

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 7, 1979

The meeting of the Local Government Committee was called to order by Chairman, George McCallum on February 7, 1979 at 7:00 p.m. in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, Staff Researcher, was also present.

A very few visitors were in attendance, but did not testify. (See attachment.)

Larry Weinburger, Staff Attorney, lead the discussion on the Code Commissioner Bills as he is the one who worked on the bills. Mr. Weinburger stated that much of the legislation concerning these bills dates back to the 1880's and some of the language needed to be changed to fit the more recent legislation. Land holder and freeholder requirements have been stricken down by the codes. Mr. Weinburger stated that in reviewing the codes he decided on some things because he felt they would stand up better in court, if ever put to the test.

CONSIDERATION OF SENATE BILL 334: Senator Jesse O'Hara, of Senate District 18, is sponsor of Senate Bill 334. This bill is an act to amend local government laws relating to rural fire districts, hospital districts, and cemetery districts to delete taxpayer and freeholder requirements to vote in certain elections and to hold certain offices. Senate Bill 334 is designed to bring to the legislature's attention several problems related to taxpayer and freeholder requirements concerning certain activities related to fire districts, hospital districts and cemetery districts. Supreme court decisions by the Montana and United States Supreme Courts have called into question the constitutional validity of taxpayer and/or freeholder requirements for voting and holding office in areas which are of a general governmental nature.

CONSIDERATION OF SENATE BILL 336: Senator Pete Story, of Senate District 37, is the sponsor of the bill. This bill is an act to generally revise and clarify the local government laws relating to general provisions and to the creation, alteration, and abandonment of local governments. For the most part, this bill only had a few small things that needed to be changed.

CONSIDERATION OF SENATE BILL 333: Senator Robert D. Watt, of Senate District 49, is the sponsor of this bill. Senate Bill 333 is an act to generally revise and clarify the local government laws relating to alternative forms of local government.

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CONSIDERATION OF SENATE BILL 308: Sponsor of this bill is Senator A. T. (Tom) Rasmussen of Senate District 16. This bill is an act to repeal one of the optional methods of achieving city-county consolidation. Mr. Weinburger explained that the material stricken from this bill is no longer necessary.

CONSIDERATION OF SENATE BILL 335: Senator Lloyd Lockrem, Jr., of Senate District 32, is sponsor of this bill. This bill is an act to generally revise and clarify the local government laws relating to local government offices. In sections 11 and 12, references to felony violations are deleted. The violations described are covered by the criminal code but the penalties differ. The proposed amendment would make the criminal code govern and promote consistency in the criminal law.

CONSIDERATION OF SENATE BILL 305: Senator Robert D. Watt, of Senate District 49, is the sponsor of Senate Bill 305. This bill is an act to generally revise and clarify the local government laws relating to the general operation and conduct of business of local governments and to the acquisition, transfer, and management of property and buildings by local governments. Mr. Weinburger stated that this bill was put in to update the material.

CONSIDERATION OF SENATE BILL 310: Senator Pete Story, of Senate District 37, is the sponsor of Senate Bill 310. This bill is an act to repeal section 7-14-2104, MCA, and Chapter 45, Laws of 1923, relating to sovereign immunity of local governments. This bill repeals certain provisions that were inadvertently omitted from the legislation submitted during the 1977 session.

CONSIDERATION OF SENATE BILL 339: Senator A. T. (Tom) Rasmussen, of Senate District 16, is the sponsor of Senate Bill 339. This bill is an act to generally revise and clarify the local government laws relating to financial administration and taxation. The right of participation in the budget process is extended to residents, under Montana's Constitution this would appear to be needed.

CONSIDERATION OF SENATE BILL 332: Senator Robert D. Watt, of Senate District 49 is the sponsor of Senate Bill 332. This bill is an act to generally revise and clarify the local government laws relating to debt management and to permit the Board of Natural Resources and Conservation to issue refunding revenue bonds. This bill deals mainly with the management of debt in local government.

CONSIDERATION OF SENATE BILL 307: Senator Jesse O'Hara, of Senate District 18, is the sponsor of Senate Bill 307. This bill is an act to clarify the review of local government bond

proceedings and bond issues by requiring review of only general obligation bonds by the attorney general. Present law provides for the review of local government bond proceedings by the attorney general. The attorney general's review and subsequent approval, if given, enhances the marketability of the bond. It is the position of the attorney general's office and it has been the practice to review only general obligation bonds, which pledge the credit of the taxing jurisdiction. Consequently, the proposed amendments in this bill change references to "bond" to "general obligation bond".

CONSIDERATION OF SENATE BILL 350: Senator George McCallum, of Senate District 12, is the sponsor of Senate Bill 350. This bill is an act to clarify the local government laws relating to the administration and investment of money in sinking funds for local government general obligation bonds. This bill rewrites the provisions of law relating to investment of money in local government sinking funds for general obligation bonds for clarity and to achieve consistency. The investment options listed in 7-7-123 are retained as more recent and more flexible options listed in 7-7-2271 and 7-7-4271 are removed by repealing those two sections. Several other sections are amended to indicate the order in which certain financial actions with sinking fund money can be taken.

CONSIDERATION OF SENATE BILL 306: Senator George McCallum, of Senate District 12, is the sponsor of Senate Bill 306. This bill is an act to clarify certain percentage limits on local government indebtedness. This bill changes various percentage limits on local government indebtedness to reflect the changes that were made last session in House Bill 70, which generally revised the property tax system. Dennis Taylor was instructed by the Committee to check into the percentage on page 3, line 24, to see what was really meant.

CONSIDERATION OF SENATE BILL 337: Senator Max Conover, of Senate District 36, is the sponsor of Senate Bill 337. This bill is an act to generally revise and clarify the local government laws relating to improvement districts and utility services. The changes are of the usual type, that which corrects erroneous internal references, rewriting for clarity and deleting absolute terminology. Two changes to be considered are to eliminate freeholder requirements to hold the office of trustee of a refuse disposal district.

CONSIDERATION OF SENATE BILL 340: Senator Bill Thomas, of Senate District 21, is the sponsor of Senate Bill 340. This bill is an act to generally revise and clarify the local government laws relating to transportation; to housing and construction; and to culture, social services, and recreation. Section 13 of the introduced bill has been struck in its entirety. Taxpayer

and freeholder requirements are deleted on various elections concerning financing of local government services.

CONSIDERATION OF SENATE BILL 314: Senator Max Conover, of Senate District 36, is the sponsor of Senate Bill 314. This bill is an act to generally revise and clarify the local government laws relating to business, agriculture, and livestock regulation and to weed and pest control. In Sections 8 and 11, participation in certain activities is extended to residents and the public. The Committee felt that weed boards deal with a problem that principally burdens the landowner and that the term "landowner", therefore, should be left in the bill.

CONSIDERATION OF SENATE BILL 338: Senator Bob Peterson, of Senate District 42, is the sponsor of Senate Bill 338. This bill is an act to generally revise and clarify the local government laws relating to general emergency and protective services, to law enforcement, to fire protection, and to cemetery services. The term "8th class counties" was eliminated. There are no longer any 8th class counties.

DISPOSITION OF SENATE BILL 307: A motion was made by Senator Thomas that Senate Bill 307 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 332: A motion was made by Senator Watt that Senate Bill 332 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 339: A motion was made by Senator Rasmussen that Senate Bill 339 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 310: A motion was made by Senator Watt that Senate Bill 310 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 305: A motion was made by Senator Watt that Senate Bill 305 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 335: A motion was made by Senator Peterson that Senate Bill 335 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 308: A motion was made by Senator Rasmussen that Senate Bill 308 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 334: A motion was made by Senator Watt that Senate Bill 334 be given a "DO PASS" recommendation from the Committee. Motion carried.

LOCAL GOVERNMENT COMMITTEE

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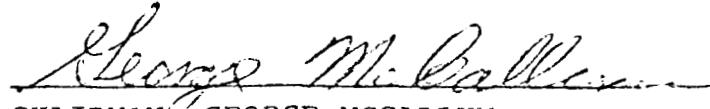
DISPOSITION OF SENATE BILL 338: A motion was made by Senator Peterson that Senate Bill 338 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 333: A motion was made by Senator Watt that Senate Bill 333 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 336: A motion was made by Senator Story that Senate Bill 336 be amended on page 15. Motion carried.

A motion was made by Senator Story that Senate Bill 336 be given a "DO PASS, as amended" recommendation from the Committee. Motion carried.

ADJOURN: With no further business the meeting was adjourned at 10:40 p.m. with the next meeting to be held on Thursday, February 8, at 12:30 in Room 405.



CHAIRMAN, GEORGE MCCALLUM

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

STANDING COMMITTEE REPORT

.....February.....3.....1979.....

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 339.....

Respectfully report as follows: That Senate Bill No. 339.....

DO PASS

G.A.

STATE PUB. CO.
Helena, Mont.

.....
George McCallum

.....
Chairman.

STANDING COMMITTEE REPORT

.....February 3.....19...79.....
1

MR.President:.....

We, your committee onLocal Government.....

having had under considerationSenate..... Bill No....338....

Respectfully report as follows: That.....Senate..... Bill No....338.....

DO PASS

GG

STATE PUB. CO.
Helena, Mont.

George McCallum

Chairman.

STANDING COMMITTEE REPORT

.....February 8..... 1979.....

MR. President:

We, your committee on Local Government.....

having had under consideration Senate Bill No. 336.....

Respectfully report as follows: That Senate Bill No. 336.....

introduced bill was unanimously passed as amended.

1. Page 15, line 12.

Strike: "

Insert: "and"

2. Page 15, line 13.

Strike: ", and of"

3. Page 15, line 15.

Strike: Line 15

4. Page 15, Line 16.

Strike: "wholly contained within the abandoned county"

DO PASS *PC*

And, as so amended, DO PASS

STANDING COMMITTEE REPORT

February 8 1979

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 335

Respectfully report as follows: That Senate Bill No. 335

DO PASS

3d

STATE PUB. CO.
Helena, Mont.

George McCallum

Chairman.

STANDING COMMITTEE REPORT

.....February 2..... 19 73.....

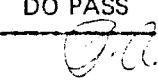
MR.President:.....

We, your committee on.....Local Government.....

having had under considerationSenate..... Bill No....334.....

Respectfully report as follows: That.....Senate..... Bill No....334.....

DO PASS



STANDING COMMITTEE REPORT

February 9, 1979

MR. President:

We, your committee on Local Government

having had under consideration Senate Bill No. 333

Respectfully report as follows: That Senate Bill No. 333

DO PASS

GD

STATE PUB. CO.
Helena, Mont.

George McCallum

Chairman

STANDING COMMITTEE REPORT

.....February.....3.....19.79.....

MR.President:.....

We, your committee on.....Local Government.....

having had under considerationSenate..... Bill No.332....

Respectfully report as follows: That.....Senate..... Bill No.332....

DO PASS *Gil* -

STANDING COMMITTEE REPORT

.....February 3..... 1979.....

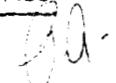
MR.President:.....

We, your committee onLocal Government.....

having had under considerationSenate..... Bill No. 310.....

Respectfully report as follows: ThatSenate..... Bill No. 310.....

DO PASS



STATE PUB. CO.
Helena, Mont.

George McCallum

Chairman.

STANDING COMMITTEE REPORT

February 3 1979

MR. President:

We, your committee on Local Government,

having had under consideration Senate Bill No. 302,

Respectfully report as follows: That Senate Bill No. 302,

DO PASS



STATE PUB. CO.
Helena, Mont.

George W. Hansen

Chairman.

STANDING COMMITTEE REPORT

February 8, 1972

MR. President:

We, your committee on Local Government.....

having had under consideration Senate..... Bill No. 307.....

Respectfully report as follows: That Senate..... Bill No. 307.....

DO PASS

PLG

STATE PUB. CO.
Helena, Mont.

George Morris

Chairman

STANDING COMMITTEE REPORT

.....February 8.....19....72....

MR. **President:**.....

We, your committee on.....**Local Government**.....

having had under consideration**Senate**..... Bill No.**305**....

Respectfully report as follows: That.....**Senate**..... Bill No.**305**....

DO PASS *70*