

PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES
46th Legislative Session
Thursday, February 15, 1979
12:30 pm

The meeting was called to order at 12:30 pm for the purpose of hearings by Chairman Hershel Robbins. The secretary called roll and found a quorum of members present, absent were Rep. Oberg, Pistoria and Waldron.

HOUSE BILL 687: Rep. Joe Brand of Deer Lodge presented the bill, stating it would be to raise the contribution for a veteran's gravestone from \$20 to \$30.

Proponents were called and Mr. Hugh Cumming representing the American Legion requested support of the bill, stating it would be of benefit to them, as there would otherwise be no one to put in the headstones. There were no opponents and the hearing was closed on HB 687.

HOUSE BILL 661: Rep. Rex Manuel of Fairfield, Dist. 11 presented the bill, stated this would allow local inspection for locally manufactured homes. He stated local government could handle this inspection rather than having to require someone from the state to travel.

Proponents were called and Don Robison, attorney from Butte spoke representing Sun Valley Industries. He stated this is a small business building homes using the technique of factory construction with 8 to 15 employees. He stated the bill would give building code enforcement to the local community rather than the state and this would provide for a faster inspection and less complication for the state. The inspection is currently done by the Dept. of Administration building codes division. He stated an amendment had been suggested by the state dept. of administration which would be offered.

Dan Mahoney and Gene Spolder spoke for the building department of Butte-Silver Bow, stating they must submit plans for local review and inspection could be handled and should be handled by local governments. The state has a large work load and inspection could be handled faster locally.

James Kembel of the building codes division of the state Dept. of Administration spoke regarding the bill, stating their position was neutral. He stated there are some areas of the bill that need clarification, and these are set out in his testimony attached, Ex. 1.

Ross Cannon representing the Montana Manufactured Housing Association also spoke, stating he was opposed as this would give local government the opportunity to add their own

HB 661 (cont.)

further restrictions to the state code. The houses are now currently built to state standards and this could cause problems in having to build differently for each area.

William Egan of Great Falls representing IBEW stated he was opposed because the reciprocity under state codes should be worked out under present law.

Rep. Kemmis asked to have the representative of the building code division speak further. Mr. Kembel then stated that the majority of the homes are in-state manufactured, and this would amount to 65% of the business within the state, and the state program would then inspect the remaining 35%. He questioned whether this would be worthy and asked for local enforcement. He referred again to the proposed amendments to clarify the enforcement procedure.

Rep. Manuel then gave closing remarks, stating the bill was not trying to circumvent state building codes, but would clarify who would enforce. He explained each time a house is manufactured the plans have to be submitted to the state and there is a time lag of 2 months and a cost for preparing extra plans. He felt local control would not require this additional expense.

There were then questions from committee members, Rep. McBride pointed out the old law states local authorities are to enforce building codes, and the state is not the authority to enforce these. Rep. Moore inquired further as to the time lag and there was further explanation by builders as to procedure they have to use, such as the submitting of plans and waiting for approval. At the local level this would be easier as plans could be taken and shown there. There was question by members as to why the state should be enforcing at the local level. The hearing was then closed on HB 661.

HOUSE BILL 628: Rep. Harrington of Butte stated this bill would prohibit cities from adopting strickter standards for shielding wrecking yards than state standards. He stated the state standards provide for 6 feet above the level of public roads and nothing in excess of 12 feet. He stated some local governments are requiring trees to be planted and this is considerable expense to the owners.

There were no proponents nor opponents present. There were then questions from committee members. Rep. Azzara inquired as to environmental control, stating cities can and should be allowed to set more stringent standards than the state. Rep. McBride was also in agreement with this. Rep. Gould then stated that local governments could adopt standards so strict that a person could be put out of business. Other members also commented and inquired as to standards in some cities. It was stated Butte has required planting of trees at considerable expense. Some members also felt this might be worthy. Hearing was then closed on HB 628.

HOUSE BILL 651: Rep. "Bobby" Spilker of Helena introduced the bill. Chairman Robbins stated this bill possibly should have been in taxation, but the committee would hear it at this time and it might possibly be referred to taxation. Rep. Spilker then explained the bill would allow the cities ability to tax airplanes registered at airports within a city. She stated they currently pay tax to counties, state and school districts and the 75 legislature had exempted them from paying city tax.

Chairman Robbins then called for proponents. Art Thelen of the City of Helena spoke in favor of the bill, stating he felt the 75 legislature had been wrong in the exemption and the City of Helena would tax airplanes at \$100 per plane, with this revenue needed by cities as well as counties.

Mr. Richards, city attorney for Helena spoke in favor, and stated the city of Helena pays property tax on the airport and the revenue is needed to help with the indebtedness.

Representative Robbins then announced the meeting would need to adjourn at 2:15 pm for beginning of session, and it would be appreciated if remarks were kept short.

Sam Boggess, Finance Director of Billings then spoke in favor, and entered a prepared statement, which is attached as Ex. 1.

Chairman Robbins then called for opponents. Hugh Kelleher, Airport Manager at the Helena Airport spoke as an opponent. He stated the tax would cause undue hardship on small aircraft owners and that it would no doubt cause them to base their planes at other airports. The airport would then lose this revenue, and the city would also not gain. His statement is attached, Ex. 2.

Jeff Morrison, representing himself as a flying service and several other operators stated they were opposed. He stated there are several airports near the area and several others within driving distance, and operators could easily move their planes to avoid the tax. He stated last year the operators at the airport had paid more mills than people in the city of Helena, and with the increased tax they would be paying much more. He felt this unfair.

Bob Patton also spoke as an opponent, stating he is a fixed base operator, and the passage of this bill could mean loss of several jobs. He felt the bill would help outlying airports and take business away from municipal airports.

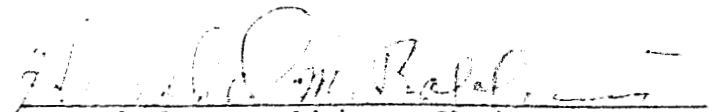
Jim Stevens spoke representing himself, flying services and flying farmers, stating they are opposed for reasons already stated.


HOUSE BILL 651 (cont.)

Representative Spilker then gave closing remarks, stating the bill had been introduced to re-establish the authority the cities previously had. There were then questions from committee members. Rep. Gould stated that large airplane owners apparantly already pay tax such as landing fees, parking fees, additional fuel tax and various other fees and this would be additional burden. He inquired as to the adverse effect on business. Hearing was then closed on HB 651.

Rep. Robbins then announced that the hearing on HB 307 would be continued until the next day on adjournment rather than heard at this time as scheduled.

There then being time for legislature to convene, the meeting was duly adjourned at 2:15 pm.


Hershel M. Robbins, Chairman
LOCAL GOVERNMENT COMMITTEE


Patricia A. Hatfield
Committee Secretary