

PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES
46th Legislative Session
Tuesday, February 6, 1979

The meeting was called to order at 12:30 pm by Rep. Hershel Robbins, Chairman. The secretary called the roll and found a quorum of members present, other members arriving later during the meeting.

HOUSE BILL 361: Representative Dassinger of Dist. 60 presented the bill stating it would increase expenses allowed to county commissioners from \$10 to \$18 per day, and would only be for those living 50 miles or more away from the county seat.

Chairman Robbins called for proponents: Dean Zinnecker of the Association of Counties spoke in support, stating this would be better than charging additional mileage. There were then a few comments from committee members and there being no opponents the hearing was closed on HB 361.

HOUSE BILL 330: Representative Manuel of Dist. 11 stated he sponsored the bill at request of the Association of Counties. The bill would increase the mill levy allowable for public bridges from 3 to 5 mills and a special levy from \$4 million to \$20 million, and where it reads \$20 million, to be increased to \$40 million.

Chairman Robbins then called for proponents. Dean Zinnecker of the Association of Counties then spoke in favor, stating the costs have increased due to inflation and the existing levy is not sufficient.

Chairman Robbins called for opponents and Dan Mizner of the League of Cities spoke in opposition. He stated the reason was due to the fact that the counties do not assume the obligation of repairing bridges located within the cities and felt the city should also be able to increase the levy in the city. He stated people in the cities would be paying for the county bridges because that is where the population lives. He suggested an amendment on line 14, page 1 to state, which shall include any and all bridges located within the incorporated limits of municipalities as defined in section 3 of this act. On page 2, line 3 he suggested adding the word "street". In section b, line 2, page 1 and sec a, lines 17 and 21, to include the taxable value of the entire county.

Al Thelen, City Manager of Helena spoke in opposition as well stating no county money had been spent for any bridges in the city and the city has had to increase additional levies. He felt drainage structures such as culverts should also be included.

Rep. Manuel then gave closing remarks, stating the cities and counties would vote themselves out of anything like this possible. He stated residents of the city do use the bridges in the county as well as the other way around. There were then questions from committee members. Discussion centered around the fact that cities would opt out if they could and counties likewise. Hearing then closed on HB 330.

HOUSE BILL 318: Representative Lien stated this bill was a request from the Department of Revenue and it clears up the portion regarding paying taxes under protest. Mr. McGinnis of the Dept. of Revenue spoke, stating in some cases notification is not given of property taxes paid under protest and when suit is filed is the time they find out, or later. This would provide for summons and complaint to be served on all departments concerned.

Dean Zinnecker of the Mont. Assoc. of Counties spoke as a proponent, and stated there is also another bill coming up dealing with the same subject.

Les Loble, speaking for himself, and for other attorneys around the state, stated ordinarily there would be one year to effect service of summons and complaint and under this bill there would be 60 days, and that he was speaking as an opponent. He felt the problem was merely a lack of communication between counties and the Dept. of Revenue. He felt the answer was for county attorneys to notify the department. He offered an amendment to the bill, that would strike the 60 day notice and insert 120 days.

Gene Phillips of Kalispell also spoke as an opponent. He stated they had a large number filed every year and felt that the Dept. of Revenue should only intervene if they feel it necessary.

Chairman Robbins called for further opponents. There were none and Rep. Lien gave closing remarks, noting the bill should relieve some of the problems now present. There were then questions from committee members with Rep. Gould inquiring if the documents could be mailed. Mr. Loble replied that in certain instances the documents have been mislaid and no notice given to the department. Rep. Pistoria inquired if the 60 days was too difficult, and Mr. Loble stated it normally takes a full year for a suit. Hearing was then closed on HB 318.

The Committee then went into Executive Session.

HOUSE BILL 274: It was moved by Rep. Kessler to amend HB 274 on page 2, line 4, following "town" to strike "as of" and insert "where service commences on or after July 1, 1979". Vote was called and all voted "aye" on the amendment. Members discussed whether subsection 3 would refer back to 2. It was clarified it would not. Rep. Kessler stated this would apply to people in the

future that would be wanting service and they would be required to sign the waiver. Rep. McBride then inquired if the bill could read "or water and sewage rather than water or sewage and noted this was Page 1, line 23 and page 2, line 8. Rep. Kessler agreed and moved the amendment on Page 2, line 8 and Page 1, line 23 and line 18. Substitute motion was made to have it meaning both, and motion failed. Rep. Kessler moved the amendment to read water, sewage, or water and sewage on the lines this wording is found, vote was called and motion carried. Representative Kessler then moved HB 274 do pass as amended, vote was called and motion carried 9 to 8. House Bill 274 was passed as amended.

HOUSE BILL 305: Representative McBride moved that HB 305 do pass. Rep. Sales stated this allows mentally ill homes to be set up in communities with up to 8 mentally ill persons and it seems to take one each to take care of them, thus there might be 16 persons in the home. Other members disagreed, stating this is not necessarily the case, that these people are ready to be released and don't need the intense care. Rep. Azzara stated this would only allow communities to consider the zoning if they wished, it would not require them to place the homes. It would then be a zoning matter. Rep. Sales then inquired regarding the Supreme Court decision which says communities must allow community facilities in any area. Substitute motion was then made by Rep. Gould that HB 305 do not pass, vote was called and motion carried 9 to 7 that HB 305 do not pass.

HOUSE BILL 388: Representative Kemmis moved amendments to the Bill to also amend Sec. 7-2-4608 relating to annexation restrictions and which are attached. He then read the proposed amendment. Vote was called and all voted "aye" except Representatives Gould and Pistoria. Representative Kemmis then moved HB 388 do pass as amended, vote was called and all voted "aye" except Rep. Gould and Pistoria. Motion carried that HB 388 do pass as amended.

HOUSE BILL 361: Representative Vinger moved that HB 361 relating to increasing expenses for county commissioners do pass. Vote was called and all voted "aye" except Rep. Robbins who abstained and Rep. Moore who was absent at the time. Motion carried that HB 361 do pass.

HOUSE BILL 330: Representative Pistoria moved that HB 330 do pass. Representative Oberg moved the amendments that were offered by Rep. Reichert. After discussion that the amendment would alter the intent of the bill, Rep. Oberg withdrew the motion. Vote was then called on the motion that HB 330 do pass, with all voting "aye" except Rep. Sales, Moore and Robbins abstained. Motion carried.

It was stated HB 61 would be considered later.

It was then noted that HB 56 which had been given to subcommittee had been tabled and would not require action.

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Chairman Robbins then made announcements of future hearing dates, bills to be heard and scheduling.

He also announced that the subcommittee report on HB 46 would be heard the next day.

There being no further business, the meeting was duly adjourned at 2:10 pm.

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

Patricia A. Hatfield

Patricia A. Hatfield
Committee Secretary