

MARCH 8, 1979
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES
46th Session

A meeting of the Local Government Committee of the House of Representatives was called to order at 11:30 a.m. in Room 3 of the Capitol Annex on Thursday, March 8, 1979 by Chairman Hershel Robbins. The purpose of the meeting was to hear SB 49, SB 263, SB 267, SB 449, SB 462, SB 412 and SB 503. The roll was taken and shows Representative McBride, Representative Waldron, Representative Kemmis, Representative South and Representative Vinger being excused. All other committee members were present.

SENATE BILL 503: Chairman Robbins requested Senator Lockrem to explain to the committee SB 503 (an act to establish general provisions and definitions common to municipalities, outline powers, establish requirements for public meetings). Senator Lockrem told the committee this bill is not a recodification bill, but it clarifies definitions relating to local government.

Chairman Robbins called for proponents. Ms. M. Ellison, County Attorney for Missoula County, Missoula, Montana, explained to the committee that this bill clarifies procedures which can be followed in publishing notices for annexation, SID zones. There currently are no procedures as how that should be provided and this bill takes care of that. This bill also clarifies the rights of a local government body in a public hearing. These are the major points of the bill and it clarifies problems local governments are having and cleans up the law to some extent.

There were no opponents to the bill present.

The committee was allowed to question the witnesses. The hearing on SB 503 was closed.

SENATE BILL 49: Chairman Robbins requested Senator Peterson to explain SB 49 (an act to revise the law pertaining to the investment of fire department relief association pension funds in municipalities other than first- and second-class cities). Senator Peterson told the committee this bill is a simple house-keeping bill.

Chairman Robbins called for proponents of the bill. Don Dooley, representing the Department of Community Affairs, said this bill

removes the provision that requires trustees in a fire district to submit semiannual statements listing investments.

There were no opponents to SB 49.

The committee was allowed to question the witnesses and the hearing on SB 49 was closed.

SENATE BILL 462: Chairman Robbins requested Senator Manley to explain to the committee SB 462 (an act to stagger elections of directors of county water/sewer districts and require the directors to reside and own property in the district). Senator Manley told the committee this is a bill to correct an oversight when they made out the laws in regard to setting up water and sewer district elections. There is no provision to stagger elections. All this does is clarify it at setting up a directive when they stagger the elections.

There were no proponents or opponents present. The committee was allowed to question Senator Manley and the hearing on SB 462 was closed.

SENATE BILL 449: Chairman Robbins asked Senator McCallum to explain to the committee SB 449 (an act to clarify county board of welfare authority to appoint a supervisor). Senator McCallum is the chief sponsor and only sponsor of the bill which speaks to the county board and county welfare board and county commissioners appointing a supervisor for the county welfare programs with the approval of SRS. Senator McCallum explained the situation in his county which brought about this bill.

Chairman Robbins called for proponents of the bill. George W. Wells, representing Sanders County Commissioners, told the committee he feels there is no need for his county to hire a separate person to be the director of the welfare program in his county and he feels that this is simply a way to get more money out of the taxpayers. (See exhibit 2.)

Chairman Robbins then called for opponents. Judith Carlson, Deputy Director of Social and Rehabilitation Services Division, stated that she hoped the committee would not pass this bill. (See exhibit 4.)

Norman Waterman, representing the County Welfare Directors Association, told the committee if this bill passed, Montana would not be in compliance with the federal law and our state could lose federal money. He feels it is wrong to have all the counties suffer because of this. (See exhibit 5, 6 and 7.)

The committee was allowed to question the witnesses and then the hearing on SB 449 was closed.

SENATE BILL 412: Chairman Robbins asked Senator McCallum to explain to the committee SB 412 (an act to waive park dedication requirements for resubdivisions of subdivisions). Senator McCallum told the committee that this bill was the result of a situation which occurred in Sanders County.

Chairman Robbins called for proponents. JoAnn Woodgerd, representing the Bitterroot Citizens for Sensible Growth, stated, "This bill, as amended in the Senate, takes care of a problem in selling a piece of land in a recorded subdivision relating to park dedications. As amended, it is not a problem for counties with large amounts of old subdivisions such as the orchard tracts in Ravalli County and therefore we support the bill." (See exhibit 8.)

There were no opponents to the bill present.

The committee was allowed to question the witnesses and the hearing on SB 412 was closed.

SENATE BILL 263: Chairman Robbins requested Senator Rasmussen to present SB 263 to the committee. SB 263 is an act to revise the cost limits on underground placement of utilities. Senator Rasmussen told the committee this bill deals with the power of cities being able to have utilities place lines underground in special districts.

Chairman Robbins called for proponents of the bill. C. R. Hanson, representing the city of Helena, told the committee that the present law allows utilities to only charge consumers \$1.50 plus the cost of pipe for installing underground utilities. He told the committee that this was probably an oversight when the original law was made and can't be considered fair, considering inflation. (See exhibit 9.)

There were no opponents of the bill present.

The committee was allowed to question the witnesses and the hearing on SB 263 was closed.

SENATE BILL 267: Chairman Robbins requested Senator Lowe to present SB 267 to the committee. Senator Lowe was not present at the hearing, however. James T. Harrison, representing D.A. Davidson & Co., was allowed by Chairman Robbins to explain the bill to the committee. Mr. Harrison told the committee SB 267 is an act to clarify the code of ethics relating to local government officers and employees. He said SB 267 would "take the cloud off bond issues" by making it easier for bond companies to learn of officials' financial conflicts. It would also speed up voting on bond issues by eliminating current time consuming procedures for disclosing conflicts of interest.

Chairman Robbins called for proponents. Dan Mizner, representing the Montana League of Cities and Towns, stated his organizations support the bill. (See exhibit 11.)

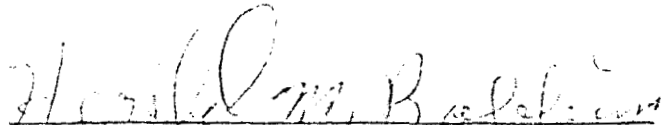
Chairman Robbins then called for opponents. Paul Richards, State Director of Common Cause, told the committee this bill would allow a situation where one member of a three-person board is absent and a second member has a conflict of interest on a matter, the matter still can be discussed and decided by the single remaining member.

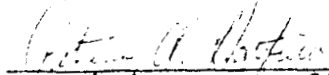
John Wilkinson, Board of County Commissioners in Helena, stated that this bill does nothing but confuse the issue.

There were no more opponents or proponents of the bill present. However, exhibit 12 was submitted in writing.

The committee was allowed to question the witnesses and the hearing on SB 267 was closed.

The meeting adjourned at 2:30 p.m.


Hershel M. Robbins, Chairman
Local Government Committee, House


Patricia A. Hatfield
Committee Secretary