

January 19, 1977

The meeting was called to order by Chairman Robbins at 4:30 PM. The secretary called roll: Representative Halvorson was excused and Representatives Palmer and South were absent.

The Saturday, January 22, 1977, joint hearing of House Bill 122 was discussed, and Chairman Robbins advised the members that when a joint meeting of the Senate and the House committee is held the Senator is chairman. He will meet with Senator McCullum to find out the procedures that will be used.

The meeting was turned over to Dale Harris, director of the State Commission of Local Government, for the continuation of the explanation of House Bill 122, Local Government code.

Dale said he will try and do three things, and have some people from the state commission who are responsible for specific areas and they will explain those areas during the meeting. The committee was asked to refer to Exhibit F in their folder for handouts. The law passed by the last legislature established the limits of home rule bill, placing restrictions on the powers that home rule will have. This goes into effect May 2nd. Exhibit G, Alternative Forms of Local Government was briefly discussed. Exhibit H, Certificate Establishing the Ratified Plan of Government for Sidney, Montana, was referred to. Based on the alternative forms bill, these three pieces of background information are in folder for your information.

Mr. Harris asked members to turn to page 8 in the bill. Here is the Chapter called "definitions". These terms are used as standard meaning throughout the code. At the beginning of most chapters, you will find definitions or words that apply in only that chapter. Turn to page 19, there is the part called "Provisions Common to all Forms of Local Government".

Publishing notices - this sets up that legal notices go to newspapers. The press will be complaining about this. On the bottom of page 20 is the mail notice procedure. You can use bulk rate, present law requires first class.

The petition procedure in the bill the Clerk and Recorders like. The new law does not require business address or precinct on petition. Dale - another new thing is within 90 days of date petition was first circulated, all signatures must be collected. If there is a change on petition after turned in, and the clerk and recorder says not enough signature, you can get petition back and return prior to deadline.

On page 23, is the provision on public hearings. There are no provisions in existing laws. A provision on protest is defined as that any written piece of paper signed properly. The procedure for protest and signatures were mentioned. On page 29 are provisions on open meetings it repeats existing law and requires available upon request to the public. Provisions for destruction of old records is new providing that local governments by ordinance establish a procedure for routine destruction of records. The ordinance is subject to the approval of DCA and historical society.

Those are important common provisions.

Go to chapter 9 for the last common provisions, part 4, page 513, sources of revenue for local governments with general government powers. The purpose of this chapter is to grant local governments with general government powers authority to finance local government services and facilities. Next budget and appropriation, part 2, was discussed. A real important change has to do with the adoption of budget. On page 492, submission and public hearing, the budget administrator shall submit the proposed budget to the local government governing body on or before the first Monday of June and the governing body shall publish notice. One problem with adoption of budget by July 1 is the receipt of taxable valuation. The assessors would like to use the previous years taxable evaluation, and that is an alternative the committee will have to decide. Under current law, taxable evaluation information is after July 1 on the second Monday in July. This gives what a mill is worth before rather than after July 1. The responsibilities for financial administration begins on page 498. One thing will draw your attention to is purchasing on page 507. It sets up a three step category, up to \$5,000 can be purchased without bid, exceeding \$5,000 and not exceeding \$10,000 only after solicitation of bids, for more than \$10,000 only after public bid. A local government does not have to accept the lowest bid. Courts in Montana have held you don't have to take the lowest bid, if the governing body states in writing why they rejected the lowest bid.

Representative Pistoria left.

Ramirez - where does it say what kind of notice you have to give?
Dale - common provisions are on page 19 and 20. Page 513, sources of revenue for local government will be explained Friday evening 7:00 - 9:00 PM, and the taxation committee will be notified so they could be present.

E. J. Bowlds, staff researcher, spoke next on the trafficways provision of the code for the major changes which begin on page 383, and it deals with general administration of trafficways. The Definition of "trafficways" was discussed. In present law, there are several definitions of highways, streets, walkways, etc. Rather than use another definition, we are using definition of National Highway Council which means highways from fence to fence. We have written a section that mandates a county to designate trafficways.

Also, a provision whereby county government can have an agreement with the State Highway Department, if a state highway is placed on the county system where they would transfer all rights with that road. There is another provision that mandates all local governments to prepare a plan describing priorities for the following year. This is an excellent opportunity to see where they want priorities placed. The plan includes - cost estimate of project and an approximate schedule of when project will be finished. A problem is who is legally responsible, this provision is to begin solving that problem of who is legally responsible for the roads.

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Dale read: On Page 385, lines 8 and 9, Title 32 is the highway act and that classification is preserved, not changing. On Page 386 each governing board may develop standards. There are no legal standards for county roads. Presently, there are several laws for mostly the county which mandates a county have a record of all proceedings on counties' roads. It was found there was no real good record of county roads.

Hurwitz - I submit that these sections are real good, but what is difficult is when commissioners meet only three days a month, they need more help.

Dale - they can assign anyone to do this. Where we say chief executive he does not have to do it himself, but sees that someone does the job. In present laws dealing with how local government can acquire right-of-way, we have consolidated all of these sections and added a section on vacated right-of-way. What Local Government doesn't legally own reverts back to original owner. In cities it is equally divided.

Stobie - I think this should be studied.

The meeting adjourned at 5:35.

Respectfully submitted,


HERSHEL M. ROBBINS, Chairman

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