

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on January 17, 1995, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Ethel M. Harding, Vice Chairman (R)
Sen. Sharon Estrada (R)
Sen. Delwyn Gage (R)
Sen. Don Hargrove (R)
Sen. Dorothy Eck (D)
Sen. John "J.D." Lynch (D)
Sen. Jeff Weldon (D)

Members Excused: none

Members Absent: none

Staff Present: Susan Fox, Legislative Council
Elaine Johnston, Committee Secretary

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

Committee Business Summary:

Hearing: SB 99
Executive Action: SB 8, SB 2, SB 99

*{Tape: 1; Side: A; Approx. Counter: ; Comments: The tape malfunctioned on the
hearing for SB 99, but the hearing was very short and notes were taken.}*

HEARING ON SB 99

Opening Statement by Sponsor:

SEN. TOM KEATING, SD 5, Billings, presented SB 99 which allows the Board of County Commissioners to determine the site for the auction sale of real or personal property valued in excess of \$2,500. The basis for this bill is so that if there are very large items (ex. tractors) will be able to be seen by the buyers.

Preponents' Testimony:

Gordon Morris, Director, Montana Association of Counties, testified in support of SB 99.

Opponents' Testimony: none

Questions From Committee Members and Responses:

SEN. DELWYN GAGE asked SEN. KEATING if he felt a need to have SB 99 go into effect on passage and approval? SEN. KEATING replied that he did not feel a need for it as the House may put it on SB 99.

CHAIRMAN TOM BECK asked if the fiscal year of July 1, 1995 should be put on SB 99? Once again, SEN. KEATING replied that he did not feel it necessary.

Closing by Sponsor:

SEN. KEATING closed on SB 99 and urged support from the committee.

EXECUTIVE ACTION ON SB 8

Discussion:

Susan Fox of the Legislative Council presented the amendments to SB 8.

The first amendment clarifies who can declare bankruptcy in regards to local entities.

The second amendment is to streamline the language of SB 8. SEN. GAGE asked for the difference between "in writing" and "considered acceptance". Susan Fox explained that "considered acceptance" was one of the conditions upon which the local entities can submit itself to and perform the plan of a judgement as required by the federal bankruptcy laws.

SEN. JEFF WELDON expressed that when the amendment was first presented the word "deemed" was used rather than "considered" in page 2 line 12 of "or considered acceptance". Susan Fox responded that "considered" is the equivalent to "deemed" in the Legislative Council.

Motion/Vote:

SEN. LYNCH MOVED to ACCEPT the amendments to SB 8. The MOTION CARRIED unanimously.

Discussion:

SEN. LYNCH wanted to know how consolidated counties are handled as counties are not included in the definition of local entities in SB 8. Susan Fox replied that consolidated counties are handled in the entity created in Title seven.

Motion/Vote:

SEN. LYNCH MOVED SB 8 DO PASS AS AMENDED. The MOTION CARRIED unanimously.

EXECUTIVE ACTION ON SB 2

Discussion:

Susan Fox presented the amendments to SB 2 which were originally presented by Mae Nan Ellingson an attorney from Billings.

The first amendment would allow that more than one method may be used to asses improvements in a district.

The second amendment regarding pedestrian malls using revolving funds should be subject to the same conditions found in SB 2.

The third amendment of SB 2 may only be added on the condition that SB 8 passes. This amendment allows for bankruptcy language to be included in SB 2. The reason it is based on the passage of SB 8 is that SB 8 would qualify these improvement districts for bankruptcy.

CHAIRMAN BECK asked what will happen to the third amendment if SB 8 does not pass on the floor? Susan Fox said in that event the third amendment will not be included in SB 2.

Motion/Vote:

SEN. LYNCH MOVED to ACCEPT the amendments to SB 2. The MOTION CARRIED unanimously.

Motion/Vote:

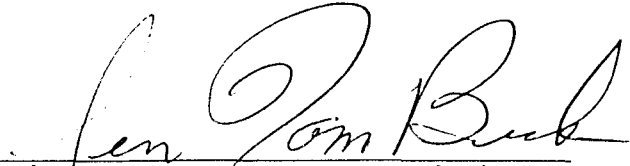
SEN. LYNCH MOVED SB 2 DO PASS AS AMENDED. The MOTION CARRIED unanimously.

EXECUTIVE ACTION ON SB 99

Motion/Vote: SEN. WELDON MOVED SB 99 DO PASS. The MOTION CARRIED unanimously.

ADJOURNMENT

-
Adjournment: 2:10 p.m.


SEN. THOMAS A. BECK, Chairman


ELAINE JOHNSTON, Secretary

TB/ej

ROLL CALL

1-17-95

SEN:1995
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CS-09

SENATE STANDING COMMITTEE REPORT

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January 17, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 8 (first reading copy -- white), respectfully report that SB 8 be amended as follows and as so amended do pass.

Signed: 
Senator Tom Beck, Chair

That such amendments read:

1. Page 1, line 23.

Strike: "or"

Following: "town,"

Insert: "or an improvement district created by a city or town,"

2. Page 2, line 12.


Strike: "in writing"

Insert: "or considered acceptance"

3. Page 2, line 13.

Strike: "its indebtedness by creditors of"

-END-

 Amd. Coord.
SA Sec. of Senate

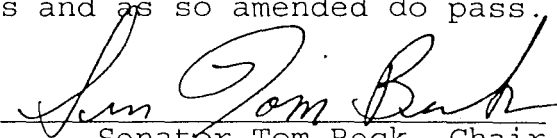
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 17, 1995

MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB 2 (first reading copy -- white), respectfully report that SB 2, be amended as follows and as so amended do pass.

Signed: 

Senator Tom Beck, Chair

That such amendments read:

1. Page 2, line 2.

Following: "~~or methods~~"

Insert: "or methods"

2. Page 13, lines 8 and 19.

Following: "7-12-4106." on lines 8 and 19

Insert: "However, if special improvement district bonds are proposed to be issued and secured by the revolving fund, the requirements of 7-12-4106 through 7-12-4114, 7-12-4169, 7-12-4189, 7-12-4222, 7-12-4223, and 7-12-4225 must be met by the governing body."

3. Page 13, line 27.

Insert: "

NEW SECTION. Section 15. Coordination instruction. If Senate Bill No. 8 is approved, then in [section 6(2)(a)(i) of the first reading copy of this act], amending 7-12-2185, the following language must be inserted following the word "paid": "or discharged in a bankruptcy case in which the special improvement district is the debtor"."

Renumber: subsequent sections

-END-



Amd. Coord.

SA Sec. of Senate

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SENATE STANDING COMMITTEE REPORT


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
MR. PRESIDENT:

We, your committee on Local Government having had under consideration SB99 (first reading copy -- white), respectfully report that SB99 do pass.

Signed: _____


Senator Tom Beck, Chair

 Amd. Coord.

 Sec. of Senate

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DATE 1-17-95

SENATE COMMITTEE ON LOCAL GOVERNMENT

BILLS BEING HEARD TODAY: SB 99

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Check One

Name	Representing	Bill No.	Support	Oppose
<i>Kendon Morris</i>	<i>MAC</i>	<i>SB 99</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Charles R. Brooks</i>	<i>Yellowstone County</i>	<i>SB 99</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Brian Dupin</i>	<i>Cascade County</i>		<input type="checkbox"/>	<input type="checkbox"/>
<i>Rose Magnusson</i>	<i>Idaho State Service Center</i>	<i>-XX</i>	<input type="checkbox"/>	<input type="checkbox"/>
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VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY