

MARCH 15, 1979
PROCEEDINGS OF THE
LOCAL GOVERNMENT COMMITTEE
HOUSE OF REPRESENTATIVES
46th Session

A meeting of the Local Government Committee was called to order at 11:30 p.m. in Room 3 of the Capitol Annex on Thursday, March 15, 1979 by Chairman Hershel Robbins. The purpose of the meeting was to hear HJR 54, HJR 57 and to take executive action on the bills heard to date. The roll was taken and showed Representative South, Representative Hurwitz and Representative Kemmis absent and Representative Kessler was shown as excused. All other committee members were present.

HJR 54: Chairman Robbins requested Representative Gould to explain HJR 54 (a resolution of the Senate and the House of Representatives of the State of Montana for an interim study of Montana's Annexation Laws) to the committee.

Chairman Robbins called for proponents of the bill. Dan Mizner, representing the Montana League of Cities and Towns, pointed out that annexation in Montana has been a problem for several years and that his organization would support this bill. (See exhibit 1.)

Larry Grahl, representing the city of Billings, said, "The city of Billings strongly supports HJR 54 and would like to thank Representative Gould, of Missoula, for introducing this legislation which is an important step towards possible resolving of serious problems which have arisen in the area of annexation." (For complete written testimony, see exhibit 2.)

Jim Richards, Local Planning Services Bureau Chief, Planning Division, Department of Community Affairs, stated his support for this resolution.

David Hunter, representing the city of Helena, told the committee that he feels this resolution will help solve problems of annexation for Helena and stated his support for the resolution.

There were no opponents to HJR 54 present.

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

HJR 57: Chairman Robbins, sponsor of HJR 57 (a joint resolution of the Senate and the House of Representatives of the State of Montana commending members of the Montana Army National Guard and Montana Air National Guard for their exemplary efforts to assist in the care and custody of persons for whom the state has responsi-

bility at Boulder River School and Hospital, Galen State Hospital and Montana State Prison) presented the resolution to the committee.

There were no proponents or opponents present and the hearing was closed.

The committee went into executive session at this time.

Representative Reichert moved to AMEND HJR 54 to correct a spelling error and to strike the section of the resolution stating that annexation is viewed solely as a means to increase the municipal tax base with little regard for the benefits of those being annexed in some communities. The motion carried with Representatives Gould and Pistoria voting no.

Representative Gould moved that HJR 54, AS AMENDED, DO PASS. The motion carried unanimously.

Representative Waldron moved HJR 57, DO PASS. The motion carried unanimously.

Representative Pistoria moved that HJR 57 be placed on the Consent Calendar. The motion carried unanimously.

Representative McBride moved to AMEND SB 412 to insert, "any division which creates one additional residential lot within a platted subdivision" in the title of the bill, and to strike, "resubdivision of subdivisions approved and filed before July 1, 1973" also in the title of the bill. The motion carried unanimously. Representative Waldron moved to AMEND 412 to strike the section dealing with "bonafide occasional sale or family conveyance with any parcel of a plat, subdivision, or addition approved and filed before July 1, 1973." and insert, "division which creates one additional residential lot within a platted subdivision." The motion carried unanimously. Representative McBride moved SB 412 AS AMENDED, BE CONCURRED IN. The motion carried 7-5 with Representatives Kemmis, Kessler, Oberg, Reichert and Waldron voting no.

Representative Sales moved that SB 290 BE NOT CONCURRED IN. The motion carried unanimously.

Representative Sales moved to AMEND SB 44 to strike "not to exceed \$250". The motion passed unanimously. Representative Azzara moved that SB 44 AS AMENDED, BE NOT CONCURRED IN. The motion carried 8-5 with Representatives Gould, Pistoria, Sales, Vinger and Robbins voting no.

Representative Reichert moved that SB 34 BE CONCURRED IN. The motion passed with Representative Sales voting no.

Representative Sales moved that SB 49 BE CONCURRED IN. The motion carried with Representative Vinger voting no.

Representative Gould moved that SB 224 BE CONCURRED IN. Representative McBride made a substitute motion that SB 224 BE NOT CONCURRED IN. There was discussion among the committee members. A roll call vote shows that the motion made by Representative McBride passed 8-4 with Representatives Donaldson, Gould, Sales and Vinger voting no.

Representative Reichert moved that SB 503 BE CONCURRED IN. The motion carried unanimously.

Representative Waldron moved to AMEND SB 356 on page 2, line 3, following "county" and inserting ", except as provided for in subsection (5)". The motion carried unanimously. Representative Azzara moved SB 356 AS AMENDED, BE CONCURRED IN. The motion carried unanimously.

Representative Waldron moved SB 462 BE NOT CONCURRED IN. Representative Sales made a substitute motion that SB 462 BE AMENDED on page 1, line 15, following "district" strike "and" and insert "or". The motion carried unanimously. Representative Waldron withdrew his motion. Representative Sales moved that SB 462 AS AMENDED, BE CONCURRED IN. The motion carried with Representative Oberg voting no.

Representative Reichert moved that SB 267 BE NOT CONCURRED IN. The motion carried 9-3 with Representatives Gould, Vinger and Robbins voting no.

Representative Azzara moved to AMEND SB 263 by striking subsection (2). The motion carried unanimously. Representative Azzara moved that SB 263 AS AMENDED, BE CONCURRED IN. The motion carried unanimously.

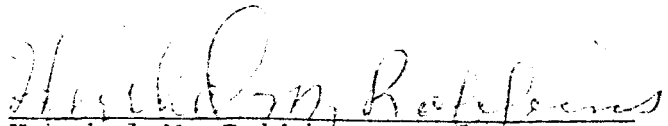
Representative Reichert moved to AMEND SB 229 on page 5, line 12, by deleting the words "must be" and inserting in lieu thereof the words "shall not be less than". The motion carried with Representative Robbins voting no. Representative Reichert moved to AMEND SB 229 further on page 5, line 21, following the word "by", by inserting the words "not less than". Representative Sales made a substitute motion that section 2, page 4, lines 13 through 24 be stricken. The substitute motion failed 10-3 with Representatives Azzara, Moore and Sales voting yes. The vote was reversed. The motion made by Representative Reichert was then voted on and passed with Representatives Azzara, Moore and Sales voting no. Representative Gould moved that SB 229 AS AMENDED, BE CONCURRED IN. The motion carried with Representatives Moore and Sales voting no.

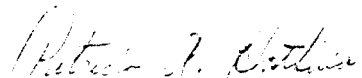
Representative Sales moved to AMEND SB 352 on line 21, page 1, by striking "THREE members who must be county commissioners" and inserting "one member who must be a county commissioner. Representative Moore made a substitute motion that SB 352 BE NOT CONCURRED IN. The committee discussed the motion. Representative Moore withdrew the motion that SB 352 Be Not Concurred In and Moved that SB 352 BE TABLED. The motion carried with Representative Waldron voting no.

Representative Donaldson moved that SB 449 BE NOT CONCURRED IN. The motion carried with Representatives Pistoria and Gould voting no.

Representative Vinger moved that SB 353 BE CONCURRED IN. Representative Moore made a substitute motion that SB 353 BE NOT CONCURRED IN. Representative Waldron made a substitute motion to AMEND SB 353. There was discussion among the committee members. Representative Donaldson made a substitute motion that SB 353 be considered by a subcommittee. The motion passed. Chairman Robbins assigned Representatives Kemmis (Chairman), Donaldson, Gould, Oberg and Reichert to the subcommittee.

The meeting adjourned at 2:15 p.m.


Hershel M. Robbins, Chairman
Local Government Committee, House


Patricia A. Hatfield
Committee Secretary