

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE SENATE

MARCH 17, 1979

The meeting of the Local Government Committee was called to order by Chairman McCallum on March 17, 1979, at 12:30 in Room 108 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senators Story and Watt who were both excused.

Dennis Taylor, staff researcher, was also present.

Many visitors were in attendance. (See attachment.)

CONSIDERATION OF HOUSE BILL 616: Representative Darryl Meyer of District 42, chief sponsor of House Bill 616, gave a brief resume. This bill is an act to require counties to submit purchase and lease agreements to competitive bid.

Don Smith, IFG Leasing Company of Great Falls, stated his support of this bill. He is in favor of legislation which would recognize that counties, cities and school districts can acquire equipment through leasing transactions. Proposals allow long term leases with lower rental payments. Leasing is a good alternative to buying.

Jim Hughes, representing Mountain Bell, stood in support of the bill. Mr. Hughes stated that this bill allows for a tax option.

There were no opponents to the bill. Representative Meyer closed by asking the Committee for a favorable report.

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

CONSIDERATION OF HOUSE BILL 801: Representative Darryl Meyer of District 42, chief sponsor of HB 801, gave a brief resume. This bill is an act to increase the limit of indebtedness or liability for a county and to clarify the limit on lease obligations of a county. This should have been included but there was a mix-up.

Don Smith, representing IFG Leasing Company of Great Falls, stated his support of the bill. Mr. Smith stated that Great Falls is in favor of this bill. He offered an amendment for page 2, line 1, subsection (b).

Larry Hagbom, representing IFG Leasing Company of Great Falls, stated his support of HB 801. Mr. Hagbom stated this would definitely help counties because of the high cost of equipment. A road grader costs between 80 to 160 thousand. Most counties cannot af-

ford to buy much equipment. This will make it so the commissioners can go to \$100,000.00 without going to the voters. Many counties lease the equipment they need, especially unused years like this with many snow removal problems.

There were no opponents to HB 801.

Representative Meyer made the closing remarks. He stated that this is a much needed bill in view of the past two winters.

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

DISCUSSION OF HOUSE BILL 751: Representative Burt Hurwitz of District 45, sponsor of HB 751, gave a brief resume. This bill is an act to permit election or appointment of city judges in third class cities; removing the residence requirement for such office.

Dan Mizner, stood in support of the bill. Mr. Mizner stated that at present j.p.'s cannot serve in the place of city judges if they live outside of the city limits. This bill would correct the problem.

There were no opponents to the bill.

Chairman McCallum then opened the meeting to a question and answer period from the Committee. Discussion was held.

Senator Conover stated this would help his town.

Representative Hurwitz thanked the Committee for their time, and asked that they give this bill their utmost consideration.

CONSIDERATION OF HOUSE BILL 365: Representative Gerald Kessler of District 66, chief sponsor of HB 365, gave a brief resume. This bill is an act to streamline annexation by petition by eliminating the election in certain circumstances, to extend the proceeding to all municipalities. Representative Kessler stated that this act would streamline annexation processes. In order to annex a petition must be signed by 51% of the resident freeholders of the area to be annexed.

Dan Mizner, of the League of Cities and Towns, stood in support of the bill. He stated that many towns have done this already.

Eva Spaulding, of the League of Women Voters, stood in support of the bill.

Mr. R. E. Ellis, of the Montana Volunteer Fireman's Association, stood in support of the bill.

Art Korn and Dave Fischer, of the Montana State Volunteer

Fire Association, stated their support of the bill.

There were no opponents to the bill. Representative Kessler made the closing remarks. He stated that this bill would allow for orderly growth and that is very necessary.

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

CONSIDERATION OF HOUSE BILL 366: Representative Gerald Kessler of District 66, chief sponsor of HB 366, gave a brief resume. This bill is an act to streamline the various methods of annexation; establishing that each annexation method is separate and distinct. Representative Kessler stated that there are five methods of annexation. This bill makes each of the procedures operate independently of one another. Some statutes are in conflict with one another. This would clear up the procedures.

Mae Nan Ellingson, representing the City of Missoula, stood in support of the bill. She stated that the Planned Community Development Act came about in 1974. Most of the annexed Missoula area is being done by the individual property owner on an individual basis. House Bill 366 would clarify and make each method of annexation separate and would make the rural fire district exclusion only applicable on the one method of annexation.

Dan Mizner, of the League of Cities and Towns, stated his support of the bill. He stated that House Bill 365 and 366 are both needed together.

Eva Spaulding, representing the League of Women Voters, stated her support of HB 366.

Dave Fischer and Art Korn, of the Montana State Volunteer Firemen's Association, both stood in support of the bill.

There were no opponents present.

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

DISPOSITION OF HOUSE BILL 687: This bill is in regard to the county contribution for a veteran's gravestone from \$20 to \$30.

A motion was made by Senator Thomas that House Bill 687 "BE CONCURRED IN". Motion carried unanimously.

DISPOSITION OF HOUSE BILL 442: This bill is in regard to increasing the maximum salaries of district court reporters.

Senator O'Hara suggested that perhaps this bill could be amended instead of passing it out of Committee in the situation it is in right now.

A motion was made by Senator O'Hara that HB 442 be amended to have a maximum salary of \$18,000. Motion carried.

A motion was made by Senator O'Hara that HB 442 "BE CONCURRED IN, as amended". Motion carried with everyone voting "yes", except Senator Lockrem who voted "no".

DISPOSITION OF HOUSE BILL 751: This bill is in regard to permitting election or appointment of city judges in third class cities.

A motion was made by Senator Rasmussen that HB 751 "BE CONCURRED IN". Motion carried.

After some discussion, a motion was made by Senator Rasmussen that the Committee reconsider their actions on HB 751. Motion carried.

A motion was made by Senator Rasmussen that the bill be amended on page 3. Strike lines thirteen through eighteen in their entirety. Motion carried.

A motion was made by Senator Rasmussen that HB 751 "BE CONCURRED IN, as amended". Motion carried.

CONSIDERATION OF HOUSE BILL 808: This bill allows cities other than those of first or second class to elect to terminate P.E.R.S. coverage for their police officers and to join the municipal police officers' retirement system.

Senator Thomas made a motion to accept the proposed amendments which would change the date from January to July throughout the bill. Motion carried.

Mr. Dan Mizner was asked some questions from the Committee. He stated that he did not like to answer without the chief sponsor of the bill present, however, he would answer, but not volunteer information.

Mr. Mizner stated this bill would allow third class cities to come under municipal police system. This will affect only Libby and Whitefish at the present time.

Senator Thomas stated that this will cost the cities money.

A motion was made by Senator Rasmussen that HB 808 "BE NOT CONCURRED IN, as amended". Motion carried with everyone voting "yes" except Senator Peterson who abstained. Motion carried.

DISPOSITION OF HOUSE BILL 616: This bill requires counties to submit purchase and lease agreements to competitive bid.

Senator Lockrem stated that he did not feel this bill is fair to the taxpayers.

A motion was made by Senator Rasmussen that the amendments proposed by Mountain Bell be accepted. Motion carried with everyone voting "yes" except Senator Lockrem who voted "no".

A motion was made by Senator Lockrem that HB 616 "BE CONCURRED IN, as amended". Motion carried.

DISPOSITION OF HOUSE BILL 84: This bill prescribes the duties of Clerk and Recorders and city attorneys with regard to subdivision filing requirements.

A motion was made by Senator Rasmussen that HB 84 "BE CONCURRED IN". Motion carried. (See attachment.)

DISPOSITION OF HOUSE BILL 801: A motion was made by Senator Lockrem that House Bill 801 "BE NOT CONCURRED IN". Motion failed on a tie vote.

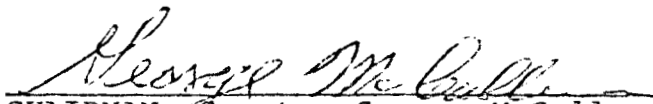
DISPOSITION OF HOUSE BILL 616: A motion was made by Senator Rasmussen that the Committee reconsider their actions on HB 616. Motion carried.

A motion was made by Senator Rasmussen to amend HB 616 on page 8, line 23; change the "3" to "7" regarding school bus contract bids.

A substitute motion was made by Senator Lockrem to amend the bill to read three (3) years throughout. Motion carried with all present voting "yes" except Senators Conover and O'Hara.

A motion was made by Senator Lockrem that HB 616 BE CONCURRED IN, as amended". Motion carried.

ADJOURN: With no further business, the meeting was adjourned at 2:50. The next meeting will be held on Tuesday, March 20th, at 12:00 noon to consider House Bills 81, 851, 682, 244, 125, and 879.

  
CHAIRMAN, Senator George McCallum

Roll 11/17/79

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY			✓
BILL THOMAS	✓		
ROBERT D. WATT			✓

Each Day Attach to Minutes.

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 17 House \_\_\_\_\_ Bill No. 84 Time \_\_\_\_\_

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	✓	
BOB PETERSON	✓	
A. T. (TOM) RASMUSSEN	✓	
PETE STORY		<i>absent</i>
BILL THOMAS	✓	
ROBERT D. WATT		<i>absent</i>

*Clara Grayley*  
Secretary

*George McCallum*  
Chairman

Motion: A motion was made by Senator Rasmussen that House

Bill 84 BE CONCURRED IN. Motion carried.

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

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 17 House            Bill No. 801 Time           

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN	✓	
MAX CONOVER		✓
JESSE A. O'HARA		✓
BOB PETERSON	<i>Concurred in</i>	
A. T. (TOM) RASMUSSEN	✓	
PETE STORY	<i>Concurred in</i>	
BILL THOMAS		✓
ROBERT D. WATT	<i>Concurred in</i>	

*David L. Sawley*  
Secretary

*George McCallum*  
Chairman

Motion: A motion was made by Senator Lockrem that House Bill  
801 BE NOT CONCURRED IN. Motion tied.

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



# STANDING COMMITTEE REPORT

..... March 17 ..... 19 79 .....

MR. President:.....

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

having had under consideration ..... House ..... Bill No. 687.....

**Brand (Thomas)**

Respectfully report as follows: That ..... House ..... Bill No. 687.....

~~XXXXXX~~ BE CONCURRED IN

..... George McCallum ..... Chairman.

# STANDING COMMITTEE REPORT

March 17 19 79

MR. **President:**

We, your committee on **Local Government**

having had under consideration **House** Bill No. **616**

**Meyer (Lockren)**

Respectfully report as follows: That **House** Bill No. **616**

**third reading bill, be amended as follows:**

**1. Page 2, line 15.**

**Following: "bidder"**

**Insert: "except that contracts entered into with public utilities are exempt from this part if the contract is for goods or services whose prices are regulated by the Public Service Commission or other governmental authority."**

**2. Page 2, line 24.**

**Following: "than"**

**Strike: "7"**

**Insert: "3"**

**3. Page 4, line 6.**

**Following: "bids"**

**Insert: "except that goods or services purchased or leased from public utilities are exempt from this part if the prices of the goods or services are regulated by the Public Service Commission or other governmental authority."**

HOUSE

-Continued-

4. Page 5, line 2.

Following: line 1

Strike: "7"

Insert: "3"

5. Page 5, line 12.

Following: "than"

Strike: "7"

Insert: "3"

6. Page 5, line 25.

Following: "year."

Strike: remainder of line 25 through line 6 on page 6 in  
their entirety.

7. Page 7, line 12.

Following: "bids"

Insert: "and except that purchases or leases from a public  
utility are exempt from the competitive bidding requirement  
if the prices of the goods or services are regulated by  
the Public Service Commission or other governmental  
authority."

AND, as so amended, BE CONCURRED IN

*GA*

# STANDING COMMITTEE REPORT

March 17 19 79

MR. **President:**

We, your committee on **Local Government**

having had under consideration **House** Bill No. **84**

**Lory (Rasmussen)**

Respectfully report as follows: That **House** Bill No. **84**

~~BE~~ BE CONCURRED IN

*B.C.*

# STANDING COMMITTEE REPORT

March 17 1979

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 308

Baeth (Rasmussen)

Respectfully report as follows: That House Bill No. 308,

third reading bill, be amended as follows:

1. Page 6, line 18.

Following: "on"

Strike: "January"

Insert: "July"

2. Page 7, line 1.

Following: "on"

Strike: "January"

Insert: "July"

3. Page 7, line 5.

Following: "on"

Strike: "January"

Insert: "July"

4. Page 7, line 18.

Following: "on"

Strike: "January"

Insert: "July"

And, As so amended, BE NOT CONCURRED IN

# STANDING COMMITTEE REPORT

March 17

1979

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 751

Hurwitz (Rasmussen)

Respectfully report as follows: That House Bill No. 751,

third reading bill, be amended as follows:

1. Page 3, line 13.

Following: line 12

Strike: lines 13 through 18 in their entirety

~~CONCURRED~~ AND, as so amended, BE CONCURRED IN

*GG*

# STANDING COMMITTEE REPORT

March 17

19 79

MR. **President:**

We, your committee on **Local Government**

having had under consideration **House** Bill No. **442**

**Meyer (O'Hara)**

Respectfully report as follows: That **House** Bill No. **442**,

**third reading bill be amended as follows:**

1. Page 1, line 13.  
Following: line 12.  
Strike: \$22,000  
Insert: \$18,000

*P.O.*  
~~AND~~ **AND, as so amended, BE CONCURRED IN**

**George McCallum** Chairman.







NAME: AL Sampson DATE: \_\_\_\_\_

ADDRESS: 828 Rollin

PHONE: 549 0131

REPRESENTING WHOM? City of Missoula Fire Dept  
Mont State Fire Assoc -

APPEARING ON WHICH PROPOSAL: HB 365 - ~~216~~

DO YOU: SUPPORT?  AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mr. McEllen DATE: 2-17-77

ADDRESS: 301 West Spruce St. Hill

PHONE: 721-0100 14317

REPRESENTING WHOM? City of Merced

APPEARING ON WHICH PROPOSAL: PR 315

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mr. Robert [unclear] DATE: 3-11-74

ADDRESS: City Hall  
201 W. [unclear]

PHONE: 721-4200 ext 217

REPRESENTING WHOM? City of Merced

APPEARING ON WHICH PROPOSAL: 366

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Will you call [unclear]

[Empty lined area for additional comments]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Al Sampson DATE: 3-17-79

ADDRESS: 828 Rollins Mssale

PHONE: ~~84~~ 721-2291

REPRESENTING WHOM? City of Mssale + Nat St Fire Assoc.

APPEARING ON WHICH PROPOSAL: HB 366

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: This would clarify and make  
each method of annexation separate  
and thus would make the Rural  
Fire Dist exclusion only applicable  
on the one method of annexation

NAME: Ann H. ... DATE: 1/7/70

ADDRESS: 1976 St. ...

PHONE: 925 4001

REPRESENTING WHOM? Mont. State ... Assoc.

APPEARING ON WHICH PROPOSAL: H.B. 305 H.B. 300

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Leann J. Steinfeld DATE: 3/17/94

ADDRESS: 2551 Smith Ave

PHONE: 549-6172

REPRESENTING WHOM? Miranda Reed (For Trust)

APPEARING ON WHICH PROPOSAL: HB 365 AA-3L5

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Sam R. Wagner DATE: 3-17-99

ADDRESS: Helena

PHONE: 442-8769

REPRESENTING WHOM? Monte Vista Partners

APPEARING ON WHICH PROPOSAL: HB 365-366

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: Paul J. ... DATE: 3-10-1979

ADDRESS: ...

PHONE: \_\_\_\_\_

REPRESENTING WHOM? League of Women Voters

APPEARING ON WHICH PROPOSAL: HB 365 + HB 366

DO YOU: SUPPORT?  AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Earl Fisher DATE: 3/17/49

ADDRESS: 1908 A Washington St. Pitts. W. Va.

PHONE: 791-8855

REPRESENTING WHOM? Montana Vol. Firemen Assoc.

APPEARING ON WHICH PROPOSAL: H B 365 H B 366

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Carol M. Mezio DATE: 3-17-79

ADDRESS: Helena

PHONE: 442-9769

REPRESENTING WHOM? Mont. State J. Courts

APPEARING ON WHICH PROPOSAL: HB-751

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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NAME: Don Smith DATE: 3/17/79

ADDRESS: P.O. Box 511 Gt. Falls MT

PHONE: 761-7510

REPRESENTING WHOM? IFC Leasing Co

APPEARING ON WHICH PROPOSAL: HB 801, HB 616

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: FAVOR Legislation Recognizing that Counties, cities  
& School Districts can acquire equipment through leasing  
transactions. Proposals allow long term leases with  
lower rental payments.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: LARRY HAGBOM DATE: 3/17/79

ADDRESS: P.O. Box 511, Great Falls, MT

PHONE: 761-7510

REPRESENTING WHOM? IFG Leasing Co.

APPEARING ON WHICH PROPOSAL: HR 801

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HB 34  
(Third reading copy)

AMENDMENTS

1. page 2.

Following: line 17.

Insert: "(3) A copy of the notice shall be mailed by first class mail, on the day the notice is first published, to all transportation and railroad firms or corporations having real property within the proposed district listed upon the last completed assessment list for county taxes."

PROPOSED AMENDMENTS TO HB 808  
Representative Baeth

1. Page 6, line 18.  
Following: "on"  
Strike: "January"  
Insert: "July"

2. Page 7, line 1.  
Following: "on"  
Strike: "January"  
Insert: "July"

3. Page 7, line 5.  
Following: "on"  
Strike: "January"  
Insert: "July"

4. Page 7, line 18.  
Following: "on"  
Strike: "January"  
Insert: "July"



PROPOSED AMFNDMENT  
TO HOUSE BILL NO. 801,

Page 2, Line 1

(b) A county may enter into a lease agreement, which may contain a provision for cancellation at the end of each annually renewable term if sufficient funds are not appropriated for rental payments for the next fiscal year, provided rental payments under such a lease agreement are not in excess of \$100,000 for a 1-year period."

-End-