

HOUSE OF REPRESENTATIVES
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
Thursday, February 8, 1979
12:30 pm

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, Rep. South was absent.

HOUSE BILL 439: Chairman Robbins introduced the bill and then stated a representative of the Secretary of State's Office would explain the bill and answer questions. It was then explained the bill would allow cities under 10,000 population to dispense with a primary election, and present law now states cities under 3,500 don't have to hold such an election. There are no counties under 10,000 population. This could be done if the number of candidates exceeds twice the number of offices to be elected and the commissioners could then pass a resolution to that effect within 7 days after filing date to announce no primary would be held.

Proponents were called for with Dan Mizner of the League of Cities stating he was in support, that this would be of great help to small cities not having to go to the expense of a primary when there were not many candidates.

There were no opponents to the bill. Rep. Sales inquired as to the limit of 10,000 population, and it was explained that any cities over generally operate under different laws for elections, such as the city-manager type governments and counties would be class "A" which also have different laws. Hearing was then closed on HB 439.

HOUSE BILL 399: Representative Harper of District 30 introduced the bill, stating it is to allow county commissioners to establish coroner's salaries. He stated there had been problems with the bill in the past, that the authority is not in the right place and this would help in that matter.

Proponents were then introduced. Mike Meloy of the Montana Coroners Association spoke in favor, and that when the salary is attached as part of the sheriff's salary it creates problems. The bill will let commissioners establish a separate salary for coroners.

Mike Stephen, research director of the Montana Assoc. of Counties also spoke in favor. He did have some question on the justice of peace salary and that area of the bill.

HB 399 cont.

Mickey Nelson, secretary-treasurer of the Coroners association also spoke in favor, stating local control would be of benefit to the city and county commissioners. He then gave some examples of salaries, noting one is paid \$3,300 in a first class area, some \$14 per case and others at \$695, with the office being 365 days a year 24 hours per day, and being on call continually should call for an increase in salary.

There were no opponents to the bill. Rep. Harper stated he hoped the committee would be of assistance in changing this section. Rep. Sales stated if the commissioners were allowed to set salaries they could move them up or down as budget allowed, and with a set salary the person running for the office should have known what it would be before they ran for office. Rep. Gould inquired as to how this works when the funds come from the sheriff's salary and if he was paid twice, it was then explained a set percentage of 20% of the sheriff's salary is set aside for coroners. Rep. Waldron inquired if all coroners are elected, and it was explained that the majority are, however if no one runs for the office he is appointed. Hearing was then closed on HB 399.

HOUSE BILL 488: Representative Robbins introduced the bill, and asked Art Korn to explain the bill for him. Mr. Korn was introduced as secretary-treasurer of the Montana Volunteer Firefighters Association. He stated the purpose is for interest from investments to be credited to the fire funds rather than back to general funds. The interest would amount to 80-90% of the budget of some volunteer departments.

Loren Stansfield, chief of the Missoula department spoke in favor and gave written statement which is attached. He stated the departments should reap the profits of the investments.

The Montana Fire Fighters Association also stated they were in support. Other supporters were Robert Ellis of the volunteer firemen and John Vaughn who made a short statement in support as well.

There were no opponents and questions from the committee were called. Rep. Gould inquired if the money now goes to the county treasury and then remains in the county general fund, with it being stated he was correct. Rep. Gould inquired as to the amount concerned, Mr. Korn stated in Missoula it would be approximately \$50 to 60,000. Rep. Hurwitz also inquired further into the amount retrieved by the associations. The hearing was then closed on HB 488.

HOUSE BILL 43: Representative Shelden introduced the bill, stating it sets forth the area for clarification by which a county commission should determine whether a subdivision is in the best interest. He stated that local governments would be aware of the subdivisions in all cases and then could accept responsibility at the local level. They could look at what the subdivision would do, whether it would have an effect on someone's view or interfere with agriculture. He stated there is not a land use policy in Montana and this would be a start. He felt there would be considerable discussion of this matter.

Bill Cunningham of Helena asked to speak as an opponent at this time as he had a prior commitment to fly out of town. He stated he felt there should be no change in the public interest criteria as it now stands and his statement is attached as HB 43, Ex. 1.

Tom Collins, Mont. Association of Realtors then spoke as a proponent, and also offered an amendment, which is set forth in a letter relating to HB 666, from the planning department and which is attached as Ex. 2.

Ernie Beyer spoke briefly in support of the bill, stating he felt this was a good step.

Jim Richard of the DCA, planning bureau spoke in support of the bill, and stated this is a complex procedure when trying to legislate private property. His statement and guidelines prepared in relation to the previous HB 666 are attached and he felt this applied to HB 43. Ex. 3.

Mike Stephen of the Montana Association of Counties also spoke in support, stating he felt the criteria outlined would be useful.

Rep. Hurwitz asked to speak on behalf of the interim committee on subdivisions, stating the committee felt the bill was not perfect but was a step in the proper direction and felt the bill should be passed.

Further opponents were called for. Rep. John Vincent of District 78 spoke in opposition, stating this bill would remove the provisions now in the law and passed in 1975 which allowed public opinion and flexibility at the local level. He stated the law previously required input and that it be used in the final decision and HB 43 would take this portion out. He felt what has been on the books should be utilized. He left a statement of what has happened in Bozeman, Ex. 4.

Thurman Trosper of the Lake County Planning Board also spoke in opposition, stating they have been in the process of bringing out a county land use plan and utilizing land that is not suitable for agriculture for development and

HB 43 (cont.)

then moving into outlying areas. He felt they were doing their best to get public input and satisfy everyone, but regulation was needed.

Gary Locke of the Bitterroot Citizens for Sensible Growth in Hamilton also spoke in opposition, and stated his testimony was about the same as everyone had stated. He stated if the public input was taken off the books it would be just like having a closed hearing on the areas. His statement is made with other subdivision bills.

Wes Woodgerd of Stevensville, speaking as an individual, stated he felt the present law was workable and that no change was needed. He objected to amending the bill and suggested do not pass. His statement is attached, Ex. 5

Jane Mott then spoke on behalf of Herb Koenig, Supervisor of the Flathead Conservation District, stating they were basically in favor, however proposed an amendment which would protect areas that border on agricultural land. His statement is attached, Ex. 6.

Bette Hostad, representing the League of Women Voters then spoke in opposition of the bill, stating this would eliminate the basis of need and public interest. Her statement is attached, Ex. 7.

James Haynes, representing himself and Common Cause spoke, stating their main interest is in open and equitable government, and he felt this would not allow participation. His statement is attached, Ex. 8.

Jan Brown, representing the Montana Association of Churches also spoke in opposition, stating they have adopted a policy which supports planning, energy use and environment planning. HB 43 is opposed to protect the public interest. Her statement and brochure giving the statement of the association are attached, Ex. 9 and 9-A.

Frederick Tossberg, of Hamilton representing the Bitterroot and Ravalli County Planning Board also spoke in opposition to HB 43, his letter is attached and makes reference to the Supreme Court decision which stated all subdivisions must be in the public interest. See Ex. 10.

Ron DeYoung of Flathead spoke representing Henry Ficken, Chairman of Flathead County Planning Board, stating they would like to go on record as opposing HB 43 which deletes language requiring a governing body to disapprove a subdivision which is not in the public interest. His statement is attached, Ex. 11.

Judy Mathery of the American Association of University Women also spoke in opposition, stating they had supported HB 666, but oppose HB 43 because the public interest is deleted.

HB 43, (cont)

Jim Stephens, representing Montana Farmers Union, Montana Farm Business, NFO, Mont. Assoc. of Soil Conservation Dist., stated he was representing all of these organizations and they oppose HB 43 due to the fact it deletes the effects on agriculture, and all of this is necessary for the production of food in Montana. His statement is attached.

Deanna DeYoung, representing Montana Women Involved in Farm Economics also spoke in opposition, stating there is no provision in this bill to determine the effects on agriculture. Her statement is attached, Ex. 12.

Other testimony is also attached from persons who were interested and did not speak at the hearing.

Rep. Sheldon then gave closing remarks, stating he was concerned with page 1 of the bill, that there had been considerable testimony and he felt the decision by the committee would have to be made on that basis. He stated the Supreme Court decision had come down after the bills were passed from the interim subcommittee and this does have some effect on the bill. He did comment that some of the regulations in the previous law were beginning to work.

There were then questions from committee members, and it was further clarified that the interim committee had made their decision regarding this bill prior to the Supreme Court decision. It was also stated that HB 46 was a bill along the same lines as HB 43. There were then questions which researcher Debbie Schmidt answered regarding the direction the bill had taken with respect to others. Representatives inquired as to why HB 666 had not worked, some felt that it was just now beginning to be put into effect.

Hearing was then closed on HB 43. There being no further business the committee meeting was then duly adjourned at 2:15 p.m.


Hershel M. Robbins

Hershel M. Robbins, Chairman



Patricia A. Hatfield
Committee Secretary