

FEBRUARY 19, 1979
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES

The meeting was called to order by Chairman Hershel Robbins Monday evening, February 19, 1979, on adjournment of the House. The secretary called the roll and found a majority of the members present. Those absent were Representative Donaldson, Representative Gould, Representative Hurwitz, Representative Kessler and Representative McBride. All other members were present.

The purpose of the meeting was to hold hearings and to hold executive session.

HOUSE BILL 391: Presented by Representative Hemstad. Representative Hemstad presented the bill. This bill would clarify the manner of placing people on local boards who live in the area of those boards. At present, certain businesses would have more vote or no vote in changing of subdivisions or entering shopping centers. This would allow for better members to be represented on boards. This would place a limit so that people on the boards could not come from outside the four and a half mile jurisdiction. She then read a prepared statement, which is attached to the testimony.

There were no proponents present and no opponents present.

There were several questions by committee members and hearing was then closed on House Bill 391.

HOUSE BILL 404: Presented by Representative Sales. Representative Sales stated that this bill was presented because of a situation of people finding roads which have previously considered private roads are now becoming public roads. Because of increased traffic the bridges are falling and they are facing increased maintenance.

There were no proponents present and no opponents present. Comments from the committee were that this would be a good bill. Hearing was then closed on House Bill 404.

HOUSE BILL 351: Representative Spilker presented the bill and stated that there had been problems with the courts as to whether there should be mandatory review or optional review of forms of local government. She pointed to Section 3 on page 3, which would allow for recommendations from the local governing body. She also pointed out that this would require petitions and special requirements on Section 11, page 8, as to determinations to be made.

House Bill 851: (continued)

Also included were ways of changing local government. Page 10 has requirements for the actual election.

Chairman Robbins then called for proponents.

Mr. Brooke, representing Missoula, stated that they were in favor, that this would fill the needs which are varied for county and city governments. The Missoula County Commissioners endorsed the bill.

Mr. David Hunter, from Helena, stated they would like an amendment regarding the election portion of the bill. He referred to the portion of the bill which prohibited commission forms of government from adopting certain provisions. He also stated he thought this was a good bill.

There were no further proponents. There were no opponents present. There were then questions from committee members.

Representative Gould inquired as to whether there would be a time limit on people to sign the petitions. There was also reference to the fact that changes could not be made for three years after adoption of a different form. Representative South then inquired as to what had happened to the bill that had been drafted in 1974, which would give cities and counties an opportunity to change their forms of government. There was discussion by the committee that this legislation had not been passed. Hearing was then closed on House Bill 851.

HOUSE BILL 490: John Bell, representing the county clerks and recorders in the absence of the representative, stated this would increase the cost that could be charged for an applicant for a birth or death certificate. There were no proponents or opponents present. Hearing was then closed on House Bill 490.

HOUSE BILL 698: Presented by Representative Howard Porter, District 65. Representative Porter stated he would like to call on Dan Mizner from the League of Cities and Counties to present the bill. He stated it had been requested by some of the cities. It relates to the appointment of treasurers and engineers in certain forms of government. This would give authority for these positions to be appointed in possibly 25 to 30 cities. Also to be appointed would be a chief engineer. Many of the smaller areas don't have the money to support having some of these positions elected. There were no proponents present for the bill, as well as no opponents.

There were then questions from committee members. Representative Pistoria stated he didn't feel there was a need for the bill. The authority was already given under mayor-

House Bill No. 698 (continued)
alderman form of government. Hearing then closed on
House Bill 698.

HOUSE BILL 662: Presented by Representative Joe Brand. Representative Brand stated this bill would affect the policy of city commissions spending money on lobbying efforts without a vote of the people. He stated that many people felt they already had the representatives taking care of legislation and feel they do not need this extra money spent on lobbying efforts. Many people have told him they feel they should have a right to vote before money is spent on lobbying efforts.

Chairman Robbins then called for proponents.

Representative Pistoria then asked to speak as a proponent. Chairman Robbins gave him permission. Representative Pistoria is from District 39, Great Falls. He stated that they had spent \$8500, and \$8800 from Billings, on these efforts. He felt this was a considerable amount of money to be spent on this type of legislation. He then stated that these people to whom they are paying money are lobbying against bills and this bill in particular.

Representative Manuel of Great Falls also spoke in support of the bill. He said for many years the people didn't know how they were getting money to come over and lobby.

Chairman Robbins then called for opponents.

Dale Skaalure of Chouteau County spoke in opposition to the bill. He stated he felt these groups were good and were bringing things back to the cities and counties. He stated there has to be organized activity as people can't come on their own. Mr. Skaalure stated 31 counties belong to the association of counties and that their particular county had paid \$200 to belong. He stated that because of the association's activities, the payment in lieu of taxes had come across. There had also been other benefits received.

David Hunter, of Helena, also spoke as an opponent, stating this would also affect other people such as the clerks and recorder's association and the library association. If this bill were to pass, those also should. He felt this bill was aimed at specific people rather than being a general bill for the good of all.

Doug Houck, of Missoula, also spoke as an opponent, stating that if they did not have representatives here, their administrative assistant would be spending all his time at the Legislature and this would probably be more costly.

House Bill No. 662 (continued)

David Goss of Billings, representing their city commissioners, also spoke as an opponent stating they felt they needed the association to fairly represent them.

Bill Bigspring, county commissioner, also spoke stating he hoped the bill would be tabled.

There were no further opponents and Representative Brand then gave closing remarks. There followed questions from committee members. Representative Azzara stated he felt that belonging to these lobbying organizations didn't help, that possibly it would be more assistance if local government people would travel to Legislature and bring their views. He then asked Dan Mizner to speak. Mr. Mizner stated they had been doing the small things for the cities and that they were unable to come over on all the little bills. That is the purpose of this organization.

Hearing was then closed on House Bill 662.

The committee then went into Executive Session.

HOUSE BILL 391: Representative Sales moved do pass on House Bill 391. Question was called on the motion. All voted "aye" except Representatives Gould, Donaldson and Oberg. Motion carried. House Bill 391 was given do pass.

HOUSE BILL 404: Representative Sales moved do pass on House Bill 404. There was no discussion by the committee. Question was called. Representatives Gould, Donaldson, Moore and Oberg voted no. Motion carried that House Bill 404 do pass.

HOUSE BILL 490: Representative Reichert moved that House Bill 490 do pass. Vote was called. All voted "aye" except Representatives Gould and Donaldson and Oberg. Motion carried. House Bill 490 do pass.

HOUSE BILL 698: Representative Reichert moved do pass. Vote was called. All voted "aye" except Representatives Pistoria and Vinger. Motion carried that House Bill 698 do pass.

HOUSE BILL 851: Representative Waldron moved do pass. There was a short discussion by the committee, with Representative Reichert stating she felt this was necessary bill. Question was called. All voted "aye" except Representative Vinger. Motion carried that House Bill 851 do pass.

HOUSE BILL 662: Representative South moved do not pass.

Executive Session on House Bill 662 (continued)

There was no discussion by committee members. Vote was called. All voted "aye" except Representatives Pistoria and Gould. Motion carried that House Bill 662 do not pass.

There being no further business, the meeting was duly adjourned.

It was announced the next meeting would be held at 12:30 the next day, February 20, 1979.

Hershel M. Robbins
HERSHEL M. ROBBINS, CHAIRMAN
LOCAL GOVERNMENT COMMITTEE

Patricia A. Hatfield
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Committee Secretary