

1 *Senade* BILL NO. 321
 2 INTRODUCED BY *Nallya Van Valkenburg Carey Annals Ream*
 3 *Eck* *Mableem Spencer Payne*

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A MANUFACTURED HOUSING MEDIATOR;
 5 PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE MEDIATOR; ATTACHING THE MEDIATOR
 6 TO THE COMMISSION FOR HUMAN RIGHTS FOR ADMINISTRATIVE PURPOSES ONLY; REQUIRING
 7 MANUFACTURED HOUSING COMMUNITIES TO ESTABLISH DISPUTE RESOLUTION PROCEDURES AND
 8 TO COOPERATE WITH THE MEDIATOR; PROVIDING FEE-BASED FUNDING FOR THE MEDIATOR; AND
 9 PROVIDING AN EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
 13 NEW SECTION. **Section 1. Short title.** [Sections 1 through 4 and 6 through 9] may be cited as the
 14 "Manufactured Housing Mediation Act".

15
 16 NEW SECTION. **Section 2. Policy statement -- purpose.** (1) An increasing number of Montanans
 17 live in manufactured homes, and a significant percentage of Montanans reside in manufactured housing
 18 communities. Because of the growing number of problems and complaints dealing with various aspects of
 19 living in manufactured housing communities and because of the unique characteristics of manufactured
 20 housing, the legislature observes that mediation and other forms of dispute resolution may help citizens
 21 resolve issues without having to bear the burdens of going to court.

22 (2) In recognition of the observations in subsection (1), it is the policy of this state to:

23 (a) encourage manufactured housing community residents and the owners and managers of
 24 manufactured housing communities to settle disputes among themselves without recourse, if possible, to
 25 either the court system or to intervention by a state agency; and

26 (b) assist manufactured housing community residents and the owners and managers of
 27 manufactured housing communities to develop alternative dispute resolution techniques, including but not
 28 limited to mediated settlements.

29 (3) The legislature finds that it is prudent to designate a manufactured housing mediator to help
 30 resolve the problems and complaints involving the owners of manufactured housing in manufactured

1 housing communities. In addition, the establishment of a mediator will assist in an equitable implementation
2 of the provisions of Title 70, chapters 24 and 25, concerning mobile homes.

3
4 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4 and 6 through 9], unless
5 the context requires otherwise, the following definitions apply:

6 (1) "Manufactured housing" means any (1) manufactured dwelling unit used primarily as a residence
7 for the occupant.

8 (2) "Manufactured housing community" means a trailer court, as defined in 50-52-101, or a parcel
9 of land upon which two or more spaces are available to the public and are designated for occupancy by
10 manufactured housing.

11 (3) "Mediator" means the manufactured housing mediator provided for in [section 5].

12 (4) "Mobile home owner" means the owner of a manufactured mobile home dwelling unit as defined
13 in 70-24-103.

14 (5) "Unreasonable" means:

15 (a) not fair, proper, just, moderate, or suitable under the circumstances; or

16 (b) not fit or appropriate to an objective.

17
18 **NEW SECTION. Section 4. Manufactured housing community to establish informal dispute**
19 **resolution procedure -- cooperation with mediator.** (1) Each manufactured housing community shall establish
20 an informal dispute resolution procedure that ensures that each issue that is not unreasonable is given a
21 fair hearing by the mediator or by another person selected by the members of the manufactured housing
22 community, including the owner and manager, to assist in the resolution of problems and complaints.

23 (2) The owner and manager and each resident of a manufactured housing community shall
24 cooperate with the mediator and make good faith efforts to resolve problems and complaints prior to
25 seeking a settlement in court.

26
27 **NEW SECTION. Section 5. Manufactured housing mediator -- administrative liaison.** (1) There
28 is a manufactured housing mediator for the purpose of assisting in the resolution of disputes between
29 mobile home owners and manufactured housing owners and the owners and managers of manufactured
30 housing communities. The mediator is appointed by the governor. The mediator must be licensed to

1 practice law in Montana. The governor shall fix the compensation of the mediator pursuant to Title 2,
2 chapter 18, part 3.

3 (2) The mediator is attached to the commission for human rights, provided for in 2-15-1706, for
4 administrative purposes only as provided in 2-15-121. The mediator shall work with the commission for
5 human rights and other state and local government agencies as needed to implement the provisions of
6 [sections 1 through 4 and 6 through 9]. The mediator may employ personnel to carry out the functions of
7 the mediator's office.

8
9 **NEW SECTION. Section 6. Duties and responsibilities.** (1) The mediator shall:

10 (a) initiate, participate in, or cooperate with persons and agencies in conferences, inquiries,
11 meetings, or studies that might lead to improvements in the relationship between mobile home owners and
12 manufactured housing owners and the owners and managers of manufactured housing communities; and

13 (b) maintain a current list of manufactured housing communities in the state, indicating the owners
14 and managers, the total number of spaces in each community, and other information that the mediator
15 determines to be pertinent to the mediator's purposes.

16 (2) The mediator shall investigate and address, in accordance with the procedure provided for in
17 [section 4], complaints related to manufactured housing concerning:

18 (a) resident disputes with owners and managers of manufactured housing communities concerning
19 the approval of a prospective purchaser of an existing manufactured home owned by a resident;

20 (b) the reasonableness of rules and regulations promulgated by manufactured housing community
21 owners;

22 (c) environmental concerns, including the provision of safe drinking water and proper sewage
23 disposal;

24 (d) the interpretation of lease agreements; and

25 (e) the reasonableness of pending eviction procedures.

26 (3) The mediator may not be affiliated in any way, currently or previously, with a manufactured
27 housing community.

28 (4) The mediator shall educate the public concerning the purchase of manufactured housing, the
29 lease or rental of space in a manufactured housing community, and the duties and functions of the
30 mediator. The educational material must include a brief summary of the key facts that a person

1 contemplating the purchase of manufactured housing should be aware of in order to make an informed
2 decision. The educational material must be provided to:

3 (a) a prospective purchaser of manufactured housing by a new or used manufactured housing
4 dealer at any time prior to the signing of a sale agreement between these two persons; and

5 (b) a prospective lessee by a manufactured housing community owner at any time prior to the
6 signing of a lease for space in the manufactured housing community.

7 (5) The mediator shall forward a copy of the educational material described in subsection (4) and
8 a copy of [sections 1 through 4 and 6 through 9] to each manufactured housing dealer in the state and to
9 all owners and managers of manufactured housing communities.

10

11 NEW SECTION. Section 7. Public access. The mediator shall establish a toll-free telephone number
12 for public inquiries on the services available from the mediator.

13

14 NEW SECTION. Section 8. Resident notification. By January 1, 1998, each owner of a
15 manufactured housing community shall provide each resident of the manufactured housing community with
16 a copy of [sections 1 through 4 and 6 through 9] and shall maintain a copy at a convenient location in the
17 manufactured housing community for review by residents. All lessees in the manufactured housing
18 community must be provided with a copy of [sections 1 through 4 and 6 through 9] prior to a lessee
19 signing a lease.

20

21 NEW SECTION. Section 9. Fee -- collection. (1) There is a fee of \$1 on each manufactured
22 housing space in a manufactured housing community. The fee must be collected by the county treasurer
23 in the same manner as property taxes are collected. The fee is assessed against the owner of a
24 manufactured housing community and must be included on the owner's tax statement. The owner may
25 collect the fee from the renter of the manufactured housing space. The county treasurer shall forward the
26 fees to the state treasurer.

27 (2) The state treasurer shall deposit the fees received under subsection (1) in an account in the
28 state special revenue fund for the use of the mediator.

29

30 NEW SECTION. Section 10. Codification instruction. (1) [Sections 1 through 4 and 6 through 9]

1 are intended to be codified as an integral part of Title 70, and the provisions of Title 70 apply to [sections
2 1 through 4 and 6 through 9].

3 (2) [Section 5] is intended to be codified as an integral part of Title 2, chapter 15, part 2, and the
4 provisions of Title 2, chapter 15, part 2, apply to [section 5].

5

6 **NEW SECTION. Section 11. Effective date.** [This act] is effective July 1, 1997.

7

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0321, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for a manufactured housing mediator; providing for the duties and responsibilities of the mediator; attaching the mediator to the Commission for Human Rights for administrative purposes only; requiring manufactured housing communities to establish dispute resolution procedures and to cooperate with the mediator; and providing fee-based funding for the mediator.

ASSUMPTIONS:

1. The appointment would be effective October 1, 1997.
2. The Governor would set a salary for the position approximately equal to a grade 19, entry level (\$47,744 annually).
3. The mediator would require administrative support from a half-time grade 10 administrative assistant, who would also be hired effective October 1, 1997 (\$23,442 annually).
4. The average operating expenses of the Human Rights Commission are distributed to this staff level. The equipment amount is for two computers.
5. There are approximately 44,000 housing spaces in manufactured housing communities in the state of Montana, and a \$1.00 per space fee would generate \$44,000 per year.
6. Because of the shortfall between costs to administer the manufactured housing mediator program and the dedicated funds, it is assumed that general fund would be used.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	1.50	2.00
Personal Services	44,598	59,465
Operating Expenses	13,698	18,264
Equipment	<u>4,000</u>	<u>0</u>
Total	62,296	77,729
 <u>Funding:</u>		
General Fund (01)	18,296	33,729
State Special Revenue (02)	<u>44,000</u>	<u>44,000</u>
Total	62,296	77,729
 <u>Revenues:</u>		
SSR - Manu Home Mediator Funds (02)	44,000	44,000
 <u>Net Impact:</u>		
General Fund (01)	(18,296)	(33,729)

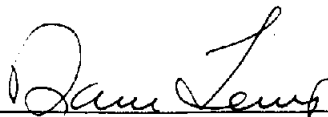
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

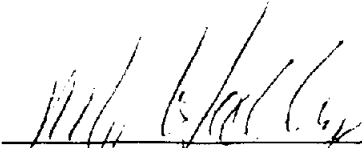
The \$1 fee will be collected and administered by the counties.

TECHNICAL NOTES:

1. It seems inconsistent with 2-15-121, MCA, to have an entity administratively attached to the Human Rights Commission, which is itself administratively attached to the Department of Labor and Industry. 2-15-121, MCA, implements Article VI, Section 7 of the Montana Constitution and provides for administrative attachment to a department.
2. The dedicated revenue source established by the bill is insufficient to fund the operations required.

(Continued)

 2-15-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2/15/97
 MIKE HALLIGAN, PRIMARY SPONSOR DATE

Fiscal Note for SB0321, as introduced

SB321

DEDICATION OF REVENUE:

- a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain)

The bill creates an information and referral and dispute resolution mechanism for disputes regarding manufactured housing. It thus benefits housing providers and tenants. The fee is on the housing providers. Presumably it is a cost that can be passed on to tenants in the form of higher rent.

- b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

It is believed that the intent of the sponsor is to ensure that a new activity pays for itself. The advantage of a special revenue fund would be to compare these revenues to expenditures. It is unclear how the timing of revenue collections would relate to required expenditure patterns.

- c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? ___ Yes X No (if no, explain)

Again, it is believed that the sponsor's intent to have the intended beneficiaries of the program pay its costs; thus the source of revenue seems relevant to the proposed use of the funds. However, as noted by the fact that it was necessary to use general fund, it is inadequate to fund the activity intended.

- d) Does the need for this state special revenue provision still exist? ___ Yes ___ No (Explain)

Not applicable, this is a new proposed source.

- e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)

No, the legislature would still have to appropriate expenditure authority.

- f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain)

If the legislature enacts SB321, the dedicated revenue would be one mechanism for fulfilling a legislatively recognized need, which presumably would be continuing.

- g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

There would be no impact on accounting or auditing efficiencies. If the program were funded with general fund, the department could adequately account for the program.

SENATE BILL NO. 321

INTRODUCED BY HALLIGAN, VAN VALKENBURG, CAREY, SANDS, REAM, MCCULLOCH, ECK,
MAHLUM, SQUIRES, HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A ~~MANUFACTURED HOUSING~~ MOBILE HOME COURT MEDIATOR; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE MEDIATOR; ATTACHING THE MEDIATOR TO THE ~~COMMISSION FOR HUMAN RIGHTS~~ DEPARTMENT OF COMMERCE FOR ADMINISTRATIVE PURPOSES ONLY; REQUIRING ~~MANUFACTURED HOUSING COMMUNITIES~~ MOBILE HOME COURTS TO ESTABLISH DISPUTE RESOLUTION PROCEDURES AND TO COOPERATE WITH THE MEDIATOR; PROVIDING FEE-BASED FUNDING FOR THE MEDIATOR; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Short title. [Sections 1 through 4 and 6 through 9] may be cited as the "~~Manufactured Housing~~ MOBILE HOME COURT Mediation Act".

NEW SECTION. Section 2. Policy statement -- purpose. (1) ~~An increasing number of Montanans live in manufactured homes, and a significant percentage of Montanans reside in manufactured housing communities~~ MOBILE HOME COURTS. Because of the ~~growing number of~~ problems and complaints dealing with various aspects of living in ~~manufactured housing communities~~ MOBILE HOME COURTS and because of the unique characteristics of ~~manufactured housing~~ MOBILE HOMES, the legislature observes that mediation and other forms of dispute resolution may help citizens resolve issues without having to bear the burdens of going to court.

(2) In recognition of the observations in subsection (1), it is the policy of this state to:

(a) encourage ~~manufactured housing community~~ MOBILE HOME COURT residents and the owners and managers of ~~manufactured housing communities~~ MOBILE HOME COURTS to settle disputes among themselves without recourse, if possible, to either the court system or to intervention by a state agency; and

(b) assist ~~manufactured housing community~~ MOBILE HOME COURT residents and the owners and

1 managers of ~~manufactured housing communities~~ MOBILE HOME COURTS to develop alternative dispute
2 resolution techniques, including but not limited to mediated settlements.

3 (3) The legislature finds that it is prudent to designate a ~~manufactured housing~~ MOBILE HOME
4 COURT mediator to help resolve the problems and complaints involving the owners of ~~manufactured~~
5 ~~housing~~ MOBILE HOMES in ~~manufactured housing communities~~ MOBILE HOME COURTS. In addition, the
6 establishment of a mediator will assist in an equitable implementation of the provisions of Title 70, chapters
7 24 and 25, concerning mobile homes.

8
9 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4 and 6 through 9], unless
10 the context requires otherwise, the following definitions apply:

11 (1) "~~Manufactured housing~~" "MOBILE HOME" means ~~any~~ A MOBILE HOME OR HOUSETRAILER,
12 AS DEFINED IN 61-1-501, OR A manufactured dwelling unit used primarily as a residence for the
13 occupant.

14 (2) "~~Manufactured housing community~~" "MOBILE HOME COURT" means a trailer court, as defined
15 in 50-52-101, or a parcel of land upon which two or more spaces are available to the public and are
16 designated for occupancy by ~~manufactured housing~~ MOBILE HOMES.

17 (3) "Mediator" means the ~~manufactured housing~~ MOBILE HOME COURT mediator provided for in
18 [section 5].

19 (4) "Mobile home owner" means the owner of a manufactured mobile home dwelling unit as defined
20 in 70-24-103.

21 (5) "Unreasonable" means:

22 (a) not fair, proper, just, moderate, or suitable under the circumstances; or

23 (b) not fit or appropriate to an objective.

24
25 **NEW SECTION. Section 4. ~~Manufactured housing community~~ MOBILE HOME COURT to establish**
26 **informal dispute resolution procedure -- cooperation with mediator.** (1) Each ~~manufactured housing~~
27 ~~community~~ MOBILE HOME COURT shall establish an informal dispute resolution procedure that ensures that
28 each issue that is not unreasonable is given a fair hearing by the mediator or by another person selected
29 by the members of the ~~manufactured housing community~~ MOBILE HOME COURT, including the owner and
30 manager, to assist in the resolution of problems and complaints.

1 (2) The owner and manager and each resident of a ~~manufactured housing community~~ MOBILE
 2 HOME COURT shall cooperate with the mediator and make good faith efforts to resolve problems and
 3 complaints prior to seeking a settlement in court.

4
 5 NEW SECTION. Section 5. ~~Manufactured housing~~ MOBILE HOME COURT mediator --
 6 administrative liaison. (1) There is a ~~manufactured housing~~ MOBILE HOME COURT mediator for the
 7 purpose of assisting in the resolution of disputes between mobile home owners ~~and manufactured housing~~
 8 ~~owners~~ and the owners and managers of ~~manufactured housing communities~~ MOBILE HOME COURTS.
 9 The mediator is appointed by the governor. The mediator must be licensed to practice law in Montana.
 10 The governor shall fix the compensation of the mediator pursuant to Title 2, chapter 18, part 3.

11 (2) The mediator is attached to the ~~commission for human rights~~ DEPARTMENT OF COMMERCE,
 12 provided for in ~~2-15-1706~~ 2-15-1801, for administrative purposes only as provided in 2-15-121. ~~The~~
 13 ~~mediator shall work with the commission for human rights and other state and local government agencies~~
 14 ~~as needed to implement the provisions of [sections 1 through 4 and 6 through 9].~~ The mediator may employ
 15 personnel to carry out the functions of the mediator's office.

16
 17 NEW SECTION. Section 6. Duties and responsibilities. (1) The mediator shall:

18 (a) initiate, participate in, or cooperate with persons and agencies in conferences, inquiries,
 19 meetings, or studies that might lead to improvements in the relationship between mobile home owners and
 20 ~~manufactured housing owners~~ and the owners and managers of ~~manufactured housing communities~~
 21 MOBILE HOME COURTS; and

22 (b) maintain a current list of ~~manufactured housing communities~~ MOBILE HOME COURTS in the
 23 state, indicating the owners and managers, the total number of spaces in each ~~community~~ COURT, and
 24 other information that the mediator determines to be pertinent to the mediator's purposes.

25 (2) The mediator shall investigate and address, in accordance with the procedure provided for in
 26 [section 4], complaints related to ~~manufactured housing~~ MOBILE HOMES concerning:

27 (a) resident disputes with owners and managers of ~~manufactured housing communities~~ MOBILE
 28 HOME COURTS concerning the approval of a prospective purchaser of an existing ~~manufactured~~ MOBILE
 29 home owned by a resident;

30 (b) the reasonableness of rules and regulations promulgated by ~~manufactured housing community~~

1 MOBILE HOME COURT owners;

2 (c) environmental concerns, including the provision of safe drinking water and proper sewage
3 disposal;

4 (d) the interpretation of lease agreements; and

5 (e) the reasonableness of pending eviction procedures.

6 ~~(3) The mediator may not be affiliated in any way, currently or previously, with a manufactured
7 housing community.~~

8 ~~(4)(3)~~ The mediator shall educate the public concerning the purchase of ~~manufactured housing~~
9 MOBILE HOMES, the lease or rental of space in a ~~manufactured housing community~~ MOBILE HOME COURT,
10 and the duties and functions of the mediator. The educational material must include a brief summary of the
11 key facts that a person contemplating the purchase of ~~manufactured housing~~ A MOBILE HOME should be
12 aware of in order to make an informed decision. The educational material must be provided to:

13 (a) a prospective purchaser of ~~manufactured housing~~ A MOBILE HOME by a new or used
14 ~~manufactured housing~~ MOBILE HOME dealer at any time prior to the signing of a sale agreement between
15 these two persons; and

16 (b) a prospective lessee by a ~~manufactured housing community~~ MOBILE HOME COURT owner at
17 any time prior to the signing of a lease for space in the ~~manufactured housing community~~ MOBILE HOME
18 COURT.

19 ~~(5)(4)~~ The mediator shall forward a copy of the educational material described in subsection ~~(4)~~
20 ~~(3)~~ and a copy of [sections 1 through 4 and 6 through 9] to each ~~manufactured housing~~ MOBILE HOME
21 dealer in the state and to all owners and managers of ~~manufactured housing communities~~ MOBILE HOME
22 COURTS.

23

24 NEW SECTION. Section 7. Public access. The mediator shall establish a toll-free telephone number
25 for public inquiries on the services available from the mediator.

26

27 NEW SECTION. Section 8. Resident notification. By January 1, 1998, each owner of a
28 ~~manufactured housing community~~ MOBILE HOME COURT shall provide each resident of the ~~manufactured~~
29 ~~housing community~~ MOBILE HOME COURT with a copy of [sections 1 through 4 and 6 through 9] and shall
30 maintain a copy at a convenient location in the ~~manufactured housing community~~ MOBILE HOME COURT

1 for review by residents. All lessees in the ~~manufactured housing community~~ MOBILE HOME COURT must
2 be provided with a copy of [sections 1 through 4 and 6 through 9] prior to a lessee signing a lease.

3
4 NEW SECTION. Section 9. Fee -- collection. (1) There is a fee of ~~\$1~~ \$3 on each ~~manufactured~~
5 ~~housing~~ MOBILE HOME space in a ~~manufactured housing community~~ MOBILE HOME COURT. The fee must
6 be collected by the county treasurer in the same manner as property taxes are collected. The fee is
7 assessed against the owner of a ~~manufactured housing community~~ MOBILE HOME COURT and must be
8 included on the owner's tax statement. The owner may collect the fee from the renter of the ~~manufactured~~
9 ~~housing~~ MOBILE HOME space. The county treasurer shall forward the fees to the state treasurer.

10 (2) The state treasurer shall deposit the fees received under subsection (1) in an account in the
11 state special revenue fund for the use of the mediator.

12
13 NEW SECTION. Section 10. Codification instruction. (1) [Sections 1 through 4 and 6 through 9]
14 are intended to be codified as an integral part of Title 70, and the provisions of Title 70 apply to [sections
15 1 through 4 and 6 through 9].

16 (2) [Section 5] is intended to be codified as an integral part of Title 2, chapter 15, part ~~2~~ 18, and
17 the provisions of Title 2, chapter 15, part ~~2~~ 18, apply to [section 5].

18
19 NEW SECTION. Section 11. Effective date. [This act] is effective July 1, 1997.

20
21 NEW SECTION. SECTION 12. TERMINATION. [THIS ACT] TERMINATES JULY 1, 2001.

22 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0321, second reading

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act creating a mobile home court mediator, appointed by the Governor, attached to the Department of Commerce.

ASSUMPTIONS:

Department of Commerce:

1. The mediator would be appointed on the effective date of the proposed legislation, July 1, 1997.
2. The Governor would set a salary for the position approximately equal to a grade 19, entry level (\$48,149).
3. The mediator would require a 0.50 FTE, administrative support, grade 10 (\$11,798), who would also be hired on the effective date of the legislation, July 1, 1997.
4. Operating expenses are estimated at \$18,000 in fiscal year 1998 and fiscal year 1999. Equipment costs of \$10,400 are for two desks, chairs, calculators, file cabinets, and computers in fiscal year 1998.
5. There are approximately 44,000 housing spaces in mobile home courts in the state of Montana, and a \$3.00 per space fee would generate \$132,000 per year in annual revenues.

Department of Labor and Industry:

6. There is no fiscal impact to the Department of Labor and Industry or the Human Rights Commission.

FISCAL IMPACT:

Department of Commerce:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
FTE	1.50	1.50
Personal Services	59,947	59,947
Operating Expenses	18,000	18,000
Equipment	<u>10,400</u>	<u>0</u>
Total	88,347	77,947
 <u>Revenues:</u>		
Mobile Home Mediation Fees	132,000	132,000
 <u>Net Impact on Fund Balance:</u>		
Mobile Home Mediation SSR (02)	43,653	54,053

(Continued)

Dave Lewis 2-19-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Mike Halligan 2-20-97
 MIKE HALLIGAN, PRIMARY SPONSOR DATE
 Fiscal Note for SB0321, second reading
Am SB 321 - #2

DEDICATION OF REVENUE:

- a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain)

The bill creates an information and referral dispute resolution mechanism for disputes regarding mobile home courts. The benefits are to the mobile home court owner and tenants. The fee is paid on the mobile home court owner and is a cost that can be passed on to tenants in the form of higher rent.

- b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

It is believed that the intent of the sponsor is to ensure that a new activity pays for itself. The advantage of a special revenue fund would be to compare these revenues to expenditures.

- c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? Yes No (if no, explain)

- d) Does the need for this state special revenue provision still exist? Yes No (Explain)

Not applicable, this is a new proposed source.

- e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)

No, the legislature would still have to appropriate expenditure authority.

- f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain)

If the legislature enacts SB 321, the dedicated revenue would be one mechanism for fulfilling a legislatively recognized need, which presumably would be continuing.

- g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

There would be no impact on accounting or auditing efficiencies. If the program were funded with general fund, the department could adequately account for the program.