

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on March 25, 1993, at
3:00 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: HB 221, HB 463, HB 510, HB 528, HB 536
Executive Action: HB 128, HB 132, HB 221, HB 301, HB 308,
HB 367, HB 368, HB 375, HB 463, HB 479,
HB 481, HB 510, HB 528, HB 536, HB 550,
HB 584, HB 644

HEARING ON HB 463

Opening Statement by Sponsor:

Representative Ray Brandewie, House District 49, spoke on behalf of Representative Bill Boharski, sponsor of HB 463, who was unable to attend the hearing. Representative Brandewie stated HB 463 would allocate 25 percent of the boat fee to the motorboat account in the state special revenue fund in lieu of taxes

collected. He said this revenue collected from the boat fee would receive three to one matching funds from the Federal Aid in Sport Fish Restoration, or the Dingell-Johnson Fund. Representative Brandewie noted HB 463 would allow the payor of the boat fee to designate the region to which the fee may be applied. He assured the Committee that all fees designated to the motorboat account must be used by the Department of Fish, Wildlife and Parks (FWP) to improve regional boating facilities. Representative Brandewie concluded HB 463 would also create a boating advisory council to advise FWP on the expenditure of funds.

Proponents' Testimony:

Mr. Ken Hoovestol, Montana Boating Association, stated his support for HB 463. He said HB 463 would have no fiscal impact on the state and would be voluntary for counties. Mr. Hoovestol said that, according to the State Park Futures Committee, for every dollar spent on state parks, ten dollars is returned to the community. He distributed additional testimony in support of HB 463 (Exhibit #1).

Mr. Dave Seyfert, Flathead Sports, spoke from prepared testimony in support of HB 463 (Exhibit #2).

Mr. Dave Ross, Montana Audobon Legislative Fund, stated HB 463 would be a good source of revenue for repairs.

Mr. Paul Sliter, Flathead Lake resident, stated his support for HB 463. He said it has become increasingly difficult to find a place to dock one's boat on Flathead Lake. He said the revenue generated by HB 463 would fund critical improvements to boating facilities.

Mr. Bill Leary, Canyon Ferry Recreation Association, stated funds from HB 463 would be used to provide disabled access and replace worn and dangerous facilities. He said he is concerned about the potential liability on his floating dock which is not equipped with handrails. Mr. Leary said HB 463 would provide funding to make his dock safer.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Gage asked if regional boating facilities not under the control of FWP would be affected by HB 463. Mr. Arnie Olsen, State Parks Division Administrator, replied Senator Gage was correct and the State Parks Division does not operate a facility in the Cut Bank area.

Senator Gage asked Mr. Olsen if his department's finances were open to public scrutiny. Mr. Olsen replied FWP is a public agency, and, therefore its actions are subject to public review. He added the Department is audited by both the state and federal government on an annual basis because FWP receives federal funds. Mr. Olsen assured the Committee his department has never had any serious problems regarding the expenditure of funds.

Senator Eck asked if the duties of the boating advisory council would include developing a plan to ease the congestion of boat traffic on certain lakes. Mr. Olsen replied his department is examining long range planning options but such activity has been limited due to the expense.

Senator Vaughn asked Mr. Olsen if the revenue derived from HB 463 would be used specifically for state parks. Mr. Olsen replied Senator Vaughn was correct. He added, however, some money may be used for upgrading fishing access site programs.

Senator Gage asked Mr. Hoovestol how much money HB 463 would allocate for state park improvements, to which Mr. Hoovestol replied \$220,000.

Senator Gage asked Mr. Hansen of the Montana League of Cities and Towns why his organization did not oppose HB 463 since current law requires all fees in lieu of taxes to go to the counties. Mr. Hansen replied his organization did not oppose HB 463 because he imagined the cities' share of the money would be negligible enough that redirecting the money would not cause a severe hardship.

Senator Kennedy asked Mr. Hoovestol if any county commissioners were in support of HB 463. Mr. Hoovestol replied the commissioners in Flathead and Lake counties were in favor of HB 463.

Senator Gage asked Mr. Hoovestol if HB 463 had any opposition during its hearing in the House. Mr. Hoovestol replied Mr. Morris of the Montana Association of Counties stated his organization's opposition out of "general principle".

Senator Gage asked Mr. Hoovestol why a two year sunset provision was added to HB 463. Mr. Hoovestol replied the sunset provision was put on by the House Committee. He added the amendment was not opposed by the Boating Association because they believed the

two year period would be sufficient to determine the relative success of the program.

Closing by Sponsor:

Mr. Hoovestol stated Representative Boharski might want to submit additional testimony at a later date. Representative Stella Jean Hansen, House District 57, stated she would, on behalf of Representative Boharski, close the hearing on HB 463.

EXECUTIVE ACTION ON HB 463

Motion/Vote:

Senator Eck moved HB 463 BE CONCURRED IN. MOTION CARRIED with Senator Gage voting NO. Senator Kennedy will carry HB 463 on the Senate floor.

HEARING ON HB 510

Opening Statement by Sponsor:

Representative Stella Jean Hansen, House District 57, stated HB 510 would eliminate the requirement that the mayor or city manager serve on the park board. She said HB 510 would also allow cities to process park board warrants. Representative Hansen submitted a set of amendments to HB 510 and stated they were required in order to reference this authority in the correct sections of law (Exhibit #3).

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support for HB 510. He said HB 510 would give cities the authority to decide how they want to set up their park board. Mr. Hansen added HB 510 would also allow the city administration to process the park board's claims instead of an independent agency.

Mr. Doug Waters, City of Missoula, stated his support for HB 510. He said the Mayor of Missoula has requested, due to time constraints, that he not be required to serve on the park board. Mr. Waters stated the Missoula Park Board did not object to Mayor Kemmis' request. Mr. Waters added HB 510 would allow the city to make personnel decisions and would more clearly delineate the lines of authority.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Weldon asked Mr. Hansen if passage of HB 510 would affect cities other than Missoula. Mr. Hansen replied other cities in Montana have park boards, but added HB 510 was requested by the City of Missoula.

Senator Kennedy asked Mr. Hansen if a similar bill had been drafted in previous legislative sessions. Senator Waterman replied a bill had come up last session to grant discretionary authority to all city boards but the Committee had declined to do so.

Senator Gage asked Representative Hansen if the city has the authority to make personnel decisions on behalf of other boards as it would for the park board as stated under subsection 4 on page two. Representative Hansen replied cities already have this authority over all city boards except the parking commission and transportation board.

Closing by Sponsor:

Representative Hansen stated HB 510 would allow park board officers greater flexibility in gaining a quorum for meetings because they would not have to depend on the mayor's attendance. She concluded it would be much easier for the city administration to do the park board's paperwork.

EXECUTIVE ACTION ON HB 510

Motion:

Senator Weldon moved the Committee adopt the amendments to HB 510.

Discussion:

Connie Erickson stated HB 510 would do three things. First, it would eliminate the requirement that the mayor or city manager sit on the park board. Second, it would allow the governing body

to handle the personnel decisions of the board. And, third, it would allow the local governing body to handle the board's claims. Ms. Erickson stated this authority would be discretionary. She said the amendment would extend this same authority to the signing and issuing of warrants.

Vote:

Motion to amend HB 510 CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Weldon moved HB 510 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY. Senator Rye will carry HB 510 on the Senate floor.

HEARING ON HB 221

Opening Statement by Sponsor:

Representative Ted Schye, House District 18, stated a bill was passed last session which allowed theaters and fine arts facilities to apply for money left over from the two mills a county may levy to help fund their area museum. He said the county was still prohibited from giving money to a non-profit organization through a mill levy. Representative Schye stated HB 221 would authorize these fine arts facilities to apply for grants to receive remaining mill levy funds. He said the grant would have to be approved by the county commissioners and would only apply if there were excess levy funds. Representative Schye concluded he would support the amendment offered by the Montana Committee for the Humanities.

Proponents' Testimony:

Ms. Jamie Doggett, Chair of the Montana Committee for the Humanities, spoke from prepared testimony in support of HB 221 (Exhibit #4). She also distributed a pamphlet outlining the activities of the organization (Exhibit #5) and an amendment to HB 221 (Exhibit #6).

Ms. Gloria Hermanson, Montana Cultural Advocacy, spoke from prepared testimony in support of HB 221 on behalf of Ms. Arlynn Fishbaugh, Montana Arts Council (Exhibit #7).

Ms. Elizabeth Gans, Holter Museum Director, stated her support for HB 221. She said the Holter Museum is a private, non-profit arts facility in Helena dedicated to the visual arts. Ms. Gans stated that the Holter is in its sixth year of operation and has

never received city or county funding. She said HB 221 would be helpful to her facility and others because it would open the door to county funding. Ms. Gans added this potential for funding is critical to her facility in applying for grants which look favorably upon or require evidence of local government support.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Weldon asked Representative Schye if the grant money awarded could be used for programming and not just maintenance of the facility. Representative Schye replied Senator Weldon was correct.

Senator Gage asked Representative Schye how long the two mills had been available to local governments. Representative Schye replied the two mills have been available "for a very long time".

Closing by Sponsor:

Representative Schye concluded HB 221 had received diverse support in the House.

EXECUTIVE ACTION ON HB 221

Motion/Vote:

Senator Waterman moved the Committee adopt the amendments to HB 221. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Eck moved HB 221 BE CONCURRED IN AS AMENDED.

Discussion:

Senator Rye stated HB 221 was yet another bill that would give the county the authority to tax for the benefit for the few. He said less than half the population of any community patronize

their local arts facility, and, despite the personal or economic enrichment derived, the measure would tax everyone at the benefit of less than half of the community.

Senator Eck asked Senator Rye if he would vote to eliminate the levies for county fairgrounds, to which he replied yes. Senator Rye concluded he was a "user fee kind of guy".

Senator Harding stated she would reply to Senator Rye's comments by noting that HB 221 would merely give county commissioners the authority to make a decision.

Vote:

The BE CONCURRED IN AS AMENDED motion CARRIED with Senators Gage and Rye voting NO. Senator Toews will carry HB 221 on the Senate floor.

HEARING ON HB 528

Opening Statement by Sponsor:

Representative Carley Tuss, House District 35, stated HB 528 would establish a community and urban forestry program. She said HB 528 would authorize the Department of State Lands (DSL) to beautify the environment by taking advantage of federal grants. Representative Tuss stated the DSL would have some rule-making authority to implement this program. She concluded HB 528 would create a special revenue account by accessing federal money available for such programs.

Proponents' Testimony:

Mr. Jeff Jahnke, Department of State Lands, said the community forests of Montana are aging and are in need of restoration. He stated HB 528 would provide the DSL with some direction in assisting local governments as they improve these community forests.

Mr. Dave Ross, Montana Audobon Legislative Fund, spoke from prepared testimony in support of HB 528 (Exhibit #8).

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Eck asked Mr. Jahnke if urban forestry management would include deciding which trees to cut down. Mr. Jahnke replied the DSL could advise local governments but would not do the actual cutting. He added that when city trees are cut down, it is difficult to determine if the tree will be of any value.

Senator Harding asked Mr. Jahnke if the DSL would pay for the expense of administering the community and urban forestry program. Mr. Jahnke replied no state money would be required to fund the program since it would be funded entirely through federal money and private donations. He assured Senator Harding that the program would not exist if state funding was required.

Senator Swift stated he was a member of the National Advisory Council for Community Forestry. He said the main action program has not been completed on a federal level and added the program is strictly voluntary. Senator Swift stated the purpose of the program is to encourage municipalities to preserve, maintain and foster community forestry activities. He said the program would end if federal support is discontinued.

Senator Vaughn asked Senator Swift if the forestry program would be entitled to receive matching funds. Senator Swift replied the matching funding could come from a variety of sources, some of them private.

Senator Bartlett asked Mr. Jahnke if all of the revenue derived from the forestry program is passed on to local communities. Mr. Jahnke replied some of the money goes to specific community support but added the majority of the money goes towards specific beautification programs already in existence.

Senator Bartlett asked Mr. Jahnke if the technical note to HB 528 was consistent with the intent of the bill. Mr. Jahnke replied the rulemaking process is not reasonable for certain things and added HB 528 does not require the DSL to adopt rules.

Senator Gage asked Mr. Jahnke how long the advisory council would be in existence. Mr. Jahnke replied the council would exist as long as the program existed. He added the council is strictly voluntary.

Closing by Sponsor:

Representative Tuss stated she appreciated Senator Swift's comments and added she heartily endorses the forestry program.

She said the program is currently at work in her community and has had wonderful results. Representative Tuss concluded HB 528 would serve to regionalize the program across the state.

EXECUTIVE ACTION ON HB 528

Motion/Vote:

Senator Waterman moved HB 528 BE CONCURRED IN. MOTION CARRIED with Senator Gage voting NO. Senator Swift will carry HB 528 on the Senate floor.

HEARING ON HB 536

Opening Statement by Sponsor:

Representative Carley Tuss, House District 35, stated HB 536 would repeal the section of law allowing county commissioners to appoint firewardens when they are petitioned by an unincorporated town. She said HB 536 would amend the section of law to allow county rural fire chiefs and employees of the State Fire Prevention and Investigation Program to serve as fire wardens. Representative Tuss concluded HB 536 was drafted at the request of the Commissioners and the Sheriff of Cascade County.

Proponents' Testimony:

Mr. Tom O'Hara, Cascade County Deputy Fire Chief and President of the Montana County Firewardens Association, stated HB 536 would serve to clarify existing law. He said cooperation between fire districts is critical when fighting wildfires. Mr. O'Hara stated existing law requires county commissioners to appoint a county rural fire chief, a position which has traditionally been held by the county sheriff. He said, at present, there are a number of rural fire chiefs who are not county sheriffs and added HB 536 would recognize these individuals as firewardens. Mr. O'Hara added HB 536 would repeal the sections of law which require firewardens to clean chimneys, inspect boilers and perform a variety of other tasks for which they may not be qualified. He said HB 536 would allow private individuals to perform those tasks for which the firewarden is not qualified. Mr. O'Hara concluded "there is no money attached to HB 536".

Mr. Tim Murphy, Department of State Lands Fire Chief, stated his support for HB 536.

Mr. Bruce Suenram, Department of Justice Fire Prevention and Investigation Bureau Chief, stated his support for HB 536.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Waterman asked Mr. Murphy what would happen if subsection 3 of HB 536 was changed to allow the DSL to appoint anyone whom they believe is qualified for the position of firewarden as long as s/he is not additionally compensated. Mr. Murphy replied the DSL would support Senator Waterman's suggestion.

Senator Waterman asked Representative Tuss if she would object to her suggestion. Representative Tuss replied she did not object.

Senator Kennedy asked Connie Erickson if Senator Waterman's suggestion to delete the "laundry list" of persons qualified to be firewarden would be problematic. Connie Erickson replied subsection 1 of HB 536 states "the department shall appoint firewardens in the number and localities as it considers necessary", so she did not think adopting Senator Waterman's suggestion would be a problem. She added the Committee should probably retain the language in subsection 3 which prohibits additional compensation of certain individuals for performing the tasks associated with the firewarden's position. Ms. Erickson concluded the current language is somewhat contradictory.

Senator Kennedy asked if an individual appointed as firewarden could be paid if s/he was not appointed from the "laundry list". He said current law excludes certain individuals from receiving additional compensation for the duties performed as firewarden, and asked if a person not on the list could be compensated if s/he was appointed firewarden.

Senator Waterman asked if anyone was compensated for performing the duties of firewarden.

Senator Gage stated he had a number of concerns with HB 536. He asked Connie Erickson what would happen if the county rural fire chief did not want to be firewarden. He noted that Senator Waterman's suggestion would allow the department to appoint anyone they deemed qualified, regardless of that individual's wishes. Mr. Murphy replied the county commissioners currently appoint individuals to serve as firewarden and conceded there have been incidences where an appointed individual did not want to serve as firewarden. He added that in these circumstances, other individuals were appointed.

Senator Swift stated there may be specific qualifications listed under 77-5-104 which requires the positions to be listed. Senator Waterman replied subsection 1 appears to give the DSL the authority to determine if certain individuals are qualified to perform the duties of firewardens. Representative Tuss stated current law authorizes the firewarden to call out all able-bodied men to help fight wildfires. She added that in these circumstances, it would be important for the firewarden to be an individual with some influence and authority in the community. Representative Tuss concluded the "laundry list" would not be required as long as the powers granted to the firewarden by statute were understood by the residents within a community.

Senator Kennedy stated it might be desirable to compensate certain individuals for performing the duties of firewarden. He said those individuals currently excluded from receiving additional compensation are already compensated by their other job.

Senator Gage stated it may not be possible to require Bureau of Indian Affairs (BIA) officers to be firewardens. Representative Tuss replied that, by law, these officers already are firewardens.

Senator Gage asked what would happen if an unqualified person were appointed firewarden and were sued because s/he did not respond correctly to a fire situation. Representative Tuss replied the individuals who assume the position of firewarden are aware of their responsibilities.

Connie Erickson stated 77-5-106 alludes to paid firewardens. She the DSL appears to have the authority to appoint individuals not from the "laundry list" as firewardens as long as they are qualified. She added the department would also be able to compensate these individuals. Ms. Erickson stated, in her opinion, the positions named on the "laundry list" are firewardens by nature of their job but cannot be additionally compensated for performing the firewarden's tasks.

Mr. Tom O'Hara stated the county commissioners are required by the DSL to appoint qualified individuals. He said the individuals who serve as firewardens are aware of their responsibilities and do not receive additional compensation.

Connie Erickson stated the "laundry list" was retained in HB 536 because it identifies those individuals who would be in a position to be in an area susceptible to fires. She said these individuals would then be authorized to automatically assume the responsibilities of firewarden in the event a fire breaks out in their area.

Senator Kennedy stated a few years ago, a train derailed and spilled hazardous material into Whitefish Lake. He said the sheriff and the undersheriff billed the railroad for their time

spent trying to contain the spill but got into trouble for doing so because they were already being paid on their current jobs. Senator Gage asked if the department had the authority to appoint BIA officers and national park service employees as firewardens. Mr. Murphy replied the DSL is responsible, by law, for the protection of state and private land within Montana. He said the department subcontracts that responsibility to federal entities within the Montana border.

Senator Gage asked Mr. Murphy if these federal individuals are aware of the fact they are firewardens. Mr. Murphy replied all individuals appointed as firewardens are notified by the DSL.

Closing by Sponsor:

Representative Tuss stated she closed her remarks on HB 536. Senator Vaughn will carry HB 536 on the Senate floor.

EXECUTIVE ACTION ON HB 536

Motion/Vote:

Senator Waterman moved HB 536 BE CONCURRED IN. MOTION CARRIED with Senator Gage voting NO. Senator Vaughn will carry HB 536 on the Senate floor.

EXECUTIVE ACTION ON HB 128

Motion:

Senator Waterman moved HB 128 BE TABLED.

Discussion:

Senator Bartlett, who was not present during its hearing, asked why Senator Waterman moved HB 128 be tabled. Senator Waterman replied the business of the task force is already subject to the open meeting law and HB 128 would require special meeting notification notices. She said HB 128 had neither proponents nor opponents and added it is the responsibility of the county commissioners to ensure the DUI task force is complying with the open meeting law.

Senator Eck stated she spoke with an individual from the Department of Justice who informed her there were only a few task forces around the state which were not complying with the open meeting law. She said he indicated the Department of Justice would be willing to work with these individuals to

resolve the problem. Senator Eck stated she would prefer to pursue this option instead of concurring in HB 128.

Senator Harding stated all notices were standardized in 1987 and added HB 128, if passed, should reference these notice requirements.

Senator Kennedy suggested the Committee consider sending a letter to areas in which task forces are not complying with the open meeting provisions to notify them of the Senate Committee action regarding HB 128 and encourage them to investigate the situation. Senator Waterman stated she supported Senator Kennedy's suggestion.

Senator Bartlett stated she would oppose Senator Waterman's motion to table HB 128. She said she would prefer to amend HB 128 to make its notice requirements consistent with the notification requirements for all other open meetings. Senator Bartlett stated the task force makes important decisions on the distribution of money which should be open to public scrutiny.

Senator Gage stated he agreed with Senator Bartlett's comments. He added he thought it was important the public be aware of the fact that the task force has the authority to recommend a community program to deter underage drinking and educate the public about the risks associated with alcohol consumption.

Senator Eck stated "something much more general should be done regarding task forces". She said requirements for open meetings and notices should be consistent for all task forces.

Senator Gage stated a study task force was "a whole different kind of animal".

Senator Hertel asked if notification requirements were specified in the open meeting law, to which several Committee members replied yes.

Senator Bartlett stated the open meeting law does not specify which groups are required to hold open meetings.

Connie Erickson said the open meetings law states "all meetings of any agency, organization, etc. which is supported by public funds or expends public funds must be open to the public". She said the only exception to this rule is when the group is dealing with personnel matters. Ms. Erickson stated the open meeting law does not specify notification procedures. She suggested the Committee consider deleting the notice provisions and requiring that the task force comply with the general notice provisions which are more strict. Ms. Erickson added she thought it was general common knowledge that a task force meeting would be open to the public.

Vote:

Senator Waterman's motion to TABLE HB 128 FAILED by roll call vote five votes to six.

Discussion:

Senator Gage stated he would not be concerned as long as there was notice of the task force meeting. Senator Eck replied prior notice is required if a resolution to spend money is being approved.

Senator Kennedy asked Connie Erickson if the task force is required to hold public meetings on adoption of their program. Ms. Erickson replied a public hearing differed from a public meeting and stated she would retain the language on page 2, line 7.

Senator Harding stated she favored Connie Erickson's recommendation to amend HB 128 to require that the DUI task force comply with current meeting notification guidelines.

Senator Gage stated he would prefer to amend HB 128 to read "if the county decides to accept the recommendations of the DUI task force, they would be required to give notice".

Senator Bartlett stated it was her recollection that the task force submits its proposals to the county's governing body at the same time as all other groups. She said the county's governing body then holds public meetings to determine funding. Senator Bartlett noted that funding specifics for proposals are determined by the individual task force and then generally supported by the county's governing body. She said public meetings are critical when the programs are being developed, not when the county's governing body considers the proposals.

Motion:

Senator Bartlett moved the Committee amend HB 128 in the following ways: on page 2, line 4, by striking the period following "public" as well as the rest of the language through line 6 under subsection 2 and inserting language to reference the appropriate meeting notification provisions; and, striking the language on page 2, lines 7-11.

Discussion:

Senator Waterman asked Senator Bartlett if she was striking all the amended language in subsection 3 of Section 1, to which Senator Bartlett replied yes.

Senator Gage asked Connie Erickson what constituted a standard notice. Ms. Erickson replied notices must be published in the local newspaper more than once. She added notices may also be mailed and run on the radio or television. She said the notice must contain the date, time, place and purpose of the meeting.

Vote:

Senator Bartlett's motion to amend HB 128 CARRIED UNANIMOUSLY.

Motion:

Senator Bartlett moved to amend HB 128 by striking all of the inserted language on page 5, lines 13-21.

Discussion:

Senator Gage stated special notice should depend on the specificity of the task force's recommendations.

Vote:

Senator Bartlett's motion to amend HB 128 CARRIED with Senator Gage voting NO.

Motion/Vote:

Senator Bartlett moved HB 128 BE CONCURRED IN AS AMENDED. MOTION CARRIED with Senator Eck voting NO. Senator Lynch will carry HB 128 on the Senate floor.

EXECUTIVE ACTION ON HB 308

Discussion:

Senator Eck stated the Committee should pass the bill to assist irrigation districts in collecting information on a timely basis from the county treasurers.

Senator Gage stated he had spoken with an individual who had called treasurers in the counties where irrigation district representatives had experienced problems in obtaining information. He said the county treasurers in these areas were not aware of any problem. Senator Gage noted the proponent of the bill had mentioned only a handful of counties were not complying with the requests of the irrigation district representatives. He said he did not think the Committee should get involved in a problem which affects only a few individuals.

Senator Vaughn stated she did not support the "shall accept" language in the bill but she would support the "may accept" language since this problem pertained to just a few counties.

Senator Hertel stated his county treasurer was concerned that other entities would want the same authority to require compliance from the treasurer's office that would be given to irrigation districts.

Senator Weldon asked Ms. Brunner from the Montana Water Resources Association if there was any other way the Committee could assist irrigation districts in solving this problem. Ms. Brunner replied this bill was a final resort for the irrigation districts. She said there are 25 irrigation districts in 18 counties in Montana, and added the majority of county treasurers send out payment information to the irrigation districts on a timely basis. Ms. Brunner noted there is nothing in the state statute that requires a county treasurer to deliver the irrigation roster or payments more than twice a year. She said irrigation districts have tried everything to facilitate compliance from the county treasurers, however, a number of county treasurers refuse to send the information as they receive it. Ms. Brunner added that if fire districts or other districts are experiencing similar problems with their county treasurers, they may want to consider taking this same course of action. She concluded that the delay in receiving irrigation rosters or payments prevents irrigation districts from delivering water to land when it is most needed.

Senator Kennedy asked Ms. Brunner if irrigation district representatives would be supervised by the county treasurer or a member of his/her staff if the representative came in and requested irrigation rosters or payments. Ms. Brunner replied that in areas where irrigation district representatives go into county treasurer offices to obtain the information, they have always been supervised while doing so.

Senator Bartlett stated her concern with such an arrangement was the question of which party would be held liable if something went wrong. Senator Bartlett said she would support HB 308 if a sentence were added to make it clear that the irrigation district representatives would be working under the direction and supervision of the county treasurer. Ms. Brunner replied she would not object to the language as long as the county treasurers understood that the irrigation districts would have the right to receive irrigation rosters and payments as they are received.

Senator Harding stated she spoke with the sponsor, Representative Kasten, who said she would support the language change from "shall accept" to "may accept". She asked Ms. Brunner if she would support such a language change. Ms. Brunner replied she did not think the language change would help those districts whose county treasurers do not send out payments or rosters on a timely basis.

Senator Gage asked Ms. Brunner how often an irrigation district would need irrigation rosters and payments. Ms. Brunner replied irrigation rosters and payments need to be received on a daily basis during the watering season. She said in areas that have worked out an arrangement, the transfer of information proceeds without complication.

Senator Eck asked Ms. Brunner if she would object to amending subsection 3 to require the county treasurer to relay this information and make it clear they could receive assistance from the irrigation district in compiling this information. Ms. Brunner replied she would support the amendment but added those counties which refuse send irrigation rosters on a timely basis also refuse to send the payments.

Connie Erickson stated it appeared the problem was occurring when the county treasurer did not immediately notify the irrigation district of payments and additions to the roster. She suggested the Committee consider amending subsection 3, line 9 to read "the county treasurer shall notify the Board of Commissioners within two or three days when assessments are paid".

Senator Gage stated the county treasurers should provide this information on a daily basis during the watering season.

Senator Harding noted her county treasurer provides the information daily during the irrigating season.

Senator Weldon stated he was concerned the language "would make all counties treasurers do something that only a few of them need to do".

Motion:

Senator Eck moved the Committee amend subsection 3 of HB 308 to require the county treasurer to notify the Board of Commissioners when irrigation district assessments are made during the water delivery season.

Discussion:

Senator Weldon asked Ms. Brunner if the proposed amendment to HB 308 would assist irrigation districts, to which she replied it would.

Senator Gage asked Ms. Brunner how often irrigation districts are notified of payments and roster additions when county treasurers send out the information on a timely basis. Ms. Brunner replied county treasurers who comply with the request of the irrigation districts send out the information as it is received.

Vote:

The motion to amend HB 308 CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Eck moved HB 308 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY. Senator Swift will carry HB 308 on the Senate floor.

EXECUTIVE ACTION ON HB 375

Discussion:

Connie Erickson stated a number of amendments had been requested for HB 375 (Exhibit #9). She said the amendments were drafted to address some of the opponent's concerns about the bill and met with the approval of the sponsor, Representative Brandewie.

Motion:

Senator Waterman moved the Committee adopt the amendments to HB 375.

Discussion:

Senator Gage asked what would happen if "customarily used materials" were not defined in local building regulations. Senator Waterman replied the amendments would give local governments flexibility in determining if manufactured housing met the qualifications for a particular housing community.

Senator Weldon asked Mr. Stuart Doggett from the Montana Association of Manufactured Homes why HB 375 would pertain only to those homes manufactured after 1990. Mr. Doggett replied homes manufactured within the last few years are required to meet stricter standards than homes manufactured ten years ago.

Senator Weldon asked Mr. Doggett if the amendments to HB 375 were crafted by both opponents and proponents of the bill. Mr. Doggett replied the amendments were offered by the bill's proponents in response to many of the objections raised by the opponents.

Vote:

The motion to amend HB 375 CARRIED UNANIMOUSLY.

Discussion:

Senator Eck asked if the exclusion of covenants specified in HB 375 would pertain to design/review standards for historical areas. Connie Erickson replied she did not know.

Senator Gage asked if manufactured homes as defined in HB 375 would be required to comply only with Housing and Urban Development (HUD) standards for mobile homes. Ms. Erickson replied manufactured housing would be required to meet their own specific standards. She added HUD currently defines a manufactured home as a mobile home.

Senator Kennedy asked if the standards manufactured homes would be required to meet were good enough for the purposes of HB 375. Mr. Doggett replied the HUD standards would be sufficient.

Senator Gage asked how HUD standards differed from state building code standards. Senator Eck replied the state building codes pertain to specifics like electric wiring. She added that in most areas outside the city limits, there are no building standards or codes. Senator Eck stated she did not think compliance with HUD standards would compromise safety.

Senator Swift asked Mr. Doggett if manufactured homes were required to meet Montana building codes. Mr. Doggett replied it would depend on the building codes of the particular community.

Motion:

Senator Eck moved the Committee amend HB 375 to also exclude covenants and design/review standards imposed in historic districts from the bill.

Discussion:

Senator Bartlett asked Senator Eck to define design/review standards. Senator Eck replied the reference to design/review pertains to the standards imposed in some areas to maintain the historic flair or style of the particular area.

Senator Bartlett asked Senator Eck if she would object to specify that "local design/review standards" would be exempted from HB 375. Senator Eck replied she would not object.

Vote:

The motion to amend HB 375 CARRIED UNANIMOUSLY.

Discussion:

Senator Gage asked if the language in subsection 7 should be repeated in Section 2. Connie Erickson replied yes.

Motion/Vote:

Senator Waterman moved the Committee amend HB 375 to add a Section 2, subsection 5 repeating the language contained in Section 1, subsection 7. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Waterman moved HB 375 BE CONCURRED IN AS AMENDED. MOTION CARRIED with Senator Rye voting NO. Senator Bartlett will carry HB 375 on the Senate floor.

EXECUTIVE ACTION ON HB 132

Motion/Vote:

Senator Weldon moved HB 132 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Eck will carry HB 132 on the Senate floor.

EXECUTIVE ACTION ON HB 301

Discussion:

Connie Erickson stated HB 301, in its current form, was problematic. She said it was her opinion that HB 301, as amended on the House floor, violates the bill's original statement of intent. Ms. Erickson stated she spoke with Greg Petesch from Legislative Counsel who, in turn, stated there were two main problems with the bill. First, he said HB 301 did not sufficiently define "federal pretreatment standards" and, second, he said the amendments offered to HB 301 by the House moved the bill away from its original intent. She said the bill, in its original form, merely increased the penalty while the amended bill created an entirely new penalty. Ms. Erickson suggested the Committee consider stripping the House amendments and returning HB 301 to its original form. She concluded HB 301, in its original form, would increase the maximum penalty for violation of a municipal or local government ordinance from \$500 to \$1,000.

Motion:

Senator Eck moved the Committee strip the House amendments to HB 301.

Discussion:

Senator Bartlett reminded the Committee that Representative Wyatt, the bill's sponsor, had lost HB 301, in its original form, on the House floor.

Senator Weldon stated the issue addressed in HB 301 were problems encountered by Missoula and Great Falls. He added, however, he did not think they were the only cities in Montana with these problems. He read from a letter he had received from Mr. Jim Nugent, Missoula's City Attorney, which stated, "the reason that this bill is here in the first place is that Federal Environmental Protection Agency (EPA) regulations require that municipal sanitary, sewer and waste water treatment regulations seek or assess civil or criminal penalties up to a maximum of \$1,000. Penalties are required to be in city ordinances for sewer sanitation violations in order to obtain and receive federal EPA funds for projects pertaining to sewer treatment centers." He concluded EPA requires that municipalities levy \$1,000 fines in order to receive EPA grants.

Senator Gage asked Senator Weldon if the \$1,000 fine would be imposed each day. Senator Weldon replied the municipality would levy a \$1,000 for a violation of a sanitary, sewer or waste water treatment ordinance. He said the fine would probably be \$1,000 per day.

Senator Kennedy stated he was concerned that if the Committee passes HB 301 in its current form, the law could be subject to a court challenge.

Senator Rye stated HB 301 had neither proponents nor opponents and was not worth sending to conference committee for resolution.

Senator Gage noted HB 301, in its original form, would comply with federal EPA requirements.

Vote:

The motion to amend HB 301 CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Weldon moved HB 301 BE CONCURRED IN AS AMENDED. MOTION CARRIED with Senator Rye voting NO. Senator Weldon will carry HB 301 on the Senate floor.

EXECUTIVE ACTION ON HB 367

Discussion:

Connie Erickson explained the amendment offered to HB 367 (Exhibit #10).

Motion/Vote:

Senator Bartlett moved the Committee adopt the amendment to HB 367. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Bartlett moved HB 367 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY. Senator Hertel will carry HB 367 on the Senate floor.

EXECUTIVE ACTION ON HB 368

Motion/Vote:

Senator Weldon moved HB 368 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Bartlett will carry HB 368 on the Senate floor.

EXECUTIVE ACTION ON HB 479

Discussion:

Connie Erickson distributed a letter from Representative Don Larson, the bill's sponsor (Exhibit #11).

Motion/Vote:

Senator Eck moved the Committee amend HB 479 to replace "economic" with "fiscal" in all of the appropriate places so fiscal, not economic, impact statements would be prepared. MOTION CARRIED UNANIMOUSLY.

Discussion:

Senator Waterman stated she supported Representative Larson's intentions but added she did not believe HB 479 would accomplish what he hoped it would.

Motion/Vote:

Senator Rye moved HB 479 BE TABLED. MOTION CARRIED with Senators Eck, Kennedy and Weldon voting NO.

EXECUTIVE ACTION ON HB 481

Motion/Vote:

Senator Eck moved HB 481 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Waterman will carry HB 481 on the Senate floor.

EXECUTIVE ACTION ON HB 550

Motion/Vote:

Senator Waterman moved HB 550 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Bartlett will carry HB 550 on the Senate floor.

EXECUTIVE ACTION ON HB 584

Discussion:

Senator Waterman asked if there was a problem with water quality districts in Montana. She said the bill was drafted in response to a problem in Utah, not Montana.

Motion/Vote:

Senator Weldon moved HB 584 BE TABLED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 644

Motion:

Senator Weldon moved HB 644 BE TABLED.

Discussion:

Senator Weldon stated he had done some additional research on HB 644 to answer some of his concerns regarding the bill. He

said the bill provides two means of financing the construction of public works, the lease/purchase option and the design/build option. He said that because passage of HB 644 would signify a dramatic departure from the way things are currently done, it is critical to ensure that this construction of public facilities by private companies is done correctly. Senator Weldon said he was not opposed to this option, however, he was concerned with the Department of Administration's request to be exempted from the bill. He said local governments should have the same opportunity to determine if this option would be desirable for them. Senator Weldon noted HB 644 was passed out of the House on the promise that the Senate would resolve the conflicting issues but the replacement (gray) bill is significantly worse than the original bill. He said the requirements outlined in the gray bill would greatly increase the cost to local governments for the construction of these public works; this runs contrary to the intent of the bill. Senator Weldon concluded that if the proponents were serious in their desire to use this option, they would return next session with a workable bill.

Senator Waterman stated she had called to Kentucky to inquire about the state's supposed success with the design/build and lease/purchase option. She spoke with the Commissioner for the Department of Facilities Management who told her that his department has used the option twice and would not recommend that other states adopt such an option. He said the most recent contract had resulted in "potential indictments and a lot of bad press". Senator Waterman concluded that from her conversation with the Commissioner, she came to the conclusion that the option "had not been a glowing success in Kentucky".

Senator Eck noted that page 18 of the gray bill allows the state to sublease to a public entity once the building is constructed. She said she would imagine a number of people in Butte were intending to use this option to build a law enforcement academy or women's prison.

Senator Rye stated a major shift in policy was not a bad idea and added that HB 644 had attracted a number of proponents.

Senator Eck reminded Senator Rye that many of the proponents had expressed "less than enthusiastic support" for HB 644.

Senator Weldon stated he opposed the bill, not its intent.

Senator Waterman stated she had wished HB 644 had been heard sooner because a conference committee could have made the necessary improvements.

Senator Gage stated he opposed the motion to table HB 644 because it requires that the design/build option cost less than other proposals. He said the state would gain a considerable amount of input from interested parties if HB 644 was passed.

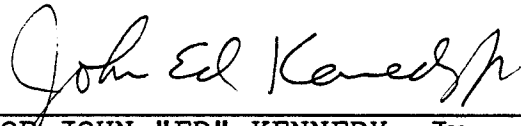
Senator Weldon agreed and stated this notion needs considerable review. He said he did not think the Committee had an adequate amount of time to do the necessary revisions.

Vote:

The motion to TABLE HB 644 CARRIED with Senators Gage, Hertel, Rye and Swift voting NO.

ADJOURNMENT

Adjournment: 7:20 p.m.



SENATOR JOHN "ED" KENNEDY, Jr., Chair



ROSALYN COOPERMAN, Secretary

JEK/rlc

ROLL CALL

SENATE COMMITTEE Local Government

DATE 3-25-93

| 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 | ✓ | | |
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 128 (third reading copy -- blue), respectfully report that House Bill No. 128 be amended as follows and as so amended be concurred in.

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

That such amendments read:

1. Title, line 4.
Following: "NOTICE"
Strike: ", "
Insert: "AND"

2. Title, line 5.
Following: "MEETINGS"
Strike: ", AND A PUBLIC HEARING"

3. Title, lines 7 through 11.
Strike: "PROVIDING" on line 7 through "EQUIPMENT;" on line 11


4. Title, line 12.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 61-2-107"

5. Page 2, lines 4 through 6.
Strike: "at" on line 4 through "county" on line 6
Insert: "notice of each meeting in accordance with the provisions of 7-1-2121"

6. Page 2, lines 7 through 11.
Strike: "county" on line 7 through the third "the" on line 11

7. Page 3, line 5 through page 5, line 21.
Strike: section 2 in its entirety

-END-

 Amd. Coord.
Sec. of Senate


Senator Carrying Bill

681604SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 132 (first reading copy -- blue), respectfully report that House Bill No. 132 be concurred in.

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

m- Amd. Coord.
 Sec. of Senate

Senator Eck
Senator Carrying Bill

681005SC.Sma

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 221 (third reading copy -- blue), respectfully report that House Bill No. 221 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. Title, line 6.
Following: "ARTS"
Insert: "AND THE HUMANITIES"
2. Page 1, line 13.
Following: "arts"
Insert: "and the humanities"
3. Page 1, line 15.
Following: "arts"
Insert: "and the humanities"
4. Page 2, line 2.
Following: "arts"
Insert: "and the humanities"
5. Page 2, line 7.
Following: "arts"
Insert: "and the humanities"
6. Page 2, line 14.
Following: "arts"
Insert: "and the humanities"

-END-

AM Amd. Coord.
Sec. of Senate

Senator Lewis
Senator Carrying Bill

681607SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 301 (third reading copy -- blue), respectfully report that House Bill No. 301 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. Title, line 5.

Following: "~~MAXIMUM~~"

Insert: "INCREASING THE MAXIMUM"

2. Title, line 6.

Strike: "ESTABLISHING A"

3. Title, lines 6 and 7.

Strike: ", NOT" on line 6 through "IMPRISONMENT," on line 7

4. Title, line 8.

Following: "~~\$1,000~~"

Insert: "FROM \$500 TO \$1,000"

5. Title, line 9.

Strike: "RELATING TO LOCAL OR FEDERAL PRETREATMENT STANDARDS"

6. Page 1, lines 14 and 15.

Strike: "(1)" on line 14 through "A" on line 15

Insert: "A"

7. Page 1, line 17.

Strike: "\$500"

Insert: "\$1,000"

8. Page 1, lines 19 through 23.

Strike: subsection (2) in its entirety

9. Page 2, lines 1 and 2.

Strike: "(1)" on line 1 through "THE" on line 2

Insert: "The"

10. Page 2, line 4.

Strike: "\$500"

Insert: "\$1,000"

11. Page 2, lines 6 through 10.

Strike: subsection (2) in its entirety

- END -

APV
hv Amd. Coord.
Sec. of Senate

Senator Weldon
Senator Carrying Bill

681608SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 308 (third reading copy -- blue), respectfully report that House Bill No. 308 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. Title, lines 5 through 7.

Strike: "ACCEPT" on line 5 through "DISTRICT" on line 7

Insert: "NOTIFY THE COMMISSIONERS OF AN IRRIGATION DISTRICT WHEN
DISTRICT ASSESSMENTS ARE PAID"

2. Page 2.

Following: line 8

Insert: "(3) During the water delivery season, the county
treasurer shall daily notify the board of commissioners of
an irrigation district of payments of district assessments."

Renumber: subsequent sections

3. Page 2, line 11.

Strike: "shall accept"

Insert: "may receive"

-END-

Amd. Coord.
Sec. of Senate

Senator Swift
Senator Carrying Bill

681613SC.SAN

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 367 (third reading copy -- blue), respectfully report that House Bill No. 367 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 12.
Following: "office."
Insert: "(1)"

2. Page 1, line 19.
Strike: "An"
Insert: "Except as provided in subsection (2), an"

3. Page 1.
Following: line 20
Insert: "(2) A person appointed to fill a vacancy in an elected municipal office shall file the oath of office with the county election administrator."

-END-

APC
Amd. Coord.
N Sec. of Senate

Senator Hentel
Senator Carrying Bill

681614SC.San

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 368 (first reading copy -- blue), respectfully report that House Bill No. 368 be concurred in.

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

M- Amd. Coord.
 Sec. of Senate

Senator Bartlett
Senator Carrying Bill

681007SC.Sma

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 375 (third reading copy -- blue), respectfully report that House Bill No. 375 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. Title, line 5.

Strike: "PROHIBITING"

Insert: "CREATING A PRESUMPTION WITH RESPECT TO"

2. Title, line 6.

Following: "BETWEEN"

Insert: "CERTAIN"

3. Page 1, line 20.

Strike: "prohibit"

Insert: "discourage"

4. Page 2, line 19.

Following: the first "a"

Insert: "rebuttable"

5. Page 3, line 7.

Following: "factory"

Insert: "on or after January 1, 1990"

6. Page 3, line 10.

Following: "customarily"

Insert: ", as defined by local regulations,"

7. Page 3, line 17.

Following: "LIMIT"

Insert: "conditions imposed in historic districts, local design review standards,"

Following: "COVENANTS"

Insert: ", "

8. Page 4, line 10.

Following: the first "a"

Insert: "rebuttable"

Amd. Coord.
Sec. of Senate

Senator Bartlett
Senator Carrying Bill

681617SC.San

9. Page 4, line 14.
Following: "factory"
Insert: "on or after January 1, 1990"

10. Page 4, line 17.
Following: "customarily"
Insert: ", as defined by local regulations,"

11. Page 4.
Following: line 22
Insert: "(5) Nothing contained in this section may be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

-END-

9. Page 4, line 14.

Following: "factory"

Insert: "on or after January 1, 1990"

10. Page 4, line 17.

Following: "customarily"

Insert: ", as defined by local regulations,"

11. Page 4.

Following: line 22

Insert: "(5) Nothing contained in this section may be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 463 (first reading copy -- blue), respectfully report that House Bill No. 463 be concurred in.

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

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 481 (first reading copy -- blue), respectfully report that House Bill No. 481 be concurred in.

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

M - Amd. Coord.
— Sec. of Senate

Senator Waterman
Senator Carrying Bill

681008SC.Sma

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 510 (first reading copy -- blue), respectfully report that House Bill No. 510 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. Title, line 7.

Following: "MANAGER"

Insert: ", "

2. Title, line 8.

Strike: "AND"

3. Title, line 9.

Following: "BODY"

Insert: ", AND PARK BOARD WARRANTS COUNTERSIGNED BY THE MAYOR OR CITY MANAGER"

4. Title, line 9.

Following: "7-16-4202,"

Insert: "7-16-4209,"

Strike: "AND"

5. Title, line 10.

Following: "7-16-4227,"

Insert: "AND 7-16-4228,"

6. Page 2.

Following: line 23

Insert: "Section 3. Section 7-16-4209, MCA, is amended to read:

"7-16-4209. Duties of board officers. (1) The Except as provided in 7-16-4228(2), the president and, in his the president's absence, the vice-president shall preside at all meetings of the board and shall countersign all warrants issued by the board and perform such other duties as shall be are required and directed by the board.

(2) The city clerk, or his the clerk's designee, as ex officio clerk of the board of park commissioners, shall attend all meetings of said the board and keep correct minutes of all proceedings of said the board in a book to be provided for that purpose by it, to be called the record of the board of park commissioners of the city of It ~~shall be~~ is the duty of the

M- Amd. Coord.
Sec. of Senate

Senator Rye
Senator Carrying Bill

681047SC.Sma

city clerk as ~~such~~ the clerk of the board of park commissioners to keep an accurate account of all transactions of ~~said the~~ board separate from other city accounts and to make and submit in writing to ~~said the~~ board at the first meeting in January in each year a report under oath showing in detail all the receipts and disbursements made by the board during the year. The report ~~shall~~ must be in duplicate, and after being approved by ~~said the~~ board, one of ~~said the~~ duplicates ~~shall~~ must be filed in the office of the city clerk and one in the office of the city treasurer. The city clerk shall perform ~~such~~ other services as the board shall require. In the absence of the clerk, or ~~his~~ the clerk's designee, at any meeting held by the board, it shall designate one of its number as clerk pro tem to keep the minutes of ~~said the~~ meeting, which minutes ~~shall~~ must be delivered to the clerk to be transcribed into the record book of ~~said the~~ board.""
Renumber: subsequent section

7. Page 3.

Following: line 17

Insert: "Section 5. Section 7-16-4228, MCA, is amended to read:

"7-16-4228. Disbursement of money. ~~All~~ (1) Except as provided in subsection (2), all money paid out by the park commissioners under the provisions of this part ~~shall~~ must be by warrant drawn upon the city treasury, which ~~shall~~ must be signed by the city clerk and countersigned by the president or, in ~~his~~ the president's absence, by the vice-president of the board of park commissioners.

(2) A city may elect to have all warrants signed by the city clerk and countersigned by the mayor or city manager."

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 528 (first reading copy -- blue), respectfully report that House Bill No. 528 be concurred in.

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

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 536 (first reading copy -- blue), respectfully report that House Bill No. 536 be concurred in.

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

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 550 (first reading copy -- blue), respectfully report that House Bill No. 550 be concurred in.

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

ROLL CALL VOTE

SENATE COMMITTEE Local Government BILL NO. HB 128

DATE 3-25-73 TIME 1:00 A.M. P.M.

| NAME | YES | NO |
|---|-----|----|
| Senator Jeff Weldon | | ✓ |
| Senator Eleanor Vaughn | | ✓ |
| Senator Dorothy Eck | ✓ | |
| Senator Delwyn Gage | | ✓ |
| Senator Ethel Harding | | ✓ |
| Senator John Hertel | ✓ | |
| Senator David Rye | ✓ | |
| Senator Bernie Swift | ✓ | |
| Senator Mignon Waterman | ✓ | |
| Senator Sue Bartlett | | ✓ |
| Senator John "Ed" Kennedy | | ✓ |
| <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> Motion failed five votes to six </div> | | |
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Rosalyn Cooperman
SECRETARY

Sen. John "Ed" Kennedy
CHAIR

MOTION: Senator Waterman moved HB 128
be tabled.

Motorboat Facility needs

- The 1990 State Park Futures committee identified a \$60 million need within the state parks system, of this there is an immediate need of \$22 million in rehabilitation and improvements
- There are 42 parks in the system, 14 sites are motorboat related (33.3%)
- There is a \$20 million need in the state parks system for improvement of motorboat sites. Of this \$20 million need, \$7.5 million is of an immediate nature for replacing worn or dangerous facilities, providing for disabled access, and for resource protection such as eroding banks, unsafe water systems and toilet facilities.
- The state can leverage its funds up to a 3:1 match with Federal Aid in Sport Fish Restoration (Dingell/Johnson) dollars for improving areas for boaters
- The state in the past has had enough state dollars to match the available federal motorboat related funds. All of the anticipated federal funds for this biennium have been committed, however with increases in available federal funds and limited state dollars, Montana is rapidly approaching a time when we may not have enough state funds to match all of the available federal motorboat dollars

GENERIC SITE IMPROVEMENT COSTS

| | |
|--|-----------------------------|
| Handicap Accessible Latrine | \$6,000.00 |
| Cattleguard (6'x20')..... | \$2,875.00 |
| Steel Gate (4'x12')..... | \$ 280.00 |
| Barrier Posts (each)..... | \$ 15.00 |
| Culvert | |
| 12" Diameter (per foot)..... | \$ 15.00 |
| 18" Diameter (per foot)..... | \$ 20.00 |
| Fencing | |
| Jack Leg (per 16' span)..... | \$ 24.00 |
| Five Wire, Barbed (per rod)..... | \$ 17.00 |
| Boat Ramp | |
| Solid concrete pad (per sq.ft),..... | \$ 3.81 |
| <i>RAAF ONLY 100x40' = \$15,000</i> | |
| Rock Rip-Rap (per sq. yard)..... | \$ 25.50 |
| Signs | |
| Single Post..... | \$ 66.91 |
| Double Post..... | \$ 103.23 |
| Road Work | |
| Gravel, crushed (per cubic yard)..... | \$ 8.25 |
| New Construction (per square foot)..... | \$.40 (<i>\$42000/m</i>) |
| Handicap Asphalt Trail (usually 5' wide, per sq. yard).. | \$ 26.00 |
| Handicap Asphalt Unloading Pad (20'x20')..... | \$1,200.00 |
| Handicap Fishing Platform (<u>each</u>)..... | \$5,300.00 |

Parking lot for trailers 50'x100' = \$2000-5000

| COUNTY | STATE | ANTIQUE | VINTAGE | OFF | SNOW- | | |
|------------------|--------|----------|-----------|----------|--------|-------|-------|
| EXEMPT | EXEMPT | PRIOR 34 | 31 YR AGE | MOTORCYC | MOBILE | | |
| | | | | | BOATS | | |
| 01-SILVER-BUH | 47 | 2 | 1 | 3 | 785 | 666 | 1,195 |
| 02 CASCADE | 106 | 2 | 16 | 40 | 0 | 1,019 | 3,927 |
| 03 YELLOWSTONE | 74 | 0 | 9 | 69 | 22 | 1,094 | 3,767 |
| 04 MISSOULA | 45 | 67 | 3 | 19 | 0 | 511 | 4,430 |
| 05 LEWIS & CLARK | 56 | 704 | 9 | 35 | 1 | 863 | 2,630 |
| 06 GALLATIN | 34 | 150 | 3 | 12 | 3 | 1,125 | 2,234 |
| 07 FLATHEAD | 43 | 1 | 4 | 18 | 0 | 732 | 1,091 |
| 08 FERGUS | 30 | 1 | 4 | 12 | 1 | 223 | 6,644 |
| 09 POWDER RIVER | 3 | 0 | 0 | 1 | 0 | 15 | 479 |
| 10 GASPON | 65 | 0 | 1 | 7 | 1 | 55 | 13 |
| 11 PHILLIPS | 29 | 0 | 1 | 0 | 0 | 27 | 147 |
| 12 HILL | 15 | 0 | 2 | 1 | 0 | 73 | 18 |
| 13 SAVALLI | 27 | 0 | 3 | 18 | 0 | 379 | 82 |
| 14 CUSTER | 8 | 1 | 2 | 0 | 1 | 41 | 476 |
| 15 LAKE | 27 | 0 | 1 | 6 | 0 | 135 | 55 |
| 16 DAYSON | 11 | 1 | 0 | 5 | 0 | 127 | 223 |
| 17 RODSEVELT | 17 | 1 | 0 | 2 | 0 | 3 | 2,849 |
| 18 BEAVERHEAD | 9 | 2 | 0 | 5 | 0 | 210 | 35 |
| 19 CHUTEAU | 10 | 0 | 3 | 3 | 0 | 35 | 21 |
| 20 VALLEY | 14 | 0 | 0 | 0 | 0 | 35 | 227 |
| 21 TOOLE | 21 | 0 | 0 | 6 | 4 | 33 | 101 |
| 22 BIGHORN | 10 | 0 | 0 | 1 | 0 | 22 | 30 |
| 23 MUSSELSHELL | 7 | 0 | 3 | 3 | 0 | 25 | 67 |
| 24 BLAINE | 7 | 0 | 0 | 1 | 0 | 10 | 24 |
| 25 RADISON | 10 | 0 | 3 | 2 | 0 | 129 | 303 |
| 26 POWDERA | 22 | 0 | 4 | 0 | 0 | 77 | 214 |
| 27 RICHLAND | 17 | 0 | 6 | 4 | 0 | 22 | 132 |
| 28 POWELL | 16 | 21 | 3 | 1 | 0 | 174 | 303 |
| 29 ROSEBUD | 13 | 1 | 0 | 3 | 0 | 90 | 232 |
| 30 DEER LODGE | 19 | 10 | 0 | 7 | 0 | 335 | 443 |
| 31 TETON | 8 | 0 | 1 | 0 | 0 | 30 | 467 |
| 32 STILLWATER | 14 | 0 | 0 | 2 | 0 | 84 | 339 |
| 33 TREASURE | 4 | 0 | 2 | 0 | 0 | 3 | 277 |
| 34 SHERIDAN | 0 | 0 | 1 | 4 | 0 | 5 | 33 |
| 35 SANDERS | 22 | 0 | 0 | 0 | 0 | 45 | 154 |
| 36 JUDITH BASIN | 4 | 0 | 0 | 0 | 0 | 43 | 652 |
| 37 DANIELS | 70 | 0 | 0 | 0 | 0 | 4 | 80 |
| 38 GLACIER | 30 | 0 | 0 | 2 | 0 | 94 | 75 |
| 39 FALLON | 15 | 0 | 1 | 1 | 0 | 33 | 265 |
| 40 SWEET-GRASS | 2 | 0 | 3 | 1 | 0 | 15 | 82 |
| 41 MCCONE | 4 | 0 | 0 | 3 | 0 | 21 | 81 |
| 42 CARTER | 3 | 0 | 0 | 0 | 0 | 15 | 122 |
| 43 BROADWATER | 7 | 0 | 0 | 0 | 0 | 15 | 21 |
| 44 WHEATLAND | 6 | 0 | 0 | 0 | 0 | 73 | 260 |
| 45 PRAIRIE | 5 | 0 | 1 | 2 | 0 | 35 | 55 |
| 46 GRANITE | 5 | 0 | 1 | 2 | 0 | 23 | 80 |
| 47 MEAGHER | 2 | 0 | 1 | 3 | 0 | 62 | 50 |
| | | | | | | 74 | 154 |
| | | | | | | | 78 |

DATE: 01/05/93
TIME: 15:45

DEPARTMENT OF JUSTICE
MOTOR VEHICLE DIVISION

REPORT: JMVRS240

CURRENTLY REGISTERED VEHICLES NOT LICENSED FOR HWY USE

| COUNTY | STATE | ANTIQUE | VINTAGE | VINTAGE | OFF | SNOW | MOBILE | BOATS |
|------------------|--------|----------|---------|---------|----------|---------|--------|--------|
| EXEMPT | EXEMPT | PRIOR 34 | 31 YR | AGE | MOTORCYC | HIGHWAY | | |
| 46-LIBERTY | 1 | 0 | 1 | 3 | 0 | 39 | 43 | 137 |
| 49 PARK | 171 | 0 | 1 | 12 | 0 | 253 | 470 | 420 |
| 50 GARFIELD | 3 | 0 | 0 | 1 | 0 | 11 | 11 | 85 |
| 51-JEFFERSON | 10 | 1 | 3 | 4 | 0 | 222 | 166 | 402 |
| 52 WIGAUX | 2 | 0 | 3 | 1 | 0 | 3 | 7 | 6 |
| 53 GOLDEY VALLEY | 5 | 0 | 0 | 0 | 0 | 3 | 3 | 21 |
| 54-KINER | 6 | 0 | 0 | 2 | 0 | 45 | 67 | 142 |
| 55 PETROLEUM | 2 | 0 | 0 | 0 | 0 | 5 | 1 | 39 |
| 56 LINCOLN | 23 | 0 | 0 | 5 | 0 | 285 | 255 | 1,658 |
| 57-UNKNOWN | 0 | 0 | 0 | 1 | 0 | 3 | 1 | 7 |
| STATETIDE | 1,207 | 967 | 98 | 344 | 33 | 10,020 | 13,311 | 41,108 |

EXPIRED VEHICLES

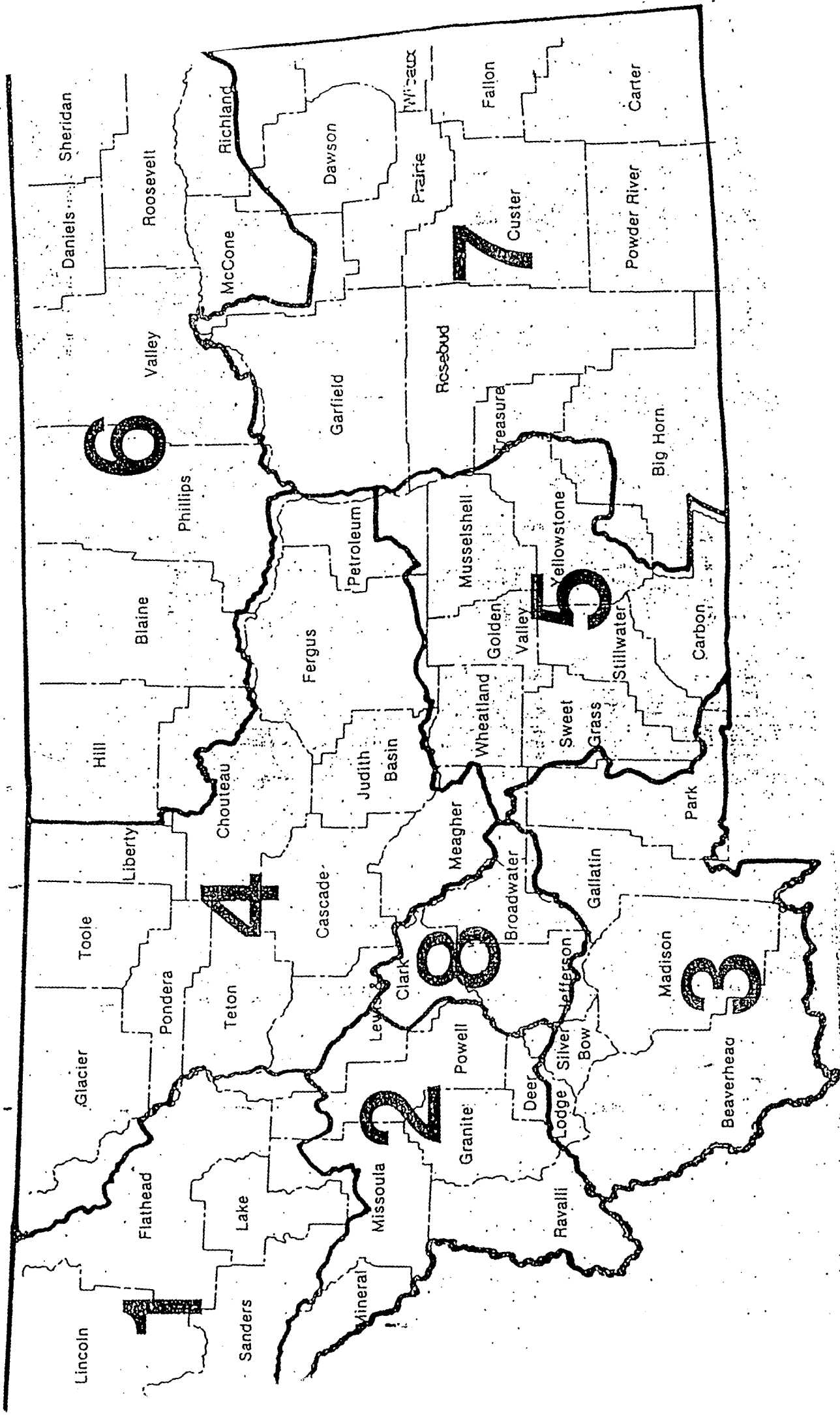
| | | | | | | | | |
|--------------|-------|-------|-------|-------|---|-------|--------|--------|
| 58 STATETIDE | 9,449 | 5,622 | 1,017 | 2,161 | 3 | 4,663 | 45,207 | 13,048 |
|--------------|-------|-------|-------|-------|---|-------|--------|--------|

TOTAL VEHICLES

| | | | | | | | | |
|---------|--------|-------|-------|-------|----|--------|--------|--------|
| ON FILE | 10,715 | 6,539 | 1,115 | 2,505 | 36 | 14,633 | 58,513 | 54,156 |
|---------|--------|-------|-------|-------|----|--------|--------|--------|

3-25-93
HB-463

Exhibit #1
3-25-93
HB-463





MONTANA BOATING ASSOCIATION

2307 HIGHWAY 93 SOUTH
KALISPELL, MONTANA 59901
PHONE 755-8767

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 3-25-93

BILL NO. HB 463

March 25, 1993

The Montana Boating Association is behind HB 463 because of the condition of our State Parks as a whole for boating facilities in Montana. We do have a few of them that are new and in good condition, I repeat a few. Montana has been promoting tourism for several years with the bed tax money and it is working. But the condition of the parks leave something to be desired. The Department doesn't have funds for proper maintenance and for improvements. Another problem, when they do upgrade a park, we seem to lose some of the facilities such as camping sites, restrooms, and roads to meet the new environmental standards and the natural surrounding standards.

The counties have been receiving the fees from boat registration in Montana and haven't used any of this money for boating facilities. We would like a small portion of this to go to the State which can be matched by Federal funds and then used in the area in which the boat is being used. Also, as boaters we would like to work with the Department on the management and use of boating facilities in Montana. Boat registrations have increased in Montana by 2,000 in 1992 and should increase again this year.

We would like your support of this bill to improve the Parks in Montana.

Thank you for your time.

Dave Seyfert

Amendments to House Bill No. 510
Third Reading Copy

Requested by Representative S.J. Hansen
For the Committee on Local Government

Prepared by Connie Erickson
March 24, 1993

1. Title, line 7.
Following: "MANAGER"
Insert: ", "

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

3. Title, line 9.
Following: "BODY"
Insert: ", AND PARK BOARD WARRANTS COUNTERSIGNED BY THE MAYOR OR
CITY MANAGER"

4. Title, line 9.
Following: "7-16-4202,"
Insert: "7-16-4209,"
Strike: "AND"

5. Title, line 10.
Following: "7-16-4227,"
Insert: "AND 7-16-4228,"

6. Page 2.
Following: line 23
Insert: "Section 3. Section 7-16-4209, MCA, is amended to read:
"7-16-4209. Duties of board officers. (1) The Except as provided in 7-16-4228(2), the president and, in his the president's absence, the vice-president shall preside at all meetings of the board and shall countersign all warrants issued by the board and perform ~~such~~ other duties as ~~shall be~~ are required and directed by the board.

(2) The city clerk, or ~~his~~ the clerk's designee, as ex officio clerk of the board of park commissioners, shall attend all meetings of ~~said the~~ the board and keep correct minutes of all proceedings of ~~said the~~ the board in a book to be provided for that purpose ~~by it,~~ to be called the record of the board of park commissioners of the city of It ~~shall be~~ is the duty of the city clerk as ~~such the~~ the clerk of the board of park commissioners

to keep an accurate account of all transactions of ~~said the~~ board separate from other city accounts and to make and submit in writing to ~~said the~~ board at the first meeting in January in each year a report under oath showing in detail all the receipts and disbursements made by the board during the year. The report ~~shall~~ must be in duplicate, and after being approved by ~~said the~~ board, one of ~~said the~~ duplicates ~~shall~~ must be filed in the office of the city clerk and one in the office of the city treasurer. The city clerk shall perform ~~such~~ other services as the board shall require. In the absence of the clerk, or ~~his~~ the clerk's designee, at any meeting held by the board, it shall designate one of its number as clerk pro tem to keep the minutes of ~~said the~~ meeting, which minutes ~~shall~~ must be delivered to the clerk to be transcribed into the record book of ~~said the~~ board.""
Renumber: subsequent section

7. Page 3.

Following: line 17

Insert: "Section 5. Section 7-16-4228, MCA, is amended to read:

"7-16-4228. Disbursement of money. All (1) Except as provided in subsection (2), all money paid out by the park commissioners under the provisions of this part shall must be by warrant drawn upon the city treasury, which shall must be signed by the city clerk and countersigned by the president or, in his the president's absence, by the vice-president of the board of park commissioners.

(2) A city may elect to have all warrants signed by the city clerk and countersigned by the mayor or city manager."

MCH'S MISSION STATEMENT

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 4

DATE 3-25-93

BILL NO. HB 221

The Montana Committee for the Humanities, founded in 1972, provides services and grants in support of public programs in history, literature, philosophy, and other disciplines of the humanities. The educational and cultural programs sponsored by the Committee encourage Montanans to reflect on humanity's creative achievements, to conserve cultural diversity, to probe the meaning of human values, and foster a deeper appreciation of ourselves, our culture, and our world.

MCH GOALS AND OBJECTIVES

In 1992-1995 the Committee will be guided by the following goals:

1. To promote public awareness, use, and appreciation of the disciplines of the humanities in Montana.
2. To stimulate the development of humanities programs which promote dialogue between scholars in the humanities and the adult public, and which benefit both.
3. To improve the quality of the teaching of the humanities in Montana schools by providing stimulating special humanities programs for teachers.
4. To provide greater financial stability and public visibility for the work of the Montana Committee for the Humanities.

The Montana Committee for the Humanities' objectives for the next three years center on the following areas:

1. Extending outreach and access to the humanities across the state, and deepening cooperative relationships with other cultural organizations such as schools, museums, and tribal organizations, in order to promote public use of the humanities.
2. Developing humanities-centered public policy discussions for regular airing on TV and possibly radio, as a means of extending outreach efforts and promoting public awareness and appreciation of the disciplines of the humanities.
3. Improving humanities programs for Montana teachers, and expanding the "Scholar in the Schools" model to test a "Scholar in the Tribe" program as part of the effort to improve the quality of teaching and the use of the humanities in Montana.
4. Improving the quality of humanities programming and procedures in small museums and historical associations across the state through the provision of technical assistance which will stimulate the development of these humanities institutions in small towns.
5. Encouraging participation by scholars from every college and university in the state by means of a diverse range of calls for their participation and of formats for their contributions and involvement in all phases of programming.
6. Improving promotions and marketing both to develop greater visibility for the agency and to develop greater financial stability through annual fund drives, endowment development, and requests to governmental, foundation, and corporate sources.

3-25-93

HB-221

7. Focusing on topics relating to Montana's place in an interdependent world, and in particular calling attention to the need for the development of North-South communication and understanding in this Hemisphere to demonstrate the relevance of the disciplines and methods of the humanities to current conditions of public life.

MONTANA COMMITTEE FOR THE HUMANITIES FACT SHEET

WHAT IS IT? The Montana Committee for the Humanities (MCH) provides services and grants in support of Montana public programs in history, literature, philosophy, foreign languages, art criticism and other disciplines of the humanities. Since 1972, MCH has awarded more than \$5 million in grants to a variety of nonprofit cultural organizations serving Montana. A board of nineteen Montanans meets quarterly to review grants.

WHO DOES IT REACH? Media projects underwritten by MCH have an estimated audience of 450,000 people each year and reach 90% of Montana households through radio and television. In the last two years 80% of Montana's 56 counties hosted MCH funded public presentations.

WHAT ARE ITS PROGRAMS? MCH sponsors a Speakers Bureau that in the last five years has brought more than 500 speakers to towns across Montana. MCH has an audio/video collection of over 175 pieces available for check out, sponsors **READON!** program that provides books and scholars for reading and discussion programs and funds seminars, conferences and panel discussions. It also sponsors weekend institutes for teachers and a scholar in the schools program in Winnett.

WHAT HAS IT ACCOMPLISHED? Most recently, the widely acclaimed Montana anthology, The Last Best Place, was produced with the assistance of MCH grant funds. MCH has been active in developing programs for teachers, including summer and weekend institutes in the humanities. In addition, MCH has actively helped tribal members document their history, culture, and experience through award-winning media projects such as "The Place of Falling Waters," a film focusing on the Flathead Reservation's history and the nationally acclaimed film, "The Last Stand."

WHAT IS ITS FUNDING SOURCE? MCH is funded by private, state and federal funds from National Endowment for the Humanities (NEH). MCH is a nonprofit organization with a 1993 budget of \$432,600. Federal funds must be matched dollar for dollar. Private contributions are essential to this effort. The MCH has also received \$25,000 from Montana's Cultural Trust for the 1991-93 biennium.

WHY IS IT IMPORTANT? MCH has brought humanities programs and discussions across Montana from Ekalaka to Eureka. It has helped provide speakers and media presentations to rural constituents, reservations and major population centers.

COMMUNITIES SPONSORING *Speakers Bureau* PROGRAMS
July 1, 1991 to June 30, 1993

| Community (# of Programs) | Population |
|---------------------------|------------|
| ABSAROKEE (2) | 1,067 |
| ANACONDA (1) | 10,278 |
| BALLANTINE (1) | * |
| BIGFORK (3) | 1,080 |
| BILLINGS (10) | 81,151 |
| BOZEMAN (5) | 22,660 |
| BUTTE (6) | 33,336 |
| CHOTEAU (1) | 1,741 |
| COLSTRIP (1) | 3,035 |
| CONDON (1) | * |
| CULBERTSON (1) | 796 |
| DEER LODGE (5) | 10,278 |
| DILLON (7) | 3,991 |
| ENNIS (2) | 773 |
| FORT BENTON (1) | 1,660 |
| GARDINER (1) | 670 |
| GLASGOW (3) | 3,572 |
| GLENDIVE (2) | 4,802 |
| GREAT FALLS (13) | 55,097 |
| HAMILTON (13) | 2,737 |
| HARLOWTON (1) | 1,049 |
| HELENA (10) | 24,569 |
| HOT SPRINGS (1) | 411 |
| INGOMAR (1) | * |
| JOILET (1) | 522 |
| KALISPELL (10) | 11,917 |
| LAUREL (1) | 5,686 |
| LEWISTOWN (6) | 6,051 |
| LIBBY (4) | 2,531 |
| LIVINGSTON (2) | 6,801 |
| MALTA (1) | 2,340 |
| MILES CITY (1) | 8,461 |
| MISSOULA (12) | 42,918 |
| PABLO (1) | * |
| POLSON (5) | 3,283 |
| POPLAR (3) | 881 |
| SIDNEY (2) | 5,217 |
| ST. IGNATIUS (1) | 778 |
| TROY (3) | 953 |
| WEST GLACIER (1) | 300 |
| WEST YELLOWSTONE (1) | 913 |

| | |
|---------------------------|-------|
| WHITE SULPHUR SPRINGS (1) | 963 |
| WHITFISH (2) | 4,368 |
| WOLF POINT (1) | 2,880 |
| YELLOW BAY (1) | * |

* Population statistics were unavailable for these small communities.

Become a Friend

Become a Friend of the Humanities by joining others in contributing to our quality of life in Montana. Your gift will entitle you to receive our informative newsletter, invitations to special events and notification of forthcoming programs in your area.

Yes, I would like to keep the humanities alive and lively in Montana by becoming a Friend. I understand my gift may be submitted for match by the National Endowment for the Humanities.

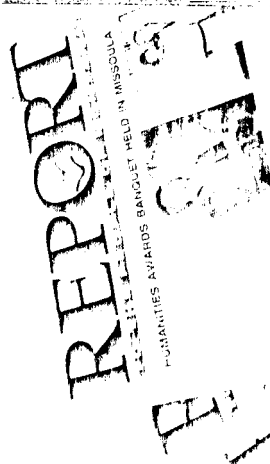
Please list me as (check box):

☐ Benefactor (\$250) ☐ Patron (\$100) ☐ Associate (\$50)
☐ Contributor (\$25) ☐ Other

Name _____
 Address _____
 City _____ Zip _____
 Telephone _____
 Amount enclosed \$ _____

Make checks payable to:

**Montana Committee for the
 Humanities — Friends**
 P.O. Box 8036 Missoula, MT 59807



Montana Committee for the Humanities
 P.O. Box 8036 Missoula, MT 59807

The Montana Committee for the Humanities, founded in 1972, provides services and grants in support of public programs in history, literature, philosophy, and other disciplines of the humanities. The educational and cultural programs sponsored by the Committee encourage Montanans to reflect on humanity's creative achievements, to conserve cultural diversity, to probe the meaning of human values, and foster a deeper appreciation of ourselves, our culture, and our world.

John

John Optiz, MD
 MCH Chair

SENATE LOCAL GOVERNMENT
 EXHIBIT NO. 5
 DATE 2-25-93
 BILL NO. HB 221

Landscapes of the Mind

**Montana Committee
 for the Humanities**

Our Mission

The humanities include archeology, history, philosophy, languages and linguistics, ethics, literature, jurisprudence, the theory, history, and criticism of art and music, comparative religion plus philosophical and historical aspects of the social sciences.

For nearly two decades, MCH has been granting funds from the National Endowment for the Humanities to nonprofit groups across Montana working in the development of public programs in the humanities. Project sponsors include citizens groups, tribes, and organizations such as museums, libraries, historical associations, the Montana Historical Society, the State Library, many schools, and all of the institutions of higher education across our state.

Nineteen Montanans from diverse backgrounds serve terms of four years on the Montana Committee for the Humanities. Four of the 19 are appointed by the Governor. These volunteers, half of whom are academics in the humanities and half are members of the general public, guide the MCH's policy and grant making programs and decisions. They are assisted by a professional staff which serves Montana from MCH's home offices in Missoula.

Our Commitment

The Montana Committee for the Humanities approaches its third decade of service to Montana eager to further its tradition of excellence in public humanities programming. MCH encourages programs that:

- improve the teaching of the humanities in the schools
- deepen our understanding of the exchanges between North America, Europe, and South America precipitated by Columbus' voyage
- promote a better understanding of Montana's place in an interdependent world

We invite you to join us in service to Montana by becoming a Friend of the Humanities.

Our Services

Since 1972, the Montana Committee for the Humanities has awarded more than \$4,000,000 in grants ranging from \$50 to \$25,000 to non profit cultural organizations serving Montana. These organizations have matched MCH's contributions dollar for dollar, enriching Montana's cultural life with more than \$8,000,000 for public programs. Just in the past two years ninety-six percent of Montana's counties have hosted MCH-funded public presentations.

Program Formats

Program formats include seminars, reading and discussion groups, forums, educational radio, film, and video productions, conferences and panel discussions.

Packaged Programs

The MCH Speakers Bureau and audio/visual collection offer packaged programs on subjects such as Native American cultures and traditions, events in Eastern Europe, and Montana history and literature. Media projects underwritten by the Montana Committee for the Humanities have reached 90% of Montana households.

The Last Best Place

The widely acclaimed anthology of Montana writing, *The Last Best Place*, is among the many humanities products furthering cultural awareness throughout Montana, and produced with the assistance of MCH grant funds.

Montana Awards in the Humanities

Annually, the Montana Committee for the Humanities honors outstanding citizens and scholars who have devoted their study and service to illuminating Montana's history, culture and experience. The Montana Award in the Humanities has been presented to 14 Montanans from public and academic life.

MCH Membership

Public

Ms. Judy Browning
Helena
Mr. Larry Kravik
Richland
Ms. Sara McClerman
Butte
Dr. John Opitz, Chair
Helena
Mr. Bruce R. Toole
Billings

Governor's Appointees

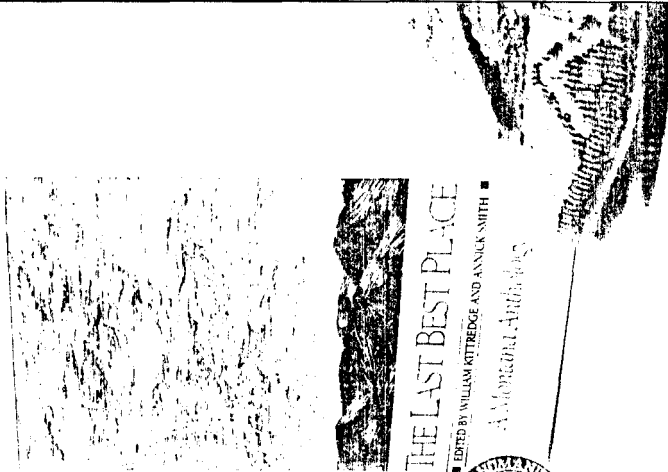
Mr. Ron Bibler
Great Falls
Ms. Jamie Doggett
White Sulphur Springs
Dr. Andrew Elting
Miles City
Ms. Lee Rostad
Martinsdale

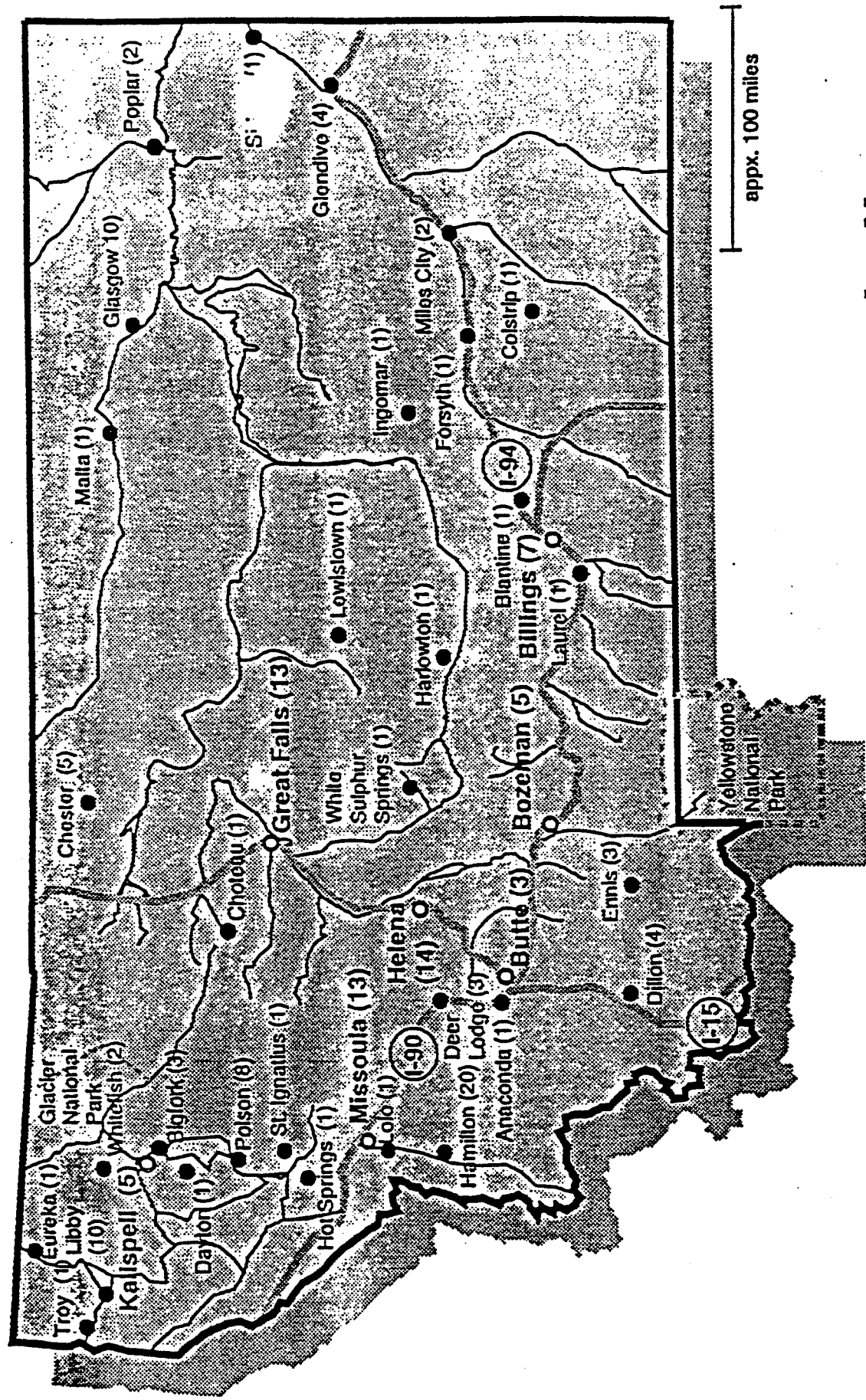
Academic

Prof. Rose Marie Aus, Vice Chair
Glendive
Prof. Michael Beehler
Bozeman
Mr. Tim Bernhardt
Crow Agency
Prof. William Chaloupka
Missoula
Prof. Ken Egan
Billings
Prof. Walter C. Fleming
Bozeman
Prof. David Karnos
Billings
Prof. Paul Monaco
Bozeman
Mr. David Walter
Helena

MCH Staff

Dr. Margaret Kingsland, Exec. Dir.
Ms. Nancy Maxson
Ms. Mary Thamarus
Missoula





MCH Speakers Bureau Presentations

Jan. 1, 1990 - Mar. 1, 1992

Amendments to House Bill No. 221

Requested by The Montana Committee for the Humanities

Prepared by Jamie Doggett,
Chair of the Montana Committee for the Humanities
March 25, 1993

1. Title, line 6.
Following: "ARTS"
Insert: "AND THE HUMANITIES"
2. Page 1, line 13.
Following: "ARTS"
Insert: "AND THE HUMANITIES"
3. Page 1, line 15.
Following: "ARTS"
Insert: "AND THE HUMANITIES"
4. Page 2, line 2.
Following: "ARTS"
Insert: "AND THE HUMANITIES"
5. Page 2, line 7.
Following: "ARTS"
Insert: "AND THE HUMANITIES"
6. Page 2, line 14.
Following: "ARTS"
Insert: "AND THE HUMANITIES"

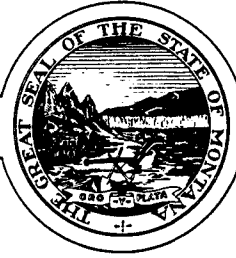
SENATE LOCAL GOVERNMENT

EXHIBIT NO. 6

DATE 3-25-93

BILL NO. HB 221

MONTANA ARTS COUNCIL



MARC RACICOT, GOVERNOR

316 NORTH PARK AVENUE
CITY COUNTY BUILDING, ROOM 252

STATE OF MONTANA

(406) 444-6430
FAX: (406) 444-6548

PO BOX 202201
HELENA, MONTANA 59620-2201

March 24, 1993

Senator Ed Kennedy, Chair
Senate Local Government Committee
State Capitol Building
Helena, MT 59620

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 7

DATE 3-25-93

BILL NO. HB 221

Dear Senator Kennedy:

I am writing in support of HB221 that allows "counties to establish grant programs for private, non-profit museums and private, non-profit facilities for the arts."

Montana is blessed by many cultural facilities in its cities and small towns. These facilities display artifacts of Montana history and artwork produced by its citizens as well as showcasing high quality exhibitions that have been curated outside of the state.

It is these facilities that not only provide important educational opportunities for young and old alike but also serve as an important component in community tourism and economic development strategies.

The majority of these facilities are either owned or operated by community non-profit organizations that are involved in an on-going effort to seek funding from private and public sources. HB221 will allow counties the option to provide a part of this essential local funding base which can help stabilize local cultural institutions.

It should also be mentioned that state, regional and national funding entities consider the provision of local matching dollars as an important factor in making decisions about the distribution of their scarce grant resources.

I urge your favorable consideration of this bill.

Sincerely,

Arlynn Fishbaugh
Arlynn Fishbaugh
Executive Director



Montana Audubon Council

State Office: P.O. Box 595 • Helena, MT 59624 • (406) 443-3949

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 8

DATE 3-25-93

BILL NO. HB 528

Chapters:

Bitterroot Audubon
Bitterroot Valley

Flathead Audubon
Flathead Valley

Five Valleys Audubon
Missoula

Last Chance Audubon
Helena

Pintlar Audubon
Southwest Montana

Rosebud Audubon
Miles City

Sacajawea Audubon
Bozeman

Upper Missouri
Breaks Audubon
Great Falls

Yellowstone Valley
Audubon
Billings

Mr. Chairman and members of the committee:

My name is Dave Ross, and I represent the Montana Audubon Legislative Fund. We support HB 528.

From the standpoint of an environmental agency this bill is a good thing, but it also represents much more. There are three major areas that will benefit from HB 528. One aspect is the encouragement of beautification projects from individuals and businesses in the various communities. Another benefit is the stimulation of local economies through the creation of jobs brought about from the forestry program. Lastly, HB 528 will establish a reliable, long-term urban forestry program. Currently, it is the National Forest Service that heads this effort; however, from talking with the Department of State Lands, the NFS does not intend to fund this program indefinitely, or for the long-term. A program needs to be implemented that has long-term objectives and goals in mind.

For these reasons, we support HB 528.

Thank you,

David H. Ross



Recycled Paper

Amendments to House Bill No. 375
Third Reading Copy

Requested by Representative Brandewie
For the Committee on Local Government

Prepared by Connie Erickson
March 24, 1993

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 9
DATE 3-25-93
BILL NO. HB 375

1. Title, line 5.
Strike: "PROHIBITING"
Insert: "CREATING A PRESUMPTION WITH RESPECT TO"

2. Title, line 6.
Following: "BETWEEN"
Insert: "CERTAIN"

3. Page 1, line 20.
Strike: "prohibit"
Insert: "discourage"

4. Page 2, line 19.
Following: the first "a"
Insert: "rebuttable"

5. Page 3, line 7.
Following: "factory"
Insert: "on or after January 1, 1990"

6. Page 3, line 10.
Following: "customarily"
Insert: ", as defined by local regulations,"

7. Page 4, line 10.
Following: the first "a"
Insert: "rebuttable"

8. Page 4, line 14.
Following: "factory"
Insert: "on or after January 1, 1990"

amended -- 1
3-25-93
HB-375

9. Page 4, line 17.

Following: "customarily"

Insert: ", as defined by local regulations,"

Amendments to House Bill No. 367
Third Reading Copy

Requested by Senator Bartlett
For the Committee on Local Government

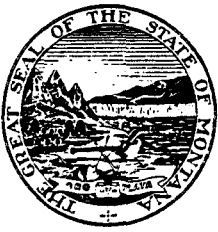
Prepared by Connie Erickson
March 12, 1993

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 10
DATE 3-25-93
BILL NO. HB 367

1. Page 1, line 12.
Following: "office."
Insert: "(1)"

2. Page 1, line 19.
Strike: "An"
Insert: "Except as provided in subsection (2), an"

3. Page 1.
Following: line 20
Insert: "(2) A person appointed to fill a vacancy in an elected
municipal office shall file the oath of office with the
county election administrator."



The Big Sky Country

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SENATE LOCAL GOVERNMENT

EXHIBIT NO. 11

DATE 3-25-93

BILL NO. HB 479

MEMORANDUM

TO: Members, Senate Local Government Committee

FROM: Don Larson, Sponsor, House Bill 479

RE: House Bill 479

DATE: March 25, 1993

I would like to take this opportunity to encourage you to pass HB 479 out with a "DO CONCUR" recommendation. The bill is an important step for rural Montana and for local governments faced with increasing state and federally-mandated programs.

The policy issue in this bill is this: We in state government acknowledge the difficulty in complying with state and federal mandates, and we intend to try to make state government more responsive by identifying the costs of the programs we are sending down.

I hope you will agree with this policy direction and pass the bill out. If you do, and the measure passes successfully into law, I will be back next session after watching the success (or failure) of the measure to either fine-tune it or repeal it. Also, I will be back next session with legislation to develop a point system for mandated projects which will allow those projects a higher priority when competing with non-mandated projects for state water bonding and TSEP funds.

Thank you for your consideration on this matter.

A handwritten signature, likely of Don Larson, in dark ink.

DL:vn