designate an "official newspaper" for their area.

Closing by Sponsor:

Representative Ewer stated he closed his remarks on HB 169.

EXECUTIVE ACTION ON HB 169

Motion/Vote:

Senator Eck moved the Committee reinsert "if there" to page 1, line 25 of HB 169. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Eck moved HB 169 BE CONCURRED IN AS AMENDED.

Discussion:

Senator Gage asked if the Committee could amend and pass HB 169 without having to first send it back to the House for consideration of the amendment. Connie Erickson stated Legislative Council had the authority to do clerical amendments as long as they did not affect the intent of the bill.

Motion/Vote:

Senator Eck withdrew her motion for the Committee to concur with HB 169 as amended and asked Ms. Erickson to do a clerical amendment. Senator Eck moved the Committee reconsider her motion on the amendment to HB 169. MOTION CARRIED UNANIMOUSLY.

Motion:

Senator Eck moved HB 169 BE CONCURRED IN.

Discussion:

Senator Bartlett asked Mr. Hansen why HB 169 did not specify that the \$45,000 bid limit was intended for unanticipated repairs only. Mr. Hansen stated the House Local Government discussed this same question but decided to pass HB 169 without amendments. Connie Erickson stated the bid limit language is identical to the language found in county law pertaining to bid limits.

Vote:

MOTION CARRIED UNANIMOUSLY. Senator Kennedy will carry HB 169.

EXECUTIVE ACTION ON HB 39

Motion/Vote:

Senator Vaughn moved HB 39 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Harding will carry HB 39.

EXECUTIVE ACTION ON SB 112

Discussion:

Connie Erickson stated SB 112 was the constitutional amendment requiring the electorate approve the consolidation of county offices. She said the Committee should take some action on SB 112 since Senate rules requires the bill be passed to the House. She added SB 243 was the accompanying bill to SB 112. Ms. Erickson stated there was a coordinating clause in SB 243 which states "If SB 112 is passed and approved, then this act is effective January 1, 1995. If SB 112 is not passed and approved, this act is void".

Motion:

Senator Vaughn moved SB 112 DO PASS.

Discussion:

Senator Eck stated she opposed SB 112 because existing law gives counties the opportunity to reform their local governments. She said existing law favors smaller counties because they often have difficulty finding qualified people for all county offices.

Senator Rye stated he agreed with Senator Eck and added county commissioners have the best idea of what is good for their counties. He said commissioners who do not comply with the wishes of their constituency can be voted out of office. Senator Rye stated county offices do not receive the same amount of attention as state or national offices, and added many people are not aware of the day-to-day responsibilities of their elected county officials.

Senator Harding stated a decision to reform local governments should be made by the electorate, not a select group of people. She said the Montana Constitution guarantees the right of people

to reform their government every ten years. Senator Harding said the consolidation of the offices of county assessor and county treasurer in some of the larger counties has resulted in the misappropriation of funds because only one person is in charge of the county's flow of money.

Senator Eck stated the misappropriation of funds can occur in any elected office. She added many counties have consolidated minor offices to make their government more efficient. Senator Eck said many counties who have consolidated offices give their elected officials the authority to contract out those services they are unable to perform.

Senator Swift said his county has consolidated three separate offices and everything has worked out for the best. He said the existing system should be left alone.

Senator Bartlett said when she worked for Lewis and Clark County, her county office underwent a consolidation that went to the ballot by referendum and was upheld by the voters. She did not agree that county commissioners always know what is best for their county. Senator Bartlett said most county commissioners do not understand the function of other offices. She said it was apparent in the aftermath of her office's consolidation that the commissioners did not understand the impact of their actions on overall county government operations. Senator Bartlett noted her commissioners, at the time, were competent and intelligent but did not understand the responsibilities of the positions they consolidated. She said one of the most appealing components of SB 112 and SB 243 is the requirement in SB 243 to begin any consolidation process two years before it is voted on. Senator Bartlett said this approach is favorable because it gives the counties enough transition time to prepare for the consolidation.

Senator Gage stated the electorate favors county consolidation because they have the general impression counties spend too much money. He said decisions on consolidation of offices should be left to the county commissioners.

Senator Kennedy stated he opposed SB 112 because he believes state government always mandates things to local governments. He said SB 112 would take away county commissioners' rights to determine which offices should be consolidated. He added if SB 112 were passed, races for county offices could become popularity contests.

Senator Hertel asked Senator Bartlett how the process to consolidate her office was handled. Senator Bartlett replied once the commissioners decided to consolidate her office, petitions were circulated throughout the county to bring the issue before the electorate. She said enough signatures were gathered to bring about a vote, and the electorate voted to consolidate her office. Senator Eck stated this process is

available now if voters do not support the decision of their commissioners and wish to bring the issue before the electorate.

Senator Hertel asked Mr. Morris why county commissioners were opposed to SB 112 and SB 243. Mr. Morris replied commissioners believe SB 112 and SB 243 would take away some of their authority and create a government by referendum.

Senator Rye stated he opposed SB 112, but would like to have the bill debated on the Senate floor.

Senator Weldon stated the result of either passing or not passing SB 112 and SB 243 would be the same because in most cases, the electorate would probably vote to consolidate the offices. He said the reason why voters are not well informed in matters of county government is because they feel so apart from their government. He said he supports SB 112 because it sends a message to the voters that they have a say in their government.

Vote:

The Do Pass motion for SB 112 FAILED six votes to five by roll call vote.

Motion/Vote:

Senator Waterman moved SB 112 DO NOT PASS. Motion CARRIED six votes to five by a reverse of the roll call vote. Senator Kennedy will carry the adverse Committee report.

EXECUTIVE ACTION ON SB 243

Motion/Vote:

Senator Eck moved SB 243 DO NOT PASS. Motion CARRIED six votes to five by roll call vote. Senator Kennedy will carry the adverse Committee report.

EXECUTIVE ACTION ON SB 189

Discussion:

Connie Erickson stated SB 189 requires current and delinquent taxes be paid before real property may be split or combined and before a division or merger can be properly recorded. She said Senator Gage requested an amendment as did the Department of Revenue. (Exhibit #2) Ms. Erickson stated the sponsor of SB 189, Senator Doherty, did not object to the amendments.

Motion/Vote:

Senator Gage moved the Committee adopt his amendment to SB 189.
MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Waterman moved the Committee adopt the Department of
Revenue's amendments to SB 189. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Weldon moved SB 189 DO PASS AS AMENDED. MOTION CARRIED
UNANIMOUSLY.

EXECUTIVE ACTION ON SB 230

Motion:

Senator Gage moved SB 230 DO PASS.

Discussion:

Senator Kennedy asked Senator Gage if SB 230 would exclude any
offices from a nonpartisan election. Senator Gage replied all
locally elected positions would be held by nonpartisan officers.
Senator Gage stated he was concerned about those candidates who
now run under a certain party, regardless of their political
beliefs, to get elected.

Senator Waterman stated she opposed SB 230 because local
governments currently have the option of holding nonpartisan
elections. She said this matter should be left to local control.

Senator Eck stated she opposed SB 230 because many county offices
do not receive much attention and party affiliation is one way of
determining the general philosophy of a candidate.

Senator Harding stated she once believed local offices should be
nonpartisan. She said she no longer does because many elected
officials eventually seek higher office and there needs to be
some basis for political parties to identify their candidates.

Senator Rye stated he supported SB 230 because many people vote a
certain way and overlook candidates who belong to a particular
party. He said in county politics, where one's philosophy does
not get much chance to be reflected, nonpartisan elections would
be better.

Senator Vaughn stated she opposed SB 230 because she believes people should have the right to participate in politics and belong to a political party.

Senator Kennedy stated he opposed SB 230 because he was concerned the measure would not restrict the number of people running for a particular office. Senator Kennedy stated he was the first person to run for Mayor of Kalispell as a partisan candidate. He said it gave some indication of philosophy but really made no difference.

Senator Eck stated county government officials in her county are mandated to run as nonpartisan and they feel they cannot participate in partisan activities if they so desired.

Vote:

The Do Pass motion on SB 112 FAILED eight votes to three by roll call vote.

Motion/Vote:

Senator Eck moved SB 230 DO NOT PASS. The motion CARRIED eight votes to three by a reversal of the roll call vote. Senator Kennedy will carry the adverse Committee report.

EXECUTIVE ACTION ON SB 215

Motion:

Senator Waterman moved SB 215 DO PASS.

Discussion:

Connie Erickson stated SB 215 and SB 157 were different enough in intent that it would not be a good idea to amend SB 215 to include the issues addressed in SB 157.

Senator Eck asked if SB 215 would allow cities to donate land with property. Senator Bartlett replied these statutes cover all property acquired by tax deed by the county. She said the land may be bare or have improvements on it.

Senator Hertel asked if SB 215 tied the hands of counties or municipalities by specifying the donation must be property. Senator Waterman said Senator Hertel had a valid concern but hoped the Committee would not tinker with the bill and run the risk of creating opposition. Senator Rye said counties have more restrictions now because they cannot even donate tax deed land.

Senator Weldon asked if SB 215 should have an immediate effective date.

Motion/Vote:

Senator Weldon made a substitute motion to amend SB 215 to add an immediate effective date. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Waterman moved SB 215 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

Discussion on SB 157:

Senator Kennedy asked Mr. Hansen, Montana League of Cities and Towns, to tell the Committee more about the problem in Chinook which necessitated the drafting of SB 157. Mr. Hansen said the City of Chinook wants to tear down several buildings on tax deeded property, however the county will not release the property without the payment of back taxes. Mr. Hansen asked the Committee to delay executive action on SB 157 until the next meeting date when a solution would be forthcoming.

Discussion:

Senator Kennedy asked Mr. Hansen, Montana League of Cities and Towns, to tell the Committee about his request for a Committee bill to deal with Special Improvement Districts (SIDs). Mr. Hansen stated in the last few months, there has been a problem with the application of I-105 to SIDs and rural SIDs. He said there is a question as to whether or not these levies are completely outside of I-105. Some counties have determined, Mr. Hansen said, that these levies are outside of I-105. He said the Department of Commerce has advised cities, towns and special districts that the property tax freeze meant the combination of mills and value in 1987 was the limit. Mr. Hansen added this matter has been referred to the Attorney General who has not made a decision. He said two bills dealing with this problem had been drafted in previous sessions but the final law was written by a subcommittee. Mr. Hansen added there were no notes taken from the Conference Committee proceedings so there is no way to determine legislative intent. He said the Legislature should clarify the intent of the law and determine if SIDs fall within I-105. Mr. Hansen stated this request is not to expand taxing authority but to clarify legislative intent. He hoped the Committee would recommend a Committee bill to resolve this matter and apologized for the lateness of the request. Mr. Hansen said the League had hoped the Attorney General would render a decision, however, he has declined to issue a ruling.

Mr. Morris, Montana Association of Counties, stated he and Mr. Hansen do not agree on this issue and added he was disappointed the Attorney General declined to issue a ruling. He said he believes there is no question of jurisdiction and hoped Mr. Hansen would abandon his request for a vommittee bill.

Senator Gage stated he believed the intent of I-105 was to mandate that no individual property would be taxed at a higher rate than in 1986 except in emergency situations. He said it is difficult for counties to make sure this situation is not occurring.

Senator Waterman asked when the deadline was to request a committee bill, to which Connie Erickson replied February 13th. Senator Weldon asked if the Committee would then have to comply with the transmittal deadline, to which Connie Erickson said yes.

Senator Eck asked if this request for a committee bill was a revenue bill. She said if the committee bill was to be requested, it should be done by the Taxation Committee.

Senator Waterman stated she did not object to requesting a committee bill but added it would be better drafted by the Taxation Committee.

Senator Kennedy asked Mr. Hansen which Attorney General refused to issue a ruling on the case. Mr. Hansen replied the previous Attorney General did not issue a ruling before he became governor and the present Attorney General has not dealt with the issue. He said he did not object to having the Taxation Committee deal with the problem but asked the Committee to request the committee bill to meet the upcoming deadline.

Senator Kennedy asked the Committee to signify by vote if they supported Mr. Hansen's request for a committee bill. While the majority of Committee members did not object, Senator Eck asked the Committee to delay a decision until the next meeting date when she and Senator Gage would have the opportunity to talk to fellow members in the Taxation Committee regarding this issue.

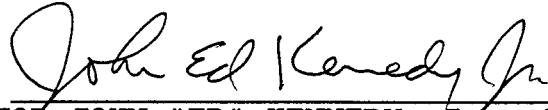
SENATE LOCAL GOVERNMENT COMMITTEE

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ADJOURNMENT

Adjournment: 2:55 p.m.



SENATOR JOHN "ED" KENNEDY, Jr., Chair



ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government

DATE 2-9-93

[illegible]

FC8

Attach to each day's minutes

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 112 (first reading copy -- white), respectfully report that Senate Bill No. 112 do not pass.

Signed: John Ed Kennedy Jr.
Senator John "Ed" Kennedy, Jr., Chair

AN
AN Amd. Coord.
Sec. of Senate

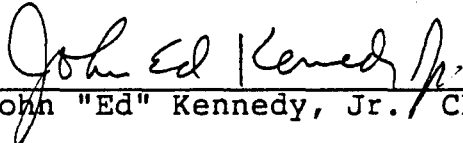
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 189 (first reading copy -- white), respectfully report that Senate Bill No. 189 be amended as follows and as so amended do pass.

Signed: 
Senator John "Ed" Kennedy, Jr. Chair

That such amendments read:

1. Title, line 7.

Following: " ; "

Insert: "ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF REVENUE AND THE COUNTY TREASURER KEEP RECORDS OF THE SEPARATION OF THE TAXES BETWEEN THE PORTION OF THE PROPERTY BEING SOLD AND THE REMAINING PARCELS ; "

Following: "7-4-2613"

Insert: " , 15-8-702 , "

2. Page 4.

Following: line 1

Insert: "Section 2. Section 15-8-702, MCA, is amended to read:

"15-8-702. Persons desiring to be listed. (1) Lands once described on the assessment book need not be described a second time, but any person claiming the same and desiring to be assessed therefor may have his the person's name inserted with that of the person to whom such land is assessed.

~~(2) When the owner of one or more parcels of real property conveys a portion of his interests to a buyer in a recorded transaction, the buyer may require the county treasurer to accept payment from the buyer on such portion of the taxes already levied against such property as may then be due and payable. The department of revenue or its agent shall cooperate with and assist the buyer and the county treasurer in keeping necessary records of the separation or division of a parcel or parcels listed together on the assessment lists."~~

Renumber: subsequent sections

3. Page 5, line 22.

Following: "taxes"



Insert: "and special assessments"

4. Page 6, lines 7 and 9.

Strike: "3"

Insert: "4"

-END-


 Amd. Coord.
Sec. of Senate

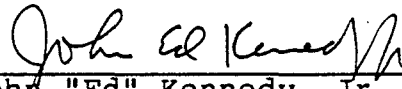
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 215 (first reading copy -- white), respectfully report that Senate Bill No. 215 be amended as follows and as so amended do pass.

Signed: 
Senator John "Ed" Kennedy, Jr., Chair


That such amendments read:

1. Title, line 6.
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3.
Following: line 22
Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

-END-

 Amd. Coord.
ON Sec. of Senate

331338SC.San

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 230 (first reading copy -- white), respectfully report that Senate Bill No. 230 do not pass.

Signed: John Ed Kennedy Jr
Senator John "Ed" Kennedy, Jr., Chair

on Amd. Coord.
Sec. of Senate

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ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 243 (first reading copy -- white), respectfully report that Senate Bill No. 243 do not pass.

Signed: John Ed Kennedy, Jr.
Senator John "Ed" Kennedy, Jr., Chair

APV
Amd. Coord.
Sec. of Senate

331330SC.SAN

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 10, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 39 (first reading copy -- white), respectfully report that House Bill No. 39 be concurred in.

Signed: John Ed Kennedy
Senator John "Ed" Kennedy, Jr., Chair

DN Amd. Coord.
DN Sec. of Senate

Senator Ethel Harding
Senator Carrying Bill

331331SC.SAN

ROLL CALL VOTE

SENATE COMMITTEE Local Government BILL NO. SB 112

DATE 2-9-93 TIME 1:00 pm A.M. P.M.

NAME	YES	NO
Senator Delwyn Gage		✓
Senator Ethel Harding	✓	
Senator John Hertel	✓	
Senator David Rye		✓
Senator Bernie Swift		✓
Senator Mignon Waterman		✓
Senator Jeff Weldon	✓	
Senator Eleanor Vaughn	✓	
Senator Dorothy Eck		✓
Senator Sue Bartlett	✓	
Senator Ed Kennedy		✓
motion failed 6 to 5		

Rosalyn Cooperman
SECRETARY

Senator John "Ed" Kennedy
CHAIR

MOTION: DO PASS SB 112 - Senator Vaughn's motion

ROLL CALL VOTE

SENATE COMMITTEE Local Government

BILL NO. SB 230

DATE 2-9-93

TIME 1:00

A.M. (P.M.

NAME

YES

NO

Senator John Hertel	✓	
Senator David Rye	✓	
Senator Bernie Swift		✓
Senator Mignon Waterman		✓
Senator Jeff Weldon		✓
Senator Eleanor Vaughn		✓
Senator Dorothy Eck		✓
Senator Delwyn Gage	✓	
Senator Ethel Harding		✓
Senator Sue Bartlett		✓
Senator Ed Kennedy		✓
Motion fails 8 to 3		

Rosalyn Cooperman
SECRETARY

Senator John "Ed" Kennedy
CHAIR

MOTION: Senator Gage moved SB 230 DO PASS.

ROLL CALL VOTE

SENATE COMMITTEE Local Government BILL NO. SB 243

DATE 2-9-93 TIME 1:00 A.M. (P.M.)

NAME _____

YES

NO

[illegible]

Rosalyn Cooperman
SECRETARY

Senator John "Ed" Kennedy
CHAIR

MOTION: Senator Eck moved SB 243 DO NOT PASS.

House Bill 44

My name is Paulette DeHart and I am representing the Lewis and Clark County Board of County Commissioners. The County Commission strongly supports this bill.

In Lewis & Clark County the Commission has encouraged the creation of Rural Improvement Districts to construct and maintain road, sewage disposal and drainage systems. In 1982 the County had 2 rural improvement districts. Today the County has 17 districts. In establishing these districts the Commission believed that all interest earned on the money collected could be invested with the earning being returned to the district. The Commission told the district residents that interest earnings would be credited to the districts. The crediting of interest earned by the districts has kept the cost to the residents at the lowest possible yearly assessment.

The bill before you would clarify the law, specifically allowing the investing of Rural Improv. Dist. Maint. to have the interest earned returned to the district.

In the current fiscal year we estimate that interest of over \$6,000 will be lost to the individual districts. The creation of several new districts will increase this amount to over 8,000.

If HB44 does not pass, we believe that the creation of rural improv. Dist will become harder and more costly.

Amendments to Senate Bill No. 189
First Reading Copy

For the Committee on Local Government

Prepared by Connie Erickson
February 8, 1993

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE 2-9-93
BILL NO. SB 189

1. Title, line 7.

Following: ";"

Insert: "ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF
REVENUE AND THE COUNTY TREASURER KEEP RECORDS OF THE
SEPARATION OF THE TAXES BETWEEN THE PORTION OF THE PROPERTY
BEING SOLD AND THE REMAINING PARCELS;"

Following: "7-4-2613"

Insert: ", 15-8-702,"

2. Page 4.

Following: line 1

Insert: "Section 2. Section 15-8-702, MCA, is amended to read:

"15-8-702. Persons desiring to be listed. (1) Lands once
described on the assessment book need not be described a second
time, but any person claiming the same and desiring to be
assessed therefor may have his the person's name inserted with
that of the person to whom such land is assessed.

~~(2) When the owner of one or more parcels of real property
conveys a portion of his interests to a buyer in a recorded
transaction, the buyer may require the county treasurer to accept
payment from the buyer on such portion of the taxes already
levied against such property as may then be due and payable. The
department of revenue or its agent shall cooperate with and
assist the buyer and the county treasurer in keeping necessary
records of the separation or division of a parcel or parcels
listed together on the assessment lists."~~

Renumber: subsequent sections

3. Page 5, line 22.

Following: "taxes"

Insert: "and special assessments"

4. Page 6, lines 7 and 9.

Strike: "3"

Insert: "4"

DATE 9 February 1993

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 244 - Harding;
HB 39 - Ewer; HB 44 - Ewer; HB 169 - Ewer

Name	Representing	Bill No.	Check One Support Oppose	
Graydon Hill	Missouri Mountain City	244	✓	
Shelly Laine	City of Helena	169	✓	
Gordon Morris	MA Co.	SB 244 HB 44	✓ ✓	
Blake Woodall	Lewis & Clark Co	44	✓	
Paulette Bettart	Lewis & Clark Co	44	✓	
Ed Blackman	Lewis & Clark Co	44	✓	
Steve Moore	Thermon State Assn	44	✓	
MIKE WASHINGTON	SRS	244	✓	
Alex Adams	cities & Towns	39 169	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY