

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 1, 1979

The meeting of the Local Government Committee was called to order by Chairman George McCallum at 1:00 p.m. in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, staff researcher, was also present.

Visitors in attendance signed the testimony and visitor sheets. (See attachment.)

CONSIDERATION OF HOUSE BILL 104: Representative Robert Pavlovich, of District 86, sponsor of House Bill 104, gave a brief resume of the bill. This bill is an act to generally revise the state fire laws to conform them to the adaption of the uniform building code. This bill was requested by the Attorney General. Representative Pavlovich explained the letter of intent.

Mike McGrath, of the Attorney General's office, stated that this bill would bring the fire marshall codes into uniformity under our code bill. Mr. McGrath stated his views of the bill.

Bob Kelly, State Fire Marshall, stated there has been many conflicts in the codes. This will clean up legislation that is in conflict with the fire codes.

Les Nelson, representing the Montana State Fireman's Association, stated that he felt that this was a good piece of legislation.

With no further proponents, Senator McCallum called on the opponents, hearing none the meeting was opened to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 48: Representative Rex Manuel, of District 11, is the sponsor of House Bill 48. This bill is a code commissioner bill to revise and clarify the laws relating to land resources use. In the absence of Representative Manuel, Larry Weinburger, from the Legislative Council, explained the bill. Section one adds the county planning board. Sections two and three and four were deleted by the House as having to do with resident and freeholder requirements. Other changes were made for clarity, consistency and to remove redundant material.

Senator Bill Mathers, of District 26, spoke in favor of the bill, however, he did offer amendments which he felt would only improve the bill. The amendments that Senator Mathers offered

would take care of the sale of bonds regarding a flood dike in Miles City and Custer County. Miles City will lose its federal grant if this problem, covered by the amendments, is not taken care of within a short time.

Bruce MacKenzie, council for D. A. Davidson, reported that bonds are issued by the people of the flood district without an election. Mr. MacKenzie stated that there has never been a default on a S.I.D. for more than forty or fifty years.

Richard Larsen, a bonding attorney from the Attorney General's office, told a brief history of the original laws. It was first amended in 1971. Mr. Larsen stated that the amendments would allow S.I.D.'s to be used in the fund. It is a good bill as amended.

With no further proponents, Senator McCallum called on the opponents, hearing none the meeting was opened to a question and answer period from the Committee. Discussion was held.

Senator Watt asked about the money in the revolving fund. Mr. MacKenzie replied that the money would go into the general fund of the city.

Senator Story asked if this is a general obligation bond. Mr. MacKenzie replied "no".

Senator Story asked if this is a conservation district. He was answered that it is not.

Senator Mathers stated that if he had enough time he would have introduced a bill which would have taken care of this problem.

DISPOSITION OF HOUSE BILL 48: A motion was made by Senator Watt to accept the proposed amendments. Motion carried.

A motion was made by Senator Watt that HB 48 "BE CONCURRED IN, as amended". Motion carried unanimously.

Larry Weinburger stated that he would take no stand on the amendments as they make a substantial change.

CONSIDERATION OF HOUSE BILL 683: Representative Andrea Hemstad, of District 40, sponsor of the bill, gave a brief resume. This bill is an act to eliminate the requirement of certain county financial reports to the State Auditor concerning receipt and disposition of fees by county officials and the requirement that the State Auditor publish such reports. Miss Hemstad stated that this bill repeals two sections of the law. This procedure is already being done by computer and it is not necessary to duplicate it.

There were neither any proponents nor opponents of the bill.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISPOSITION OF HOUSE BILL 683: A motion was made by Senator O'Hara that House Bill 683 receive a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 68: Representative Robert Dozier is the sponsor of House Bill 68. Representative Dozier is from District 61. This bill is an act to repeal Section 69-14-802, MCA, relating to the structural details of loading platforms for railroads. In the absence of Representative Dozier, Bill Opitz, representing the Public Service Commission, presented the bill. Mr. Opitz stated that this bill is supported by the Commission as the sections being repealed are outdated and no longer necessary. The Commission would still have the ability to order the railroads to build larger platforms if necessary. The sections being repealed have to do with loading platforms being wide enough for teams of horses.

There were no proponents or opponents to the bill.

The meeting was opened to a question and answer period from the Committee.

Senator Story stated that he thought this matter was taken care of federally.

DISPOSITION OF HOUSE BILL 68: A motion was made by Senator Thomas that HB 68 be given a "BE CONCURRED IN" recommendation from the Committee. Motion carried.

DISPOSITION OF HOUSE BILL 104: Senator McCallum asked if all homes must have fire alarms according to House Bill 104. It was agreed that it appeared to be the case as the bill is written.

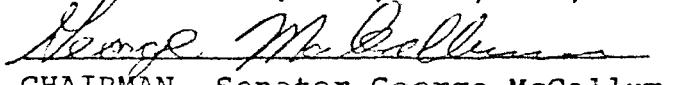
The state fire marshall gets a percentage of premiums on fire insurance to run his office.

Discussion was held on the letter of intent accompanying the bill.

This bill will cover everything except small family dwellings.

A motion was made by Senator Lockrem that HB 104 "BE NOT CONCURRED IN". Motion carried. (See attachment.)

ADJOURN: With no further business the meeting was adjourned at 2:20. The next meeting will be held on March 3, at 12:30 for the consideration of House Bills 61, 118, 126, 330, and 670.


CHAIRMAN, Senator George McCallum

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 1 House Bill No. 104 Time 2:20

Elaine Guenley
Secretary

George McCallum
Chairman

Motion: A motion was made by Senator Lloyd Lockrem that HB 104 receive a recommendation of BE NOT CONCURRED IN from the Committee. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

SENATE

COMMITTEE

BILL 46683

VISITORS' REGISTER

DATE

Please note bill no.

STANDING COMMITTEE REPORT

March 1.....19.....79.
Journal

MR. President:

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

having had under consideration House..... Bill No. 48.....

Respectfully report as follows: That.....House..... Bill No. 8,.....

third reading bill, be amended as follows:

1. Title, line 5.

Following: "GENERALLY"

Insert: "AND SUBSTANTIVELY"

2. Title, line 6.

Following: "USE"

Insert: "; REVISING THE PROCEDURE TO ISSUE BONDS FOR WATER
CONSERVATION AND FLOOD CONTROL PROJECTS; PROVIDING AN EFFECTIVE DATE"

3. Page 11, line 4.

Following: "the"

Strike: "following"

Following: "procedures"

Insert: "established for the issuance of such bonds under the
provisions of Title 7, chapter 12, part 42, as to cities and
towns and Title 7, chapter 12, part 21, as to counties. Payment
and security for the bonds shall be provided by following the
XXXXXAXX following procedures"

.....(Continued).....

March 1 1979
Senate Local Government
House Bill 48
Page Two

4. Page 11, lines 5 through 13.

Strike: Lines 5 through 13 in their entirety

5. Page 11, line 14.

Following: line 13

Strike: "(3)"

Insert: "(1)"

6. Page 11, line 18.

Following: line 17

Insert: "(2) A revolving fund, to be pledged for the security of the bonds, must be established pursuant to the provisions of Title 7, chapter 12, part 42, as to cities and towns, and Title 7, chapter 12, part 21, as to counties, by the governing body authorizing the issuance of the bonds."

7. Page 19, line 5.

Following: line 4

Insert: "Section 28. Effective date. This act is effective on passage and approval."

STANDING COMMITTEE REPORT

.....March 1.....19...79...

MR. President:.....

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

having had under considerationHouse..... Bill No. 104.....

Respectfully report as follows: ThatHouse..... Bill No. 104.....

B.Q.
DQXASXX

BE NOT CONCURRED IN

STANDING COMMITTEE REPORT

March 1 1979

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 68

Respectfully report as follows: That House Bill No. 68

XXEQPAXX 90

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 1 1979

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 683

Respectfully report as follows: That House Bill No. 683

G.Q.

~~XDOAPASSXX~~

BE CONCURRED IN

STANDING COMMITTEE REPORT

.....March 1.....19.....79.

MR. President:.....

We, your committee onLocal Government.....

having had under considerationHouse..... Bill No. 43.....

Respectfully report as follows: ThatHouse..... Bill No. 43,.....

third reading bill, be amended as follows:

1. Title, line 5.

Following: "GENERALLY"

Insert: "AND SUBSTANTIVELY"

2. Title, line 6.

Following: "USE"

Insert: "; REVISING THE PROCEDURE TO ISSUE BONDS FOR WATER
CONSERVATION AND FLOOD CONTROL PROJECTS; PROVIDING AN EFFECTIVE D

3. Page 11, line 4.

Following: "the"

Strike: "following"

Following: "procedures"

Insert: "established for the issuance of such bonds under the
provisions of Title 7, chapter 12, part 42, as to cities and
towns and Title 7, chapter 12, part 21, as to counties. Payment
and security for the bonds shall be provided by following the
DOPPESS following procedures"

.....(Continued).....

March 1 1979
Senate Local Government
House Bill 43
Page Two

4. Page 11, lines 5 through 13.

Strike: Lines 5 through 13 in their entirety

5. Page 11, line 14.

Following: line 13

Strike: "(3)"

Insert: "(1)"

6. Page 11, line 18.

Following: line 17

Insert: "(2) A revolving fund, to be pledged for the security of the bonds, must be established pursuant to the provisions of Title 7, chapter 12, part 42, as to cities and towns, and Title 7, chapter 12, part 21, as to counties, by the governing body authorizing the issuance of the bonds."

7. Page 19, line 5.

Following: line 4

Insert: "Section 28. Effective date. This act is effective on passage and approval."

90.

And, as so amended, BE CONCURRED IN

NAME: Bruce A. McTernan DATE: 3/1

ADDRESS: 16 Third St. N.W.

PHONE: 727-4200

REPRESENTING WHOM? B&L Associates

APPEARING ON WHICH PROPOSAL: HB 48

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ruben Jacob DATE: 11/14/78

ADDRESS: Attala County Office

PHONE: 442-5223

REPRESENTING WHOM? Attala County

APPEARING ON WHICH PROPOSAL: U.R. 22

DO YOU: SUPPORT AMEND? _____ OPPOSE? _____

COMMENTS: _____

NAME: Josodhi ESAK DATE: 22-01-79

ADDRESS: _____

PHONE: 449-2040

REPRESENTING WHOM? State Auditor

APPEARING ON WHICH PROPOSAL: HB. 683

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Van D. Wane DATE: 3-1-77

DATE: 3-1-79

ADDRESS: Helena

PHONE: 442-8768

REPRESENTING WHOM? West citizen & Law

APPEARING ON WHICH PROPOSAL: KB 34

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Chris Nelson DATE: 3-1-19

DATE: 3-1-79

ADDRESS: 917 - 3rd Ave So Ut Falls

PHONE: 453-1179

REPRESENTING WHOM? Int. St. Fireman's Assn.

APPEARING ON WHICH PROPOSAL: HB 104

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W. J. Opitz DATE: 3/1/79

ADDRESS: 2 Wood Ct

PHONE: 443-3624

REPRESENTING WHOM? MPSC

APPEARING ON WHICH PROPOSAL: HB - 68

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The Comm'n unanimously supports
the repeal of 69-14-802 MCA.
This statute is not needed; is
outdated

(2) Such fireguard, so plowed and burned, need not be constructed within the limits of any town, village, or city; in private fields under cultivation; along the line of such railroad whenever the same runs through the mountains; or elsewhere where such plowing or burning would be impracticable. Said fireguard or portion thereof need not be plowed or burned on or through any lands which may be released from the operation of this section by the board of county commissioners of the county wherein such land is situated, by their written certificate of release filed in the office of the county clerk of the county.

(3) If any railroad company fails to comply with any of the provisions of this section, the board of county commissioners of the county wherein such violation occurs shall cause the neglected plowing, burning, or both to be done and may, in a suit to be brought in their name as said board in the district court having jurisdiction, recover double the amount of the cost of such plowing, burning, or both, with reasonable attorney fees to be fixed by the court. Such railroad company shall be liable further for all damages caused by its failure to comply with this section.

History: (1), (2)En. Sec. 1, p. 163, L. 1901; amd. Sec. 1, Ch. 63, L. 1903; re-en. Sec. 4360, Rev. C. 1907; re-en. Sec. 6597, R.C.M. 1921; re-en. Sec. 6597, R.C.M. 1935; Sec. 72-642, R.C.M. 1947; (3)En. Sec. 2, p. 164, L. 1901; amd. Sec. 2, Ch. 63, L. 1903; re-en. Sec. 4361, Rev. C. 1907; re-en. Sec. 6598, R.C.M. 1921; re-en. Sec. 6598, R.C.M. 1935; Sec. 72-643, R.C.M. 1947; R.C.M. 1947, 72-642, 72-643.

Part 8

Loading Platforms and Spurs

69-14-801. Maintenance of loading platform by railroad. (1) Every railroad company doing business in this state shall, within 60 days after notice from the commission, erect one or more platforms for the transfer of livestock, grain, and other commodities from wagons or otherwise to cars at each and every station or siding designated in such notice, such platforms to be erected so as not to endanger life and property.

(2) If any railroad company, after receiving notice as provided for in this section, shall fail, refuse, or neglect to erect platforms as required by this section and 69-14-802 within the required 60 days, the commission is authorized and empowered and it is made its duty to notify such railroad company to appear before it at a certain time and place and show cause, if there is any, why such commission should not issue an order requiring such railroad company to comply with the requirements of this section. The commission shall have power, after such hearing, to issue an order upon said railroad company commanding it to erect such platform if the commission shall upon such examination and hearing deem such platform necessary.

(3) Any notice required to be served upon any railroad company to carry out any of the provisions of this section or similar provisions relating to the enlarging of such platforms may be served upon any agent of said company within the state.

History: En. Sec. 1, Ch. 26, L. 1913; re-en. Sec. 3822, R.C.M. 1921; re-en. Sec. 3822, R.C.M. 1935; amd. Sec. 20, Ch. 315, L. 1974; R.C.M. 1947, 72-145.

69-14-802. Structural details of platform. Each platform shall be not less than 12 feet wide and 32 feet long, extending 4 feet and 6 inches, or such height as shall be determined by the commission, above the rails of the track, with suitable approaches to and from such platform to admit of the driving of loaded teams thereon.

History: En. Sec. 2, Ch. 26, L. 1913; re-en. Sec. 3823, R.C.M. 1921; re-en. Sec. 3823, R.C.M. 1935; amd. Sec. 20, Ch. 315, L. 1974; R.C.M. 1947, 72-146.

Repeal