



EXHIBIT 3  
DATE April 13 2005  
SB 175 - Conference  
Committee

## HOUSE STANDING COMMITTEE REPORT

April 1, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on Local Government recommend that Senate Bill 175 (third reading copy -- blue) be concurred in as amended.

Signed: Mark E. Noennig  
Representative Mark E. Noennig, Chair

To be carried by Representative Elsie Arntzen

And, that such amendments read:

1. Page 1, line 29.

Following: "assessed"

Insert: "for that part of the cost associated with the lot's or parcel's reasonably estimated traffic flows"

Following: "basis of the"

Insert: "lot's or parcel's"

2. Page 1, line 30.

Strike: line 30 through "parcel"

- END -

Committee Vote:  
Yes 13, No 5.

SB 175  
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04/01/05  
jbn



## 1 SENATE BILL NO. 175

2 INTRODUCED BY CROMLEY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE USE OF ZONING CLASSIFICATION AS  
5 ANOTHER METHOD FOR ASSESSING COSTS WITHIN A STREET MAINTENANCE DISTRICT; AND  
6 AMENDING SECTION 7-12-4422, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 Section 1. Section 7-12-4422, MCA, is amended to read:

11 "7-12-4422. Assessment of costs -- area, frontage, lot, and taxable valuation options. (1) For the  
12 purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the  
13 maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or  
14 parcel.

15 (2) The city council shall assess the percentage of the cost of maintenance established in 7-12-4425  
16 against the entire district as follows:

17 (a) each lot or parcel of land within ~~such~~ the district may be assessed for that part of the cost ~~which~~ that  
18 its assessable area bears to the assessable area of the entire district, exclusive of streets, avenues, alleys, and  
19 public places;

20 (b) each lot or parcel of land within ~~such~~ the district abutting upon a street upon which maintenance is  
21 done may be assessed for that part of the cost ~~which~~ that its street frontage bears to the street frontage of the  
22 entire district;

23 (c) if the city council determines that the benefits derived from the maintenance by each lot or parcel  
24 are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district  
25 without regard to the assessable area of the lot or parcel;

26 (d) each lot or parcel of land, including the improvements ~~thereon~~ on the lot or parcel, may be assessed  
27 for that part of the cost of the district ~~which~~ that its taxable valuation bears to the total taxable valuation of the  
28 property of the district; or

29 (e) each lot or parcel of land within the district may be assessed FOR THAT PART OF THE COST ASSOCIATED  
30 WITH THE LOT'S OR PARCEL'S REASONABLY ESTIMATED TRAFFIC FLOWS on the basis of the LOT'S OR PARCEL'S zoning

- 1 classification for that lot or parcel; or
- 2 ~~(e)~~(f) any combination of the assessment options provided in subsections (2)(a) through ~~(2)(d)~~ (2)(e)
- 3 may be used for the district as a whole or for any lot or parcel within the district."
- 4 - END -



## Montana Legislative Services Division

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March 11, 2005

Senator Robert Story  
133 Valley Creek Road  
Park City, Montana 59063

Dear Senator Story:

I am writing in response to your request for an analysis of the procedure to be used during this session for conference committees. Joint Rule 30-30 provides for conference committees. It provides that if either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered. A conference committee meeting must be conducted as an open meeting, and minutes of the meeting must be kept. A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend the acceptance or rejection of each disputed amendment in its entirety or further amendment of the disputed amendment. If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as for a conference committee. A free conference committee may discuss a bill in its entirety and is not confined to a particular amendment. This rule does not specifically require that a conference committee meet and attempt to resolve the differences concerning the disputed amendments prior to appointing a free conference committee. However, section 773 of Mason's Manual of Legislative Procedure (2000) provides that this is the normal procedure.

Senate Rule S30-10(3) provides that the President of the Senate appoints conference committees with the advice of the floor leaders. House Rule H40-220(4) provides that conference committees must be composed of an equal number of members from each political party. The members of conference committees must be appointed by the House Democratic Leader and the House Republican Leader after good faith consultation. Each leader shall appoint the members of the leader's respective party.

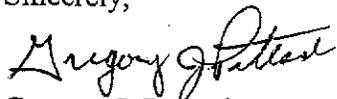
Senate Rule S50-210(3) provides that if the Senate rejects the House amendments to Senate legislation, the Senate may request the House to recede from its amendments or may direct appointment of a conference committee and request the House to appoint a like committee. Senate Rule S50-110 provides that when a conference committee report is filed with the Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day. If both the Senate and the House of Representatives

adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the Senate, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained. If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report. A Senate conference committee may confer regarding matters assigned to it with any House conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

The House of Representatives has virtually identical rules governing the purpose and reporting by conference committees. House Rule H40-220(3) provides that if the House rejects the Senate amendments to House legislation, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee. House Rule H40-230 provides that when a House conference committee files a report, the report must be announced under Order of Business No. 3. The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration, contained in H50-160. If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained. If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report. A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

Joint Rule 30-20 provides that because conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee is required to agree before any action may be taken, unless otherwise specified by individual house rules. The Senate does not have an individual rule. However, House Rule H40-230(1) provides that a tie vote in a conference committee on the question of a recommendation to the whole House on a matter referred for a conference results in the matter passing out to the whole House for consideration without recommendation. Joint Rule 30-40 provides that a conference committee report must give clerical instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

Sincerely,



Gregory J. Petesch  
Director of Legal Services

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