

PROCEEDINGS OF THE  
LOCAL GOVERNMENT COMMITTEE  
HOUSE OF REPRESENTATIVES  
Wednesday, January 31, 1979

The meeting was set for 5:30 or on adjournment and was called to order at 4:45 by Chairman Robbins. The secretary called the roll and found a quorum present, absent were Rep. Gould and Waldron.

HOUSE BILL 268: Representative Oberg stated that the bill is designed to keep cities from discriminating against local stores that sell alcoholic beverages as they are losing business on Sundays when people are going out of town and can stop at a store on Sunday to buy beer for a picnic.

Chairman Robbins called for proponents. Bob Durkee of the Montana Taxpayers Association was present and stated they do support this, and that county and city laws vary. He stated this was the same as when some counties did not allow selling alcohol and people just went across the line to buy. He stated the laws of closing during elections were repealed because people felt this was no longer a problem and it should be the same for Sunday. There were no further proponents and no opponents.

Rep. Oberg then closed, stating he felt there were some groups that would submit written testimony. Committee members inquired as to present law, and also as to what stores that stay open all night do in this case. Hearing was then closed on HB 268.

HOUSE BILL 320: Rep. Ramirez, sponsor, introduced the bill and presented amendments which are attached, and would amend the word delinquent to "due", and repeal the remainder of the bill after line 15. Other wording would then be added.

Dennis Rehberg of the Montana Association of Realtors stated they were in support and that the buyer would be able to pay the whole tax or to have it apportioned. This would provide some relief on the tax burdens when there is a large amount owed.

Rep. Ramirez then gave closing statements after it was determined there were no further opponents or proponents. He said the bill had been requested by the County Treasurers, and he would now temporarily close. Hearing then closed on HB 320.

HOUSE BILL 327: The sponsor was unable to be present and the bill was presented by Dean Zennicker of the Montana Association of Counties

HB 327 (cont.)

Mr. Zinnecker stated this bill would take the costs of the audits out of the local budgets as they don't know when an audit will be conducted or how extensive and they are then unable to budget for these costs. The entire process is out of the hands of the local governments. There were no costs previously paid by the state. There were no opponents and hearing was closed on HB 327.

HOUSE BILL 305: Representative Gesek, sponsor of the bill gave introduction, stating the bill is to provide the same zoning for community facilities for the mentally ill as are currently in effect to facilities for youth, developmentally disabled and alcoholic and drug dependent persons. Her complete statement is attached, Exhibit "A". Chairman Robbins then called for proponents.

James Johnson, a member of the Governor's mental health advisory council stated this was being done in Missoula and it would work similarly to the disabled homes, and the idea is now to go toward home situations.

There were no opponents present and Rep. Gesek stated she felt this area was overlooked at the time the law was drafted. Many of the mentally ill are ready to go into a home situation and this allows them to be in communities.

There were then questions from committee members, with Rep. Azzara inquiring as to why this couldn't be handled with local zoning and this would give communities the option to make a decision. Rep. Kessler stated this had created a problem in Missoula and neighbors had objected. Augie Hansen then stated that the developmentally disabled people are in this category as far as state law is concerned and that the Supreme Court had upheld the allowance of group homes. Rep. Kemmis stated the Supreme Court had defined the group homes area, stating no community could zone against these. After further discussion it was moved by Rep. Oberg to ask a delegate from the Dept. of Health and Environmental Services to further explain the regulations, vote was called and all voted "aye". The hearing was then left open.

There being no further business, the meeting was then duly adjourned at 5:45 pm.

Hershel M. Robbins  
Hershel M. Robbins, Chairman  
LOCAL GOVERNMENT COMMITTEE

Patricia A. Hatfield  
Patricia A. Hatfield  
Committee Secretary