

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Norm Mills, on February 13, 1997, at 3:26 P.M., in Room 104.

ROLL CALL

Members Present:

Rep. Norm Mills, Chairman (R)
Rep. Chris Ahner, Vice Chairman (Majority) (R)
Rep. David Ewer, Vice Chairman (Minority) (D)
Rep. Ellen Bergman (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bill Carey (D)
Rep. Matt Denny (R)
Rep. Charles R. Devaney (R)
Rep. Tim Dowell (D)
Rep. Antoinette R. Hagener (D)
Rep. Sam Kitzenberg (R)
Rep. Deb Kottel (D)
Rep. Bob Lawson (R)
Rep. Linda McCulloch (D)
Rep. Wes Prouse (R)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)

Members Excused: Rep. Daniel W. McGee (R)

Members Absent: Rep. Jon Ellingson (D)

Staff Present: Bart Campbell, Legislative Services Division
Debbie Thompson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 420-2/7
HB 421-2/10
HB 518-2/12
Executive Action: HB 421-PASS 18-2
HB 377-PASS 14-6
HB 278-PASS 13-7
HB 338-PASS AS AMENDED 14-6
HB 335-Tabled 13-7
HB 420-Tabled 16-4

HEARING ON HB 420

Sponsor: Rep. Doug Wagner, HD 83, **Exhibit 1, 1a, 1b, 1c, 1d** {Tape: 1; Side: A; Approx. Time Count: 0-19.2; Comments: county goes after the owner of record, puts a lien on the property, and not the person who accrued the charges; district already had \$100,000 and still raised the fees and rates.}

Proponents: Barbara Lietz, **Exhibit 2** {Tape: 1; Side: A; Approx. Time Count: 19.3-28.7.}

David Lietz {Tape: 2; Side: A; Approx. Time Count: 28.9-30.4; Comments: "user" should be defined as one who directly benefited; detrimental to low income families who get billed even when the water is off.}

Opponents: Dan Keil, Montana Rural Water Systems Association **Exhibit 3**-petitions, 3a, 3b, 3c {Tape: 1; Side: A; Approx. Time Count: 30-33; Comments: 450 system membership.}

Robert Montgomery, Treasure State Acres Water Board, Helena **Exhibit 4** {Tape: 1; Side: A; Approx. Time Count: 33.2; Comments: sewer lagoon costs-need method to pay for capital improvements; state mandates to include people, need connection rate.}

Lee Wolfe, Wolfe Water Management, Inc. **Exhibit 5** {Tape: 1; Side: A; Approx. Time Count: 35.2-38.5; Comments: boards in less economically advantaged areas deal with older systems supporting fewer customers, less money base.}

Paul Broadway **Exhibit 6**-letter from Torok {Tape: 1; Side: A; Approx. Time Count: 39.1-39.5.}

Fritz Mehr, TSA Water Users {Tape: 1; Side: B; Approx. Time Count: 0-1.0; Comments: burden against people trying to run it; if district expands people coming in would not have to pay.}

Marilyn Solum, Lakeside Water District {Tape: 1; Side: B; Approx. Time Count: 1.1-1.5.}

Mona Jamison, Big Sky Water and Sewer District 363 {Tape: 1; Side: B; Approx. Time Count: 1.6-6.4; Comments: seasonal users; water and sewer is a benefit in a civilized society.}

Hank Endler, North Valley Water and Sewer District, Saint Marie-Glasgow **Exhibit 7**-Ron Edwards Memo {Tape: 1; Side: B; Approx. Time Count: 6.9-10.1; Comments: boards need tools to control district expenses and financing.}

Fred Lindberg, Hungry Horse Water and Sewer District Trustee, Best Western Heritage Inn, Great Falls **Exhibit 8**

John Burgess, Somers Water District

Morey Grove, elected director to the water and sewer district at Flathead Lake {Tape: 1; Side: B; Approx. Time Count: 11.4; Comments: need money to expand systems.}

Phil Lauman, General Manager Lakeside Water District

Ruth Hellen, Somers Water and Sewer District **Exhibit 9** {Tape: 1; Side: B; Approx. Time Count: 12.6.}

Gary Ketchum, North Valley Water and Sewer District

William Leonard, Whitefish **Exhibit A** (handed to secretary)

Questions From Committee Members and Responses: {Tape: 1; Side: B; Approx. Time Count: 13.5-30; Comments: actual costs; tax liens filed on property owners who did not incur the bill.}

Exhibit 10-Missoula County letter from Rep. Denny

Anna Miller, Department of Natural Resources **Exhibit 11** {Tape: 1; Side: B; Approx. Time Count: 27.2; Comments: wastewater revolving loans; impairment of contracts.}

Closing by Sponsor: Rep. Wagner closed **Exhibit 12**-AG ruling; **Exhibit 13**-petition; **Exhibit 14**-phone messages {Tape: 1; Side: B; Approx. Time Count: 31.9-41; Comments: no oversight of boards; a long time to take care of a problem.}

HEARING ON HB 421

Sponsor: Rep. Matt Denny, HD 63 {Tape: 2; Side: A; Approx. Time Count: 6.1; Comments: hold joint hearings for both annexation and zoning.}

Proponents: Mike Kadas, Missoula Mayor {Tape: 2; Side: A; Approx. Time Count: 7.2-13.0; Comments: discussed present situation, steps that staff go through.}

Opponents: Ross Best, Missoula **Exhibit 15** {Tape: 2; Side: A; Approx. Time Count: 13.2; Comments: Fort Missoula controversy; litigation background.}

Gerand Berens, Missoula **Exhibit 16** {Tape: 2; Side: A; Approx. Time Count: 22.7-34.8; Comments: zoning-no hearing, no notice to property owners; public excluded, adjacent property owners excluded; special treatment to select class of property owners.}

Questions From Committee Members and Responses: {Tape: 2; Side: A; Approx. Time Count: 35.0-Side: B-3.5; Comments: Kadas-joint hearing fulfills obligation; hearings could be separated if controversial; saves time and money; comparable zoning-two separate governing bodies don't think alike.}

Closing by Sponsor: Rep. Denny closed.

HEARING ON HB 518

Sponsor: Rep. David Ewer, HD 53 **Exhibit 17** {Tape: 2; Side: B; Approx. Time Count: 6.2-18.8; Comments: county can already borrow up to 10 years, cities subject to I105 limits; bill allows flexibility, borrow without vote.}

Proponents: None

Opponents: None

Questions From Committee Members and Responses: {Tape: 2; Side: B; Approx. Time Count: 19.1-30.1.}

Closing by Sponsor: Rep. Ewer closed.

EXECUTIVE ACTION ON HB 420

Motion: Rep. Bergman moved DO PASS HB 420.

Discussion: {Tape: 2; Side: B; Approx. Time Count: 30.9-39.4; Comments: Rep. Denny-don't like tax liens on property for non payment that was clearly through the user; Kottel-water runs with the land-common law-lien applicable; Chairman Mills-water running with the land is for agriculture.}

Motion/Vote: Rep. Ahner moved to TABLE HB 420. The question was called. The motion PASSED 16-4.

EXECUTIVE ACTION ON HB 421

Amendments: Rep. Brainard moved to amend 15-20.

Motion/Vote: The question was called on the amendment. The motion FAILED 9-10.

Discussion: Rep. Denny-comparable zoning conversion doesn't really change zoning; public input is addressed; joint hearing would be noticed. {Tape: 3; Side: A; Approx. Time Count: 0.6-5.1.}

Motion/Vote: Rep. Ahner moved DO PASS HB 421. The question was called. The motion PASSED 18-2.

EXECUTIVE ACTION ON HB 278

Motion/Vote: Rep. Devaney moved DO PASS HB 278. {Tape: 3; Side: A; Approx. Time Count: 9.3-14.6; Comments: Denny-Bill would allow county authority to collect business fee without restraint; Brainard-lucrative attempt by county for tax increase; Hagener-county has very few licenses-state and cities already do it.}

Vote: The question was called. The motion PASSED 13-7.

EXECUTIVE ACTION ON HB 335

Motion: Rep. Lawson moved DO PASS.

Discussion: {Tape: 3; Side: A; Approx. Time Count: 20.6-29.1; Comments: Mills-one time cost of documents-storage space perpetual costs.}

Motion/Vote: Rep. Brainard made a substitute motion to TABLE. The motion FAILED 10-10.

Vote: Rep. Brainard moved a second time to TABLE HB 335. After some discussion, the motion to TABLE PASSED 13-7.

EXECUTIVE ACTION ON HB 338

Motion: Rep. Lawson moved to DO PASS HB 338. Rep. Hagener moved to Amend. The question was called on the Amendment. The motion PASSED unanimously.

Motion/Vote: Rep. Devaney moved DO PASS AS AMENDED. {Tape: 3; Side: A; Approx. Time Count: 35.4; Comments: Hagener remarked there had been no changes since 1920, not unreasonable; Ewer-counties are strapped, cities have enterprise funds, not counties; storage of documents expensive.}

Vote: The question was called. The motion PASSED AS AMENDED 14-6.

EXECUTIVE ACTION ON HB 377

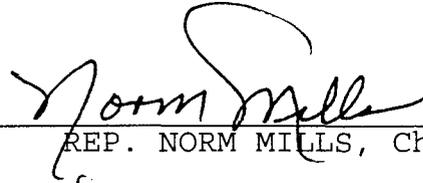
Motion/Vote: Rep. Ewer moved DO PASS.

Discussion: Rep. Mills pointed out that some cities TV would fail; translators like relay stations; would leave unfunded debt-stranded equipment costs. Denny-Tv districts not a necessity.

Vote: The question was called. The motion PASSED 14-6.

ADJOURNMENT

Adjournment: 7:11



REP. NORM MILLS, Chairman



DEBBIE THOMPSON, Secretary

NM/dt