

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN TOM BECK**, on March 20, 1997, at 3:10 p.m., in Room 405.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dorothy Eck (D)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Don Hargrove (R)
Sen. John "J.D." Lynch (D)
Sen. Walter L. McNutt (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: Sen. Sharon Estrada (R)

Members Absent: None

Staff Present: Martha Colhoun, Legislative Services Division
Jodi Jones, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 160, HB 278, HB 377, HB 421
Posted: 3/11/97

Executive Action:

HB 377 Be Concurred In
HB 278 Be Concurred In
HB 421 Be Concurred In
HB 160 Be Concurred In
HB 140 Be Concurred In as Amended
HB 315 Tabled
HB 318 Be Concurred In

HEARING ON HB 160

Sponsor: REPRESENTATIVE BILL TASH, HD 34, Dillon

Proponents:

Jan Sensibaugh, Environmental Quality Council
Bob Gilbert, MT Tow Truck Assoc.

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE BILL TASH, HD 34, Dillon, presented HB 160. This bill is dealing with enforcement and compliance with the Department of Environmental Quality for an act providing administrative enforcement for violations of the junk vehicle and motor vehicle wrecking facility laws. It allows the department the authority to issue an administrative order to resolve violations of the junk vehicle act which was passed in 1973. When this law was formed the administrative order was omitted. The purpose is to get the attention of the violator without having to use the courts. If the courts do have to be involved it can be expensive and time consuming and this may eliminate some of that.

Proponents' Testimony:

Jan Sensibaugh, EQC, spoke in favor of HB 160 (EXHIBIT 1).

Bob Gilbert, MT Tow Truck Assoc., spoke in favor of HB 160.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. TASH closed on HB 190.

HEARING ON HB 421

Sponsor: REP. MATT DENNY, HD 63, Missoula

Proponents:

Mike Kadus, Mayor of Missoula

Opponents: None

Opening Statement by Sponsor:

REP. MATT DENNY, HD 63, Missoula, presented HB 421. He said when a city annexes property and uses a comparable zoning they be allowed to have a joint hearing on the zoning and the annexation.

Proponents' Testimony:

Mike Kadus, Mayor of Missoula, spoke in favor of HB 421. He said their city has been doing this since 1992. He said currently this has to be petitioned for annexation and then it is sent to the zoning commission. Then a report is done by the staff with a separate hearing and the zoning commission will hear it and pass it. After that it will be sent to the city council with another

report and another meeting. These are non-controversial issues and they are cumbersome and time consuming.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR MIKE SPRAGUE said is there any potential problem areas where the owner didn't want to be annexed. Mr. Kadus said this only applies to petitioned annexations.

Closing by Sponsor:

REP. MATT DENNY closed on HB 421.

{Tape: 1; Side: A; Approx. Time Count: 3:21 p.m.; Comments: .}

HEARING ON HB 278

Sponsor: REP. JAY STOVALL, HD 16, Billings

Proponents: None

Opponents: None

Opening Statement by Sponsor:

REP. JAY STOVALL, HD 16, Billings, presented HB 278. This bill will allow the counties to retain 100 percent of the money received in issuing county licenses. Under current law the counties receive 50 percent, the state 45 percent and 5 percent goes into a bounty for predatory control. There is no longer a bounty and this needs to be taken out. In some of the bigger counties there is a need to issue these licenses and they would like to receive 100 percent of the fees.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses:

CHAIRMAN BECK asked if this bill passed would there be an increase in the counties assessing this fee. REP. STOVALL said he was concerned about this and would like to have the fees at administrative cost.

SENATOR LYNCH asked what the fees were? REP. STOVALL said they are not established. It is only the bigger counties that issue these licenses to businesses.

SENATOR LYNCH said what kind of businesses does it include? Martha Colhoun said it includes agriculture and livestock licenses. But they are licenses that are rarely used.

SENATOR SPRAGUE said in Yellowstone Co. there are several little businesses outside of the city limits and are in the county and they need a license to operate. **SENATOR LYNCH** said this bill is not going to save the counties any money as there are hardly any licenses that are issued.

SENATOR HARGROVE asked about section 4 and why is it temporary. **REP. STOVALL** said it is repealing all of the bounty claims. **Martha Colhoun** said the reason section 4 is temporary is it is written into the codes that way now.

SENATOR SPRAGUE said because Yellowstone is unique in that they have a lot of these types of businesses, is this a major revenue raising bill. **Gordon Morris, MACo**, said this is not a significant revenue generating bill. It is a consumer protection bill and will give businesses an advantage over those who try to come in and sell out of the back of their truck without a license. This bill will regulate licensing.

SENATOR SPRAGUE said what if a person has vegetables being sold from a ranch house in the county versus the city, will they now have to be licensed to do that. And what about garage sales in the county, do they have to be licensed. **Gordon Morris** said all of these examples are occasional sales and don't need to be licensed as they don't fit under these licensing statutes.

SENATOR BILL GLASER asked if all we are doing with those licenses that have to do with predatory control is the county will now get 100 percent of those fees. **Gordon Morris** said we are doing more than that. He said right now the county only gets 45 percent and the state gets 50 percent and five percent goes into a bounty. This is being eliminated and the counties will get the full 100 percent. He said counties don't like being tax collectors for state purposes.

SENATOR SPRAGUE asked who the counties are going to license specifically that they don't license already. **Gordon Morris** said the counties have very limited business tax authority. The licensing authority stays the same as before.

SENATOR GLASER asked if currently the county can license these people if they want to, but they don't. **Gordon Morris** said there is very limited licensing authority.

SENATOR DOROTHY ECK said right now it looks like the counties collect about \$2000 and of that they keep half. This is not really worth having the bill. The counties might look at licensing additional businesses but to do that they would have to come and get the authority. All this bill does is allow the counties to collect and keep their \$2000.

Closing by Sponsor:

REP. STOVALL said this bill is changing the percentages and the county will be able to collect 100 percent of those fees.

{Tape: 1; Side: A; Approx. Time Count: 3:40 p.m.; Comments: .}

HEARING ON HB 377

Sponsor: REP. BILL RYAN, HD 44, Great Falls

Proponents:

Gordon Morris, MACo
Art Arnold, Valley Co. Commissioner

Opponents: None

Opening Statement by Sponsor:

REP. BILL RYAN, HD 44, Great Falls, presented HB 377. He said we have television districts that are formed by a vote of the people and everyone in that district pays a tax for their local TV. He said under current statute it says if a person does not receive the TV signal they can turn in a claim and be exempt from paying the TV tax. He said a lot of people took advantage of this and turned one in so they wouldn't have to pay the tax. The tax is only about \$30 per year. This bill says a person can apply for an exemption and will be granted that exemption if they cannot receive the signal. There will be more monitoring on this to actually see if they can or cannot receive this exemption.

Proponents' Testimony:

Gordon Morris, MACo, said right now if a person says they cannot receive the signal then that person can be dropped out of the repeater district. However, if enough people drop out of this repeater district to where it can no longer be maintained, then they lose the district.

Art Arnold, Valley Co. Commissioner, rose in support of HB 377. He said if someone files an affidavit for exemption from the tax, the only recourse the television board has is to find them guilty for filing a false affidavit and this is a misdemeanor. However, they do not have the enforcement to do this. This bill leaves the exemption in place as many people do want their local TV and are willing to pay the tax.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR LYNCH asked what if a person doesn't have a TV, do they still have to pay? REP. RYAN said yes they do have to pay, but they can still apply for the exemption.

SENATOR FRED VAN VALKENBURG used the example of 400 to 500 people that have been filing these affidavit now end up paying, what will the district do with this extra money? Art Arnold said by law, the money has to stay in the district, but it will be used for maintenance. If more people pay, the rates will probably end up going down.

Closing by Sponsor:

REP. RYAN said these districts are non-profit and they base their rates on how big the district is and how many people are paying.

{Tape: 1; Side: A; Approx. Time Count: 3:51; Comments: .}

EXECUTIVE ACTION ON HB 377Motion/Vote:

SENATOR LYNCH MOVED HB 377 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 278Motion/Vote:

SENATOR LYNCH MOVED HB 278 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 421Motion/Vote:

SENATOR LYNCH MOVED HB 421 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 160Motion/Vote:

SENATOR ECK MOVED HB 160 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 140Motion/Vote:

SENATOR LYNCH MOVED TO ADOPT THE AMENDMENTS (EXHIBIT 2). MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

SENATOR LYNCH MOVED HB 140 BE CONCURRED IN AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 315

Motion/Vote:

SENATOR LYNCH MOVED HB 315 BE TABLED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 318

Amendments:

Martha Colhoun passed out amendments (EXHIBIT 3).

Discussion:

SENATOR LYNCH said the bill should be passed with the word "must" in it, because they "may" already do it.

Motion:

SENATOR SPRAGUE MOVED TO ADOPT THE AMENDMENTS. (EXHIBIT 3). MOTION FAILED WITH SENATOR BECK VOTING YES.

Discussion:

SENATOR GLASER said all this bill does is allow them to go to more than one meeting per year.

Motion:

SENATOR SPRAGUE MOVED TO TABLE HB 318.

Discussion:

SENATOR HARGROVE said why do we care about how many trips they go on.

CHAIRMAN BECK said an elected official is different than an employee of the county. An elected official is basically their own boss and if they want to go 22 times a year that is at their discretion, and under this bill the county commissioners have to pay for it.

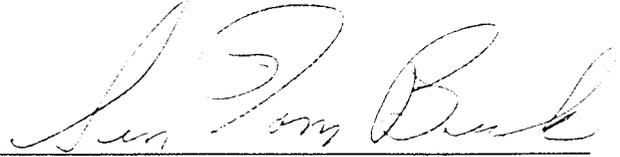
SENATOR LYNCH said the people who wanted this bill were from the counties.

Motion/Vote:

SENATOR LYNCH MADE A SUBSTITUTE MOTION THAT HB 318 BE CONCURRED IN. MOTION CARRIED 6-3 WITH SEN. BECK AND SEN. SPRAGUE voting no and SEN. ESTRADA voting no by proxy.

ADJOURNMENT

Adjournment: 4:03 p.m.



SEN. THOMAS A. "TOM" BECK, Chairman



JODI JONES, Secretary

TB/jj