

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on February 11, 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: Jeff Martin, Legislative Council
Rosalyn Cooperman, Committee Secretary

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

Committee Business Summary:

Hearing: SB 273, SB 298
Executive Action: SB 157, SB 221, SB 244, SB 273, SB 298,
HB 44, HB 169

HEARING ON SB 273

Opening Statement by Sponsor:

Senator Barry "Spook" Stang, Senate District 26, stated SB 273 would remove the prohibition against police officers working in other departments in class three cities or towns. He said current law prohibits police officers from being elected to any city office or from holding any other government job. Senator Stang said SB 273 did not delete the prohibition against holding an elected office. He stated smaller towns have trouble

retaining police officers who do not work full time. He said SB 273 would allow third class cities to hire a person for part time police work and part time some other city job so the person would work a full time shift.

Proponents' Testimony:

Mr. Ray Jones, Fairfield, stated his support for SB 273. He said Fairfield has one full time and one part time police officer. Once a part time police officer can find work in another area, Mr. Jones said, the person will go where there is full time employment. He said this poses a hardship for towns like Fairfield because it depletes their officer training fund.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Rye asked Senator Stang if this prohibition in current law pertained only to third class towns. Senator Stang replied this prohibition is in effect for all towns and cities, however the problem affects primarily smaller areas. He said SB 273 would revise the law for towns class three and smaller.

Senator Rye asked Senator Stang if police officer and State Representative Randy Vogel was in violation of existing law. Senator Stang replied he was not, because the prohibition pertains only to elected city offices.

Proponents' Testimony:

Senator Stang asked permission from Senator Kennedy for Mr. Alec Hansen, Montana League of Cities and Towns, to speak as a proponent for SB 273. Mr. Hansen stated his organization supports SB 273. He said the problem outlined by Senator Stang is common to municipal governments. Mr. Hansen said the purpose of SB 273 is to keep qualified and competent police officers on the payroll so they will remain in the area.

Questions from Committee Members and Responses:

Senator Eck asked Mr. Hansen who would pay pension benefits for part time police officers. Mr. Hansen replied he was unsure, however, he believed the town would divide payments based on amount of time the officer worked.

Senator Gage asked Mr. Jones if he preferred SB 273 be enacted immediately upon passage. Mr. Jones replied he would.

Closing by Sponsor:

Senator Stang stated he agreed with Senator Gage's suggestion to add an immediate effective date to SB 273.

HEARING ON SB 298

Opening Statement by Sponsor:

Senator Sue Bartlett, Senate District 23, stated SB 298 would allow the Board of Investments to include special districts in their local government programs. She said the Board has already interpreted the law to give them this authority, however the Bond Council has recommended a statutory change to clarify authority. Senator Bartlett said SB 298 would allow assessments to be included in local government financing programs. She added SB 298 does not authorize taxing jurisdictions or special assessment districts to do anything they are not already authorized to do in the way of borrowing money.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Senator Bartlett stated she closed her remarks on SB 298.

Discussion on possible Committee bill:

Mr. Gene Huntington, Dane Bosworth, stated his company works with municipal bonds. He said District Judge Honzel issued a ruling last Friday that declared Montana county Special Improvement District (SID) law unconstitutional. Mr. Huntington said since municipal SID law is exactly the same, municipalities and counties in Montana probably would not be able to sell SID bonds for the next few years unless something is done. He handed out a copy of language for a committee bill drafted by Dorsey & Whitney, bond attorneys. (Exhibit #1) Mr. Huntington said the bond attorneys would draft the bill over the weekend if the Committee agreed to request a committee bill.

Senator Waterman asked Mr. Huntington why Judge Honzel found the SID law to be unconstitutional. Mr. Huntington replied SIDs have a revolving fund, and when the bonds are sold, 5% of the bond proceeds are put in this fund. He said part of the fund is for cash flow because not all assessments are collected on a timely basis. If the fund runs out, Mr. Huntington said, county commissioners can levy up to two mills to loan to the fund. He said Judge Honzel ruled that this authority, in some instances, could make the county incur debt without approval from the voters.

Senator Kennedy asked Mr. Huntington if counties and cities were aware of this ruling. Mr. Huntington replied they were, and asked the Committee if he could be excused to retrieve Mr. Hansen who was testifying in another Committee but wished to address the Committee on this problem. Senator Kennedy asked the Committee to delay executive action on a possible committee bill to allow Senator Halligan to formally ask the Committee to table SB 44.

EXECUTIVE ACTION ON SB 44**Discussion:**

Senator Halligan, Senate District 29, stated SB 44, which would create a law enforcement officers' bill of rights, had been assigned to this Committee. He said this issue was one he had discussed with rank and file law enforcement officers during his recent campaign for Lieutenant Governor. Senator Halligan added Congress is also examining the issue. He said he met last week with Attorney General Mazurek and representatives from the law enforcement community who decided the issue should be examined in greater detail over the next couple of years. Senator Halligan stated the Board of Crime Control would be examining the issue.

He stated SB 44 was drafted from Rhode Island's model and was considered by Attorney General Mazurek to be too strict for Montana officers. Senator Halligan requested the Committee table SB 44.

Motion/Vote:

Senator Weldon moved the Committee TABLE SB 44. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 298

Motion:

Senator Waterman moved SB 298 DO PASS. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 273

Motion/Vote:

Senator Weldon moved the Committee add an immediate effective date to SB 273. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Rye moved SB 273 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 298

Discussion:

Senator Eck asked Senator Bartlett if SB 298 needed an immediate effective date, to which Senator Bartlett replied it probably would.

Motion/Vote:

Senator Eck moved the Committee reconsider executive action on SB 298. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Eck moved the Committee add an immediate effective date to SB 298. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Waterman moved SB 298 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

Discussion on possible committee bill:

Mr. Huntington said Mr. Hansen has been in communication with city managers in communities throughout Montana regarding the recent SID ruling and possible committee bill. Senator Kennedy asked Jeff Martin if he had any problems with preparing a committee bill over the weekend. Mr. Martin replied the Committee must request a committee bill by Saturday and added the committee bill did not have to be completed by the weekend. Senator Waterman asked Mr. Huntington if his group was going to work over the weekend to come up with language for the bill, to which Mr. Huntington replied they would.

Motion/Vote:

Senator Weldon moved the Committee request a committee bill be drafted to revise Special Improvement District fund provisions. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 156

Discussion:

Senator Waterman stated she was concerned with SB 156 and felt the Committee should not spend a lot of time revising the bill. She said dangerous dogs are a serious problem, but wondered if the Committee would create a larger problem by passing SB 156.

Senator Vaughn stated cities and counties currently have the authority to create dog ordinances. She said cities and counties can opt to strengthen existing ordinances if they have a problem in their community with dangerous dogs.

Senator Swift agreed and stated the decision to adopt dog ordinances should be left to local governments.

Motion/Vote:

Senator Rye moved the Committee TABLE SB 156.

Discussion:

Senator Weldon asked what kind of authority local governments have to protect their citizens from dangerous dogs and if state government could do anything to strengthen their authority. Senator Kennedy stated local governments have essentially free reign to adopt ordinances to protect the general public. He said Kalispell has adopted a number of ordinances regulating dogs. Senator Weldon said he supported the motion to table SB 156 but added he hoped local governments recognized their authority to act on this matter.

Senator Eck suggested the Committee donate copies of the suggested amendments for SB 156 to local governments.

Vote:

Motion to TABLE SB 156 CARRIED UNANIMOUSLY.

Discussion on SB 157:

Jeff Martin stated he had prepared some amendments to SB 157 but requested the Committee delay executive action until Mr. Morris, Montana Association of Counties, and Mr. Hansen, Montana League of Cities and Towns, were present to discuss the specifics of the amendments.

Senator Gage stated he was concerned SB 157 would give cities the authority to waive taxes on statewide levies which affect everyone in Montana. He suggested the Committee adopt language to SB 157 to waive everything but statewide levies.

Mr. Martin explained that Mr. Morris and Mr. Hansen had developed substantial amendments to SB 157 and passed out a copy of those amendments to the Committee. (Exhibit #2) He said the amendments eliminate all sections in SB 157 and insert Section 7-8-2301 which gives counties the authority to donate land to municipalities. He said SB 157, in its original form, would change the wrong sections of law to address this problem.

Senator Gage stated he could envision an individual challenging the right of taxing jurisdictions to waive taxes on statewide levies. Senator Bartlett said under current law, the tax deed is supposed to foreclose those liens because the land is taken in place of the owed taxes. She said once the tax deed is issued, those taxes are taken off the county roles and the land is shown as an asset.

Mr. Martin stated the expiration of the redemption period is consistent with the language contained in SB 215. Senator Bartlett stated the redemption period is the six month period which starts when the tax deed is issued and ends when the land is offered for sale by the county commission. She added that during this six month period, the owner has the right to pay the delinquent taxes and reclaim the property. She said SB 215 and the amendments offered to SB 157 make it clear that the commission may opt to donate the property.

EXECUTIVE ACTION ON SB 221

Motion/Vote:

Senator Eck moved SB 221 DO PASS. Motion carried eight votes to three with Senators Gage, Rye and Swift voting NO.

EXECUTIVE ACTION ON SB 244

Motion/Vote:

Senator Gage moved the Committee adopt the amendments offered to SB 244 (Exhibit #3). MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Harding moved SB 244 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 44

Motion/Vote:

Senator Waterman moved the Committee adopt the amendments offered to HB 44 (Exhibit #4). MOTION CARRIED UNANIMOUSLY.

Discussion:

Senator Gage asked why "federal savings and loans insurance corporations" was deleted from HB 44. Jeff Martin replied the Federal Savings and Loans maxed out on its capability to back failed savings and loans as a result of the savings and loan crisis. He said the institution is no longer in existence and added that most savings and loans now call themselves "savings banks" and are backed by the Federal Deposit Insurance Corporation. Mr. Martin added any other Federal institutions

which provide insurance for savings and loans would not be included in HB 44.

Senator Rye asked Mr. Martin if Federal Savings and Loans Insurance Corporations (FSLIC) still existed, to which Mr. Martin replied they did not.

Motion/Vote:

Senator Waterman moved HB 44 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY. Senator Bartlett will carry HB 44 to the Senate.

EXECUTIVE ACTION ON SB 157

Discussion:

Senator Kennedy asked Mr. Hansen, Montana League of Cities and Towns, to explain the amendments offered to SB 157. Mr. Hansen replied the amendments return SB 157 to the original intent as envisioned by its sponsor. He said the amendments met with the approval of both his and Mr. Morris' associations and hoped the Committee would pass SB 157 as amended.

Motion/Vote:

Senator Weldon moved the Committee adopt the amendments to SB 157.

Discussion:

Senator Bartlett stated current statute specifies it is the duty of the Board of County Commissioners to make and enter an order for sale of the land. She said SB 215 would make it a duty to donate the land for housing and SB 157 would make it a duty to donate the land to a municipality. Senator Bartlett asked what other options would be made available to municipalities to deal with tax deeded land. Senator Gage stated the language in SB 157 says "may" which implies discretion. Senator Waterman stated that "may" gives municipalities the option to donate land but is not mandatory. Mr. Martin agreed with Senator Waterman and added that the "may" is enough to imply discretion.

Senator Bartlett asked if the amendments to SB 157 require the municipality to take tax deeded land donated by the county. Senator Waterman suggested the Committee add language to subsection 6 of SB 157 to make it clear the municipality has agreed to take the land. Mr. Hansen said Senator Bartlett raised a valid concern and suggested the Committee insert "at their

request" to subsection 6 of SB 157. Senator Weldon stated the language in SB 215 did not specify that the non-profit organization had to request the tax deeded property. Senator Bartlett replied when she worked with tax deeded property in Lewis and Clark County, the City of Helena monitored closely those properties most likely to be taken on assignment. She said sometimes cities choose not to take assignment on certain properties and added cities could be stuck with property if a mutual agreement provision was not added to the amendments to SB 157. Senator Kennedy stated he has seen this same problem occur with roads where the city gets jurisdiction over roads the county does not wish to maintain. Senator Gage suggested the Committee amend subsection 6 of SB 157 to state "with the consent of the municipality".

Motion/Vote:

Senator Eck moved the Committee adopt a substitute motion to amend SB 157 to insert "with the consent of the municipality" to subsection 6. Senator Weldon stated he considered Senator Eck's substitute motion as a friendly amendment and it should be included in his original motion to amend SB 157. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Weldon moved SB 157 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 169

Discussion:

Mr. Martin stated HB 169 was referred back to the Committee because the Legislative Council was not authorized to make the clerical amendment requested by the Committee.

Motion/Vote:

Senator Waterman moved the Committee reconsider executive action on HB 169. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Eck moved the Committee adopt the amendments to HB 169. (Exhibit #5) MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

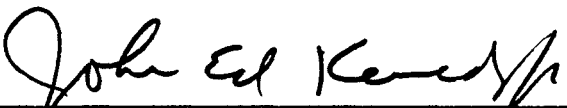
Senator Bartlett moved HB 169 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY. Senator Harding will carry HB 169 to the Senate.

Discussion:

Senator Kennedy stated the Special Improvement District committee bill would be requested by this Committee and be referred to the Taxation Committee.

ADJOURNMENT

Adjournment: 2:17 p.m.



SENATOR JOHN "ED" KENNEDY, Jr., Chair



ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government

DATE 2-11-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

(3) If no bids are received at a sale of tax-deed land, the board shall order another auction sale of the land under this part within 6 months and may, if required by the circumstances, redetermine the fair market value of the land under subsection (2). In the period of time between the auction conducted under subsection (1), in which there were no qualifying bids for the property, and an auction held pursuant to this subsection, the board may sell the land by negotiated sale at a price that is not less than the fair market value that was fixed for the original auction under subsection (1).

(4) If no bid is received at the sale conducted under subsection (3), the board may dispose of the land as provided in 7-8-2218.

(5) Notwithstanding the amount of the fair market value fixed by the board prior to the auction, if the successful sale bidder is the delinquent taxpayer or his the taxpayer's successor in interest, his the taxpayer's agent, or a member of his the taxpayer's immediate family, the purchase price may not be less than the amount necessary to pay, in full, all county costs of conducting the sale, delinquent taxes, assessments, and all interest and penalties.

(6) A board of county commissioners may, upon expiration of the redemption period provided for in 15-18-111, donate the land to a municipality with the consent of the municipality."

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 12, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 157 (first reading copy -- white), respectfully report that Senate Bill No. 157 be amended as follows and as so amended do pass.

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

That such amendments read:

1. Title, lines 4 through 7.

Strike: "ELIMINATING" on line 4 through "HAVE THE" on line 7

Insert: "ALLOWING A"

2. Title, line 7.

Following: "COUNTY"

Insert: "TO"

Following: "ASSIGN"

Strike: "THE"

Following: "PROPERTY"

Insert: "WITHIN A MUNICIPALITY"

3. Title, lines 9 and 10.

Strike: "SECTIONS" line 9 through "15-17-323" on line 10

Insert: "SECTION 7-8-2301"

4. Page 1, line 13 through page 7, line 5.

Strike: everything after the enacting clause

Insert: "Section 1. Section 7-8-2301, MCA, is amended to read:

"7-8-2301. Auction sale Disposal of county tax-deed land.

(1) Whenever the county acquires land by tax deed, it is the duty of the board of county commissioners, within 6 months after acquiring title, to:

(a) make and enter an order for sale of the lands at public auction at the front door of the courthouse; or

(b) donate the land to a municipality, as provided in subsection (6), if the land is within the incorporated boundaries of the municipality.

(2) A sale may not be made for a price less than the fair market value of the land, as determined and fixed by the board prior to making the order of sale. In determining fair market value, the board shall subtract the amount of outstanding assessments that are a lien on the land from the unencumbered value of the land, but the minimum sale price for a parcel of land may not be less than \$10.

AM Amd. Coord.
gv Sec. of Senate

351015SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 12, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 221 (first reading copy -- white), respectfully report that Senate Bill No. 221 do pass.

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

AGU Amd. Coord.
MR Sec. of Senate

351017SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 12, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 244 (first reading copy -- white), respectfully report that Senate Bill No. 244 be amended as follows and as so amended do pass.

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

That such amendments read:

1. Title, line 5.

Strike: "TREATMENT"

Insert: "COMMUNITY-BASED"

2. Page 2, line 23.

Strike: "developmentally disabled treatment facilities"

Insert: "community-based facilities for individuals who are
developmentally disabled as defined in 53-20-102"

-END-

101 Amd. Coord.
207 Sec. of Senate

351025SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 12, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 273 (first reading copy -- white), respectfully report that Senate Bill No. 273 be amended as follows and as so amended do pass.

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

That such amendments read:

1. Title, line 7.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.

Following: line 3

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 12, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration Senate Bill No. 298 (first reading copy -- white), respectfully report that Senate Bill No. 298 be amended as follows and as so amended do pass.

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

That such amendments read:

1. Title, line 7.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.

Following: line 24

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 12, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 44 (first reading copy -- white), respectfully report that House Bill No. 44 be amended as follows and as so amended be concurred in.

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

That such amendments read:

1. Title, line 8.
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 1
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

-END-

AMC Amd. Coord.
SV Sec. of Senate

Senator Sue Bartlett
Senator Carrying Bill

351000SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 12, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 169 (first reading copy -- white), respectfully report that House Bill No. 169 be amended as follows and as so amended be concurred in.

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

That such amendments read:

1. Page 1, line 25.
Following: "~~such~~"
Insert: "if there"

-END-

AM Amd. Coord.
AV Sec. of Senate

Senator Ed Kennedy
Senator Carrying Bill

351002SC.San

53rd Legislature

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 2-11-93

BILL NO. committee bill

_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SPECIAL IMPROVEMENT DISTRICT AND RURAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND PROVISIONS; AMENDING SECTIONS 7-12-2181, 712-2182, 7-12-2183, 7-12-2184, 7-12-2185, 7-12-4221, 7-12-4222, 7-12-4223, 7-12-4224 AND 7-12-4225; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section - - , MCA, is amended to read:

" - - . Title. (1)."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

-End-

Amendments to Senate Bill No. 157
First Reading Copy

For the Committee on Local Government

Prepared by Jeff Martin
February 11, 1993

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE 2-11-93
BILL NO. SB 157

1. Title, lines 9 and 10.

Strike: "SECTIONS" line 9 through "15-17-323" on line 10

Insert: "SECTION 7-8-2301"

2. Page 1, line 13 through page 7, line 5.

Strike: everything after the enacting clause

Insert: "Section 1. Section 7-8-2301, MCA, is amended to read:

"7-8-2301. ~~Auction-sale~~ Disposal of county tax-deed land.

(1) Whenever the county acquires land by tax deed, it is the duty of the board of county commissioners, within 6 months after acquiring title, to:

(a) make and enter an order for sale of the lands at public auction at the front door of the courthouse; or

(b) donate the land to a municipality, as provided in subsection (6), provided the land is within the incorporated boundaries of the municipality.

(2) A sale may not be made for a price less than the fair market value of the land, as determined and fixed by the board prior to making the order of sale. In determining fair market value, the board shall subtract the amount of outstanding assessments that are a lien on the land from the unencumbered value of the land, but the minimum sale price for a parcel of land may not be less than \$10.

(3) If no bids are received at a sale of tax-deed land, the board shall order another auction sale of the land under this part within 6 months and may, if required by the circumstances, redetermine the fair market value of the land under subsection (2). In the period of time between the auction conducted under subsection (1), in which there were no qualifying bids for the property, and an auction held pursuant to this subsection, the board may sell the land by negotiated sale at a price that is not less than the fair market value that was fixed for the original auction under subsection (1).

(4) If no bid is received at the sale conducted under subsection (3), the board may dispose of the land as provided in 7-8-2218.

(5) Notwithstanding the amount of the fair market value fixed by the board prior to the auction, if the successful sale bidder is the delinquent taxpayer or his or the taxpayer's successor in interest, his the taxpayer's agent, or a member of his the taxpayer's immediate family, the purchase price may not be less than the amount necessary to pay, in full, all county costs of conducting the sale, delinquent taxes, assessments, and all interest and penalties."

(6) A board of county commissioners may, upon expiration of the redemption period provided for in 15-18-111, donate the land to a municipality.

Amendments to Senate Bill No. 244
First Reading Copy

Requested by Senator Harding
For the Committee on Local Government

Prepared by Connie Erickson
February 9, 1993

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 3
DATE 2-11-93
BILL NO. SB 244

1. Title, line 5.

Strike: "TREATMENT"

Insert: "COMMUNITY-BASED"

2. Page 2, line 23.

Strike: "developmentally disabled treatment facilities"

Insert: "community-based facilities for individuals who are
developmentally disabled as defined in 53-20-102"

Amendments to House Bill No. 44
Third Reading Copy

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 4

DATE 2-11-93

For the Committee on Local Government BILL NO. HB 44

Prepared by Connie Erickson
February 9, 1993

1. Title, line 8.
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 1
Insert: "NEW SECTION. Section 2. Effective date. [This act] is
effective on passage and approval."

Amendments to House Bill No. 169
Third Reading Copy

Requested by Senator Eck
For the Committee on Local Government

Prepared by Connie Erickson
February 10, 1993

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 5

DATE 2-11-93

BILL NO. HB 169

1. Page 1, line 25.
Following: "~~if there~~"
Insert: "if there"

DATE 11 February 1993

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: SB 273 - Stang
SB 298 - Bartlett

Name

Representing

Bill
No.

Check One
Support Oppose

RAYMOND JONES	FAIRFIELD	273	✓	
Scott St. Arnaud	AFSCME			
Alec Hansen	CITIES & TOWNS	273	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY