

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Darko, on February 7, 1989, at 3:15 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: None

HEARING ON HOUSE BILL 410

Presentation and Opening Statement by Sponsor:

Rep. Mike Kadas, District 55, stated that this bill would authorize up to \$1 fee on motor vehicles registered in a county that has a county-wide air pollution control program. The fee would only be on self-propelled vehicles. Only four counties presently have such a program, others are interested and 65% of the cost of the program could be financed with the fee.

Testifying Proponents and Who They Represent:

Robert Ellerd, Governor's Office
Jeff Chaffee, Chief, Air Quality Bureau, Department of Health & Environmental Sciences
Jim Carlson, Environmental Division, Missoula City/County Health Department
Will Selser, Lewis & Clark County Health Department
Chris Kaufmann, Montana Environmental Information Center
Ann Mary Dussault, Missoula County Commissioner
Rep. Diana Wyatt, District 37

Proponent Testimony:

Robert A. Ellerd stated that the Governor's office was providing testimony that will be given by the Montana Air Quality Bureau. He is not here in any opposition to the bill from the Administration and the testimony will be presented from the Bureau.

Jeff Chaffee presented testimony from the Air Quality Bureau.
Exhibit 1

Jim Carlson stated that air quality in Missoula is a direct result of vehicle emissions. Missoula has the option of handing its air program back to the state; however, they feel that local programs are the most effective and efficient method of solving air quality problems. They are asking for permission to fund up to 65% of the local program through this \$1 assessment on each vehicle registration and feel it is a reasonable expense.

Will Selser stated that a similar bill was presented in the last Legislature. In Lewis & Clark County, on a typical late winter day, 75% of the particulate in the air is from automobile dust. Asking car owners to share in this expense is not unreasonable.

Chris Kaufmann stated that her organization strongly supports the concept that those who consume need to pay for the waste that is generated by that consumption. Drivers need to pay for the environmental damage they are causing.

Ann Mary Dussault supports this legislation as a means to solve a local problem at the local level.

Rep. Diana Wyatt expressed the support of Peter Frasier of the Cascade County Health Department for this legislation.

Testifying Opponents and Who They Represent:

Tom Harrison, Montana Auto Dealers
Jim Manion, Montana Highway Users Federation, Montana AAA
Rep. Wallin, District 78
Larry Akey, Montana Auto Rental Agencies

Opponent Testimony:

Tom Harrison asked how many times you can dip into the same well. There are other taxes (and this is a tax - not a fee) on automobiles such as a weed fee placed on the automobile last session, a proposal this session (HB 111) that would fund the entire solid waste program, 50% of the Environmental Science Division and two other programs. Vehicles have become the most overtaxed item in the state with surrounding states running their programs on a very modest fee, some as low as \$50. He asked that the totality of what is being done be kept in perspective since not all requests for additional fees come before this committee but are assigned to various committees.

Jim Manion said that this is the third, if not the fourth, session that this has been tried and those attempts died in committee. The car is singled out because the mechanism is there; however, there is still little being done to recognize other sources of pollution.

Rep. Wallin stated that the auto manufacturers are addressing the problem and a solution is not going to be found on a local level. Tourists aren't paying but they will be polluting.

Larry Akey concurred with other opposing testimony.

Questions From Committee Members:

Rep. Wallin asked Mr. Carlson why they needed more money since their program is so successful. Mr. Carlson stated that there are increasing demands from state and local agencies and funding has been taken from other Health Department areas, such as communicable disease programs and AIDS research, to meet these demands. They can no longer afford to do that and want the additional funding to help support this program from cars.

Rep. Wallin asked Mr. Chaffee about the plans being developed and how that plan is going to handle the carbon monoxide exhaust from cars. Mr. Chaffee responded that there are a number of options including car maintenance inspections, gasohol and transportation rerouting and the money would be used to develop the type of plan most suited for a particular area. There are model plans available but not for the specific problems that Missoula is experiencing.

Rep. Rehberg asked Mr. Chaffee if the state workload that is being performed by the county is simply a pass-through for the federal government. Mr. Chaffee responded that the workload has increased because of federal requirements.

Rep. Rehberg asked Rep. Kadas for a reason why state vehicles should be exempt from the fee. Rep. Kadas was unsure why that exemption was included in the bill but he suspects that it is an accounting problem.

Rep. Hansen asked Mr. Harrison if there were any statistics available showing auto sales decreasing directly attributable to fees. Mr. Harrison responded that he is unsure of the cause but about one-half of the dealers in the state have closed in the last twenty years - may be part of it.

Rep. Hansen asked Mr. Manion if he was aware that Missoula County

has a fee for woodstove burning during air alerts. Missoula also has a bus system that is free during air alerts but motorists choose to continue to drive. Mr. Manion stated that motorists pay more than their fair share of fees to fund all sorts of programs. It is a concern that funding be found but we can't continually turn to the auto owners. Rep. Hansen asked if one more dollar would hurt car sales. Mr. Manion responded that the amount is not the issue but the continual turning to car owners for funding of programs that have nothing to do with problems of the car.

Closing by Sponsor: Rep. Kadas stated that increased revenue is needed to keep up with federal regulations. He addressed Rep. Wallin's concerns about why the fee was set at \$1 (Missoula County only needs about \$0.50 per vehicle) and he also stated that state cars would be exempt because the administrative expense would not justify collecting for them. In the winter Missoula usually has a noticeable level of pollution and he thinks a vast majority of people living there are willing to pay to clean up their air. They have made great strides but they still have a way to go and this fee is not unjust.

DISPOSITION OF HOUSE BILL 410

Motion: Rep. Hansen moved HB 410 DO PASS. Rep. Wyatt seconded.

Discussion: Rep. Rehberg asked about the fee in Missoula on woodstoves. With the permission of the committee Ann Mary Dussault stated that it is not a fee but a fine for burning in an unauthorized stove during an alert. Rep. Wallin stated that none of the money that would be collected by this bill would be correcting the pollution problems of the car. He felt that the proponents are grasping for funds. Rep. Hansen stated that drivers were insensitive to the air pollution problem because they refuse to use public transit even with incentives. Rep. Hoffman felt that the bill lacks means to accomplish a purpose. Rep. Good was annoyed that public vehicles would be exempt and asked about the 65% of a budget - what budget? Ann Mary Dussault stated that the intent was the adopted budget so the amount would be a varying amount from year to year and the money could be carried forward. Rep. Guthrie objected to the bill because it only applied to a few counties. Rep. Wyatt spoke of the pollution problems in Great Falls, specifically, 10th Avenue South. Rep. Rehberg felt that people in a particular area would be taxed unfairly and that the fees placed by different committees add up to a burden on the taxpayer. Rep. Good asked what committee this bill came before last session. Rep. Darko said that it was before this committee. Rep. Wallin commented that cars do meet federal standards. Rep. Darko stated that her community has built-in weather problem and it has been

determined that cars are double polluters - they give off exhaust but they stir it up with their tires also. Rep. Hansen stated that she has been referring to EPA standards for air quality not federal standards for cars. Rep. Brooke pointed out that Missoula has had a concerted community effort for the past five or six years to make people aware of the problems and this bill would strengthen the program. Rep. Gould suggested that the form to register your car may have to be revised to accommodate all the additional fees added to it.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Roll call vote was taken. The motion DO PASS failed 9 to 7. Rep. D. Brown moved to reverse the vote. Rep. Gould seconded. The vote to reverse was unanimous so the bill will be recommended DO NOT PASS.

HEARING ON HOUSE BILL 471

Presentation and Opening Statement by Sponsor:

Rep. Bill Glaser, District 98, stated that this bill would enable a nonprofit water association to form a water district and acquire the association's property by eminent domain. This would, in effect, let a certain water district (Lockwood) have a friendly takeover of itself to save itself money.

Testifying Proponents and Who They Represent:

Larry McGrail, Lockwood Water
Jo Brunner, Montana Water Resources Association

Proponent Testimony:

Larry McGrail asked for the support of the committee for this legislation and referred committee members to a letter he mailed to Rep. Glaser. Exhibit 2

Jo Brunner stated that her organization supports this bill.

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

Questions From Committee Members: None

Closing by Sponsor: Rep. Glaser stated that this bill would save the Lockwood water system users a fair amount of money over a period of time.

DISPOSITION OF HOUSE BILL 471

Motion: Rep. Dave Brown moved DO PASS. Rep. McDonough seconded.

Discussion: Rep. Guthrie asked for clarification of the difference between this bill and HB 261. Rep. Dave Brown thought that this bill was primarily irrigation districts. With the committee's permission Rep. Glaser explained that this is a private, non-profit corporation formed in the 1950's and they discovered that it is more difficult to operate under that system and they want to be able to consume themselves for bonding purposes. This bill will only apply to the Lockwood situation and is "nonprofit" as opposed to the "for profit" company in Missoula.

Rep. Hoffman asked Rep. Glaser if eminent domain was the only way to accomplish this end. Rep. Glaser stated that it is because so many of the original members have moved or passed away that it is impossible to get 100% of the signatures required for other methods.

Rep. Good asked for further clarification. Rep. Glaser complied and Lee explained further.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion DO PASS CARRIED with Reps. Good and Hansen voting "No".

HEARING ON HOUSE BILL 485

Presentation and Opening Statement by Sponsor:

Rep. Ben Cohen, District 3, stated that this bill provides for control over wrecking facilities' location. Because of this problem he asked that no executive action be taken until amendments can be made. He is not interested in the bill in its' present form.

Testifying Proponents and Who They Represent: None

Proponent Testimony: None

Testifying Opponents and Who They Represent:

Loretta Miller, Montana Association of Auto Dismantlers and Replacers

Opponent Testimony:

Loretta Miller opposed this bill for several reasons - one of the reasons is it doesn't provide enough guidelines to weigh the rights of the property owners against the rights of the business owners. The decision would have to be fairly arbitrary. The other problem is with existing businesses.

Every time a yard is sold, one must apply for a new license. This bill would not allow the sale or expansion of existing businesses without public hearings. The bill makes it tougher to get a license but without the license the business is not controllable. The location is already controlled by zoning and EPA mini-studies required for new yards.

Questions From Committee Members: None

Closing by Sponsor: Rep. Cohen closed.

HEARING ON HOUSE BILL 460

Presentation and Opening Statement by Sponsor:

Rep. Harriet Hayne, District 10, stated that this bill simplifies the rules of appeal on decisions of a new high school district. Presently, the appeal is made to the Superintendent of Public Instruction. The bill would make the appeal come before Board of County Commissioners as is the case with elementary districts. She also expressed the support of Rep. Ray Peck in making this uniform with the elementary appeal process.

Testifying Proponents and Who They Represent:

Richard Sirokman, Superintendent of Schools, Valier
Andy Vandolah, County Superintendent of Schools, Pondera County

Proponent Testimony:

Richard Sirokman is in favor of this bill because it streamlines the law already in place for the creation of elementary districts. He felt that the change would take away geographical politics from the process and that it would put more teeth into the law. He cited as examples the new school at Heart Butte and the proposed new school at Rocky Boy.

Andy Vandolah felt that the important part of this bill would be making the elementary and high school district requirements uniform. Many education suits and appeals are backlogged two to three years and this bill has the potential to speed up the process.

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

Questions From Committee Members:

Rep. Good asked Rep. Hayne if she agreed that the bill would take the appeal process out of the political arena. Rep. Hayne felt that the bill should stand on its own merits

- making the high school process uniform with the elementary process.

Rep. Good also asked Mr. Sirokman if he believed this bill would take the politics out of the process. Mr. Sirokman responded that the distance involved when taken to the Superintendent of Public Instruction does not make the case as viable as if it stayed within the county. The commissioners are the pulse of the county and would be able to make a much better judgment.

Rep. Brooke asked Mr. Sirokman about the language on page 3, line 13 & 14 regarding how you establish residence within a county. Mr. Sirokman stated that he was unfamiliar with that part of the law. Rep. Brooke stated that she did not think there was a way to do so and asked for the rationale for that language. Rep. Hayne stated that she thought a person had to reside in the county for six months or voter registration.

Closing by Sponsor: Rep. Hayne asked for an amendment changing line 10 from 2 years to 1 year which would make it easier for school boards to work on their budgets and get transportation in place. The bill is not complicated - it simply makes the two processes uniform.

DISPOSITION OF HOUSE BILL 460

Motion: Rep. Jan Brown moved HB 460 DO PASS. Rep. Guthrie seconded.

Discussion: Rep. Hansen reminded the committee that the county commissioners would not be the final word since their decision could be taken to court. She also felt that it would be more equitable to make it uniform by taking both decisions before the Office of Public Instruction. Rep. Good agreed with Rep. Hansen - that it should be uniform on the OPI side. Rep. Guthrie stated that the Heart Butte decision was taken to OPI and he felt the bill should be passed as written. Rep. Brooke thought the bill sounded like they wanted the rules changed because they were not pleased with the decision they received. She also was concerned about the provision in the bill of who votes for the change ("resident taxpayers").

Amendments, Discussion, and Votes: Rep. Gould moved the amendment that was given out by Rep. Hayne. Rep. Jan Brown seconded. The vote to amend was unanimous.

Recommendation and Vote: Rep. Rehberg moved DO PASS AS AMENDED. Rep. Gould seconded. The motion failed 11 to 5 (roll call vote). Rep. Dave Brown moved to reverse the vote. Rep. Wyatt seconded. The bill will be recommended DO NOT PASS AS AMENDED.

HEARING ON HOUSE BILL 439

Presentation and Opening Statement by Sponsor:

Rep. Tom Kilpatrick, District 85, stated that this bill would allow municipalities to give a 2% bidder preference to a business that has its primary place of business within the boundaries of the contracting entity for at least 1 year. The state has a bidders preference provision and this would extend that to the municipalities. It is not mandatory but optional and he is not adverse to raising it to 3 or 4% if the committee desires.

Testifying Proponents and Who They Represent:

Alec Hansen, League of Cities and Towns

Proponent Testimony:

Alec Hansen stated that the important feature in this bill is that it is optional. Mandates tie the hands of cities and towns and this bill may be one way to encourage local business across the state.

Testifying Opponents and Who They Represent:

Shelly Laine, City of Helena

Opponent Testimony:

Shelly Laine opposed the bill as written because Helena operates under a self-governing charter and presently has a local bidder preference in place. Helena's percentage is 3% instead of the proposed 2% and applies to a much broader range of individuals and businesses. There may be many capable businesses operating within a city that do not meet some of specifications such as operating for one year and having that city as its' primary place of business. She suggested that existing plans be grandfathered into place or allow local governments to set their own standards.

Questions From Committee Members: Rep. Wallin asked if anyone knew if any preferences were removed or made reciprocal by the Legislature last session. Lee will check on it for him.

Closing by Sponsor: Rep. Kilpatrick stated that he would be happy to work on amendments to satisfy some concerns.

DISPOSITION OF HOUSE BILL 439

Motion: Rep. Nelson moved DO NOT PASS. Rep. Hansen made a substitute motion of DO PASS. Rep. Good seconded.

Discussion: Rep. Dave Brown asked Rep. Nelson why he made his

motion. Rep. Nelson stated he had a problem with line 14 of section 1 where it says "may award". He thought it would be a problem and would not be good for public relations in small communities.

Rep. Jan Brown asked Lee to address the concerns of the City of Helena. Lee stated that this is one of those laws that a self-governing local government would be required to follow but it would not be difficult to exempt them from it.

Rep. Guthrie stated that under the present law the contracting party had the right to refuse or accept any or all bids so did not see the reason for the new legislation. Lee stated that is true but the bill does allow a bidding preference for local bidders not now available.

Rep. Hoffman stated that it is the responsibility of government to give the best service for the least amount of money and did not want it to pass.

Rep. Hansen agreed but not if they have to go out of town to get a contractor.

Rep. Darko asked about the possibility of grandfathering in existing policy such as Helena's problem. Lee suggested that a subsection 3 of section 1 of page 1 be added stating that a self-governing local government may adopt a different one that does not conflict with state law.

Rep. Good asked Lee about a local government not wanting to have a preference. Lee stated the preference would be optional.

Amendments, Discussion, and Votes: Rep. Jan Brown moved to amend as suggested by Lee. It was seconded by Rep. Good. The motion to amend will allow basically a grandfather clause for self-governing units to adopt their own. The motion to amend CARRIED unanimously.

Recommendation and Vote: Rep. Brooke moved DO PASS AS AMENDED. Rep. Stickney seconded. The motion CARRIED with Reps. Nelson, Hoffman, Rehberg, Guthrie and Gould.

HEARING ON HOUSE BILL 436

Presentation and Opening Statement by Sponsor:

Rep. Budd Gould, District 61, stated that this bill would allow a rural fire district to provide contract services such as fire protection and emergency medical services to public and private entities within the city limits. There is a specific area of Missoula where the rural fire station is closer to an area than the city fire station. The area has been annexed into the city for sewer service.

Testifying Proponents and Who They Represent:

Rich Gebhart, Missoula Rural Fire Department
Paul Lacey, Assistant Chief and Training Manager, Missoula Rural
Fire District

Proponent Testimony:

Rich Gebhart stated that his organization supports this measure for two reasons; they are trying to find additional funding for the fire district since I-105 limits them and secondly, because they are much closer to provide protective services to taxpayers in that area. Big Sky High School, Fort Missoula and a high density apartment complex asked them to provide them with additional fire service because of their close proximity. The fire district prepared proposed contracts and the City wrote the businesses informing them that they were entering into illegal contracts and that the Missoula Rural could not give them protective services. This is a special need situation and they are asking for a legislative solution. They have tried automatic aid agreements but they have been turned down by the City of Missoula.

Paul Lacey stated that their community relies on the rural fire district for both fire and emergency medical services. The targeted area of this bill is much better served by them with a 1-1/2 to 2-1/2 minute response time whereas the city fire department has a response time of 5 to 7 minutes with optimal weather.

Testifying Opponents and Who They Represent:

Alec Hansen, Montana League of Cities and Towns
Tim Bergstrom, Montana State Firemen's Association and Billings
Firefighters
Jim Van Arsdel, Mayor of Billings
Richard Seddon, Kalispell Fire Chief
Ed Flies, Montana Firemen's Association, Helena Fire Department
Dennis Kincaid, Bozeman Fire Department
Charles Gibson, Missoula City Fire Department
Shelly Laine, City of Helena

Opponent Testimony:

Alec Hansen stated that people need coordinated and effective response to emergencies. This bill would create pockets of uncertain responsibility and jurisdictional confusion. Presently, there is no fiscal impact to this bill but it will come later with a request to exempt properties with both services from city taxes.

This bill is a dangerous intrusion into legitimate

public safety functions provided by municipal governments.

Tim Bergstrom stated that this bill would present problems for many city fire departments. He cited as an example the problem of access if, for example, the Lockwood district contracted with residents of Billings - access over a bridge and confusion as to what agency should respond in a given area if an emergency time is of the essence and this bill would prevent agencies from responding in an expeditious manner. Also, in every fire, consideration must be given to adjacent properties which may be covered by a different agency.
Exhibit 3

Jim Van Arsdel asked that this bill be defeated because no public service would be served by passage. Total confusion would result when 911 was dialed and the operator had to decide who to tell to respond when checkerboard contracts with many agencies are scattered throughout the city. Those contracting with private agencies would soon ask to be exempt from paying for city services. The rural districts would also be using water systems that are paid for by city residents.

Richard Seddon stated that the bill would create islands (areas within a city that have not been annexed) and are not serviced by the city service. The problem is being resolved in Kalispell and this bill would re-create them for that city.

Ed Flies state that this bill would be a step backwards because it would cause confusion as to who would respond. Lives and property could be lost during the confusion.

Dennis Kincaid concurs with previous opposing testimony. Additionally, he saw a potential for problems with building and fire code enforcement.

Charles Gibson stated that no one would know who was in charge when more than one agency arrived at the scene. It hasn't happened in recent history but buildings have been known to burn while firefighters sorted out who was in charge at the scene. The legislation would cause unnecessary conflicts between city fire stations and rural districts. He suggested that interlocal agreements and automatic response agreements would be a much better way to serve the needs of the Missoula area.

Shelly Laine concurred with the previous opposing testimony.

Bob Lovegrove stated that this bill would not absolve the city of fire protection for those who contract with the rural fire district. Therefore, they would still have to

respond and take charge of the situation which would add to the confusion at the scene and also increase the city's liability in having to deal with the rural firefighters.

Questions From Committee Members:

Rep. Good asked Mr. Gibson about interlocal agreements as a solution and the proponents' attempts to reach such agreements with the city. Mr. Gibson stated that they have tried but there are many problems to be worked out and the city is making a real attempt to resolve them.

Rep. Good asked Mr. Lacey to comment on the attempts at reaching an agreement with the city. Mr. Lacey stated that three different administrations have been approached with automatic aid agreements, contract fire protection and a citizen committee effort and all have been turned down.

Rep. Hansen asked Mr. Lovegrove if he would respond to that same question. Mr. Lovegrove stated that they are presently working with the Missoula Rural Fire District in modifying their mutual aid agreement to be more responsive to their request for interagency responses. Automatic aid poses difficulties for Class I cities because they are not allowed to have non-fulltime employees respond to a fire. They are trying to address these problems but they cannot provide the type of automatic aid agreement that the rural fire district has requested.

Closing by Sponsor: Rep. Gould stated that the committee should look at this bill as specific to Missoula.

DISPOSITION OF HOUSE BILL 436

Motion: Rep. Gould moved DO PASS. Rep. Dave Brown seconded. Rep. Dave Brown made a substitute motion of DO NOT PASS. Rep. McDonough seconded.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion DO NOT PASS CARRIED with Rep. Gould opposing.

HEARING ON HOUSE BILL 441

Presentation and Opening Statement by Sponsor:

Rep. Norm Wallin, District 78, stated that this bill is necessary because of the difficulty in collecting delinquent water bills and that they be assessed against the property

owners.

Testifying Proponents and Who They Represent:

Miral Gamrodt, Finance Director, City of Bozeman
Shelley Laine, City of Helena
Alec Hansen, Montana League of Cities and Towns

Proponent Testimony:

Miral Gamrodt stated that sewer charges are the responsibility of the property owner but water charges are the responsibility of the consumer. This bill would make water and sewer charges consistent by making the property owner liable for both. Cities normally bill water and sewer charges jointly; however, under the current situation they must be treated separately. Transient residents leave unpaid bills and other city residents are forced to pick up the difference. Letter from Mayor Stiff - Exhibit 4

Shelley Laine agrees with the above testimony.

Alec Hansen stated that this bill was requested by the Montana Clerks, Treasurers and Finance Officers' Association. A few people let water bills go delinquent, leave town and there is no way to collect and the remaining taxpayers are making up the difference.

Testifying Opponents and Who They Represent:

Jean D. Johnson, Montana Landlords' Association
Jim Mackay, self
Brian McCullough, Helena Landlords Association

Opponent Testimony:

Jean Johnson took strong exception to this bill because there is no provision to allow a landlord to collect an unpaid water bill. They can only ask for a security and cleaning deposit and the law expressly forbids deducting or withholding any amount for any purpose other than cleaning, damage and unpaid rent. It further penalizes property owners by informing them only 1 time a year that the tenants have not been paying their bill. Exhibit 5

Jim Mackay stated his opposition to this bill. It is nearly impossible to collect from tenants and against the law to withhold deposits for unpaid water bills. Exhibit 6

Brian McCullough stated that this same bill was submitted in 1987 and was killed. The cities' procedures make it complicated to collect from delinquent users and they do not have the capability of turning off the water in some cases. Unpaid bills should remain the responsibility of the service customer. Bad debts are

a part of business and should be a consideration when rates are figured.

Questions From Committee Members: None

Closing by Sponsor: Rep. Wallin stated that this bill needs work and that it is tough to collect when the services have already been received.

DISPOSITION OF HOUSE BILL 441

Motion: Rep. Dave Brown moved to TABLE HB 441. Rep. Rehberg seconded.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion to TABLE CARRIED unanimously.

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL 340

House Bill 340 was heard on January 31, 1989. It was recommended DO PASS AS AMENDED on that date. On February 2, 1989 it was returned to committee.

Chairman Darko stated that House Bill 340 was returned to committee because it had over amended the bill. With the permission of the committee Steve Brown (representing R & S Marketing, a fireworks business in Bozeman) explained that they do not oppose the bill as originally written because it clarifies existing law. However, the amendment gave counties the authority to ban the sale of fireworks within their jurisdiction and that is a new power and does not fall within the title of the original bill. It is not appropriate under the House rules or the Montana constitution to amend this bill to grant that authority so they request that the amendment be stripped.

Motion: Rep. Gould moved to reconsider the action on HB 340. Rep. Dave Brown seconded. The vote was unanimous.

Rep. Gould moved that HB 340 DO PASS. Rep. Good seconded. Rep. Gould moved that the amendment be deleted. Rep. Good seconded. The vote deleting the amendments was unanimous.

Discussion: Rep. Wallin asked for a slight clarification - that fireworks could still be sold outside the city limits. The bill would return to its original form. Rep. Stickney asked if the title could be amended rather than drop the amendments. Chairman Darko stated that interest is generated by the title and the committee broadened the scope

and the opposition did not have an opportunity to present their side of the amendment. Rep. Hansen stated that the amendment virtually outlawed fireworks in Montana. Rep. Wallin wanted the bill restored to its original form.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The committee voted that HB 340 DO PASS with Rep. Dave Brown opposing.

DISPOSITION OF HOUSE BILL 244

Hearing Date: January 26, 1989

Motion: Rep. Rehberg moved HB 244 DO PASS. Rep. Dave Brown seconded.

Discussion: Rep. Rehberg discussed the amendments - taking all references to "NRA" out of the bill so that "NRA" would not be placed in Montana Codes.

Amendments, Discussion, and Votes: Rep. Rehberg moved the amendments. Rep. Good seconded.

Rep. Gould asked about the amendments and Lee explained. Chairman Darko asked Lee if the Statement of Intent is still necessary. Lee said a short Statement of Intent would be necessary. Rep. Stickney asked about a national organization being name in the statutes specifically on page 7, line 23. Rep. Brown stated that he thinks it is bad policy to name any organization. Rep. Brown moved to amend to remove that reference (striking line 21 through 23) since that will be covered in the Statement of Intent. Rep. Hoffman seconded. The vote was unanimous. Chairman Darko referred to the Statement of Intent proposed by the Rifle and Pistol Association. The language from the amendments will be added to the Statement of Intent - delete all but the middle paragraph and add the language that was pulled from the amendment (line 21 through 23).

Rep. Gould moved the proposed Statement of Intent. It was seconded by Rep. Good. Rep. Brooke had a problem with "soft" - it is not appropriate. Rep. Hansen asked to amend the bill to strike section 5 in its entirety. She felt this section would be unworkable - local government will not have the money to relocate the ranges. Rep. Gould thought the old location would be more valuable than the new location. Rep. Rehberg stated that would be true - the land being confiscated would be much more valuable. Rep. Brooke asked for clarification of the Statement of Intent. Rep. Rehberg stated that there is a new section 5. Lee stated that section 5 doesn't make a difference with

the Statement of Intent. Rep. Brooke spoke against the bill because it is taking liberties for one particular business. Rep. Hansen stated her opposition. Rep. Darko remarked that zoning and planning organizations may not have been aware of this bill. Rep. Good spoke in favor of this legislation. Rep. Rehberg stated that this is a good bill because it makes good sense to set standards. Rep. Hansen doesn't object to the standards but only to section 5.

Recommendation and Vote: The vote to adopt the Statement of Intent was unanimous. Rep. Rehberg moved the amendment plus the suggestion that anywhere NRA is mentioned it be replaced with F & G commission. Rep. Brown seconded. HB 244 was recommended DO PASS AS AMENDED with Reps. Guthrie, Hansen and Brooke voting "No".

DISPOSITION OF HOUSE BILL 388

Hearing Date: February 2, 1989

Motion: Rep. Hansen moved HB 388 DO PASS. Rep. Good seconded.

Discussion: Lee explained the proposed amendments - one to exempt cities and one dealing with the county surveyor.

Amendments, Discussion, and Votes: Rep. Good moved to amend HB 388. Rep. Wyatt seconded. Rep. Stickney did not like the word "impracticable". There was a friendly amendment to change it to "impractical". Rep. Wyatt asked for another friendly amendment. It now becomes "physically impractical". The motion to amend CARRIED unanimously.

Recommendation and Vote: Rep. Gould moved HB 388 DO PASS AS AMENDED. Rep. Good seconded. The motion CARRIED with Reps. Rehberg, Guthrie, Hoffman and Dave Brown opposing.

DISPOSITION OF HOUSE BILL 372

Hearing Date: February 2, 1989

Motion: Rep. Good moved HB 372 DO PASS. Rep. Gould seconded.

Discussion: Rep. Gould explained that the bill would make city elections uniform with school elections. Rep. Dave Brown did not like the bill because it condones irresponsible citizens that do not vote. Rep. Guthrie concurs because it rewards apathy on the part of the voter. Rep. Gould felt the same way.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion DO PASS CARRIED unanimously.

ADJOURNMENT

Adjournment At: 7:25 p.m.

Paula A. Darko

REP. PAULA DARKO, Chairman

PD/TD

3211.MIN

DAILY ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

DATE _____

NAME	PRESENT	ABSENT	EXCUSED
BROOKE, VIVIAN	X		
BROWN, DAVE	X		
BROWN, JAN	X		
DARKO, PAULA	X		
GOOD, SUSAN	X		
GOULD, BUDD	X		
GUTHRIE, BERT	X		
HANSEN, STELLA JEAN	X		
HOFFMAN, ROBERT	X		
JOHNSON, JOHN	X		
MCDONOUGH, MARY	X		
NELSON, THOMAS	X		
REHBERG, DENNIS	X		
STICKNEY, JESSICA	X		
WALLIN, NORM	X		
WYATT, DIANA	X		

ROLL CALL VOTE

LOCAL GOVERNMENT

COMMITTEE

DATE 2/7/89 BILL NO. 510 NUMBER _____

NAME	AYE	NAY
GOOD, SUSAN	\	X
GOULD, BUDD		X
GUTHRIE, BERT		X
HOFFMAN, ROBERT		X
NELSON, THOMAS		X
REHBERG, DENNIS		X
WALLIN, NORM		X
BROOKE, VIVIAN	X	
BROWN, DAVE		X
BROWN, JAN	X	
HANSEN, STELLA JEAN	X	
JOHNSON, JOHN		X
MCDONOUGH, MARY	X	
STICKNEY, JESSICA	X	
WYATT, DIANA	X	
DARKO, PAULA	X	

TALLY

7 9

Tami Bore
Secretary

Paula A. Marko
Chairman

Motion: Rep. Hansen moved DO PASS, Rep. Wyatt seconded.

The motion failed 7 to 9. Rep. Dave Brown moved to reverse the
vote. Rep. Gould seconded.

ROLL CALL VOTE

LOCAL GOVERNMENT COMMITTEE

DATE 2/7/89 BILL NO. 460 NUMBER _____

NAME	AYE	NAY
GOOD, SUSAN		X
GOULD, BUDD		X
GUTHRIE, BERT	X	
HOFFMAN, ROBERT	X	
NELSON, THOMAS	X	
REHBERG, DENNIS	X	
WALLIN, NORM	X	
BROOKE, VIVIAN		X
BROWN, DAVE		X
BROWN, JAN		X
HANSEN, STELLA JEAN		X
JOHNSON, JOHN		X
MCDONOUGH, MARY		X
STICKNEY, JESSICA		X
WYATT, DIANA		X
DARKO, PAULA		X

TALLY

Teresa Dore
Secretary

5 11
Paula A. Darko
Chairman

Motion: Rep. Rehberg moved DO PASS AS AMENDED. Rep. Gould
seconded. The motion failed 11 to 5. Rep. Dave Brown moved
to reverse the vote. Rep. Wyatt seconded. The bill will be
recommended DO NOT PASS AS AMENDED.

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 244 (first reading copy -- white), as amended, in part to include a statement of intent, do pass.

Signed: _____
Paula Darko, Chairman

And, that such amendments read:

1. Page 1.

Following: line 9

Insert: "

STATEMENT OF INTENT

House Bill 244 calls for "shooting safety guidelines" and "minimum safety standards" for shooting ranges. Guidelines are intended to be advisory only. "Standards" are intended to be obligatory.

The minimum safety standards may not be more restrictive than the minimum range safety standards adopted by the National Rifle Association of America."

2. Page 2 line 19 through page 3, line 6.

Following: "(1)"

Strike: the remainder of section 5 in its entirety

Insert: "Except as provided in subsection (2), an established shooting range may not be prevented from operation by any state agency, unit of local government, or court unless the range presents and clear and provable safety hazard to adjacent population and also fails to meet the minimum range safety standards established by the fish and game commission.

(2) (a) If a pressing public need exists because of incompatibility with nearby population or nearby land use, an established shooting range may be relocated by an agency of state government, a unit of local government, or a court, but only if all of the following conditions are met:

(i) pressing public need is documented through hearings, testimony, and a clear and precise statement of such need by the agency, unit of local government, or court involved;

(ii) a suitable alternative site for the range is located and obtained by the agency, unit of local government, or court involved;

(iii) the agency, unit of local government, or court ordering relocation pays the entire cost of relocating the range, including replacement of improvements, to a reasonably suitable and reasonably similar facility and to a location that is a similar distance from the populations served by the original range; and

(iv) the maximum amount of time that a range may be out of operation because of such relocation is six months.

(b) Upon final relocation of a range pursuant to this section, the range operators shall relinquish their property interest in the previous location in favor of the relocating agency and shall be grant by the relocating agency a property interest in the new location that is similar to that enjoyed by the range operators in the vacated location.

(3) (a) If a shooting range presents a clear and provable safety hazard to adjacent population and if the range fails to meet the minimum range safety standards established by the fish and game commission, the range may be suspended from operation if:

(i) reasonable notice, an opportunity to respond and be heard, is afforded to the range operators; and

(ii) reasonable opportunity is afforded to the range operators to correct safety defects and cause the range to meet the minimum range safety standards of the fish and game commission.

(b) If a shooting range is suspended from operation for reason of safety defects, and if the range operators are able to obtain a current certificate of compliance from the fish and game commission, any order of an agency, unit of local government, or court to suspend range operation is vacated."

3. Page 7, lines 15 through 19.

Strike: "The" on line 15 through "hearing" on line 19

Insert: "The fish and game commission may adopt rules describing the attributes of shooting ranges, such as types of facilities, for the purpose of comparing one shooting range with another shooting range or proposed shooting range."

4. Page 7, lines 21 through 23.

Strike: "The" on line 21 through "America." on line 23

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 340 (first reading copy -- white) do pass .

Signed: _____
Paula Darko, Chairman

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that
HOUSE BILL 372 (first reading copy -- white) do pass .

Signed: _____
Paula Darko, Chairman

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 388 (first reading copy -- white) do pass as amended .

Signed: _____
Paula Darko, Chairman

And, that such amendments read:

1. Page 1, line 15.

Following: "districts"

Insert: "in those areas of the county that are not within the limits of an incorporated city or town"

2. Page 1, line 21.

Following: "maintenance."

Insert: "The county surveyor must determine that it would be physically impractical to improve the road to standard county road specifications."

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 410 (first reading copy -- white) do not pass .

Signed: Paula Darko
Paula Darko, Chairman

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that
HOUSE BILL 436 (first reading copy -- white) do not pass.

Signed: _____
Paula Darko, Chairman

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 439 (first reading copy -- white) do pass as amended .

Signed: _____
Paula Darko, Chairman

And, that such amendments read:

1. Page 1.

Following: line 22

Insert: "(3) A self-governing local government may adopt the local bid preference authorized by this section or it may adopt a different method for providing a local bid preference."

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 460 (first reading copy -- white) do NOT pass as amended .

Signed: _____
Paula Darko, Chairman

And, that such amendments read:

1. Page 4, line 10.
Strike: "2 years"
Insert: "1 year"

STANDING COMMITTEE REPORT

February 8, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 471 (first reading copy -- white) do pass.

Signed: _____
Paula Darko, Chairman



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

February 7, 1989

Mr. Speaker: We, the committee on Local Government report that House Bill 441 was tabled on this date.

Paula A. Darko
PAULA DARKO, CHAIRMAN

EXHIBIT 1
DATE 2/7/89
NO. 410

TESTIMONY ON HOUSE BILL 410

BEFORE THE LOCAL GOVERNMENT
COMMITTEE OF THE MONTANA
HOUSE OF REPRESENTATIVES

BY JEFFREY CHAFFEE, P.E., CHIEF OF
THE MONTANA AIR QUALITY BUREAU
OF THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES

Montana currently has four state-approved local air pollution control programs consisting of the Cascade County Health Department, the Lewis and Clark County Health Department, the Missoula City-County Health Department, and the Yellowstone County Air Pollution Control Agency. State and federal funding of these programs has remained essentially static since their inception during the early 1970s. Figure 1 shows the state and federal funding levels for the past six years. Since no additional funds were provided for the Lewis and Clark County program when it was established in 1988, the department reallocated existing state funds to provide at least token support.

Considering inflation and the property tax freeze, local air pollution control programs are struggling, to say the least. The situation is even worse when you consider the drastic increase in workload resulting from additional federal requirements. For example, the cities of Great Falls and Missoula have recently been notified by EPA that their air pollution control plans for carbon monoxide are inadequate. Plan revisions will be necessary within the next year and additional control strategies will need to be implemented over the next four years. An enormous amount of technical and administrative effort will be necessary to develop and implement the plans. Failure to meet these requirements can result in federal sanctions including: withholding of federal grants for air quality control, sewage treatment plant construction, and certain highway construction projects. EPA can also place an industrial construction ban on the area and mandate a federal control plan.

The above discussion is only one example of the increased workload filtering down to the state and local air programs from EPA. Other areas include: (1) stepped-up industrial source compliance and

enforcement, (2) asbestos control, (3) more detailed permit reviews, (4) development of PM-10 control plans for eight Montana communities including Missoula, (5) additional carbon monoxide monitoring and emission inventory work in Billings and (6) increased record keeping and reporting.

Although Montana should not jump at EPA's every whim, the importance of maintaining an acceptable air pollution control program cannot be overemphasized. Failure to do so can jeopardize state and local control over air quality matters.

The department considers a one dollar fee on motor vehicles to be a fair and appropriate means of generating revenue to support a local air pollution control program. Three of the four existing local programs are about to address carbon monoxide problems which are largely caused by automobile exhaust and, to a lesser degree, wood stove emissions. Missoula is also faced with a particulate problem (PM-10) which is largely caused by road dust whipped into the air by automobile traffic and wood stove emissions. Therefore, a fee on motor vehicles appears to be an equitable method of obtaining revenue since it places the cost on the source of pollution. Even in the case of wood stoves, it appears equitable since most motor vehicle owners are also homeowners and potential wood burners. In many areas of Montana, the majority of our air pollution problems are the result of actions by the general public and not industrial sources.

Over the past two years, the department has received requests from several communities interested in establishing an air pollution control program. These communities include several areas which must develop PM-10 control plans such as Butte/Silver Bow, Lincoln County, and Flathead County, as well as other areas such as Gallatin County. The lack of state or federal financial assistance as well as the local property tax freeze usually derail the establishment of such programs. House Bill 410, however, would allow local governments, with the support of the electorate, to establish and fund an air pollution control program. HB 410 would place both the environmental and financial decision where it belongs, at the local level.

LOCKWOOD WATER USERS ASSOCIATION

1644 OLD HARDIN RD., RT. 5 BILLINGS, MONTANA 59101

2
2/7/89
471

JANUARY 31, 1989

The Honorable Bill Glaser
State Representative
State of Montana
Helena Montana 59620

Dear Bill:

Would you please submit this letter to the committee that is taking up HB 471 on behalf of the Association.

Lockwood Water Users Association supports an amendment to the county water and sewer district laws to allow them to condemn a private association such as Lockwood Water Users Association. The reason for this is that it is far more efficient and economical to operate and administer a water district rather than a water association.

Water Associations were created around 1950 to provide water to urban areas. Initially, they were funded by Farm Home Administration loans. However, since that time, the monies from FmHA have dried up and local water associations have had difficulty in financing their necessary improvements. Also, because they were a private association, they lacked many of the rights granted to a water district.

Approximately ten (10) years ago, Lockwood Water Users Association started experiencing problems with nitrates in several of its deep water wells which supplied 80% of the water to the Lockwood area. Lockwood Water Users Association serves approximately 3,500 people, and is adjacent to the City of Billings. In order to solve the nitrate problem, it was necessary for the association to go to the Yellowstone River and obtain water from the river and build a water treatment plant.

First of all, since we are a private association, we were not eligible to obtain water under any reservation that was granted to other municipalities, water districts or governmental entities and therefore had to make application for an independent water permit. That water permit which

has been granted is subject to all prior permits, including the instream reservation of the Fish, Wildlife and Parks. As a result of that, even the water permit that was granted to Lockwood Water Users Association in a year such as 1988, is precarious. If, however, we were a water district, we would be able to hold a valid water reservation.

In addition, the cost of financing improvements with industrial revenue bonds was costly and expensive. The primary reason it was so costly was because we did not have any opportunity to issue a general revenue bond which could be paid off by a tax on the district property. In other words, all we were able to do was to pledge reserves to pay off the bond. As a result of this, we possibly paid as much as 2 to 3 percentage points more than the normal bond issue for similar improvements had the similar improvements been performed for a water district or a municipality.

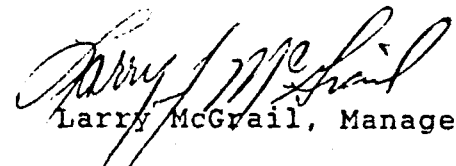
Because Lockwood Water Users Association will be experiencing growth in the future and finds that it is almost impossible to fund and finance the growth under the present laws applying to associations, the only way we will be able to serve our members will be to form a water district, and have that water district assume control over the water association.

For that reason, we strongly urge your support to allow a water district to be able to condemn the assets of a water association to allow the transfer of the association property to a district and ultimately benefit all of the members served by th association.

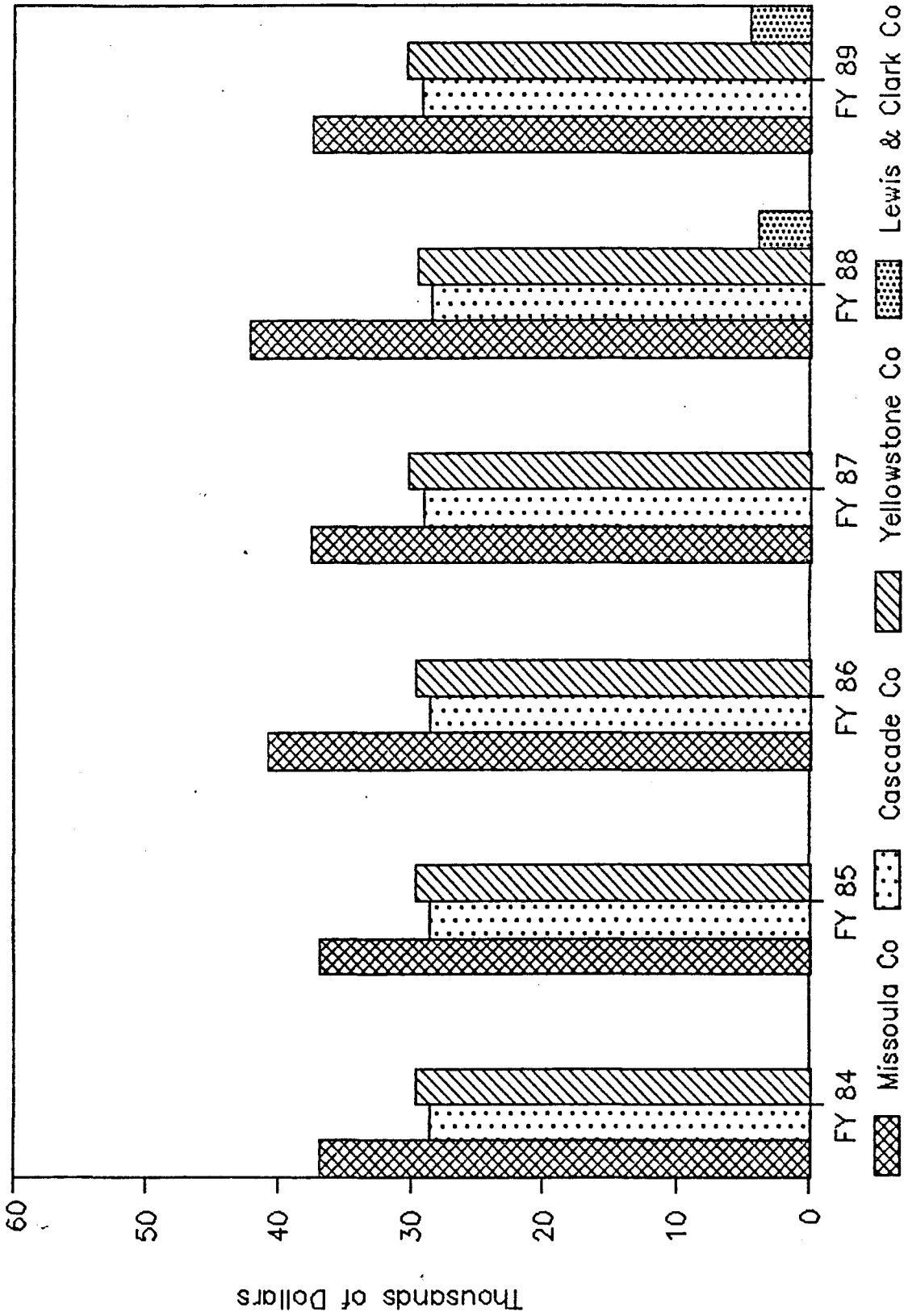
We thank you very much for your support in this matter.

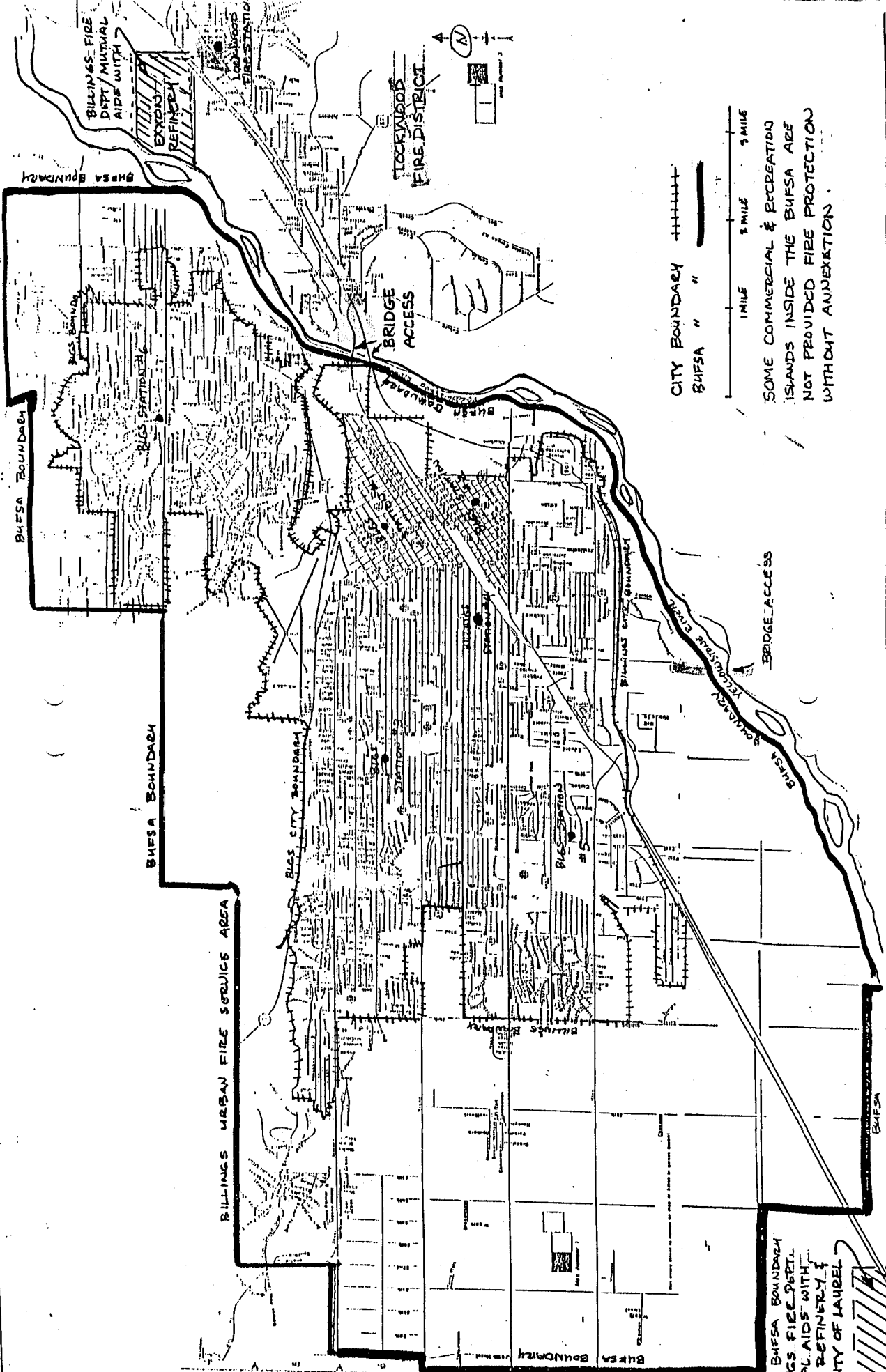
Sincerely,

Lockwood Water Users
Association


Larry McGvail, Manager

STATE AND FEDERAL FUNDING FOR LOCAL AIR POLLUTION CONTROL PROGRAM





CITY BOUNDARY ++++++
 BUFSA " " ————

1 MILE 1/2 MILE 3/4 MILE 1/4 MILE

SOME COMMERCIAL & RECREATION ISLANDS INSIDE THE BUFSA ARE NOT PROVIDED FIRE PROTECTION WITHOUT ANNEXATION.

BUFSA BOUNDARY

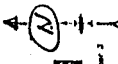
BILLINGS URBAN FIRE SERVICE AREA

BRIDGE ACCESS

BRIDGE ACCESS

BUFSA BOUNDARY
 BILLINGS FIRE DEPT. MUTUAL AIDS WITH CENTEX REFINERY
 THE CITY OF LAUREL

LOCKWOODS FIRE DISTRICT



BUFSA BOUNDARY

BUFSA BOUNDARY

BUFSA CITY BOUNDARY

BILLINGS CITY BOUNDARY

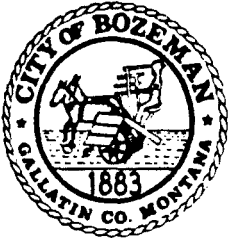
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BUFSA BOUNDARY

BUFSA





THE CITY OF BOZEMAN

411 E. MAIN ST. P.O. BOX 640 PHONE (406) 586-3321
BOZEMAN, MONTANA 59711-0640

4
2/7/89
441

February 7, 1989

House Local Government Committee:

I am writing in support of HB 441 which would make water services the responsibility of the property owner.

Listed below are some of the reasons we support the bill.

1. Cities normally bill water and sewer services jointly, however, the collection of unpaid water and sewer services must be treated separately.
2. Since water bills are the responsibility of the user, many transient residents leave unpaid water bills behind, which are essentially paid by the remaining ratepayers through higher rates.
3. This problem is particularly acute in communities with a university. As an example in Bozeman, four students rented an apartment. The water/sewer bill was placed in the name of one of the students. The bill went unpaid for 90 days then switched to a different student's name. This continued to occur throughout the year and the students were able to receive service for the entire school year at no cost.
4. Many transient residents are difficult to trace once they have left town. Furthermore, legal costs involved do not normally justify court action to recover unpaid utility bills.

We urge you to pass HB 441.

Sincerely,

Alfred Stiff
Mayor

File: Legislative Session 1989
L89-83

5
2/7/89
441

TO: (H) Business Committee
FROM: Montana Landlords Association
DATE: February 7, 1989

RE: HB 411

Madam Chair, members of the committee, for the record, my name is Jean Johnson. I am here to speak in opposition to HB 441 on behalf of the Montana Landlords Association, and myself, as a landlord. With me today are others who will also speak to the issue and I have letters from other property owners in Montana as well.

The Montana Landlords Association has chapters in every major city in Montana representing many, many property owners/business people. In Helena alone, there are in excess of 70 members representing from a single rental unit to three or four units to as many as 80. And that represents a significant contribution to the economy of this state in terms of property taxes paid and related services purchased.

This is not a good time to be a property owner in Montana. It's not a good time to be a landlord. Inflation is down, property taxes and personal property taxes are up, expenses are certainly up, and the market is glutted with rental units. In addition, water prices in Helena have just increased by 35%, after a similar increase a year ago. All of this is reason enough to oppose HB 441 — we simply cannot afford to pay for one more service in a market that won't accept a compensating increase in rent — but it's only a small part of our opposition to a bill.

We take strong exception to any legislation that would literally reward those who have no qualms about walking away from an obligation and pass that obligation on to the property owner, with no recourse to that property owner. Landlords have only a security and cleaning deposit as cushion against tenant abuse. There are no provisions in the law that would allow an unpaid bill — whether water, sewer, power, telephone or any other — to be deducted from the cleaning/security deposit. In fact, Section 70-25-201 (3), MCA expressly forbids "deduct(ing) or withhold(ing) from the security deposit any amount for purposes other than those set forth in this section."

Montana Landlords Association/page 2

This bill would further penalize property owners by informing them once a year that there are water bills in arrears on the property that might have begun accumulating 11 months before, and that unless the bill is paid within 45 days, it shall be added as a tax on the property with penalty and interest included.

HB 441 seeks to, in effect, penalize landlords for the wrong-doing of tenants.

In closing, I want to leave you with one final thought:

In Title 1, Chapter 3, Part 2, we find an interesting list entitled the Mixims of Jurisprudence. One such maxim says "no one can take advantage of his own wrong." And I submit to you that that is exactly what HB 411 fosters. A tenant who **chose not to pay his bill** is free to take advantage of that wrong because someone else will be forced to pay it for him. Madam Chair, members of the committee, that is just not right and we strongly urge you to kill this bad bill here, in committee. Thank you.

To: Members of the Committee *Brian McCullough*

From: Brian McCullough, President
Helena Chapter of the Montana Landlord's Association
Representative for other Landlord Chapters

Address: 2539 Southridge
Helena, Montana

Subject: Testimony AGAINST - HB 441

This same bill was submitted to the 1987 Legislature and was killed in committee.

Purpose of this bill is to make property owners responsible for errors made by city and county governments when they develop their water systems.

Problem: Water turn off valves were not installed to enable turning off the water to customers who do not pay their water bills. Now rather than correct this engineering problem they want to charge the property owner just one more time.

Property owners effected:

Owners of homes who rent them and quit frequently live out of town

Mobile home park owners whether their lot consists of one lot or 100 lots.

Question:

Why are these property owners all of a sudden responsible for utility that normally is not provided when bills are not paid? There is a significant difference between sewer which you can not turn off and water in a properly built system being able to be turned off.

Comment:

If the water utility can be added to the tax bill resulting in clouding a property owner's title and adversely affecting his credit, how long will it be before other utilities also jump on the backs of property owners rather than the service customer.

Next will be power companies, telephone, cable TV companies and soft water companies; of course they built their systems so the service can be turned off to the consumer who is not paying. Maybe the city/County should privatize their water utility business.

Closing: Lets not hit the property owner AGAIN!
Vote against HB 441

Feb. 2, 1989
Ted P. Andersen
61 Albert Way
Libby, Mt. 59923

Brian McCullough
2539 South Ridge
Helena, Mt. 59601

Dear Brian,


This letter is to notify those who may be considering HB-441 for enactment into law that my wife and I are opposed.

We currently reside in Libby, Montana and manage thirteen single family dwellings in Montana as rental investments. The proposal contained within HB-441 which requires that property owners are responsible for payment of Municipal water and sewer services to their premises is an unfair burden to place upon landlords. I own homes that I rent in Missoula, Montana which is 200 miles from my residence. This proposed Bill would make me incur considerable expense to be the water and sewer bill collector for the city of Missoula. I would have no good way to determine within a timely manner the amount of sewer and water bills that tenants in my rental have incurred. If their bill were to be delinquent without my knowledge, I would incur a tax lien against my property, including penalties and interest. Since I don't live in the same town as many of my rentals, this proposed Bill would also put me at a competitive disadvantage with other landlords who have the ability to better follow-up on whether tenants paid their bills.

I strongly believe that the person or persons using the sewer and water service should be responsible for payment of those services. I suggest that the user be required to deposit a fee for use of sewer and water services just as is required by the power companies.

Landlords have enough trouble getting timely rents from tenants and protecting their properties from abuse. To make the landlord a collection agency for services he does not benefit from, would certainly be a grave injustice. Thank you for your consideration in this matter.

Sincerely,


Carol Andersen

Ted P. Andersen
Carol A. Andersen

MARTHA G. HENDRICKSON
P. O. BOX 971
LIBBY, MT. 59923

February 2, 1989

Brian McCullough
2539 South Ridge
Helena, Mt. 59601

Dear Mr. McCullough:

This letter is to express opposition to HB441 which seeks to make landlord's responsible for their tenant's unpaid bills and to make the landlord a collection agency for bad debts.

I am shocked to think the State Legislature would consider making a third party responsible for another's unpaid bills. Would AT&T hold the landlord responsible for the delinquent phone bill of the tenant? NO!! Would Exxon or Conoco expect to collect from the landlord the tenant's delinquent bill for heating fuel? NO!!

Oh, I know HB441 isn't attempting to authorize holding the landlord responsible for all the tenant's delinquent bills--just the water bills owed to the city. Just what makes the city any different than the others? The phone company requires a deposit upon sign-up. The fuel company requires a minimum payment for delivery. That's good business practice. The city should exercise good business practices as well, perhaps more so--they owe it to the taxpayers and citizens to demonstrate an ability to manage good business. Like the phone company (or the power company, also an excellent example) they should collect a deposit and shut off service for delinquent accounts.

Let's identify the problem correctly. Call it what it is--THEFT! That's what is is--theft of services; theft of water services, so make the thief pay, not the landlord who rented the property to the thief. The landlord has suffered enough. Tenants of this class usually have moved out owing back rent and frequently have done damage to the property which will exceed the Security/Damage deposit placed with the landlord. Let's not expect the landlord to also pay the tenant's bad debts!

Ladies and gentlemen of the legislature, I would expect that you would have the combined wisdom to present a better, wiser solution to the problem than to hold an innocent party responsible for another's bad debts!

The 1987 Legislature also attempted in HB588 to enact this unfair piece of legislation. It was defeated in committee and determined that landlord's should not be held financially responsible for the city's inabilities to handle their business affairs. Nothing has changed!

Please defeat HB441 in committee and place the responsibility where it belongs--with the consumer.

Respectfully,

Martha G. Hendrickson

MARTHA G. HENDRICKSON

47 471

6
2/7/89
44

Jim Mackey 3800 4th Ave. N.E. Missoula
Representing Landlords
President, Missoula Landlords Ass'n.
Director, Montana State Landlords Ass'n.

GET COPY OF BILL?

CAME TO SPEAK FOR THE LANDLORDS OF MONTANA

WE HAVE HAD PROBLEMS IN THE PAST WHEN TENANTS
HAVEN'T PAID THEIR WATER BILL THAT THE CITY
HAS LET IT GO DELINQUENT FOR MANY MONTHS
UNTIL THE TENANT HAS MOVED OUT,

THE FIRST KNOWLEDGE THE PROPERTY OWNER HAS
IS WHEN HE FINDS A LIEN IS ABOUT TO BE FILED
OR HAS ALREADY BEEN FILED, AGAINST HIS TAXES.

PRESENT CITY POLICY IS TO LET A BILL GO ~~UNPAID~~
~~UNTIL~~ AT LEAST THREE MONTHS BEFORE TAKING
ANY ACTION; BUT IT MAY GO MUCH LONGER THAN THAT,
DEPENDING UPON COLD WEATHER, MANPOWER, SIZE OF
BILL, ETC.

ABILITY TO PLACE LIEN GIVES CITIES NO INCENTIVE
TO ACCELERATE COLLECTION PROCESS AS THEY KNOW
THEY CAN ALWAYS GET THE MONEY FROM THE PROPERTY
OWNER.

THIS WOULD PLACE THE PROPERTY OWNER IN THE
POSITION OF BEING RESPONSIBLE FOR A TENANT'S
CONTRACTUAL AGREEMENT WITH THE CITY TO PAY HIS
OWN BILL, AND IS APT TO RESULT IN THE PROPERTY
OWNER GETTING STUCK WITH BILLS GOING BACK SIX
MONTHS TO A YEAR.

THIS IS LIKE MAKING US RESPONSIBLE FOR A
TENANT'S UNPAID ELECTRIC BILL, GAS BILL, PHONE
BILL, VISA CARD BILLS, ETC.

IF LANDLORDS AGREE TO PAY THE BILLS IN THE
FIRST PLACE AND INCLUDE IT IN THE RENT, THE
TENANTS HAVE NO INCENTIVE TO HOLD DOWN WATER
USAGE AND LET HOSES RUN CONSTANTLY WHILE
WASHING THEIR CARS, AND WATER THE LAWNS BY
FLOOD SOAKING.....RUNNING UNNECESSARY WATER
THRU THE WATER PLANTS AND ~~WASTING~~ WASTING
VALUABLE WATER.

IF THIS BILL IS RECOMMENDED, IT SHOULD AT LEAST
LIMIT THE PROPERTY OWNERS LIABILITY TO THE
FIRST

FIRST

THIRTY DAYS OF UNPAID CHARGES. IF THE CITY GOOFS OFF AND DOESN'T SHUT THE WATER OFF ON THE TENANT AFTER THAT, THEIR RECOURSE SHOULD BE CONFINED TO THE COLLECTION PROCESS, SAME AS GT. FALLS DOES NOW.

REQUEST THAT YOU KEEP THIS ISSUE OPEN FOR FURTHER OPPOSITION INPUT, AS WEATHER AND ROAD CONDITIONS MAKE IT IMPOSSIBLE AT PRESENT FOR MANY CONCERNED OPPONENTS TO GET TO HELENA FOR THIS HEARING.

Another thought on this is that if the proposed bill doesn't limit the property owners liability to the first 30 days, then the city or town should be required to send the property owner ~~within~~ written notice within 45 days that the water/sewer bill is delinquent otherwise the city or town would lose the right to collect any bills beyond the first 30 days of delinquency.

WITNESS STATEMENT

NAME James J. Kelly BUDGET _____

ADDRESS 3800 4th Ave. S. Falls

WHOM DO YOU REPRESENT? St. Mary's Parish Assn.

SUPPORT _____ OPPOSE AMEND

COMMENTS: Approved to HB 441

Please explain burden on landlords making them responsible for unpaid water bills that a tenant has contracted with a city or town to be responsible for.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Local Government

COMMITTEE

BILL NO. 410

DATE 2/9/89

SPONSOR Kadas

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jim Carlson	1015 Taylor Missoula	✓	
Roll Allard	Gov Office		
Jeff Chester	Dept. of Health & Env. Services	✓	
Will I. Seber	LTC City-Co Health	✓	
Chris Kautmann	MEIC	✓	
Steve Turkewicz	MT Auto Dealer		✓
Jim MANNION	AAA MT. HIGHWAY USERS Fed		✓
TOM HOLLISON	MT. Auto Dealers		✓
HARRY AKEY	AUTO RENTAL AGENCIES		✓
AM DUSSAULT	Mesa Co.	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. 436

DATE 2/7/89

SPONSOR Abild

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
R. Leonardt	Missoula	X	
P. Lairy	Missoula	X	
SONN THORSON	MT. STATE HEALTH ASSN	-	
Richard Seddon			X
Dennis Kincaid	Bzn		X
Paul Vander Molen	Bozeman		X
Al Sampson	msla city		X
Charles H. Gibson	MSLA CITY		X
Jack Roney	MSLA CITY		X
TIM BERGSTRUM	MT. STATE FIREMENS ASSOC BILLINGS FIRE FIGHTERS		X
VERN ERICKSON	MT. STATE FIREMANS ASSOC		X
Edward F. Pies	MSFA Club of Helena Fire Dept		X
Shelly Laine	City of Helena		X
Alice HANSEN	MLCT		X
Jim Van Orsdale	City of Billings		X

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VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. 441

DATE 2/7/89

SPONSOR Wallin

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
JAMES D. MACKAY	3810 Holt Ave Helena		✓
Jean D. Johnson	1819 Sierra Rd E Helena		✓
Shelly Larne	City of Helena	✓	
Alec Hansen	MLCT	✓	
Maria Samsoet	City of Baseman	✓	
Brian McCullough	2539 Southside Helena		✓

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VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. 460

DATE 2/7/89

SPONSOR Hayne

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Richard SICKMAN	VALIEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ANDY VANDOLAH	CONYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JACIE HAYNE	DUPUYETL	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. 471

DATE 2/7/89

SPONSOR Gleason

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Gerald M Smith</i>	<i>Montana Rural Water Systems</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>John Rubin</i>	<i>Pres. Jackwood Water</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Harry J McLean</i>	<i>Jackwood Water & ^{Member} MARS</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Ed Brown</i>	<i>MARS</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>John Berry</i>	<i>E</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Neil V. Cox</i>	<i>EASTGATE WYS ASSC.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

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VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. 485

DATE 2/7/89

SPONSOR Cohen

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Loretta Miller	7313 Green Meadow Dr Helena, MT.		X

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