

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 16, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on February 16 at 9:34 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Lockrem.

Senate Bill 226. Joe Gerbase, Lobbyist, Montana Realtors Association, presented amendments to Senate Bill 226 (attached). Senator Story moved all proposed amendments be adopted. Senator Thiessen seconded the motion. Motion carried unanimously. Senator Story moved Senate Bill 226 be given an "And As So Amended, Do Pass" recommendation. Senator Thomas seconded the motion. Motion carried unanimously.

Senate Bill 267. Senator Dunkle moved that Senate Bill 267 be given a "Do Pass" recommendation. Senator Peterson seconded the motion. Senator Thiessen made a substitute motion that Senate Bill 267 be give a "Do Not Pass" recommendation. Senator Thomas seconded the motion. The Chairman called for a roll call vote on Senator Thiessen's motion. Motion carried.

Senate Bill 198. Jane Murphy presented amendments to Senate Bill 198. Senator Story moved to adopt the proposed amendments to Senate Bill 198. Senator Watt seconded the motion. Motion carried unanimously. Senator Story moved that Senate Bill 198 be given an "And As So Amended, Do Pass" recommendation. Senator Watt seconded the motion. Motion carried unanimously.

CONSIDERATION OF SENATE BILL 436: Senator Towe, Sponsor of Senate Bill 436, gave a brief resume of the bill. Senator Towe proposed the following amendments to Senate Bill 436. Page 4, line 6, after "accomplishment." insert section (d) such participation shall not interfere with other training or work incentive and employment programs. New paragraph just before line 7. Counties shall attempt as much as possible to develop any such jobs into bona fide employment, either on a part-time or full-time basis. The committee proposed the following amendment to Senate Bill 436 amend page 3, section 5, line 14. Following: "service" strike: "shall encourage but" following: "may" strike: "not".

Senator Thiessen moved to adopt the proposed amendments.

Senator Watt seconded the motion. Motion carried unanimously. Senator Story moved Senate Bill 436 be given an "And As So Amended, Do Pass" recommendation. Senator Dunkle seconded the motion. Motion carried unanimously.

Senate Bill 61. Senator Thiessen proposed the following amendment to Senate Bill 61 page 3, section 3 (1) (a), line 17: delete \$4,050,000 and add \$6,150,000. Page 4, section 3 (1) (b), line 8: delete \$8,250,000 and add \$6,150,000. Senator Watt seconded the motion. Motion carried. Senator Thiessen moved that Senate Bill 61 be given an "And As So Amended, Do Pass" recommendation. Senator Dunkle seconded the motion. Chairman called for a roll call vote. Motion carried.

ADJOURN: The meeting adjourned at 10:57 A.M.


Senator George McCallum, Chairman

GMCC:mm

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2-16-77

[illegible]

PROPOSED AMENDMENTS TO SENATE BILL 226

Presented by the MONTANA ASSOCIATION OF REALTORS
and The Department of Health and Environmental Sciences

Senate Bill 226 is hereby amended to read as follows:

1. On page 1, line 18, after "subdivision," insert "erect any facility for the supply of water or disposal of sewage or solid waste,"
2. On page 1, line 24, delete "(a)"
3. On page 2, line 4, after "the subdivision" insert "as provided in subsection (5) of this section"
4. On page 2, line 6, delete "(b)" and insert "(3)"
5. On page 2, line 11, delete "(c)" and insert "(4)"
6. On page 2, line 17, after "subdivision," insert "erect any facility for the supply of water or disposal of sewage or solid waste,"
7. On page 2, after line 21, insert a new subsection as follows:

"(5) When a subdivision is exempt from the review of the department by subsection (2) of this section, the local governing body shall, within 20 days after receiving an application under the subdivision and platting act, send notice of certification to the department that a subdivision has been submitted for approval and that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision. The notice of certification shall include the following:

- (i) the name and address of the applicant;
- (ii) a copy of the preliminary plat or a final plat where a preliminary plat is not necessary;
- (iii) the number of proposed parcels in the subdivision;
- (iv) a copy of any applicable zoning ordinances in effect;
- (v) how construction of the sewage disposal and water supply systems or extensions will be financed;
- (vi) a certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within one year after the notice of certification is issued;

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-77 Senate Bill No. 267 Time 9:57

NAME	YES	NO
George McCallum, Chairman	✓	
Robert Watt, Vice Chairman	✓	
Pete Story		✓
Frank Dunkle		✓
Lloyd Lockrem		
Bob Peterson		✓
Cornie Thiessen	✓	
Bill Thomas	✓	

Mary Miller
Secretary

Chairman

Motion: "Do NOT Pass"

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-77 Senate Bill No. 61 Time 1:45

NAME	YES	NO
George McCallum, Chairman		✓
Robert Watt, Vice Chairman	✓	
Pete Story	✓	
Frank Dunkle	✓	
Lloyd Lockrem		
Bob Peterson		✓
Cornie Thiessen		
Bill Thomas	✓	

Secretary _____

Chairman _____

Motion: Amendment SB 61

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2-16-77 Senate Bill No. 61 Time 12:56

NAME	YES	NO
George McCallum, Chairman		✓
Robert Watt, Vice Chairman	✓	
Pete Story	✗	✓
Frank Dunkle	✓	
Lloyd Lockrem		
Bob Peterson		✓
Cornie Thiessen	✓	
Bill Thomas	✓	

Secretary _____

Chairman _____

Motion: Do Pass As Amended (SB61)

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 21

19 77

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 226

Respectfully report as follows: That Senate Bill No. 226,

introduced bill, be amended as follows:

1. Amend page 1, section 1, line 18.

Following: "subdivision,"

Insert: "erect any facility for the supply of water or disposal of sewage or solid waste,"

2. Amend page 1, section 1, line 24.

Following: "(2)"

Strike: "(a)"

3. Amend page 2, section 1, line 4.

Following: "subdivision"

Insert: "as provided in subsection (5) of this section"

4. Amend page 2, section 1, line 6.

Following: line 5

Strike: "(b)"

Insert: "(3)"

XXXXXX
DO PASS

Chairman.

5. Amend page 2, section 1, line 11.

Following: line 10

Strike: "(c)"

Insert: "(4)"

6. Amend page 2, section 1, line 17.

Following: "subdivision,"

Insert: "erect any facility for the supply of water or disposal of sewage or solid waste,"

7. Amend page 2, section 1, line 21.

Following: line 21

Insert: "(5) When a subdivision is exempt from the review of the department by subsection (2) of this section, the local governing body shall, within 20 days after receiving an application under the subdivision and platting act, send notice of certification to the department that a subdivision has been submitted for approval and that municipal facilities for the supply of water and disposal of sewage and solid waste will be provided for the subdivision. The notice of certification shall include the following:

(i) the name and address of the applicant;

(ii) a copy of the preliminary plat or a final plat where a preliminary plat is not necessary;

(iii) the number of proposed parcels in the subdivision;

(iv) a copy of any applicable zoning ordinances in effect;

(v) how construction of the sewage disposal and water supply systems or extensions will be financed;

(vi) a copy of the master plan, if one has not yet been submitted to the department;

(vii) the relative location of the subdivision to the city or town; and

(viii) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within 1 year after the notice of certification is issued.

(e) The exemptions provided for in this section shall not relieve any person of the duty to comply with the requirements of the public water supply act, title 69, chapter 49."

8. Amend page 2, section 1, line 22.

Strike: "(3)"

Insert: "(6)"

9. Amend page 3, section 1, line 18.

Following: "specifications"

Strike: "of the"

Insert: "for"

10. Amend page 3, section 1, line 19.

Following: "subdivisions"

Insert: "as defined in this chapter"

11. Amend page 3, section 1, line 24.

Following: "(a)"

Strike: "The"

Insert: "At any time after the developer has submitted an application under the subdivision and platting act, the"

12. Amend page 4, section 1, line 24.

Strike: "90"

Insert: "120"

13. Amend page 4, section 1, line 25.

Strike: "(5)"

Insert: "(8)"

14. Amend page 5, section 1, line 3.

Following: line 3

Insert: "(9) A subdivision excluded from the provisions of Title 11, chapter 38, shall be submitted for review by the department according to the provisions of this chapter, except that the following divisions are not subject to review by the department:

(a) the exclusions cited in 11-3862(8) and 11-3862(9);

(b) divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that no dwelling or structure requiring water or sewage disposal is to be erected on the additional acquired parcel; and

(c) divisions made for purposes other than the construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule.

(10) Within 90 days after the effective date of this act), the department and the department of community affairs shall prepare and distribute a joint application form that can be used by an applicant to apply for approval of a subdivision under the provisions of this act and the provisions of Title 11, chapter 38. When an application is received by either the department or a local government, the department or local government is responsible for forwarding the appropriate parts of the application to the other entity. The review required by Title 69, chapter 50, and the provisions of Title 11, chapter 38, shall occur concurrently."

AND AS SO AMENDED, DO PASS

Senator George McCallum, Chairman



STANDING COMMITTEE REPORT

.....February 16..... 19 77.....

MR.President.....

We, your committee onLocal Government.....

having had under considerationSenate..... Bill No. 267.....

Respectfully report as follows: That.....Senate..... Bill No. 267.....

~~DO PASS~~

DO NOT PASS

STANDING COMMITTEE REPORT

.....February 17..... 19 77.....

MR. President.....

We, your committee on.....Local Government.....

having had under consideration.....Senate Bill..... Bill No. 198.....

Respectfully report as follows: That.....Senate Bill..... Bill No. 198.....
introduced bill, be amended as follows:

1. Amend title, line 7 and line 8.
Following: "AREAS"
Strike: "; REQUIRING THE DEPARTMENT OF COMMUNITY AFFAIRS"
Insert: "and"
2. Amend title, line 9 and line 10.
Following: "AREAS"
Strike: "; REPEALING SECTIONS 1-701 THROUGH 1-723, R.C.M. 1947."
Insert: ".,"
3. Amend page 1, section 1, line 20.
Following: "aircraft,"
Insert: "and increase the likelihood of legal action against a local government for noise nuisance,"
4. Amend page 2, section 2, lines 7 through 9.
Following: subsection (b)
Strike: line 7 through 9 in their entirety
Insert: "Airport" means, for the purpose of this act, only those airports included on the National Airport System Plan."

DO PASS

STANDING COMMITTEE REPORT

February 17

19 77

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 436

Respectfully report as follows: That Senate Bill No. 436
introduced bill, be amended as follows:

1. Amend page 3, section 5, line 14.

Following: "service"

Strike: "shall encourage but"

Following: "may"

Strike: "not"

2. Amend page 4, section 5.

Following: line 6

Insert: "(d) such participation shall not interfere with other training or work incentive and employment programs. (4) Counties shall attempt as much as possible to develop any such jobs into bona fide employment, either on a part-time or full-time basis."

~~DO NOT PASS~~

AND AS SO AMENDED, DO PASS

STANDING COMMITTEE REPORT

February 16

1977

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 61

Respectfully report as follows: That Senate Bill No. 61,

introduced bill, be amended as follows:

1. Amend page 3, section 3, line 17.

Following: "~~{62,950,000}~~"

Strike: "\$4,050,000"

Insert: "\$6,150,000"

2. Amend page 4, section 3, line 8.

Following: "~~{63,550,000}~~"

Strike: "\$8,250,000"

Insert: "\$6,150,000"

~~DO PASS~~

AND AS SO AMENDED, DO PASS