

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

March 12, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on March 12, 1985 at 3:45 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present. Rep. Brown and Rep. Kitselman arrived late.

Chairman Darko read the order of bills to be heard. SB 38 was first on the agenda, but as Senator Mazurek had not arrived yet, the committee went into executive session for action on bills.

DISPOSITION OF HOUSE BILL NO. 858: Rep. Sales made the motion that HB 858 DO PASS, and this was seconded by Rep. Pistoria. Lee Heiman, Committee Counsel, explained the amendments. Number 5 takes out the power of eminent domain; #7 changes "shall" to "may", amendment #11 takes the \$5 million bonded indebtedness out of the bill, and amendments 12, 13, and 14 make it explicit that there are two separate mill levies.

Rep. Sales asked about including counties, and Lee Heiman said they are not counted.

Rep. Hansen moved the amendments, which were submitted by a subcommittee which consisted of Rep. Kitselman, Rep. Sands, Rep. Brown and Rep. Fritz. This was seconded by Rep. Kadas.

Rep. Sands asked Lee Heiman if these amendments make it clear that there are two different kinds of tax levies. Lee answered that there are two levies, one for airports and landing fields, and the other for ports. There are two mills for each.

Rep. Gilbert then asked Lee Heiman if the last amendment couldn't be construed to pertain to two mills, and Lee explained that the authority to two mills is the subsection above.

Question being called for, the amendment PASSED favorably.

Rep. Hansen then moved to DO PASS AS AMENDED HB 858, seconded by Rep. Kadas.

Rep. Brandewie asked Lee Heiman if there is anything to prevent the port authority from using the two mills that the airport has. Lee Heiman responded that it is separate, two mills for each. It can't be four mills for one or the other.

Senator Mazurek arrived; therefore, Rep. Darko told the committee they would take this up after they had heard the hearings.

CONSIDERATION OF SENATE BILL NO. 38: Senator Mazurek of District 23 appeared before the committee as sponsor of SB 38. He stated it was introduced at the request of the Department of Revenue, and the Revenue Oversight Committee. The bill is very simple. There has been some opposition generated since it passed the Senate. The bill will eliminate the burden on county assessors and clerks and recorders to make changes to the assessment book. When an assessment is made, it is included on the tax records of the county. If the taxpayer appeals to the county tax appeal board, the county can come in and ask the clerk and recorder to change the books. Every time there is a change made, it affects the total property taxpayer valuation. This bill says they don't have to make any adjustments on the books until the appeal process is final. If there is no administrative appeal then at that point the decision is final and should be entered on the books. This bill will make the change only once and that is when the assessment is final.

PROPOSERS: Gregg Groepper, representing the Department of Revenue, said this started with an out of state taxpayer who contended they were not liable for taxes. They went to the district court for a restraining order. The state tax appeal board found in favor of the department of revenue, and now the matter is before the district court. If there is a dispute the treasurer puts that money into an account.

Dick Michelotti, vice president of the Montana Treasurers' Association, stated he stands up in favor of the bill and asked the committee's support of the bill.

OPPOSERS: Dennis Burr, representing the Montana Taxpayers' Association, said when this was heard in the Senate, it was a warm fuzzy bill. When it was heard before the Senate it was a bill that would save the clerks and recorders some paper work. If the county tax appeal board should change an assessment book, the clerk and recorder makes the change immediately. It is easier for a clerk and recorder to change an assessment than to make a refund, so he doesn't see how this will

save paper work for them. The only thing constitutional that grants an appeal is that you have the appeal at the local level. Mr. Burr offered an amendment, which is attached as exhibit 1. The clerk and recorder doesn't have to change the original decision after it is made. That eliminates most of the work. If the committee wants to consider the bill, these are the amendments that would save the paper work.

Steve Brown, PLM Financial Securities, Inc. asked the committee to please consider his gentle opposition. They are involved in a tax dispute. When PLM built the rail cars, the department of revenue claimed a value of \$1.2 million, and PLM said the value was \$640,000. The tax appeals board agreed with PLM. The department of revenue has appealed to the tax board. When talking about the difference in the assessment, it is the local tax board decision versus the department of revenue. It is important that the assessed value be the value on the books.

In closing, Senator Mazurek said Dennis Burr hadn't made any objections in the Senate hearings. All this bill says is that it isn't over until it is final. Most county tax appeal boards are final. There are over 400 appeals before the board. He asked Rep. Switzer to carry the bill, and Rep. Switzer replied if he becomes a friend of the bill, he will carry it.

DISCUSSION OF SENATE BILL NO. 38: Rep. Switzer asked Senator Mazurek if he has any comment on the last amendment made by Mr. Burr, by adding at the end of the bill that no further changes are necessary. Senator Mazurek said he would like to defer that to Mr. Groepper. Rep. Switzer said the county tax appeals board has indicated to him that every assessment is changed. Senator Mazurek asked him if he is saying that assessments or county tax appeals boards are often overturned, to which Rep. Switzer replied he is saying that the county tax boards are overturned. Mr. Groepper then answered Rep. Switzer and said that Mr. Burr's proposed amendment is a better deal than we have now. His department would prefer that the bill pass with the amendment. It is a problem with a county government losing the interest money in the cases that prevail. In the case of the PLM rail car maintenance, they don't get paid the \$640,000 in taxes. The county does not have the money and there is no way for the county to make up the interest. If the county prevailed, in the end there should be some interest money to be made up by the county. Rep. Switzer asked if that same interest payment would be available to the other party should that prevail. Mr. Groepper said if

you pay your taxes under protest, they would pay all the taxes and pay them under protest. If the taxpayer prevailed they would get the interest, and if the county prevailed, they would get the money. The present thing works out pretty well.

Rep. Switzer then said it seemed to him that would work very well with that last amendment. That would be the final entry made until the payment is made. Mr. Groepper said that with Mr. Burr's amendment there is still a problem with interest money being lost in the county, even if there is a saving of paper work.

Rep. Switzer asked Mr. Groepper to comment on the number of county tax appeal boards. Mr. Groepper said it varies somewhat by counties. More than 50% of the cases of the county tax board are reversed by the state.

Rep. Sands asked Mr. Burr to comment on Mr. Groepper's observation about lost interest. Mr. Burr answered that if the department is sustained in their assessment and the taxpayer has been paying on the lower assessment, he doesn't see any problem with that. His main problem is that there may be people who are forced to borrow at 15%, and only get 8% back from the county.

Rep. Poff asked Mr. Brown how the amendment will affect the bill. Steve Brown answered that is the reason they have protest funds. He said he would like to suggest some alternative form of protest fund to enable taxpayers to go out and invest money.

CONSIDERATION OF SENATE BILL NO. 31: Senator Himsl of District 3, Kalispell, presented the bill to the committee, as sponsor. He said he is presenting it at the request of the county commissioners and the county attorneys. It is an act providing for waiver of county surveyor qualifications when the office of county surveyor is consolidated with another county office and providing for contracting with a person who meets those qualifications to perform duties of the county surveyor. Senator Himsl presented written testimony which is attached as exhibit 1, and proposed an amendment. He urged approval of the amendment. There are 41 counties that do not have surveyors, 13 counties elect surveyors, and two appoint surveyors. There are 23 offices that have consolidated offices, most of them in the area of the sheriffs and coroners. In his case they have elected to authorize the clerk and recorder to assign the position to a qualified person.

PROPOSERS: Gordon Morris, representing Montana Association of Counties, stated they support this bill. The data that Senator Himsl referred to is accurate as it was compiled by MACO. He asked for a DO PASS.

OPPOSERS: There were no opposers present.

In closing, Senator Himsl told the committee he would appreciate their support of the bill.

DISCUSSION OF SENATE BILL NO. 31: Rep. Pistoria asked Senator Himsl why the auditor is allowed to have the job when he does not have the qualifications. Senator Himsl said the county commissioners can give it to the clerk and recorder, and they can assign it to someone else who can do the job. They can combine it with another county office.

Rep. Poff said he would like to have a response to the question from Gordon Morris. Mr. Morris responded that he thinks what needs to be pointed out is that if the offices are combined and the new person doesn't have the qualifications, the combined office holder has to hire someone in the profession who can do the job.

CONSIDERATION OF SENATE BILL NO. 20: Senator Fuller of District 22 appeared as sponsor of this bill. He told the committee this is a repealer bill discovered a couple of years ago in Helena. The bill simply repeals the miscellaneous county licenses on billiard tables and bowling alleys. He said by looking at the fiscal note, the total income is \$26,000. The bill was put in back in the times when bowling alleys were viewed as a place where they needed more law enforcement officers.

PROPOSERS: Clark Pyfer of East Helena and representing himself as part owner of the Sleeping Giant Lanes, said this law was passed in 1903. They have had to pay all licenses and county taxes, at \$20 per lane, which is \$400 each year. He asked the committee's support of the bill.

OPPOSERS: Dick Michelotti, representing the Montana Treasurers' Association, from Cascade County, stated this bill got through the Senate before they got a chance to look into it. In Cascade County they lost \$4,800, and this money would go into their general fund. He sees nothing in this bill to replace anything, and stated they oppose the bill and asked the committee to kill it.

Gordon Morris, representing Montana Association of Counties, told the committee that they opposed this

bill in the Senate. For the record, they are opposed to it for the principal involved because of the tax base on the fiscal note. They also feel that the bill is discriminatory for miscellaneous licenses.

In closing, Senator Fuller said this is a stupid tax. It may be cost effective in Cascade County, but it is discriminatory because the bowling alleys pay their taxes and business licenses. He asked for the committee's support.

DISCUSSION OF SENATE BILL NO. 20: Rep. Kadas asked Senator Fuller if it would cost \$75,000 to collect this tax. Senator Fuller said only about half the counties know about the tax, and this figure is the best estimate.

Rep. Kadas then asked Mr. Michelotti if it is possible that the tax costs more to collect than what you get out of it. Mr. Michelotti replied that he thinks it costs 1% to collect it. Therefore, it definitely does not cost more. Rep. Kadas then asked if this could be done through the mail, to which Mr. Michelotti replied yes.

Rep. Fritz asked Mr. Michelotti if he has any breakdown of bowling alleys versus billiard tables in the \$4,800 figure, and if bumper pool is involved also. Mr. Michelotti said bowling alleys would collect \$3,000 and billiard tables, \$1,870.

Rep. Sands said we have heard from local governments why revenue is needed, but why is it important to have this kind of tax on this kind of people. Mr. Michelotti answered that it is not necessary against the pool tables and bowling alleys but is important because of a revenue they will be losing.

Rep. Pistoria asked if other establishments throughout the state had not been collecting this, other than Cascade county, and Senator Fuller said that is right. Rep. Brown commented that \$20 per alley in Cascade County are a lot of bowling alleys.

CONSIDERATION OF SENATE BILL NO. 279: Senator Bengtson of District 49, sponsor of the bill, presented it to the committee. She said in 1981 there was a law passed in the Legislature, which was brought about because of certain areas wanting to consolidate law enforcement. Before 1983, Yellowstone county tried to consolidate law enforcement and in both times, the law went down. The bill was killed in the House Local Government. This bill speaks to some long standing issues that are

unresolved in Montana, such as taxation without representation, the plight of agriculture, rural versus urban. It is constitutional and does not violate the 14th amendment. The guts of the whole bill is on page 2, line 14: in any election involving the question of service consolidation or transfer, an affirmative vote of a simple majority of those voting on the question residing in each of the municipalities and a simple majority of those voting on the question residing in the remainder of the county are required for adoption. That is not a first. Another reason it is not a first is because of the school elections. It is not a new idea. If the plan is good, people are reasonable and a majority of the people will accept it. We are talking about money, and large land owners are affected when reaching out to the urban areas. The bill stands on its own merits, and it is important to look at it again. She ended by stating she did not bring anyone to support it.

PROPOSERS: Rep. Dave Brown of District 72 stated he would like to be listed as a proponent.

Rep. Bill Glaser, District 98, Billings, stated he supports this bill very strongly, as minorities have the right to be represented.

Rep. John Patterson, District 97, said this bill will solve a lot of problems for Yellowstone County. They do need to have a separate vote by the city and rural residents. The population of Billings is the largest in Montana, and this bill solves a problem for them. He supports this bill and hoped the committee would concur with the Senate and give a DO PASS.

Rep. Switzer, Rep. Gilbert and Rep. Brandewie all wanted to be listed as proponents to SB 279.

OPPOSERS: Jim Van Arsdale, mayor of Billings, said this bill was voted on two years ago as being bad legislation, and it has not changed. This bill really jeopardizes by giving minorities the opportunity to rule. They aren't even paying for the plan, and he would urge the committee to not pass this legislation.

Dave Goss, Billings Chamber of Commerce, stated he would like to go on record opposing this bill. If this bill passes, it will be disenfranchising some people. The faith of the bill would rest on the majority vote of all those voting. He asked for a BE NOT CONCURRED IN recommendation.

Alec Hansen, representing the Montana League of Cities and Towns, told the committee we are looking at a possibly very serious financial crisis in local governments. It is a possibility that \$17 million in revenue sharing will be lost each year. If these things happen, local governments are going to have to take advantage of every alternative available. Consolidation works. These types of management alternatives may become absolutely critical in local governments.

In closing, Senator Bengtson said it is not Yellowstone county alone that has this problem. Missoula, Deer Lodge, Gallatin Valley and all over the state have this problem. The larger land owners are involved more heavily, and therefore we are talking about the majority rules and minority rights. The people in the Legislature are bound and determined to protect the rights of the minorities. Now we are talking about taxpayers and minorities. You can also have the tyranny of the majority. When we talk about Butte-Silver Bow, they voted on the consolidation of the city and the county. When you are going to expand and consolidate services, I maintain that these people have a right to be heard. They are not. They are disenfranchised. She ended by saying she knows the committee will have a tough time getting this bill out of committee, but it is a good bill.

DISCUSSION OF SENATE BILL NO. 279: Rep. Brown asked Alec Hansen if he didn't think the option theme to the city-county consolidation kind of government is a better option than to have the city force on the counties additional revenue bonds they don't want, to which Mr. Hansen replied that this could work both ways. He said what we are talking about is the rights of the majority against the rights of the minorities. Consolidation does have some potential to save money and to cut back the cost of providing services. These kinds of things have got to have the chance.

Rep. Brown then said his concern is that, particularly in the case of Yellowstone county, the city is continually trying to lay a tax burden on the county. He doesn't feel it is fair to burden the whole county when there is more property in the county, most of which is agriculture. Alec Hansen replied that he is not sure that the city is trying to lay a tax burden on the county. It is not intended as a tax transfer but as a tool to try to lower costs. People in the city aren't trying to reach out a tax burden, but are trying to find a better way to run their government.



Rep. Kitselman wanted ask Mayor Van Arsdale or the commissioner from Billings, but they had left. At the time Rep. Kitselman left to come here they had been working on a matter. They had meetings with the county commissioners and city council, and even the chief of police and the sheriffs. The sheriff has agreed to patrol areas that used to be in the city. They had a group study what the equity was, and it came up to over \$1 million. The city citizens pay for the sheriff's budget and also pay for the police department.

Dwight Mackay of Billings said the first thing he must say is that a commissioner represents not only the rural areas but also the citizens in the city. Until we have a consolidated government we will have budget battles between the cities and the counties, and this is true in every county in Montana. We are working on interlocal agreements, and law enforcement is only one issue that needs to be addressed.

Rep. Sands asked Mr. Hansen about the adoption of the plan of the interlocal cooperative commission, and Alec Hansen said someone from Billings should answer this. Mr. Mackay said they would provide the city or the city would provide the county with a proposal and they would interact in the interlocal commission.

Rep. Patterson was asked to carry this bill.

The committee then went back into executive session to act on HB 858, and Rep. Hansen's motion of DO PASS AS AMENDED.

Rep. Sands asked Rep. Brown if he has any comment on the question that this should be available to counties as well as cities, and Rep. Brown replied we are promoting another economic development tool and he doesn't have any problem with it. Rep. Sands asked him what he thinks about the requirement of submitting this to the approval of the voters, and Rep. Brown answered too much time is being spent sending it to the voters, that we are here to make the decisions for the people.

Rep. Sands asked if any indebtedness to the port would be a debt to the county, and Gordon Morris said he does not have a copy of the bill with him. If Rep. Sands is talking about the section on the \$5 million debt limit, he would like to suggest that it definitely would have to be within the 23% limitation, which is the county's total debt limitation.

Rep. Sands moved an amendment to page 1, line 16 by putting in the requirement for voter approval before a

municipal port authority is created. This was seconded by Rep. Brown. Question being called for, motion passed, with Rep. Fritz opposed.

Executive session was then adjourned as Senator Blaylock appeared to present his bill.

CONSIDERATION OF SENATE BILL NO. 102: Senator Blaylock, District 43, presented the bill to the committee, and said it was at the request of the city clerk of Laurel. This bill would revise the type of documentation required for presentation of claims against a municipality. It stops one step of the process that has become useless and merely costs money. Claims need not be accompanied. What the city has had to do is send a claim to those who they owe money to and sometimes these claims didn't come back. Most cities have been charged extra money for this. The city has an audit trail, which would have to be dropped. The city is safe without an audit trail.

PROPONENTS: Bill Verwolf, representing the city of Helena and the Montana Municipal Clerks, Treasurers and Financial Officers, said that the primary reason for this bill is to make the administration of the cities more efficient. The required signing of claims has been a very time-consuming process. If someone has not done business with the city and if they have been out of town, the city has to turn it back and this makes a one to two week delay in the processing of the claim. He said they are asking that they pay on an invoice or letterhead type of billing, and think that is more businesslike and much more efficient. This requirement was eliminated for school districts years ago.

Alec Hansen, representing the Montana League of Cities and Towns, said they support this bill for the reasons explained by Mr. Verwolf. It costs money and wastes time for both sides, both the government and those they do business with.

Greg Jackson, Urban Coalition, said they look at this as a kind of housekeeping bill, and stand in support of it.

John Lawton, finance director for the city of Billings, said the process of having vendors signing claims has been a problem for them, as there is an endless paperwork problem with this. For this reason, they support the bill.

Chairman Darko said the city of Glasgow wishes to go on record in support of this bill.

OPPONENTS: There were no opponents present.

In closing, Senator Blaylock asked who would like to carry the bill, and Rep. Sands said he would.

DISCUSSION OF SENATE BILL NO. 102: Rep. Sales said a little while back this committee had a bill that would allow payment by check on all warrants, and he asked how they kept track of where the money went. Mr. Verwolf answered they don't propose to eliminate the claim, only the signature involved.

There being no further discussion of the bill, the committee reconvened for executive action on HB 858.

Rep. Sands had moved to amend, and explained the reason for the amendment is because we are putting a requirement for voter approval for every kind of district. This is one that has the authority to issue bonds and has the ability to create indebtedness across the city. Rep. Sales said no, not without an election. Action was then postponed again on HB 858, as Senator Christiaens arrived to present his bill.

CONSIDERATION OF SENATE BILL NO. 140: Senator Christiaens of District 17, Great Falls, appeared as sponsor of SB 140. This bill increases the amount of single-purpose county indebtedness authorized without a vote of the people, from \$150,000 to \$500,000 in Class 1 and Class 2 counties, and to \$350,000 in all other counties. He explained the reason for this bill is inflation. This bill is supported by the Montana Association of Counties as a fiscal responsible type of bill for county commissioners. Originally, the ceiling for indebtedness for counties was \$80,000, and was raised to \$150,000. The need for equipment moving has raised it again. He asked the committee's concurrence in this bill.

PROPOSERS: Gordon Morris, representing the Montana Association of Counties, stated that as Senator Christiaens had pointed out, this bill is supported by MACo, and was endorsed in Kalispell and amended. It is a by product of the infrastructure task force. One of the problems of the bill is that the control would be under the limits as set by the county budget, and that one piece of road equipment costs more in one county than in another. There is one item that the committee might want to look at before voting, and he recommended that an immediate effective date of July be added to coincide with the county budget law. He hoped for a DO PASS recommendation on SB 140.

PROPOSERS: Greg Jackson, representing the Urban Coalition, said they concur with SB 140 and recommend the committee to pass this bill.

OPPOSERS: There were no opposers present.

In closing, Senator Christiaens said this particular recommendation did come out of the infrastructure task force, and as the bill has been amended, is something that all counties can live with. This is very workable and very needed. As to effective date, he didn't have any specific preference and the committee could say whatever they like.

DISCUSSION OF SENATE BILL NO. 140: Rep. Brandewie asked Senator Christiaens if the bill would be jeopardized if they changed it back to \$500,000 in all counties because equipment is the same in smaller counties as well as in larger counties. Senator Christiaens replied that if the committee chooses to do this it is fine with him, but it may run into a problem back in the Senate as they feel it would be restrictive.

Rep. Kitselman asked Senator Christiaens what raising this to a \$500,000 ceiling would do to the bidding process for the equipment. Senator Christiaens answered that it would have to go through the same bidding process as before. In heavy equipment, the need comes up immediately without warning, without the opportunity to go to the voters.

Rep. Kadas agreed to carry the bill.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 20: Senator Van Valkenburg, sponsor of the resolution, appeared before the committee to present it. He stated this is an effort to provide a memorial to the wife of Allen Kimery, who was a deputy sheriff from Missoula county and was shot and killed while carrying out his duties. He was in the process of making an arrest. He was found lying on the side of the street two or three minutes after the call was made and was dead within a short time of their arrival. This isn't much to do, but most law enforcement officers pay a price for our protection. This man was a friend of Senator Van Valkenburg and worked hard in the Legislature in 1981 to get the Legislature to adopt pay matters in regards to deputy sheriffs.

PROPOSERS: Rep. Brown stated he would like to be listed as a proposer of the resolution. He worked with Al Kimery in 1981.

Rep. Hansen also stated she wanted to go on record as a proponent, as she worked with his wife in Campfire Girls.

The whole Local Government Committee wanted to go on record in support of this resolution, as well as Gordon Morris of the Montana Association of Counties.

Senator Van Valkenburg closed his presentation. Rep. Stella Jean Hansen agreed to carry the bill.

The committee then went into executive session for action on bills.

DISPOSITION OF SENATE JOINT RESOLUTION NO. 20: Rep. Brown moved that SJR 20 BE CONCURRED IN, and this was seconded by Rep. Hansen. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 858: Rep. Sands explained he was not trying to interfere with this bill, that an election isn't needed for revenue bonds. On page 7, there is a provision that creates comprehensive port zoning regulations, on page 8, lines 18 through 20, the authority may introduce a 30-year contract, and the port authority can decide who can do best at the port. Rep. Brown said the governing body does have the authority. People are elected to take stands and not take it back to the people all the time.

Rep. Sands then moved the amendment, to go for voter approval, and this was seconded by Rep. Switzer. Question was called for, and motion FAILED.

Question was then called on the original bill to be amended.

Rep. Brandewie asked Rep. Brown about subsection 6, on page 7. Rep. Brown said the amendment took that section out. Lee Heiman explained that is amendment #4.

Question being called for on Rep. Hansen's motion of DO PASS AS AMENDED, and motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 31: Rep. Brown made the motion of BE CONCURRED IN, and this was seconded by Rep. Hansen. Question being called, motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 102: Rep. Brown moved that SB 102 BE CONCURRED IN, seconded by Rep. Fritz. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 20: Rep. Brown moved SB 20 BE CONCURRED IN, seconded by Rep. Brandewie.

Rep. Sales moved to amend to include cities and towns to repeal, seconded by Rep. Gilbert. Rep. Brown asked Lee Heiman if these aren't local ordinances, not state statutes, and this is the reason for the bill. Rep. Sales then withdrew the amendment.

Rep. Sales then made a substitute motion that SB 20 BE NOT CONCURRED IN, and this was seconded by Rep. Gilbert.

Rep. Brown said this is a statute that has been on the books since the early 1900's. The only reason that this has been a problem is Great Falls. Most counties don't impose it, as most counties said it would cost more to collect. Rep. Sales stated the fiscal note refers to Yellowstone County, and shows the loss, that it is the city, not Cascade County which is involved. Also, the general fund money is being lost. Rep. Brown stated the fiscal note doesn't show how much it costs to collect and that is the main point of the bill. Rep. Gilbert felt the thing should be left on the books.

Question being called for, motion PASSED, with 10 members voting yes, and four no.

Rep. Brown will carry the bill on the floor.

DISPOSITION OF SENATE BILL NO. 140: Rep. Hansen moved SB 140 BE CONCURRED IN, seconded by Rep. Poff.

Rep. Kadas moved to amend by putting on immediate effective date. Rep. Wallin seconded it. Rep. Fritz stated that the recommendation was an effective date of July, to which Rep. Kadas said he preferred immediate effective date.

Question being called, motion PASSED UNANIMOUSLY.

Rep. Sales made the motion to strike the Senate amendment, and this was seconded by Rep. Kadas.

Rep. Sales stated that the most responsible county commissioners in the state are those who serve in the smaller counties. They are dedicating their services and are not paid for full time. If anyone can handle \$500,000 expenditures, they can.

Question being called for, motion PASSED UNANIMOUSLY.

Rep. Fritz moved that SB 140 BE CONCURRED IN AS AMENDED, seconded by Rep. Wallin. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 279: Rep. Brown moved SB 279 BE CONCURRED IN, seconded by Rep. Sales. Question being called for, motion went out of the committee WITHOUT RECOMMENDATION, on a Roll Call Vote of 7 to 7.

Rep. Patterson would carry the bill.

Rep. Sands asked that the committee hold action on SB 38, Senator Mazurek's bill, until Thursday, and come prepared to amend at that time.

Action on HB 870 would also be taken on Thursday, March 14.

There being no further business before the committee, the meeting was adjourned at 6:05 p.m.

  
PAULA DARKO, Chairman





# STANDING COMMITTEE REPORT

March 12, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE JOINT RESOLUTION Bill No. 20

THIRD reading copy ( BLUE )  
color

**RESOLUTION IN MEMORY OF SERGEANT ALLEN L. KIMERY.**

Respectfully report as follows: That SENATE JOINT RESOLUTION Bill No. 20

BE CONCURRED IN

~~DO PASS~~  
DO PASS

Jw 3/13

March 17

19 35

**SPEAKER:**

MR. ....

**LOCAL GOVERNMENT**

We, your committee on .....

**HOUSE**

having had under consideration ..... Bill No. 853

**FIRST**

**WHITE**

\_\_\_\_\_ reading copy ( \_\_\_\_\_ )  
color

**MUNICIPAL AND REGIONAL PORT AUTHORITIES**

Respectfully report as follows: That..... **HOUSE** ..... Bill No. 853

**BE AMENDED AS FOLLOWS:**

1. Title, line 4.

Strike: "MUNICIPAL"

Insert: "LOCAL"

2. Title, line 9.

Strike: "FOR POWERS OF SWINEY DOMAIN,"

Following: "BONDS"

Strike: ",."

3. Title, line 12.

Following: "FOR"

Insert: "COUNTY AND"

4. Page 1, line 16.

Strike: "Municipal"

Insert: "Local"

~~DO PASS~~

CONTINUED

March 17

19 85

5. Page 1, line 17.  
Following: "Any"  
Insert: "county or"

6. Page 1, line 19.  
Strike: "municipal"  
Insert: "local"

7. Change "18" to "17" in bracketed internal references on:

- Page 1, line 23.
- Page 3, line 22.
- Page 5, lines 1, 11, and 17.
- Page 6, line 23.
- Page 7, line 7.
- Page 8, line 12.
- Page 10, lines 2 and 22.
- Page 12, lines 17, 18, and 19.
- Page 13, lines 6 and 12.
- Page 14, line 4.
- Page 15, lines 3, 14, and 23.
- Page 16, line 2.

8. Page 1, line 24.  
Strike: "municipal"  
Insert: "local"

9. Page 2, line 2.  
Strike: "municipal"  
Insert: "local"

10. Page 3.  
Following: line 1  
Insert: "county or"

11. Page 3, line 12.  
Strike: "municipalities"  
Insert: "local governments"

12. Page 3, line 23.  
Following: "additional"  
Insert: "counties or"

13. Page 3, line 24.  
Strike: "municipality"  
Insert: "local government"  
Strike: "municipalities"  
Insert: "local governments"

CONTINUED

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14. Page 3, line 3.  
Strike: "municipal"  
Insert: "local"  
Strike: "municipality"  
Insert: "local government"

15. Page 3, line 5  
Strike: "municipal"  
Insert: "local"

16. Page 3, line 6.  
Following: "of the"  
Insert: "county or"

17. Page 3, line 7.  
Strike: "municipality"  
Insert: "local government"

18. Page 3, line 9.  
Strike: "municipal"  
Insert: "local"

19. Page 3, line 12.  
Strike: "municipalities"  
Insert: "local governments"

20. Page 3, line 16.  
Following: "A"  
Insert: "county or"

21. Page 3, line 19.  
Following: "the"  
Insert: "county or"

22. Page 3, line 21.  
Following: "the"  
Insert: "county or"

23. Page 5, line 14.  
Following: "of"  
Insert: "county or"

24. Page 5.  
Following: line 17  
Insert: "county or"

25. Page 5, line 24.  
Following: "the"  
Insert: "county or"

CONTINUED

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26. Page 6, line 1.

Following: "the"

Insert: "county or"

27. Page 6, line 19.

Following: "the"

Insert: "county or"

28. Page 7, line 12.

Strike: "eminent domain proceedings,"

29. Page 7, lines 17 and 18.

Strike: "eminent domain proceedings,"

30. Page 7, line 21.

Following: "authority,"

Insert: "county,"

31. Page 7, line 23.

Following: "authority,"

Insert: "county,"

32. Page 9, lines 12 through 20.

Strike: section 10 in its entirety

Re-number: subsequent subsections

33. Page 9, line 23.

Strike: "17"

Insert: "16"

34. Page 10, line 9.

Strike: "shall"

Insert: "may"

35. Page 10, line 23.

Strike: "14"

Insert: "13"

Strike: "15"

Insert: "14"

36. Page 11, line 15.

Strike: "12"

Insert: "11"

37. Page 12, line 18.

Following: "authority"

Insert: ", county,"

38. Page 12, line 23.

Following: "authority"

Insert: ", county,"

CONTINUED

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1935

39. Page 13, line 10.

Following: "of"

Insert: "any county or"

40. Page 13, line 12.

Strike: "municipality"

Insert: "local government"

41. Page 13, line 13.

Strike: "municipality"

Insert: "local government"

42. Page 13, line 18.

Following: the first "the"

Insert: "county or"

43. Page 13.

Following: line 22

Insert: "county or"

44. Page 13, line 25.

Following: "other"

Insert: "county or"

45. Page 14, lines 2 and 3.

Strike: "municipality having a population in excess of  
10,000"

Insert: "local government"

46. Page 14, line 5.

Strike: "municipalities"

Insert: "local governments"

47. Page 14, line 8.

Strike: "municipalities"

Insert: "local governments"

48. Page 14, line 14.

Strike: "municipality"

Insert: "local government"

49. Page 14, line 15.

Strike: "municipality"

Insert: "local government"

50. Page 14, line 24.

Strike: "municipality"

Insert: "local government"

CONTINUED

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51. Page 15, line 2.

Strike: "municipality"

Insert: "local government"

52. Page 15, line 4.

Strike: "14(1)"

Insert: "13(1)"

53. Page 15, line 7.

Strike: "the"

Insert: "a"

Strike: "of \$5,000,000"

Insert: "determined by the governing body"

54. Page 16, line 12.

Strike: "of not to exceed 2 mills"

55. Page 16, line 13.

Following: "town"

Insert: ":

(a) not to exceed 2 mills for airports and landing fields; and

(b) not to exceed 2 mills for ports"

56. Page 16, line 21.

Following: "mills"

Insert: "for airports, landing fields, or ports"

HR858.53

PCS

AND AS AMENDED,

DO PASS

# STANDING COMMITTEE REPORT

March 12, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 31

THIRD reading copy ( BLUE )  
color

**WAIVER OF COUNTY SURVEYOR QUALIFICATIONS UPON OFFICE  
CONSOLIDATION.**

Respectfully report as follows: That SENATE Bill No. 31

**BE CONCURRED IN**  
**DO PASS**



# STANDING COMMITTEE REPORT

..... March 12, ..... 19 25 .....

MR. SPEAKER: .....

We, your committee on LOCAL GOVERNMENT .....

having had under consideration ..... SENATE ..... Bill No. 102 .....

THIRD reading copy ( BLUE )  
color

**REVISE DOCUMENTATION OF CLAIMS AGAINST A MUNICIPALITY.**

Respectfully report as follows: That ..... SENATE ..... Bill No. 102 .....

BE CONCURRED IN.

~~DO PASS~~

..... PAULA DARRO, ..... Chairman.

# STANDING COMMITTEE REPORT

March 12, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 20

THIRD reading copy ( BLUE )  
color

**REPEALING COUNTY BILLIARD TABLE AND BOWLING ALLEY  
LICENSES.**

Respectfully report as follows: That SENATE Bill No. 20

BE NOT CONCURRED IN  
~~DO PASS~~

# STANDING COMMITTEE REPORT

March 12, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 140

THIRD reading copy ( BLUE )  
color

**INCREASING COUNTY DEBT WITHOUT A VOTE TO \$500,000.**

Respectfully report as follows: That SENATE Bill No. 140  
**BE AMENDED AS FOLLOWS:**

1. Title, lines 8 and 9.

Strike: "IN CLASS 1 AND CLASS 2 COUNTIES AND TO \$350,000  
IN ALL OTHER COUNTIES"

2. Title, line 10.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, lines 23 and 24.

Strike: "IN CLASS 1 AND CLASS 2 COUNTIES AND \$350,000  
IN ALL OTHER COUNTIES"

4. Page 2.

Following: line 1.

Insert: "NEW SECTION. Section 2. Effective date. This  
act is effective on passage and approval."

And, as so amended,

BE CONCURRED IN

# STANDING COMMITTEE REPORT

..... March 12, ..... 19 35 .....

MR. **SPEAKER:** .....

We, your committee on ..... **LOCAL GOVERNMENT** .....

having had under consideration ..... **SENATE** ..... Bill No. **279** .....

THIRD reading copy ( BLUE )  
color

**SERVICE CONSOLIDATION OR TRANSFER - SEPARATE CITY AND COUNTY VOTE APPROVAL.**

Respectfully report as follows: That ..... **SENATE** ..... Bill No. **279** .....

**WITHOUT RECOMMENDATION**  
~~DO PASS~~



Exhibit 1  
SB 31  
3-12-85  
Sen. Himsl



*The Big Sky Country*

MONTANA STATE SENATE

SENATOR MATT HIMSL  
DISTRICT NO. 9, FLATHEAD COUNTY  
305 4TH AVE. E.  
KALISPELL, MONTANA 59901

COMMITTEES:  
FINANCE & CLAIMS, CHAIRMAN,  
PUBLIC HEALTH

Re: Surveyor status

Intro: Mr. Chairman and members of the Committee:

I am Senator Matt Himsl, Senate District 3, and the principal sponsor of Senate Bill 31.  
Flathead county---and there must be several other counties---does not elect a county surveyor the duty is assigned to the office of the Clerk and Recorder. The auditors have repeatedly criticized the county for assigning such office without statutory authorization where the job calls for specific qualifications.

*Request -  
Co. Com.  
Co. Attorney*

This amendment would, in effect, waive the title of COUNTY surveyor in the case of consolidation of offices but would allow and require the assigned officer, with the approval of the governing body, to employ a qualified person to perform the duties of a surveyor.

A similar provision, with the same language, is found in Section 20-3-201 (3) MCA relating to the office of county superintendent of schools.

I urge your approval of the proposed amendment.

Exhibit 1  
SB 38  
3-12-85  
Senator  
Mazurek

AMENDMENT TO SENATE BILL 38

Page 1 line 20, after the word shall, strike the remainder of line 20 and all of lines 21-24.

Page 2 line 16 following the word "provided." Insert the following new language: After recording a change to the assessment book as directed by a county tax appeal board or the state tax appeal board when the state tax appeal board has original jurisdiction, no further changes shall be made until the time for appeal has expired or until final judgement is entered on judicial review.

















*Subcommittee:*  
*Kitchman, Bonds, Brown, Fritz*

AMEND HOUSE BILL 858, INTRODUCED COPY

1. Title, line 8.

Strike: "FOR POWERS OF EMINENT DOMAIN,"

Following: "BONDS"

Strike: ", "

2. Change "18" to "17" in bracked internal references on:

Page 1, line 23.

Page 3, line 22.

Page 5, lines 1, 11, and 17.

Page 6, line 23.

Page 7, line 7.

Page 8, line 12.

Page 10, lines 2 and 22.

Page 12, lines 12, 13, and 19.

Page 13, lines 6 and 12.

Page 14, line 4.

Page 15, lines 3, 14, and 23.

Page 16, line 8.

3. Page 7, line 12.

Strike: "eminent domain proceedings,"

4. Page 7, lines 17 and 18.

Strike: "eminent domain proceedings,"

5. Page 9, lines 12 through 20.

Strike: section 10 in its entirety

Renumber: subsequent subsections

6. Page 9, line 23.

Strike: "17"

Insert: "16"

7. Page 10, line 9.

Strike: "shall"

Insert: "may"

8. Page 10, line 23.

Strike: "14"

Insert: "13"

Strike: "15"

Insert: "14"

9. Page 11, line 15.

Strike: "12"

Insert: "11"

10. Page 15, line 4.

Strike: "14(1)"

Insert: "13(1)"

11. Page 15, line 7.

Strike: "the"

Insert: "a"

Strike: "of \$5,000,000"

Insert: "determined by the governing body"

12. Page 16, line 12.

Strike: "of not to exceed 2 mills"

13. Page 16, line 13.

Following: "town"

Insert: ":

(a) not to exceed 2 mills for airports and landing fields; and

(b) not to exceed 2 mills for ports"

14. Page 16, line 21.

Following: "mills"

Insert: "for airports or ports"

HB858.53

PC5



WITNESS STATEMENT

NAME Clark Cyfer BILL NO. SB 70  
ADDRESS Box 752, East Helena DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT? Self  
SUPPORT  OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: