

HOUSE BILL NO. 510

INTRODUCED BY HANSEN, KLAMPE, KADAS, COCCHIARELLA,
BRANDEWIE, TOOLE, SAYLES

IN THE HOUSE

FEBRUARY 6, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT. FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED. POSTED ON CONSENT CALENDAR.
FEBRUARY 18, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS. ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED. AYES, 93; NOES, 4.
FEBRUARY 22, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT. FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0. RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1 *House* BILL NO. *510*
 2 INTRODUCED BY *Steve J. Hansen* *George Karlos*
 3 *Cochiarella* *Br. Laurie* *Trish* *Sayles*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CITIES TO
 5 ELIMINATE THE REQUIREMENT THAT A MAYOR OR CITY MANAGER SERVE
 6 ON THE PARK BOARD; ALLOWING CITIES TO ELECT TO HAVE PARK
 7 BOARD PERSONNEL DECISIONS MADE BY THE MAYOR OR CITY MANAGER
 8 AND PARK BOARD CLAIMS DECISIONS MADE BY THE CITY GOVERNING
 9 BODY; AND AMENDING SECTIONS 7-16-4202, 7-16-4224, AND
 10 7-16-4227, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 7-16-4202, MCA, is amended to read:

14 "7-16-4202. **Composition of park board.** (1) The Except
 15 as provided in subsection (2), the board of park
 16 commissioners shall must be composed of the mayor or city
 17 manager of the city and six other persons to be appointed by
 18 the mayor or city manager of the city with the approval of
 19 the city council.

20 (2) A city authorized by 7-16-4201 to create a board of
 21 park commissioners may elect to have its board of park
 22 commissioners consist of seven members appointed by the
 23 mayor or the city manager and may elect not to require its
 24 mayor or city manager to serve as a member of the board."

25 **Section 2.** Section 7-16-4224, MCA, is amended to read:

1 "7-16-4224. Power of park board to employ persons and
 2 to make contracts. (1) The Except as provided in subsection
 3 (4), the board of park commissioners shall--have has the
 4 following powers and be-charged-with-the-following duties:

5 (a) to employ and discharge workmen workers, laborers,
 6 engineers, foresters, and others and to fix their
 7 compensation, which shall may not be less than the union
 8 scale of wages in force in each individual city of the first
 9 class; and

10 (b) to make all contracts necessary or convenient for
 11 carrying out any and all of the powers conferred and duties
 12 enjoined upon said the board by this part.

13 (2) All contracts made by said the board shall must be
 14 in the name of the city and shall must be signed by the city
 15 clerk and by the president or, in his the president's
 16 absence, by the vice-president of said the board.

17 (3) No An order or resolution authorizing the making of
 18 any contract shall may not be passed or adopted except by a
 19 ye and nay vote, which vote-shall must be recorded in full
 20 in the minutes by the clerk.

21 (4) A city may elect to have all personnel decisions
 22 made by the mayor or city manager pursuant to the policies
 23 and regulations governing other city personnel decisions."

24 **Section 3.** Section 7-16-4227, MCA, is amended to read:

25 "7-16-4227. Allowance of claims. (1) Subject to the

1 provisions of subsection (2) and except as provided in
2 subsection (4), said the board of park commissioners shall,
3 at its first regular meeting in each month, audit and allow
4 all just claims against the city, liability for which ~~shall~~
5 must have been incurred by ~~said the~~ board.

6 (2) No A claim ~~shall~~ may not be audited or paid until
7 an itemized account of ~~such the~~ claim, in writing and
8 verified by the oath of the claimant or ~~his-or-its the~~
9 claimant's authorized agent, ~~shall-have has~~ been filed in
10 the office of the clerk of ~~said the~~ board.

11 (3) No An order or resolution providing for the payment
12 or expenditure of money or creating an obligation in excess
13 of the sum of \$25 ~~shall~~ may not be passed or adopted except
14 by a yea and nay vote, which ~~vote-shall~~ must be recorded in
15 full in the minutes by the clerk.

16 (4) A city may elect to have all claims allowed or
17 disallowed by the governing body of the city."

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 House BILL NO. 510
2 INTRODUCED BY Steve J. Hansen Shirley Kulas
3 Cochiseville Barbara L. Smith Gayle
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CITIES TO
5 ELIMINATE THE REQUIREMENT THAT A MAYOR OR CITY MANAGER SERVE
6 ON THE PARK BOARD; ALLOWING CITIES TO ELECT TO HAVE PARK
7 BOARD PERSONNEL DECISIONS MADE BY THE MAYOR OR CITY MANAGER
8 AND PARK BOARD CLAIMS DECISIONS MADE BY THE CITY GOVERNING
9 BODY; AND AMENDING SECTIONS 7-16-4202, 7-16-4224, AND
10 7-16-4227, MCA."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-16-4202, MCA, is amended to read:

14 "7-16-4202. Composition of park board. (1) The Except
15 as provided in subsection (2), the board of park
16 commissioners shall must be composed of the mayor or city
17 manager of the city and six other persons to be appointed by
18 the mayor or city manager of the city with the approval of
19 the city council.

20 (2) A city authorized by 7-16-4201 to create a board of
21 park commissioners may elect to have its board of park
22 commissioners consist of seven members appointed by the
23 mayor or the city manager and may elect not to require its
24 mayor or city manager to serve as a member of the board."

25 Section 2. Section 7-16-4224, MCA, is amended to read:

1 "7-16-4224. Power of park board to employ persons and
2 to make contracts. (1) The Except as provided in subsection
3 (4), the board of park commissioners shall--have has the
4 following powers and be-charged-with-the-following duties:

5 (a) to employ and discharge workmen workers, laborers,
6 engineers, foresters, and others and to fix their
7 compensation, which shall may not be less than the union
8 scale of wages in force in each individual city of the first
9 class; and

10 (b) to make all contracts necessary or convenient for
11 carrying out any and all of the powers conferred and duties
12 enjoined upon said the board by this part.

13 (2) All contracts made by said the board shall must be
14 in the name of the city and shall must be signed by the city
15 clerk and by the president or, in his the president's
16 absence, by the vice-president of said the board.

17 (3) No An order or resolution authorizing the making of
18 any contract shall may not be passed or adopted except by a
19 ye and nay vote, which vote-shall must be recorded in full
20 in the minutes by the clerk.

21 (4) A city may elect to have all personnel decisions
22 made by the mayor or city manager pursuant to the policies
23 and regulations governing other city personnel decisions."

24 Section 3. Section 7-16-4227, MCA, is amended to read:

25 "7-16-4227. Allowance of claims. (1) Subject to the

1 provisions of subsection (2) and except as provided in
2 subsection (4), said the board of park commissioners shall,
3 at its first regular meeting in each month, audit and allow
4 all just claims against the city, liability for which ~~shall~~
5 must have been incurred by ~~said the~~ board.

6 (2) No A claim ~~shall~~ may not be audited or paid until
7 an itemized account of such the claim, in writing and
8 verified by the oath of the claimant or ~~his-or-its the~~
9 claimant's authorized agent, ~~shall-have has~~ been filed in
10 the office of the clerk of ~~said the~~ board.

11 (3) No An order or resolution providing for the payment
12 or expenditure of money or creating an obligation in excess
13 of the sum of \$25 ~~shall~~ may not be passed or adopted except
14 by a yea and nay vote, which ~~vote-shall~~ must be recorded in
15 full in the minutes by the clerk.

16 (4) A city may elect to have all claims allowed or
17 disallowed by the governing body of the city."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 26, 1993

Page 2 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

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. At (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-

M- Amd. Coord.
Sec. of Senate

Senator Carrying Bill

681047SC.Sma

HB 510

SENATE

681047SC.Sma

1 HOUSE BILL NO. 510

2 INTRODUCED BY HANSEN, KLAMPE, KADAS, COCCHIARELLA,

3 BRANDEWIE, TOOLE, SAYLES

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CITIES TO
6 ELIMINATE THE REQUIREMENT THAT A MAYOR OR CITY MANAGER SERVE
7 ON THE PARK BOARD; ALLOWING CITIES TO ELECT TO HAVE PARK
8 BOARD PERSONNEL DECISIONS MADE BY THE MAYOR OR CITY MANAGER,
9 AND PARK BOARD CLAIMS DECISIONS MADE BY THE CITY GOVERNING
10 BODY, AND PARK BOARD WARRANTS COUNTERSIGNED BY THE MAYOR OR
11 CITY MANAGER; AND AMENDING SECTIONS 7-16-4202, 7-16-4209,
12 7-16-4224, AND 7-16-4227, AND 7-16-4228, MCA."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:15 **Section 1.** Section 7-16-4202, MCA, is amended to read:

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17 as provided in subsection (2), the board of park
18 commissioners shall must be composed of the mayor or city
19 manager of the city and six other persons to be appointed by
20 the mayor or city manager of the city with the approval of
21 the city council.

22 (2) A city authorized by 7-16-4201 to create a board of
23 park commissioners may elect to have its board of park
24 commissioners consist of seven members appointed by the
25 mayor or the city manager and may elect not to require its

1 mayor or city manager to serve as a member of the board."2 **Section 2.** Section 7-16-4224, MCA, is amended to read:

3 "7-16-4224. Power of park board to employ persons and
4 to make contracts. (1) The Except as provided in subsection
5 (4), the board of park commissioners shall--have has the
6 following powers and be-charged-with-the-following duties:

7 (a) to employ and discharge workmen workers, laborers,
8 engineers, foresters, and others and to fix their
9 compensation, which shall may not be less than the union
10 scale of wages in force in each individual city of the first
11 class; and

12 (b) to make all contracts necessary or convenient for
13 carrying out any and all of the powers conferred and duties
14 enjoined upon said the board by this part.

15 (2) All contracts made by said the board shall must be
16 in the name of the city and shall must be signed by the city
17 clerk and by the president or, in his the president's
18 absence, by the vice-president of said the board.

19 (3) No An order or resolution authorizing the making of
20 any contract shall may not be passed or adopted except by a
21 yea and nay vote, which vote-shall must be recorded in full
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23 (4) A city may elect to have all personnel decisions
24 made by the mayor or city manager pursuant to the policies
25 and regulations governing other city personnel decisions."

1 **SECTION 3. SECTION 7-16-4209, MCA, IS AMENDED TO READ:**

2 "7-16-4209. Duties of board officers. (1) The Except as
3 provided in 7-16-4228(2), the president and, in his the
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5 meetings of the board and shall countersign all warrants
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8 (2) The city clerk, or ~~his~~ the clerk's designee, as ex
9 officio clerk of the board of park commissioners, shall
10 attend all meetings of ~~said the~~ board and keep correct
11 minutes of all proceedings of ~~said the~~ board in a book to be
12 provided for that purpose ~~by-it~~, to be called the record of
13 the board of park commissioners of the city of It
14 ~~shall-be is~~ the duty of the city clerk as ~~such the~~ clerk of
15 the board of park commissioners to keep an accurate account
16 of all transactions of ~~said the~~ board separate from other
17 city accounts and to make and submit in writing to ~~said the~~
18 board at the first meeting in January in each year a report
19 under oath showing in detail all the receipts and
20 disbursements made by the board during the year. The report
21 ~~shall must~~ be in duplicate, and after being approved by ~~said~~
22 the board, one of ~~said the~~ duplicates ~~shall must~~ be filed in
23 the office of the city clerk and one in the office of the
24 city treasurer. The city clerk shall perform ~~such~~ other
25 services as the board shall require. In the absence of the

1 clerk, or ~~his~~ the clerk's designee, at any meeting held by
2 the board, it shall designate one of its number as clerk pro
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5 the record book of ~~said the~~ board."

6 **Section 4. Section 7-16-4227, MCA, is amended to read:**

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9 subsection (4), said the board of park commissioners shall,
10 at its first regular meeting in each month, audit and allow
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20 of the sum of \$25 ~~shall may not~~ be passed or adopted except
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22 full in the minutes by the clerk.

23 (4) A city may elect to have all claims allowed or
24 disallowed by the governing body of the city."

25 **SECTION 5. SECTION 7-16-4228, MCA, IS AMENDED TO READ:**

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2 provided in subsection (2), all money paid out by the park
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5 be signed by the city clerk and countersigned by the
6 president or, in his the president's absence, by the
7 vice-president of the board of park commissioners.

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

-End-