

PROCEEDINGS OF THE  
LOCAL GOVERNMENT COMMITTEE  
HOUSE OF REPRESENTATIVES  
Saturday, Feb. 3, 1979

The meeting was called to order at 12:30 pm by Chairman Hershel Robbins. The secretary called the roll and found a quorum of members present, absent were Representatives Hurwitz, Reichert and Vinger who were excused. Purpose was to continue hearing on HB 289 and other bills.

HOUSE BILL 289 (cont.)

Chairman Robbins then called for further proponents to HB 289. There were none and opponents continued. Mr. Vernon Sloan, Department of Health stated this would make a great impact on the budget and that with \$92,000 taken away there would be less chance of their receiving federal grants. He also felt there should be supervision of the local departments.

David Lackman of the HEW office also spoke, stating that he felt the direct pass through to local offices was not necessary. His statement is attached.

Rep. Waldron then gave closing remarks, stating he is on the subcommittee for these services and the impact on the department of health will not be as great as the committee had been led to believe. He stated he would have figures available for the committee to consider. There were then questions from committee members, inquiring further into the loss of funds and federal funding. Hearing was then closed on HB 289.

HOUSE BILL 388: Representative Kemmis, Dist. 94, Missoula introduced the bill stating it is to change the annexation laws so that industrial areas can be annexed, and that under current law they cannot be annexed under any conditions. This would allow following the regular provisions of the law for annexing this type area. He further explained that many industrial areas are surrounded by city, that they do not pay their share of services, but use the streets for access and heavy equipment use. He also asked for an amendment stating that they can also petition for annexation.

Chairman Robbins then called for proponents. Dan Mizner of the League of Cities spoke in favor, stating Billings, Missoula and Great Falls have areas that would be affected. He stated other smaller cities may have the problem soon and none have the opportunity to annex industrial and manufacturing areas. He urged the committee to consider this favorably.

HB 388 (cont.)

Eva Spaulding representing the League of Women Voters also spoke in support under their program of orderly growth.

Ken Haag of Billings also spoke, stating different areas in Billings that are surrounded and thus use city services without paying for their share. There is also a problem with fire calls and traffic in these areas. His statement is attached.

Mae Nau Ellingson representing the City of Missoula also spoke, drawing attention to the map of Missoula and areas where the people use the streets to go to work in these areas and compound problems for city dwellers.

Vernon Erickson of Missoula representing the Montana Firemen's Association also spoke in favor stating there is a great risk to the people with raw materials passing through the city and no payment from them for protection

Al Thelen, City Manager of Helena spoke on behalf of the City Commission, stating he would like to see some clarification regarding the railroad property used for industrial purposes as there is some not used for railroad purposes and is leased to industry. He urged support of the bill.

Al Sampson, assistant fire chief of Missoula also spoke in favor, stating that with the railroad running through the city they are required to protect residents from hazards and there are many minor industrial areas that require the protection for citizens.

Chairman Robbins then called for opponents. Tom Dowling of the Montana Railroad Association spoke, stating he felt there was a problem in what he was hearing and the interpretation of the bill as explained by Rep. Kemmis. He stated that some of the railroad property is used exclusively for operation of the railroad and some industries have been automatically located outside the cities because this is more desirable.

Lawrence Stanfield, chief of the rural fire district in Missoula spoke against the bill, stating the city does have liability for fire protection of citizens regardless of the area, and that they do also have rural fire districts to help in these areas. He felt this was a problem caused by cities annexing outlying areas and then surrounding the areas being discussed.

Dave Fisher, representing the Montana volunteer firemen's association also spoke as an opponent as well as Art Korn of the same association.

HB 388 (cont.)

Rep. Kemmis then gave closing remarks stating that Missoula was not the only city having this problem and that residents are asking the city fire departments for protection from hazards that are not within the city limits and this doesn't make sense. There is no tax base for the protection and this would give relief to the cities. There were then questions from committee members. Rep. Gould inquired as to whether this would force some industries to close down, or whether there could be some provision to require them to pay for the services used and fire protection. Other members inquired if it was felt the city would annex any property if it couldn't afford to keep up the services. Chairman Robbins then stated the committee could consider the proposed amendments and continue discussion in the executive session. Hearing was then closed on HB 388.

It was then requested that HB 381 and HB 423 be considered on the same day.

HOUSE BILL 365: Representative Kessler introduced the bill, stating that it would allow annexation when signed by more than 50% of the freeholders in an area and would eliminate the cost of election in these cases.

Chairman Robbins called for proponents. Art Korn of the Volunteer Firemen's Association stated they were in favor, Art Stanfield also voiced his support. Dan Mizner of the League of Cities stated this had been requested in many towns and they couldn't use the law because of the limit of 20,000 population and they were in support. Dean Holmes, Mayor of Miles City also stated they were in support. It was also supported by Eva Spaulding of the League of Women Voters. Don Stinger representing the country life group in Missoula spoke in favor, stating that having 51% or more would be fair. There were no opponents.

Rep. Moore then offered an amendment, changing line 13 to read "more than 50% and moved the amendment. All voted "aye". Same amendment was made on line 22 and all voted "aye". Hearing was then closed on HB 365.

HOUSE BILL 366: Representative Kessler introduced the bill relating to annexation of fire districts. He stated he had an amendment to page 2, sec. 4, lines 5 through 13, which would read that this portion be reinstated. It was moved by Rep. Kessler that this amendment be passed, vote was called and all voted "aye" on the amendment.

Rep. Kessler then further stated that page 1, section 1 would allow each annexation procedure to be set up independently of one another, with no one type having precedence over the four types of annexation.

Chairman Robbins then called for proponents.

HB 366 (cont.)

Mr. Ellingson of Missoula stated he didn't feel the legislature knew what they were doing in 1973 on the planned community development act, in that it would supersede the other three types of annexation and this would be a remedy to that. He believed the planned community development act should not apply at all. He requested HB 366 be passed.

Eva Spaulding of the League of Women Voters stated that under their stand of promoting orderly growth they would like to support HB 366.

Ken Haag of Billings was in support and his statement is attached.

Mr. Thelen, City Manager of Helena stated that because of the amendment he didn't think the bill would do much good. He would like to see an amendment that says they can stay in a rural fire district as long as they want to serve, and then annexation could be done under other provisions.

Dan Mizner of the League of Cities stated the bill is needed, and if the fire district is the only problem, they should have their portion and the remainder of the bill pass.

Art Korn of the Mont. Volunteer Firemen's Assoc. stated he was interested in giving the residents a vote in whether or how they are annexed and was in favor.

Rep. Kessler then stated he thought the title also had to be amended, lines 5 and 6, striking "removing the restriction on annexation of fire districts", and on line 8 to strike the words "Sec. 7-2-4734". He then stated on page 1, there is no purpose for Sec. 2 and we should delete the entire Sec. 2, line 18, page 1, through line 13, on page 2. Rep. Moore stated this would cut the entire sec. 2 in the singular. Rep. Waldron then suggested just to reinsert the language and amend line 8. Rep. Moore inquired as to what the bill was now intended to do. Rep. Kessler stated it would allow separate laws in the book to operate separately and independently from one another. Rep. Moore then moved the amendment and amending the title. Vote was called and all voted "aye".

Hearing was then closed on HB 366.

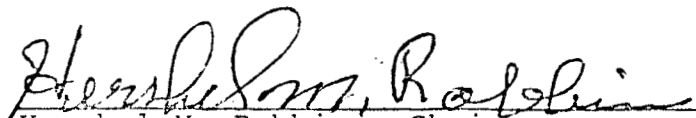
The committee then went into Executive Session.

HOUSE BILL 365: It was moved by Rep. Waldron that HB 365 do pass as amended. Rep. Moore noted one more amendment on Line 13 and line 22, to read "more than 50%". Vote was called on the amendment and all voted "aye". It was then moved by Rep. Waldron that HB 365 do pass as amended, vote was called and all voted "aye" that HB 365 do pass as amended.

HOUSE BILL 366: It was moved by Rep. Kessler that HB 366 do pass as amended. Vote was called and all voted "aye" that HB 366 do pass as amended.

It was then moved by Rep. Kessler that the committee reconsider the action taken on the previous day on HB 274, for the purpose of inserting another amendment. He then proposed amendment on page 2, line 4, to strike "as of July 1, 1979" and insert "after July 1, 1979". He hoped this amendment would eliminate some of the opposition. The people that are now on services would not be affected. Rep. Gould stated he would support the motion if it read Water and sewer rather than "or". Rep. Moore stated he didn't think it proper to bring the bill back this way because some of the committee members were not here. Rep. South then stated he was in favor of the motion and he supported the motion to reconsider. Vote was called on the motion to reconsider, 8 voting yes, 5 absent, 4 no. Motion carried. Rep. Moore moved that the committee do not take further action today. It was suggested further action be taken next week. Vote was called and all voted "aye".

There being no further business the meeting was then duly adjourned at 2:30 pm.

  
Hershel M. Robbins, Chairman  
LOCAL GOVERNMENT COMMITTEE

  
Patricia A. Hatfield  
Committee Secretary