

HOUSE BILL NO. 737

INTRODUCED BY BERGENE, SPAETH, KEENAN, KADAS, FRITZ,  
PHILLIPS, MILES, NATHE

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND  
REHABILITATION SERVICES

IN THE HOUSE

February 9, 1985	Introduced and referred to Committee on Human Services and Aging.
February 19, 1985	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
February 21, 1985	Second reading, do pass.  Considered correctly engrossed.
February 22, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 16, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 21, 1985	Second reading, concurrred in.
March 23, 1985	Third reading, concurrred in. Ayes, 48; Noes, 1.  Returned to House with amendments.

IN THE HOUSE

March 25, 1985	Received from Senate.
April 8, 1985	Second reading, amendments not concurred in.  On motion, Free Conference Committee requested.
April 9, 1985	Free Conference Committee appointed.
April 17, 1985	Free Conference Committee reported.
April 18, 1985	Second reading, Free Conference Committee report adopted.  Third reading, Free Conference Committee report adopted.  Free Conference Committee report adopted by Senate.
April 19, 1985	Sent to enrolling.  Reported correctly enrolled.

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 7 ATTORNEY OR COUNTY WELFARE DEPARTMENT TO CONVENE ADULT  
 8 PROTECTIVE SERVICE TEAMS TO ASSIST OLDER PERSONS WHO ARE  
 9 VICTIMS OF ABUSE, NEGLECT, OR EXPLOITATION; PERMITTING  
 10 DISCLOSURE OF REPORTS FILED UNDER THE MONTANA ELDER ABUSE  
 11 PREVENTION ACT TO SUCH TEAMS; AMENDING SECTION 53-5-513,  
 12 MCA."

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

15 NEW SECTION. Section 1. Adult protective service  
 16 teams. The county attorney or the county welfare department  
 17 may convene one or more temporary or permanent  
 18 interdisciplinary adult protective service teams. These  
 19 teams may assist in assessing the needs of, formulating and  
 20 monitoring a treatment plan for, and coordinating services  
 21 to older persons who are victims of abuse, neglect, or  
 22 exploitation. The supervisor of adult protective services of  
 23 the county welfare department or his designee shall serve as  
 24 the team's coordinator. Members must include a social  
 25 worker, a member of a local law enforcement agency, a

1 representative of the medical profession, and a county  
 2 attorney.

3 Section 2. Section 53-5-513, MCA, is amended to read:  
 4 "53-5-513. Confidentiality. (1) The case records of  
 5 the department of social and rehabilitation services and its  
 6 local affiliate, the county welfare department, the county  
 7 attorney, and the court, concerning actions taken under this  
 8 part, and all reports made pursuant to 53-5-511 shall be  
 9 kept confidential except as provided by this section.

10 (2) The records and reports required to be kept  
 11 confidential by subsection (1) may be disclosed, upon  
 12 request, to the following persons or entities in this or any  
 13 other state:

14 (a) a physician who has in his care an older person  
 15 who he reasonably believes was abused, neglected, or  
 16 exploited;

17 (b) a legal guardian or conservator of the older  
 18 person if the identity of the person who made the report is  
 19 protected and the legal guardian or conservator is not the  
 20 person suspected of the abuse, neglect, or exploitation;

21 (c) the person named in the report as allegedly being  
 22 abused, neglected, or exploited if that person is not  
 23 legally incompetent; and

24 (d) any person engaged in bona fide research if the  
 25 person alleged in the report to have committed the abuse,



1 exploitation, or neglect is later convicted of an offense  
 2 constituting abuse, exploitation, or neglect and if the  
 3 identity of the older person who is the subject of the  
 4 report is not disclosed to the researcher; and

5 (e) an adult protective service team. Members of the  
 6 team are required to keep information about the subject  
 7 individuals confidential.

8 (3) The records and reports required to be kept  
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12 (a) a county attorney or other law enforcement  
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 14 investigation of a violation of this part;

15 (b) a court which has determined, in camera, that  
 16 public disclosure of the report, data, information, or  
 17 record is necessary for the determination of an issue before  
 18 it;

19 (c) a grand jury upon its determination that the  
 20 report, data, information, or record is necessary in the  
 21 conduct of its official business.

22 (4) If the person who is reported to have abused,  
 23 neglected, or exploited an older person is the holder of a  
 24 license, permit, or certificate issued by the department of  
 25 commerce or any other entity of state government under the

1 provisions of Title 37, the report may be submitted to the  
 2 entity that issued the license, permit, or certificate."

3 NEW SECTION. Section 3. Codification instruction.  
 4 Section 1 is intended to be codified as an integral part of  
 5 Title 53, chapter 5, part 5, and the provisions of Title 53,  
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APPROVED BY COMM. ON HUMAN SERVICES AND AGING

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HOUSE BILL NO. 736

INTRODUCED BY LORY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE GOVERNING BODY OF A MUNICIPALITY OR A COUNTY TO REQUIRE FINANCIAL SECURITY FROM AN OWNER OF 25 PERCENT OR MORE OF THE LOTS WITHIN AN IMPROVEMENT DISTRICT FOR REIMBURSEMENT OF A REVOLVING FUND; AMENDING SECTIONS 7-12-2181, 7-12-2182, 7-12-4221, AND 7-12-4222, MCA."

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

Section 1. Section 7-12-4221, MCA, is amended to read:

"7-12-4221. Creation of special improvement district revolving fund. (1) The council or commission of any city or town which has heretofore created or may hereafter create any special improvement district or districts for any purpose may in its discretion create, establish, and maintain by ordinance a fund to be known and designated as the special improvement district revolving fund in order to secure prompt payment of any special improvement district bonds or sidewalk, curb, and alley approach warrants issued in payment of improvements made therein and the interest thereon as it becomes due. Nothing herein shall authorize or permit the elimination of a revolving fund until all bonds and warrants secured thereby and interest thereon have been

fully paid and discharged.

(2) Whenever a person holds title or contract interest in 25% or more of the lots, parcels, or tracts of land within a special improvement district, the governing body of the municipality may require that person to post an irrevocable letter of credit, a bond, or other financial security acceptable to the governing body, in order that money may be available to reimburse the revolving fund if lot owners within the district default or are delinquent in payment of assessments for the improvement district."

Section 2. Section 7-12-2182, MCA, is amended to read:

"7-12-2182. Sources of money for revolving fund. (1) For the purpose of providing funds for such revolving fund, the board of county commissioners:

(a) may, in its discretion and from time to time, transfer to the revolving fund from the general fund of the county such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be considered and shall be loans from such general fund to the revolving fund; and

(b) may reimburse the revolving fund with security held by the governing body under ~~7-12-4221(2)~~ 7-12-2181(2); and

~~(b)(c)~~ shall, in addition to such transfer or transfers from the general fund or in lieu thereof, levy and



1 collect for such revolving fund such a tax, hereby declared  
 2 to be for a public purpose, on all the taxable property in  
 3 such county as shall be necessary to meet the financial  
 4 requirements of such fund. However, a tax may not be levied  
 5 if the balance in the revolving fund exceeds 5% of the  
 6 principal amount of the then-outstanding rural special  
 7 improvement district bonds and warrants secured thereby. If  
 8 a tax is levied, the tax may not be an amount that would  
 9 increase the balance in the revolving fund above 5% of the  
 10 then-outstanding rural special improvement district bonds  
 11 and warrants secured thereby.

12 (2) Whenever there shall be money in the district fund  
 13 which is not required for payment of any bond or warrant of  
 14 such district secured by the revolving fund or of interest  
 15 thereon, so much of such money as may be necessary to pay  
 16 the loan provided for in 7-12-2183 shall, by order of the  
 17 board, be transferred to the revolving fund. After all the  
 18 bonds and warrants secured by the revolving fund issued on  
 19 any rural special improvement district have been fully paid,  
 20 all money remaining in such district fund shall by the order  
 21 of the board be transferred to and become part of the  
 22 revolving fund."

23 Section 3. Section 7-12-2181, MCA, is amended to read:

24 "7-12-2181. Creation of rural improvement district  
 25 revolving fund. (1) The board of county commissioners of

1 any county in the state which may create any rural special  
 2 improvement district or districts for any purpose may (in  
 3 order to secure prompt payment of any special improvement  
 4 district bonds or warrants issued in payment of improvements  
 5 made therein and the interest thereon as it becomes due)  
 6 create, establish, and maintain by resolution a fund to be  
 7 known and designated as the rural special improvement  
 8 district revolving fund. Nothing herein shall authorize or  
 9 permit the elimination of a revolving fund until all bonds  
 10 and warrants secured thereby and the interest thereon have  
 11 been fully paid and discharged.

12 (2) Whenever a person holds title or contract interest  
 13 in 25% or more of the lots, parcels, or tracts of land  
 14 within a rural special improvement district, the board of  
 15 county commissioners may require that person to post an  
 16 irrevocable letter of credit, a bond, or other financial  
 17 security acceptable to the commissioners, in order that  
 18 money may be available to reimburse the revolving fund if  
 19 lot owners within the district default or are delinquent in  
 20 payment of assessments for the improvement district."

21 Section 4. Section 7-12-4222, MCA, is amended to read:

22 "7-12-4222. Sources of money for revolving fund. (1)  
 23 For the purpose of providing funds for such revolving fund,  
 24 the city or town council:

25 (a) (i) may, in its discretion and from time to time,



1 transfer to the revolving fund from the general fund of the  
 2 city or town such amount or amounts as may be deemed  
 3 necessary, which amount or amounts so transferred shall be  
 4 deemed and considered and shall be loans from such general  
 5 fund to the revolving fund; and

6 (ii) may include in the cost of the improvement to be  
 7 defrayed from the proceeds of the bonds or warrants an  
 8 amount up to 5% of the principal amount of the bonds or  
 9 warrants and deposit it in the revolving fund upon receipt  
 10 of such proceeds; and

11 (iii) may reimburse the revolving fund with security  
 12 held by the council under 7-12-4221(2); and

13 (b) shall, in addition to such transfer or transfers  
 14 from the general fund or in lieu thereof, levy and collect  
 15 for such revolving fund such a tax, hereby declared to be  
 16 for a public purpose, on all the taxable property in such  
 17 city or town as shall be necessary to meet the financial  
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 3 such district secured by the revolving fund or of interest  
 4 thereon, so much of such money as may be necessary to pay  
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# CONFERENCE COMMITTEE REPORT

Report No. ....°1.....

..April..16.. 19..85..

MR. SPEAKER

We, your \_\_\_\_\_ FREE \_\_\_\_\_ Conference Committee on

\_\_\_\_\_ House Bill 737, reference copy (salmon) \_\_\_\_\_

met and considered \_\_\_\_\_ House Bill 737 in its entirety \_\_\_\_\_

We recommend as follows:

1. Page 2, line 3.  
Following: "DESIGNEE"  
Insert: ", who is an attorney"

And that this Conference Committee report be adopted.

FOR THE SENATE



LYNCH, CHM.

  
NEUMAN

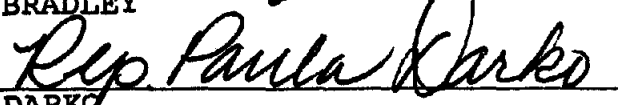
  
STEPHENS


ADOPT      REJECT

FOR THE HOUSE

  
BERGENE

  
BRADLEY

  
DARKO

  
GILBERT

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