

MARCH 6, 1979
PROCEEDINGS OF THE
HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

The meeting was called to order at 12:30 p.m. by Chairman Hershel Robbins. The secretary called roll and found a majority of members present. Those absent were Representatives Sales, Gould, South, Kessler and Moore.

Chairman Robbins then announced that the committee would hear 16 bills at this meeting. These were considered as recodification bills. He then stated that they would be introduced by Larry Wineberg. However, a member of the committee would have to introduce each bill and carry them on the House floor. The Senators sponsoring the bills had not been asked to be present.

Chairman Robbins then introduced Larry Wineberg. Mr. Wineberg stated the bills had been worked on for several years and at least six months work had gone into the recodification. He stated except for the first bill they go through title VII in the code. In general there were some word changes, such as "treasurer" to "treasury" in eighth class counties. There were also some changes on recall petitions, and he explained many of the laws date back to 1895 and 1900, and commissioners were having problems with enforcement of some of these old laws.

SENATE BILL 334: Senate Bill 334 was introduced by Representative Orren Vinger, District 3. He then called on Larry Wineberg to explain the bill. Mr. Wineberg explained that this law would delete the freeholder requirements for district elections, petitions, and various areas that had required freeholders voting in elections due to the Supreme Court decisions. He stated this would also apply to GO bonds and revenue bonds. He stated that there was one area where this would not apply; this would be irrigation districts because these are charged on the amount of land a person owns and because of this charge, irrigation districts would remain that only landowners could vote in the election. He then further explained regarding page 1, section 3, relating to hospital districts. He explained that in hospital districts the services were available to everyone not just property owners. This was the reason for deletion of the freeholder requirement. It was also explained that there couldn't be freeholder elections in a cemetery district.

Senator Story then stated he would introduce all of the remaining bills, as a representative of the Senate Local Government Committee. The House Local Government Committee could then hear the bills as time permitted. A list of the bills is as follows, as were introduced by Senator Story:

Senate Bill 334 (continued)

Senate Bill 334, sponsored by Senator O'Hara, deleting freeholder requirements in fire, hospital and cemetery districts:

Senate Bill 336, introduced by Senator Story, creating alternate forms of government:

Senate Bill 333, introduced by Senator Watt, also relating to alternative forms of local government:

Senate Bill 308, introduced by Senator Rasmussen, relating to city-county consolidation:

Senate Bill 335, introduced by Senator Lockrem, dealing with local government officers:

Senate Bill 305, introduced by Senator Watt, regarding conduct of business of local officers:

Senate Bill 310, introduced by Senator Story, regarding sovereign immunity of local governments:

Senate Bill 339, introduced by Senator Rasmussen, relating to financial administration and taxation in local governments:

Senate Bill 332, introduced by Senator Watt, dealing with debt management of local governments:

Senate Bill 350, introduced by Senator McCallum, dealing with forms of GO bonds and sinking funds:

Senate Bill 306, introduced by Senator McCallum, relating to percentage limits of indebtedness of local governments:

Senate Bill 307, introduced by Senator O'Hara, dealing with GO bond review:

Senate Bill 337, introduced by Senator Conover, regarding improvement districts:

Senate Bill 340, introduced by Senator Thomas, regarding transportation, construction, culture and social services departments of local governments:

Senate Bill 314, introduced by Senator Conover, relating to business, agriculture, livestock, weed and pest control districts:

Senate Bill 338, introduced by Senator Peterson, relating to emergency law enforcement and fire districts.

SENATE BILL 336: Larry Wineberg explained to the committee there would be an amendment on page 15, lines 11 through 17. This would deal with termination of county forms of government. He stated although this was not likely, it still had to be included. More substantial changes were made on page 19, section 18 of the bill. This would change population from 20,000 to 35,000. He then stated the only place the annexation laws were changed would be with a vote on municipal improvements and this would remain for residents.

SENATE BILL 333: Mr. Wineberg explained this was merely a bill dealing with alternative forms of government. He did not go into full explanation at this time.

SENATE BILL 308: Mr. Wineberg stated this relates to city-county consolidation. He stated Butte had formed their consolidation in 1975. However, they didn't use the material that is being repealed by this bill. It has been on the books for fifty years and no city-county consolidation has used it. There was then inquiry by committee members as to what it does take to consolidate. Mr. Wineberg explained that type II procedure has been used. Representative Vinger inquired about what would happen if they consolidated relating to local road work. Mr. Wineberg explained this agreement is still on the books. Hearing was then closed on Senate Bill 308.

SENATE BILL 335: Mr. Wineberg explained this bill pertains to filing of judgments and dates back to a time when a married woman couldn't enter into a contract in her own name. It also related to the individual rights of a woman to sign a contract. He stated on page 19 and 20, this was further explained. Other parts of the bill are in section 26-16. It also relates to salaries of certain local officials. There were no questions from committee members and hearing was closed on Senate Bill 335.

SENATE BILL 305: Larry Wineberg explained this bill deals with section 7-5-2124, also section 16-1008 in the revised codes of Montana. He explained that on advisory boards a member of the Legislature cannot be on a local board, and should not be appointed. There was then discussion by committee members as to certain boards they were aware of where people held public office and also were appointed to boards. Some members felt that these were the only people who would consider taking some of these positions. Mr. Wineberg pointed out that it would relate strictly to legislators. Hearing was then closed on Senate Bill 305.

SENATE BILL 310: Mr. Wineberg explained this bill relates to sovereign immunity of local governments. There was no discussion by committee members. Hearing was then closed on Senate Bill 310.

SENATE BILL 339: Mr. Wineberg explained this was heard as a House bill last session and deals with property tax. He stated there would be percentage changes. It would increase by 1% more. The current percentage rate is 2.4%. It could go to 5% when needed. He stated there was also a major change in the freeholder requirements in certain sections of this bill. There were no questions by committee members and hearing was then closed on Senate Bill 339.

SENATE BILL 332: Mr. Wineberg explained this section deals with deed enforcement as well as a new section on page 14, dealing with municipal revenue bonds. He then explained municipal revenue bonds are sold by cities when they can't come up with cash to finance a certain project. This was included in the codification bills allowing them to have refunding bonds in minor matters. There were no questions by committee members and hearing was closed on Senate Bill 332.

SENATE BILL 350: Mr. Wineberg explained this deals with GO bonds in counties and cities. He stated that certain sections have been requested to be repealed by the Attorney General's office, as well as certain District Attorney offices. Members were asked to familiarize themselves with this section. There were no questions by committee members and hearing was closed on Senate Bill 350.

SENATE BILL 306: Larry Wineberg explained this deals with percentage limits on indebtedness of local governments and assessed valuation. He stated there would be a new section which would deal with the value of taxable property. He stated there had been percentage changes that should have been made under House Bill 70 in the past session. He then referred to page 3, line 24, noting the figure of 10%. He then referred to line 25, the figure would be changed to 25%. He stated the last figure in the House bill that was passed had been 18%. The amount to DCA should be 36%. He stated he understood some municipalities would be exceeding their bond indebtedness if it was not changed 36%. There were then questions by committee members.

After further discussion of the fact that this dealt strictly with taxes, committee members felt that this perhaps should be transferred to the Taxation Committee. It was then moved by Representative Reichert that Senate Bill 306 be removed from the House recodification bills and transferred to the Taxation Committee. A second was made by Representative Waldron. Vote was called. Motion carried. Senate Bill 306 was to be transferred to the House Taxation Committee.

SENATE BILL 307: Mr. Wineberg explained this deals with the Attorney General's office reviewing bonds and issues of local governments. There were no questions by committee members. Hearing was then closed on Senate Bill 307.

SENATE BILL 337: Mr. Wineberg explained this bill deals with improvement districts and utility services. He stated there basically were no major changes. It did include the freeholder requirements and that change. There were no questions by committee members. Hearing was then closed on Senate Bill 337.

SENATE BILL 340: Larry Wineberg pointed out this bill had been amended by the Senate, page 10, section 13. He stated they had amended parking and parkway. These two words had been eliminated. This appeared to be the only change and hearing was then closed.

SENATE BILL 314: Mr. Wineberg stated this deals with the County Weed Board. It deals with land and agricultural landowners. He stated this would change to residents and would include freeholders. Mr. Wineberg further explained the Senate felt the Weed Board Commission was an agricultural district and should remain with the property owners. There were no questions from committee members and hearing was closed on Senate Bill 314.

SENATE BILL 338: Mr. Wineberg stated the committee should be aware of certain sections, pages 8 and 9, 20 and 40, 18 and 35. He stated this deals with certain exceptions and applications for law enforcement. There were no questions by committee members and hearing was closed on Senate Bill 338.

Chairman Robbins then announced that one bill had been referred to Taxation and inquired if the committee wished to take executive action on the remainder. They stated they did't.

Representative Bertelsen moved that Senate Bill 334 be concurred in. All voted "aye" except Representative Sales. Motion carried.

Representative Gould moved that Senate Bill 336 be concurred in. All voted "aye." Motion carried.

SENATE BILL 333: Representative Kemmis moved Senate Bill 333 be concurred in. All voted "aye." Motion carried.

Representative Waldron then moved that Senate Bill 333 be placed on the consent calendar. Vote was called. Motion did not pass. Senate Bill 333 was not able to be placed on the consent calendar.

SENATE BILL 335: Representative Oberg suggested an amendment to this bill. Representative Oberg moved that the language be reinserted on page 17, lines 2 through 8. Vote was called on the amendment. All voted "aye." Representative Oberg then moved that Senate Bill 335 then be concurred in as amended. Vote was called. All voted "aye."

SENATE BILL 305: Representative Bertelsen moved that Senate Bill 305 be concurred in. Vote was called. All voted "aye." Representative Waldron requested the committee reconsider and amend the bill prior to passage. Representative Waldron then moved to amend Senate Bill 305 as amendments had been submitted for the title, line 9, section 16-1008; also on page 10, line 8, following this section insert "16-1008." Strike that section and insert it there. Vote was then called on the amendment. All voted "aye" and the motion carried. Representative Waldron then moved that Senate Bill 305 be concurred in as amended. Vote was called. All voted "aye." Motion carried.

SENATE BILL 310: Representative Vinger moved that Senate Bill 310 be concurred in. Vote was called. All voted "aye" except Representative Sales. Motion passed.

SENATE BILL 339: Representative Reichert moved that Senate Bill 339 be concurred in. Question was called. All voted "aye" except Representative Moore. Motion carried. Senate Bill 339 was concurred in.

SENATE BILL 332: Representative Gould moved that Senate Bill 332 be concurred in. All voted "aye" and the motion carried.

SENATE BILL 350: Representative Oberg moved Senate Bill 350 be concurred in. All voted "aye" and motion carried.

SENATE BILL 306: It was noted this bill had been referred to House Taxation.

SENATE BILL 307: Representative Oberg moved Senate Bill 307 be concurred in. Question was called and all voted "aye" and the motion carried.

SENATE BILL 337: Representative McBride moved that Senate Bill 337 be concurred in. Vote was called. All voted "aye" and motion carried.

SENATE BILL 340: Representative Kessier moved that Senate Bill 340 be concurred in. All voted "aye" and motion carried.

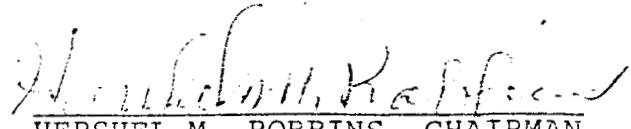
SENATE BILL 314: Representative Oberg moved that Senate Bill 314 be concurred in. All voted "aye." Motion carried.

SENATE BILL 338: Representative Kessler moved that Senate Bill 338 be concurred in. Vote was called. All voted "aye" and motion carried.

SENATE BILL 308: Representative Reichert moved that Senate Bill 308 do not be concurred in. She stated this was because this takes out petitions and this is the only way it would be possible for some groups to make their wishes known. She felt the voters did not wish to waive their right to use petitions and they may want to use this at some future time. It was felt there was no objection to this staying on the books even though no one was going to use it. Representative Reichert then stated that if it isn't hurting anyone, then the petition right should remain there. Vote was then called on the motion that Senate Bill 308 do not pass. All voted "aye." Motion carried.

Representative Robbins then assigned Representatives to carry the sixteen bills on the House floor.

There then being no further business to come before the committee, the meeting was duly adjourned.



HERSHEL M. ROBBINS, CHAIRMAN
LOCAL GOVERNMENT COMMITTEE

Patricia Hatfield
Secretary