

MINUTES OF THE MEETING OF LOCAL GOVERNMENT COMMITTEE  
February 9, 1981

The Local Government Committee met February 9, 1981 at 7:30 p.m. in room 103 of the Capitol. CHAIRMAN BERTELSEN called the meeting to order. All committee members were present with the exception of REP. HURWITZ who was excused. Staff Researcher LEE HEIMAN was also present.

HB 527

HOUSE BILL 527 sponsor, REP. JAY FABREGA said he introduced HB 527 at the request of his city government. People from our city government will give you an idea as to the inventory of some park lands within the City of Great Falls, that were dedicated as parks years ago, but are not feasible pieces of property to be developed as parks. The present law requires a citywide election to determine if one of those parcels can be sold. Oftentimes because a park is in a specific area of town, other area residents have no idea or could care less what happens. The amendments in the bill call for a 2/3 vote of the members of the council to pass a resolution specifying any parcel in the case of sale or transfer of park land after a public hearing has been held. This must be published once a week for two weeks in a newspaper of general circulation.

The other change in this bill is line 4, Page 2: "Any proceeds from park land sold pursuant to this section shall be used exclusively for developing and maintaining parks."

With that, I would like to call on Mr. THAYER, Mayor of Great Falls.

PROPONENTS FOR HOUSE BILL 527

GENE THAYER, Mayor of Great Falls, said the Great Falls City Commission has identified this as one of their top priorities. He stated at the onset that he is a real advocate of park development. I have tried as much as possible to allocate funds so we could develop parks and maintain and take care of existing parks. You've heard the statement from time to time, that you can become park poor. Where do you go from there? The Great Falls Park Board and the members of the Great Falls City Beautification Committee and others have been working on this problem. At the present time we have over 1,100 acres of available park land. We have certain parcels of land that cannot or will never be developed as park land. It seems ridiculous to leave that land idle and growing up into weed patches when it would be better to put it back on the tax rolls. That money could be available to help develop other pieces of property that have been donated and could be developed as park land. When areas are annexed, certain parcels of land are donated to the city and dedicated to be used as park land. The purpose of this bill provides a means by which if the public deems that this land should be back on the tax rolls

we would have a vehicle for doing so. We don't want to make it too easy for this to happen. We don't want to have a situation where lands currently being used as park land would ever be sold or traded. We are only talking about undeveloped pieces of property that will never be developed. With our current budget and all the problems in cities and towns it is barely within our means to maintain existing peices of land much less developing new land.

MR. CHAIRMAN, I have one amendment to this bill. Under section 1, part A, I'd like the following language inserted in that place, "the provision for such lease or transfer shall apply retroactively for all park land held by municipalities prior to enactment." The reason I offer this amendment is the City Attorney feels this language would leave no doubt that the cities and towns will be able to do something with lands they already own. This is not a piece of legislation that starts from this day forward, but you can go back and investiture the existing land. If this bill is enacted, we will inventory all of the land with the city and follow the public hearing process to clearly identify those lands that people in the city have no objection to seeing put back on the tax rolls.

CLIFF CHRISTIAN, representing the Montana Association of Realtors said they support HB 527. Perhaps some people are not aware of how cities and towns receive park lands. Under the current subdivision platting act, the developers that I represent, when coming under the subdivision and platting act must, in fact, donate to the county or the city 1/9 or 1/12 of the land asked to be subdivided, depending on the size of the acreage. That dedication to the county or city government is intended to allow for open space. The feeling is nationwide, not only in Montana, that if a subdivision or development occurs, that open space must be provided to individuals in the area for recreational purposes. We too think that is a good idea. If a person wants to subdivide even one acre, that person still must dedicate or allow the governing body, a specified amount of his land for open space or park land dedication.

If you think back to a one acre development, there is a lot of open space. The argument that the individual must have open space because of the density of the subdivision really doesn't warrant that dedication. Yet the land still has to be dedicated or cash paid in lieu of that.

I don't think MR. THAYER'S amendment is really necessary but if you feel it is, please consider also including county governments, in addition to the city.

REP. PAUL PISTORIA asked to be a proponent of this bill because

this is long overdue. When a city has more park land than they can maintain, they may under the procedure of this bill sell the land. I feel this is a very good bill to help the cities and will put the land back on the tax rolls, if they see fit.

H.S. HANSON, representing the Montana Association of Planners, said they supported this allocation of land towards parks and open spaces in the past. We worked very hard to accomplish this, but it has also accomplished vast yards of weeds. We would like to modify this some and we think HB 527 can help improve the existing parks that remain. We support this bill.

AL JOHNSON, City Manager of Great Falls, asked to give a few figures that illustrate the problem. As MR. THAYER said, in Great Falls, we have 1,174 total acres of park land. Of that total only 674 acres are developed. That means that the city currently has some 500 acres that are undeveloped. This year the city is developing as much park land with BOR funds at our disposal as in any year. Hopefully we will develop 41 acres of park land. We are looking at a cost of roughly \$2,000 per acre for seeding and irrigation. The only way we could do that was with grant funds and Bureau of Reclamation funds. This bill actually addresses two things. One is in subsection 4 which allows for the proceeds from the sale of any unused park lands to go into park development. This provides a resource for the city to develop park lands. Secondly, the other thing this bill addresses is the mode of sale. The current law requires that it be done by referendum only. Not only is it a costly process for the sale of park land, but it also suggests that the methodology as suggested here, basically that of a public hearing process, is eminently more fair in terms of letting a local neighborhood comment on whether or not a particular parcel of land should or should not be sold for maintaining park land or sold as not being appropriate for park land development.

DAN MIZNER representing the Montana League of Cities and Towns said HB 527 is strictly for cities and towns. There are many cities and towns across the State that have the same problem. It is directed toward the cities and towns and is not to give authority to the counties to get rid of open space. The small pieces which have been donated were inherited and they are creating the problem which this bill was specifically designed to take care of.

#### OPPONENTS TO HB 527

RUSS LASSEY of Great Falls said he represents himself. He opposes HB 527 on the grounds that the goals expressed by its sponsors can be achieved under the statutes in their present form. (Mr. Lassey furnished written testimony which is attached to and made a part of these minutes.)

REP. FABREGA closed. He said first of all the amendment offered by the city is unnecessary because it addresses any park land. If I am reading the bill correctly, I believe that the city has the option to pass a resolution on any parcel it owns at this time. As far as MR. LASSEY'S comments, I live two blocks from Fox hollow Farm. This procedure would give us, the residents of that area, more input into the position to sell that park than if it was simply offered to the whole city to vote on it. People far removed from the area could vote in favor of it simply because it was a worthless peice of park. I personally would feel more comfortable with this bill as a member of our community, if we had to defend this park if we could defend it in a public hearing. But to expect a city of 60,000 people to vote on one specific parcel, or even 10 at one time, doesn't make sense to me. Under the law several years ago there was no option on the part of the developer. You always had to permit that fractional percentage of square footage you were selling to be used as a park. It was only about four or five years ago that the city was given the option of accepting money in lieu of land if they desired. In connection with Fox Hollow, they offered to take a portion in land and a portion in money. I was not aware at this time that the city was considering putting up Fox Hollow for sale.

QUESTIONS FROM COMMITTEE MEMBERS:

REP. AZZARA: Some of us from Missoula have concerns about leaving open space, and we don't think it matters whether that space is developed or not. It is just a good contrast to what is developed. Kids need lots to play in whether there are weeds, fountains or manicured grass. Do any of the areas involve a substantial parcel of land?

CITY MANAGER AL JOHNSON said Lockwood Park is the largest park. It is currently undeveloped and consists of 240 acres. We also have one or two acre size parks.

REP. AZZARA: Do you anticipate that any or all of that 240 acre park land is being considered for sale?

AL JOHNSON: That plot of land is currently earmarked for some development as part of our flood levy program with the Corps, so it probably will be developed.

REP. AZZARA: I'm also concerned what MR. LASSEY said about Fox Hollow being considered as land for sale. How large is that?

AL JOHNSON: It is 5.6 acres.

REP. HANNAH for Mayor Thayer or Al Johnson: I don't know how you justify annexing a piece of ground or telling a developer you'll

take in a piece of land, when part of the terms of that agreement is that you want to provide services for them, and two, that part of the agreement is they must dedicate that ground for parks. How can the city not follow through on that agreement when one of the services would be to build and maintain a park. Now they even go a step further and they want to sell it. What is the purpose for all this?

AL JOHNSON: I'll go back to the fact that the economics were much different 20 or 30 years ago when those pieces of land were annexed. Today the law provides that the city can take money in lieu of the land. Perhaps they don't want park development so that is the option the city chose at the present time. Our whole purpose in proposing this bill is that it seems more appropriate to have this type of legislation where we can have a public hearing process so if the majority of the people in the area do not want to have Fox Hollow Park sold, it will not be sold. The city commission is not going to go against the will of the people in a local area.

REP. HANNAH: Then there is nothing to stop the cities from saying "we don't want open ground as a park; we want the cash", because there is nothing to prevent the city from turning around and selling the land.

AL JOHNSON said the matter is negotiable.

REP. GOULD: Approximately what is that land worth per acre today?

MR. LASSEY: I don't know. When I acquired my lot from the contractor, I was charged \$15,000. Others in the neighborhood sell for \$10,000 to \$11,000. It does seem that the realtors selling the land tell people they'll have their own park right in the vicinity. My lot is 13,500 feet.

REP. SALES: Cliff, is the money which is accepted in lieu of land by the local government to be used for developments only, and not for maintenance?

CLIFF CHRISTIAN replied "yes".

REP. PISTORIA: When you have this property and the park is dedicated, the sewer and water is put in immediately. The park is pretty much in line of being developed. Years ago when the land was annexed, the water and sewer was not put in. That is where the problems come in, because the land was never developed.

CHAIRMAN BERTELSEN: Rep. Fabrega, do you have any objection to trying to work out some kind of a veto process to this bill as an amendment? I'm wondering if maybe the residents so many blocks around the park area would be given the opportunity to petition in a veto process if they didn't approve.

REP. FABREGA; I'd like to take something within 700 to 1000 feet of the park and annex it which even if the majority of the people objected, could not be sold because it is park land. It would be a cold day in hell when I'd let Fox Hollow Farm go. That park has value. If Fox Hollow was put to a vote of the city, we could lose it. If the bill was amended so only the neighborhood could defend it, I think that would be great.

REP. AZZARA: If the committee amended it to allow protest so that notification by mail has to go to all the owners within a given area, I would approve of an amendment. The people in such an area are the ones who have a vital interest in the park.

REP. AZZARA said he'd try to come up with an amendment.

CHAIRMAN BERTELSEN said since there are no more questions, he'd close the hearing on HB 527.

#### HB 508.

HB 508 Sponsor, REP. YARDLEY, introduced the bill. HB 508 is at the request of the Department of Highways. As you will note, it amends sections 61-10-145 which is the gross vehicle weight section and refers to some other sections that refer to gross vehicle weights. If you'll look at line 14, you'll note the fine is not less than \$15 nor more than \$50. They have deleted the portion: "or by imprisonment in the county or municipal jail for not less than five days or more than 25 days". This bill this session is rather unique in that it deletes the imprisonment provision from the statute. If you'll read on further, you'll see that the fines are increased in the subdivisions depending upon the situation. The other change proposed is on page 3 and it makes the charge a misdemeanor, as referred to in some other sections.

#### PROPONENTS TO HB 508.

BEATE GALDA, with the Department of Highways, reiterated that the purpose of the bill is to delete the imprisonment penalty. The reason for doing that is because the combination of a prison penalty and the maximum fine of \$1,000 plus the \$15 and \$50 would take jurisdiction out of the Justice of the Peace Court and put it in the District Court. Under Justice Court where there is both a fine and prison penalty, the maximum fine can be \$500 and prison penalty up to six months. Anything greater than that would go to District Court. If the fine is under \$1,500, it would remain with Justice Court.

The addition of the third subsection is intended to correct the change for recodification procedures.

CHAIRMAN BERTELSEN asked if there were further proponents. As there were none, he called for OPPONENTS.

OPPONENTS TO HB 508: There were none.

THE CHAIRMAN asked Rep. Yardley to close.

REP. YARDLEY: I think it is important to note that the reason for deletion of the provision from the statute is that the Justice Court can handle fines up to \$1,500. Any fines over \$1,500 must be taken up in District Court. There is a legitimate reason for this statute. The proposal on the back page is a housekeeping matter.

QUESTIONS FROM THE COMMITTEE:

REP. SALES for REP. YARDLEY: Usually the man driving the truck is just a hired man. The trucks are always overweight and the driver never has money to pay fines. You aren't going to throw him in jail, so how do you handle it?

REP. YARDLEY: Now, if they can't pay the fine, they can't drive on.

CHARIMAN BERTELSON closed the hearing on HB 508.

HB 581

I don't know how GENE DONALDSON roped me into this presentation tonight, but he not only roped me into presenting it, but into the whole bill. He came to me prior to the session and asked me to give him a legal opinion requested by the City of Helena. In 1979 Rep. Donaldson proposed legislation with respect to the assessment for special improvement districts as he wanted to encourage the use of semi-annual installments. Those of you who live in realatively new subdivisions know how expensive SIDs are becoming. The law prior to 1979 mandated that SIDs had to be paid annually with the first installment taxes in November. Some of the SID payments are substantial and a real burden on the taxpayer.

REP. DONALDSON introduced a bill in the last session to make it optional to the local governments as to whether the assessments could be payable semiannually or annually. There was an inconsistency in that bill. The bond payment provisions of section 7-12-4203 and 15-16-102 conflicted. They required the payments to be made semiannually and the section before you, 7-12-4188, allowed for the local government to decide whether they would be assessed semiannually or annually. It was Rep. Donaldson's idea that because of the burden SID assessments present to the taxpayer, that it would be best if we made them payable semi-annually.

If a taxpayer wants to make the full payment in November he can, but we wouldn't give the local governments the discretion to decide whether they would be semiannual or annual payments. It eliminates the option for the local government and requires that when a SID is created, the assessments would be collected in semi-annual payments in November and in May.

PROPOSERS TO HB 581

BILL VERWOLF, finance director for the City of Helena, said Helena supports this bill for the main reason that it clarifies existing statutes. The 1979 legislation can be interpreted to (1) allow or (2) require the local government to collect annual installments on SIDs for bonds sold after July 1, 1979 in two installments, the same as other taxes. This bill makes it mandatory that the taxes be collected in two installments for all bonds sold after July 1, 1981. The taxpayer may make the total payment in November if he so desires.

OPPOSERS TO HB 581

THE CHAIRMAN stated since there were no opposers, he'd ask SENATOR MAZUREK to close.

SENATOR MAZUREK said he had nothing further.

REP. HANNAH asked "how are cities set up for payment of the bonds?"

SENATOR MAZUREK: This does not affect existing SIDs. That was REP. DONALDSON'S original intent last year because he had received a number of complaints in his district about the cost of them. I don't think existing bonds can be changed. This applies only to SIDs created after July 1, 1981.

BILL VERWOLF said it can't be retroactive. If the bonds were issued under the old statute prior to July 1, 1981, then the installment is due in November.

REP. HANNAH asked MR. VERWOLF how the bond people feel about this?

BILL VERWOLF said the bond people naturally would prefer annual interest payments.

SENATOR MAZUREK said he is carrying in the Senate, a bill to eliminate the interest rate ceiling on municipal bonds. He spoke to BRUCE MCKENZIE, the attorney for D.A. Davidson in Great Falls, about this particular bill and Mr. McKenzie said they would prefer to have them annually because it is less of an administrative burden and it may increase the cost slightly, but not significantly.



CHAIRMAN BERTELSEN asked if there were any further questions. As there were none, he closed the hearing on HB 581.

HB 575

REP. KITSELMAN, sponsor of HB 575, introduced the bill. This bill amends existing county zoning law to provide for zoning districts that are uniform within their boundaries, but may differ from district to district. The Court ruling by Judge Wilson said that the Joint Zoning Commission doesn't really exist nor are we allowed to sit with the County Commissioners to hear any zone change. This is the main purpose of this bill. What the Judge is addressing here is a difference in the establishment of zone classifications within a zone district. From lines 6 through 13, we simply say that it takes care of the size of yards, courts, open spaces, automobile parking, heights of buildings, set backs and so forth, when you are looking at rezoning. Subsection 4 addresses those classifications and changes them from district to classification.

Looking at the new section, notice of the hearing, it must be published in the paper at least 14 days prior to the hearing. When we could not sit jointly, we had double the publication, the cost, etc. In subsection 5 we deal with the composition of the Board and our comprehensive plan basically calls for at least a five-citizen membership. Members are appointed by the county commissioners. The biggest point is section 5 of subsection 2 and that is the hearing may be held jointly with the hearing of the County Commissioners.

PROPOSERS FOR HB 575.

MIKE STEPHEN, representing the Association of Counties, said his association supports HB 575. As far as the counties ability to zone, this bill clarifies and gives guidance where guidance is due as far as carrying out the provisions. We are also in favor of this one hearing procedure.

H.S. HANSON represented the Montana Association of Planners and supports the bill wholeheartedly. The present law refers to zoning districts. That means the outside is a zoning district; then these segments become zoned districts. This new law changes that into zoned districts being the outer shell and then the zone classification being ag-residential multiple housing. You eliminate a lot of confusion that presently exists. HB 575 also provides a new section which sets out minimum procedures for zone changes and amendments. The dual hearing is bound to save expenses and help considerably on procedural delays that are presently occurring. Finally I would like you to look at page 6, line 10. We would suggest that an amendment be made at that point inserting the words "at least" in front of the words "five commissioner members."

We suggest that the zoning commission have that opportunity to expand, if so required.

DAN MIZNER, representing the Montana League of Cities and Towns, said they too support the bill. It is a problem which usually lies in the jurisdictional area around the cities and towns. This bill works with and is compatible with the zoning ordinance of the municipality and we can support it.

CLIFF CHRISTIAN with the Realtors Association also supported HB 575, especially the dual hearings. We favor anything that streamlines the process we have now gone through.

There being no further proponents, the Chairman called for opponents.

OPPONENTS TO HB 575. There were none, and the Chairman asked Rep. KITSELMAN to close.

REP. KITSELMAN closed, stating he again wanted to point out that this is a clarification of zone classifications. The dual hearing is more for the citizens. We usually meet at 1:30 and it is really an inconvenience for people to have to take off work to testify for a zone change and later return to give the same testimony again. In the past we used to sit together, but with the last District Court ruling, we are unable to do this.

QUESTIONS FROM COMMITTEE MEMBERS:

REP. AZZARA: It seems to me that we have to recognize county's needs. If whoever wrote this code thought all the items not referring to promoting general health and welfare in section 2, should be stricken, why do you think they were included in the first place, plus specific direction that the other items be considered too?

This is not an academic question because I can foresee a potential abuse of those things that are deleted. Is it possible for people to define the promotion of health and general welfare in ways that don't include those specifically.

DAVID NISS of the Legislative Council: I have to go back to the experience I've had when people come in. When you put a new subdivision in a county that is adjacent to the city, for example, they say this will cause congestion of the streets, as being one of the criteria for not allowing that zone change.

REP. AZZARA said his concern is because Missoula doesn't really have proper review process for growth because we have such a crummy subdivision law.

DAVIS NISS said the purpose of this bill is, as far as our interpretation goes, to promote the general health and welfare and by looking at congestion in the streets, security from safety and fire, etc. Are there fire departments and hydrants? How are we going to take care of this in the subdivision? I'm sure you could promote health and general welfare and not include certain kinds of restrictions.

REP. AZZARA: I'm not. I think there is enough interpretative leeway there, that this review could easily happen in a very sloppy fashion where no one could hold the governing body responsible.

REP. HANNAH: I guess my problem lies in the same area and perhaps it stems from my problems with zoning commissions. I agree somewhat with what Rep. AZZARA is saying. It is almost a subjective decision with the language we have. Whoever is on the commission will decide what is best for everybody. Not only what Rep. Azzara is talking about there, but in deciding what to do with the stricken areas in lines 6 through 13, on page 2. This doesn't solve the problem. It is a problem of who you are because that effects the subjectiveness of the answers to whether or not you meet the requirements. Is there any way we can tighten this up so it isn't quite so subjective?

REP. KITSELMAN: That happens when you get into the plat review process, which is the first step. You are going to change part of the district from ag open to RD 600, which is higher density single family lots; then that's the classification we are looking at within the district. The next process after that is to examine where the sewer is going to lie. Do the roads meet the specifications? Where are the schools located, etc.?

REP. HANNAH: Are those things set out specifically?

REP. KITSELMAN: Yes, they are in the comprehensive plan, which is put out by each city.

REP. KESSLER asked DAVE NISS: Was there any particular reason why the language was deleted from page 2?

DAVE NISS: Only because it was our thought that the greater includes the lesser. Trouble can arise if a petition were to be denied or if someone were to say that you haven't planned for the most important things because they haven't been addressed. If the commission had taken into account the health and general welfare, that would be all that would be needed.

REP. KESSLER: Would it hurt anything if it was left in?

MR. NISS: I don't think it would.

REP. AZZARA: Comprehensive plans can't be compared to subdivision review. First of all, in no case that I know of, do they constitute a body of mandatory regulations or guidelines. To the extent that they are ignored more often than they are adhered to, the only thing that a county has to fall back on generally is what is in here. If we make that less specific, then we get in a situation such as we have in Missoula where we have bad traffic congestion as a result of the growth. Our pollution has increased as have all the factors associated with growth. We don't even adequately address that in the existing law. I don't want to make this thing less specific than need be to remain specific.

REP. KITSELMAN: The real need of this bill lies in the two new subsections on page 5 and page 6, which directs the composition of the Board and the fact that they can hold a joint hearing. That is the real purpose of this bill.

CHAIRMAN BERTELSEN asked for further questions. As there were none, he closed the hearing on HB 575.

EXECUTIVE SESSION:

The chairman suggested the committee consider some of the older bills.

HB 53.

CHAIRMAN BERTELSEN said this bill provides that county commissioners in counties with a population of 50,000 or more be nominated and elected at large rather than by district.

REP. BERGENE moved that HB 53 DO PASS.

REP. HANNAH: I see this as a potential problem in some of the major metropolitan areas in Montana because I fear we will end up with a situation where you could have an area like Billings, with all three commissioners from the city or a rural area as well. I will have to speak against the motion because of that. I think it is nice to be divided into areas and where people have to come from those areas as you do get a broader based representation.

REP. SWITZER: I make a substitute motion that HB 53 DO NOT PASS.

REP. VINGER: PAUL PISTORIA'S bill two years ago was to elect from the district as well as nominate from the district.

REP. PISTORIA: The bill I had two years ago was the same thing as I'm introducing this time. I felt they should be elected from the district because I didn't want them elected at large. My bill last year was killed on the floor.

REP. BERGENE for REP. HANNAH: You mentioned that someone from the

city might end up being a county commissioner, Aren't we protected because we are really talking about the county limits being four and one half miles from the city?

REP. HANNAH: County boundaries represent the whole county. The county commissioners from Yellowstone County could be from the Yellowstone River down by Pompeys Pillar, etc. to more than 100 miles in the other direction.

REP. BERGENE commented she likes the idea of the county commissioners being elected at large, but is there somehow we could stipulate the area?

REP. HANNAH: That is what we have now. They must live in an area and represent the area, but they are elected at large.

REP. AZZARA asked Chairman Bertelsen: What is your impression of the intent behind this bill and the need for it?

CHAIRMAN BERTELSEN: I'll have to admit I wasn't here the day of the discussion because I had to present another bill. Personally I am not in favor of this bill. I'll vote against it. There is a certain advantage to having them from a district. I sometimes even think there is an advantage in having them elected from a district but that didn't apply last time.

REP. AZZARA said there would be no other way in the case of Missoula County to guarantee that rural people will be represented, or in Billings either.

REP. HOLIDAY: I have read where I think there are nine states in the United States that have present laws like Montana and they are unconstitutional. They feel this bill would fare better in court, for the simple reason that the local district commissioners are elected at large. This is something I think we should address.

REP. BERTELSEN asked, "what is unconstitutional about it?"

REP. AZZARA said "because it is not a single member district."

REP. KESSLER: Could we call a straw vote just to see how much support there is in committee for perhaps a committee bill calling for single member districts?

REP. BERTELSEN: Question is "do we want a committee bill on single member districts?" No support.

REP. SALES: This was brought up last year, but it was killed. The committee was all for it.

REP. AZZARA: If single member districts were drawn up by the commissioners, could they be drawn up in a way that three of them partook

entirely the high urban density areas, so that no one commissioner represented a rural interest in a county like Missoula or Yellowstone? That goes against my sense of why the House of Representatives exists apart from the Senate because there has to be some balance so that rural people are not totally dominated.

REP. DUSSAULT: At the same time you are dealing with single member districts, are you dealing with terms of the county commissioners? It seems to me you'd have to do so; otherwise what you have is one portion of the people voting every six years for the county commission. I think that is a real problem. If you are going to deal with single member districts, you have to deal with the term of office of the county commissioners at the same time.

REP. MATSKO: In the Senate, now half of them are elected and half are not. Isn't that about the same problem we see here?

REP. DUSSAULT: It is still a four-year process.

REP. MATSKO: You are only lengthening it out a little longer. You only have half the people voting for Senator.

REP. KESSLER: I'd like to make a substitute motion for all motions pending that we table this. Maybe we can come up with a committee bill and if it doesn't work out, maybe we can come back and look at this in a little different light.

EXECUTIVE SESSION:

CHAIRMAN BERTELSEN: The motion is that we table HB 53. All in favor say "aye". MOTION CARRIED.

REP. GOULD: I think this a poor bill and I move we reconsider that it DO NOT PASS.

REP. KESSLER: I think the sponsor had a specific intention here and wanted nothing but this and wouldn't allow the committee to change it.

CHARIMAN BERTELSEN: We have a motion to reconsider on the table and we're not supposed to change that. All in favor say "aye". One person, REP. KESSLER, was opposed. MOTION CARRIED and the motion to reconsider passed.

REP. BERTELSEN: We're back to the original motion of DO NOT PASS. All in favor of a DO NOT PASS signify by saying "aye". Voice vote strongly in favor of DO NOT PASS. Opposed: REP. PISTORIA, BERGENE, KESSLER and HANNAH.

HB 57

REP. AZZARA said he is currently working on an amendment but isn't finished yet. Could we hold this for another day or two?

CHAIRMAN BERTELSEN said that is okay; we'll consider the bill later.

HB 227

REP. KESSLER asked if there wasn't some ruling that we must take action on bills within seven days.

CHAIRMAN BERTELSEN said we could table it and then take it off the table, if you'd like to do so. We received the seven day time limit because the bill was heard last Saturday. Tomorrow is the seventh day.

HB 227

REP. SALES moved that HB 227 be reconsidered. The vote was 8 to 8 so the MOTION FAILED.

REP. VINGER moved that the committee reconsider HB 227.

REP. SALES passed around a sheet listing the work the county printing board does. They set the prices and do everything from index cards to the actual legal notices that are put in the paper. All printing needs are covered. One of the things I do want to point out in this 1978 review of county printing, they say "in so far as we could determine Montana is the only state which has a special board to oversee this regulatory mechanism. County printing regulation in Montana is also unique from the standpoint that school districts and municipalities such as cities and towns are not subject to similar price setting and purchase requirements. The contrast is obvious. School districts and municipalities have the need for the same general type and volume of printing with legal notice services." If they are completely free, and so far as the law is concerned, to purchase those services from any appropriate source at any competitive price they can secure. While there have been attempts in the past to place municipalities under the same restrictions as counties, the legislation has failed. Consequently only counties are required to purchase their printing and legal notice services from local newspapers and printers. I honestly do not think doing away with the printing board will hurt one single printer in the state. If it does, I'd probably be the person to come back two years hence and get something in that would protect them.

REP. KESSLER to REP. SALES: How much printing are we talking about in a physical sense?

REP. SALES: We are talking about everything from blank index cards up to \$600 leather bound books with blank pages in them, that must be purchased through contract, as well as the legal notices.

CHAIRMAN BERTELSEN said that during his time as county commissioner,

there wasn't any one bill discussed more often than getting away from this printing contract. There was a feeling among the commissioners that they would be tied down to this printing contract and that it is unnecessary. They should be able to operate a little more efficiently.

REP. HANNAH: I can't tell you how strongly I feel about this bill. I will make a motion that HB 227 DO PASS. I do this for many reasons. The technology in printing has increased so rapidly that there is machinery available that you can buy, have delivered and installed and go into competition if you wanted to for reasonable prices if you had expertise and wanted to do it. I have a quote for you from ADAM SMITH. As Adam Smith said more than two centuries ago, "in every country it always is and must be the interest of a great body of the people to buy whatever they want of those who sell it cheapest." That is the bottom line. That is what the people want. If they are forced into buying it at a set price, that is what I rebel against. We should eliminate this and let them have at it.

REP. VINGER: We've heard the repeat of two talks and I want you to hear a repeat of another talk, so I oppose the motion of DO PASS for the very reason that I opposed it the other day. Montana is unique in nature. We are only one of two states that doesn't have a sales tax. That doesn't mean we should have one or are going to have one. This printing board only costs the small amount of \$1,500 a year to operate. They set limits on the price of printing, but they can not charge any more. DR. LORY's bill allows Class I counties to get bids any where they want which takes the Class I counties out of this. Our little newspapers really need the business and I oppose the motion.

REP. SALES: The little bit of money it takes for the Printing Board to operate is nothing. Where the cost comes in is regulation that we put on the counties. Dr. Lory's bill does not solve it because it says they have to let it out on contract. Some of the counties do their own printing, but they are doing it illegally. They are getting away with it because they are saving anywhere from \$10,000 to \$30,000 a year by doing it. I think they'd be happy to go to court to show the public they are saving that much money.

REP. KESSLER: Orren, would you elaborate a little on Dr. Lory's bill.

REP. VINGER: On Class I counties, for printing, you can offer bids to anyone in town; a printer, the newspaper or any place you want, as long as it stays within the county.

REP. KESSLER: So this bill will not effect my county.



REP. VINGER: Yes, if this bill passes, your commissioner can go out of your county and go any place in Montana or even out of state and get their printing done. All restrictions are taken off. Our county commissioners collect the money in the county and I think they should spend the money within the county. If they want to broaden it out to other newspapers and printers in the county, fine; but I don't think they should be allowed to go out of state and out of the county to spend our taxpayer's dollars.

CHAIRMAN BERTELSEN said we'd take a vote on the motion that HB 227 DO PASS AS AMENDED. The amendment is: 1. Title, line 6. Following line 5, Insert: "2-15-1102 AND" 2. Page 1, line 9, following: "Sections", insert: "2-15-1102 and". The roll call vote was 8 to 7 for DO PASS AS AMENDED. Those voting against the bill were REPS. VINGER, GOULD, HOLIDAY, MATSKO, McBRIDE, PISTORIA and SWITZER. REPS. KITSELMAN and KESSLER abstained. MOTION CARRIED.

HB 295

REP. PISTORIA: Since you heard this bill a couple of weeks ago, I've thought about it quite a bit. In the first place I did not have the mayor form of government reduced to 15%. I thought it was going to take care of commission-manager form. I feel I would be unfair to them and I wouldn't want to take advantage of them. I feel both should be the same. So what I've come up with is a language the same as disbanding of it. I feel if we change from 25% to 15% on both of those, it would correspond with alternate forms of government and make everybody happy. The other thing which I don't like is changing from the commission-manager form or going to the mayor-alderman form. They have a two-year moratorium whereas in alternate forms of government there are three. I'd like to see it because why should one have two years and the other one three years. I think it is better to have three years because you can save money. The simple way to handle it is change the two years to three and make that 15% each.

REP. PISTORIA moved that HB 295 DO PASS AS AMENDED.

STAFF RESEARCHER LEE HEIMAN read the amendments to the committee.

Amend House Bill 295, introduced copy, as follows:

1. Title, line 5,  
Following: "FOR"  
Insert: "CREATING OR"

2. Title, line 6,  
Following: "7-1-4130"  
Insert: ", 7-3-4305,"

3. Page 1, line 23.  
Following: "90"  
Strike: "180"  
Insert: "120:

4. Page 4,

Following: line 2

Insert: "Section 2. Section 7-3-4305, MCA, is amended to read:

"7-3-4305. Petition to organize under commission-manager from- election required, (1) Upon a petition being filed with the city or town council, signed by not less than ~~25%~~ 15% of the qualified electors of such municipality registered for the last preceding general municipal election, praying that the question or reorganization under this part and part 44 be submitted to the qualified electors of such municipality, said city or town council shall thereupon and within 30 days thereafter order a special election to be held, at which election the question of reorganization of such municipality under the provisions of this part and part 44 shall be submitted to the qualified electors of such municipality.

(2) Such order of the city or town council shall specify therein the time when such election shall be held, which must be within 90 days from the date of filing of such petition."

Renumber: Subsequent section

5. Page 4, line 6.

Following: "than"

Strike: "2"

Insert: "3"

6. Page 5, line 14.

Following: "period of"

Strike: "2"

Insert "3"

7. Page 5, line 16.

Following: "period of"

Strike: "2"

Insert "3"

REP. PISTORIA moved that the amendments to HB 297 DO PASS.

CHAIRMAN BERTELSEN asked if there were any questions on the amendments. There were none.

QUESTION on amendments: All in favor say "aye". All voted aye with the exception of REP. SWITZER who voted "NO." MOTION CARRIED.

REP. AZZARA moved that HB 297 DO PASS AS AMENDED.

REP. BERGENE: In all fairness to my constituents in Cascade County, I respect what Paul is trying to do but it happens my people in Great Falls would not like anything to change the commission-manager form of government. I could not vote for anything making it easier to change this form of government.

REP. SWITZER opposes the change to 15% of the voters signing a petition. He feels that is too small a number.

QUESTION: Motion is DO PASS AS AMENDED. A roll call vote was taken. Of the 17 members present, 9 voted for DO PASS AS AMENDED and 8 voted "NO". Those voting "NO" included REPS. BERGENE, DUSSAULT, HANNAH, HOLIDAY, KESSLER, KITSELMAN, McBRIDE and SWITZER. MOTION CARRIED. Committee recommends a DO PASS AS AMENDED FOR HB 295.

HB 297.

CHAIRMAN BERTELSEN said this is REP. UNDERDAL's bill which provides that the county governing body shall contract for the services of the county superintendent of schools of another county whenever the office of county superintendent of schools is consolidated with another county office and that officeholder is not qualified to perform the duties of the county superintendent.

REP. ANDREASON moved that HB 297 DO NOT PASS, seconded by REP. SALES.

REP. HOLIDAY said she has talked to the sponsor and cosponsor and they both agree that the bill should be dead.

REP. ANDREASON feels the bill is too restrictive.

CHAIRMAN BERTELSEN said we passed this bill last year to make it legal as a lot of counties were doing this and I think we'd be making a mistake to change it now.

QUESTION: DO NOT PASS FOR HB 297.

All committee members present voted "aye". MOTION CARRIED UNANIMOUSLY.

HB 307

REP. SWITZER moved that HB 307 DO NOT PASS.

The chairman said this is an act to provide for grants of front-end implementation funds for solid waste management capital equipment.

REP. NEUMAN: As I understand it, this doesn't call for any extra spending by the state. It is money already in the department and they can advance it on the front-end. Is that right? Answer: NO.

REP. HANNAH: I'd like to speak in favor of the DO NOT PASS motion. I think it is a good idea if there are excess funds in the junk vehicle fund which is where the money should come from, and I think it is admirable they'd want to share it back with the county. But I disagree with the way they want to do it. They want to send it back on a request basis to the counties that might need it. I feel it should go back in a fair distribution on a prorata share to the counties that sent the money in.

REP. MATSKO: The statement was made that the bill doesn't ask for any appropriation of money, but in the long run what we're going to look at is this justification for an increased appropriation.

REP. GOULD: A while back the junk automobile fees were lowered when the department accumulated too much money. They still have too much money. If we let them spend this money out for other things, they will be back two years from now wanting us to increase the junk vehicle fee. I feel we should kill it now.

REP. AZZARA: Aren't you concerned about the need for funds for solid waste management in localities?

ANSWER: Yes, they are serious problems. But I don't feel this is the way to handle them.

CHAIRMAN BERTELSEN asked if the committee was ready for the question. MOTION IS DO NOT PASS. A voice vote was tried, but changed to a roll call vote. Of the 17 members present, 10 voted "aye" and 7 voted "NO". Motion of DO NOT PASS, CARRIED. Members voting "NO" were: REPS. AZZARA, BERGENE, DUSSAULT, HOLIDAY, KESSLER, McBRIDE and NEUMAN.

HB 375

REP. SALES moved that HB 375 DO PASS.

CHAIRMAN BERTELSEN said this bill merely gives trustees of fire districts the right to lease equipment.

QUESTION: All in favor say "aye". The MOTION CARRIED UNANIMOUSLY.

HB 381

THE CHAIRMAN said this bill will reduce the percentage of registered voters required to petition for disincorporation of municipalities from 20% to 10%.

REP. KITSELMAN moved that HB 381 DO NOT PASS.

REP. SALES: There is something strange. It takes only 300 signatures on a petition to incorporate. That is a very small amount.

REP. BERTELSEN said this figure was established for small towns that would like to incorporate.

QUESTION ON HB 381. All in favor of DO NOT PASS on HB 381 signify by saying "aye". Opposed "no". Of the 17 committee members voting, 12 voted "aye" and five voted "no", namely, REPS. SWITZER, MATSKO, GOULD, PISTORIA, and SALES. MOTION CARRIED, and HB 381 received a DO NOT PASS recommendation.

HB381

CHAIRMAN BERTELSEN said this is an act to allow a first-class city to supplement its paid fire department with volunteer firefighters.

REP. SWITZER moved that HB 382 DO NOT PASS.

REP. SALES said this bill would make it possible for first-class cities to have volunteer members in association with their paid department, which is exactly the same situation Bozeman now has.

REP. AZZARA: I wasn't here for the hearing. What was wrong with the bill?

REP. HANNAH: There were no supporters.

REP. AZZARA: What was the opponent testimony?

REP. NEUMAN: I think most of them had trouble with the pension fund.

REP. AZZARA: I can't see any reason why volunteer activity should not be encouraged in first-class cities. It holds taxes down. Too many special interest groups contradict themselves in what is in the best interests of the people at large.

CHAIRMAN BERTELSEN commented that volunteers are not as well trained and therefore problems of insurance and liability are created.

REP. HANNAH asked to speak against the motion. He said this is totally permissive legislation. It says if a city wants to bring in volunteer firemen, they may do so. I see nothing wrong in allowing cities that option.

REP. SALES said he'd make a substitute motion of DO PASS.

QUESTION was called for: MOTION is for DO PASS. A roll call vote was taken, which resulted in six committee people voting "aye", and ten voting "no". MOTION FAILED. It was then moved that the motion be reversed, resulting in a DO NOT PASS recommendation. Those voting against the DO NOT PASS included REPS. ANDREASON, DUSSAULT, GOULD, HANNAH, PISTORIA and SALES.

HB 581

CHAIRMAN BERTELSEN said this bill relates to providing for semi-annual payments on Special Improvement District assessments.

REP. GOULD moved that HB 581 DO PASS.

QUESTION: The chairman said that all in favor of HB 581 signify by saying "aye". All voted "aye" except REP. AZZARA who voted "Naye". MOTION CARRIED and HB 581 received a DO PASS recommendation.

MINUTES OF THE MEETING OF LOCAL GOVERNMENT COMMITTEE  
February 9, 1981

Page 22

HB 508

REP. SALES moved that HB 508 DO PASS.

CHAIRMAN BERTELSEN said that all in favor, say "aye". All committee members voted "aye" and HB 508 received a DO PASS recommendation. MOTION CARRIED by a UNANIMOUS vote.

CHAIRMAN BERTELSEN said HB 527 will be amended so will be held until the next meeting.

The meeting adjourned at 10:15 p.m.

  
VERNER L. BERTELSEN, Chairman

hbm

## VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

LL HOUSE BILL 508

Date Mon., Feb. 9; 7:30 p.m.

SPONSOR Rep. Yardley

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

ALL HOUSE BILL 527

Date Mon., FEB. 9; 7:30 p.m

~~SPONSOR~~ ~~Fabrega~~

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



WITNESS STATEMENT

Name Russ Lassey Date 2-9-81  
Address 609 Fox Drive, Great Falls Support ?         
Representing Self Oppose ? ✓  
Which Bill ? HB 527 Amend ?       

Comments:

*Typed Statement*

Please leave prepared statement with the committee secretary.

## VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT COMMITTEE

LL HOUSE BILL 575

Date Mon., Feb. 9, 7:30 p.m.

SPONSOR Rep. Les Kitselman

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME H. S. Hansen BILL No. HB-575  
ADDRESS Helena DATE 2/9/81  
WHOM DO YOU REPRESENT M.T. Technical Council (Mt Ass. Planners)  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

SEE TYPE SHEET.

MAP strongly supports

- 1) HB 575 distinguishes between the overall zoning district which may be created and the individual "zones" (called 'zoning classifications' in HB 575) which are within a zoning district. Currently the statute uses 'zoning district' to mean both the overall district and an individual zone. This dual meaning of 'zoning district' has created much confusion in the past.
- 2) HB 575 provides a new section which sets out minimum procedures for zone changes and amendments. The fact that the statute now does not give any direction for zoning amendments has created problems.
- 3) HB 575 would permit county commissioners to establish an advisory zoning commission to recommend zoning amendments. Currently the county or city-county planning board serve that function. HB 575 would allow for one joint hearing by the zoning commission and the county commissioners -- saving considerable procedural delay.

SUGGESTION: HB 575 would require that the zoning commission comprise five members. To give county commissioners some flexibility the words AT LEAST could be inserted on page 6, line 10 before "five."

# VISITORS' REGISTER

HOUSE LOCAL GOVERNMENT

COMMITTEE

ALL HOUSE BILL 581

Monday  
Date FEB. 9, 7:30 p.m.

SPONSOR Rep. Gene Donaldson

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME Bill Verma BILL No. 77  
ADDRESS Alhambra DATE 2-7-81  
WHOM DO YOU REPRESENT City of Alhambra  
SUPPORT X OPPOSE        AMEND       

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This proposal clarifies some questions regarding the assessment collection procedures for special improvement districts as they were changed last session. The 1979 legislation can be interpreted to (1) allow or (2) require the local government to collect annual assessments on SIBs for bonds sold after July 1, 1979. In ~~the~~ ~~the~~ two installments, the same as other taxes. This bill makes it mandatory that the taxes be collected in two installments for all bonds sold after July 1, 1981.

# First Bank Billings

First Bank (N.A.) - Billings  
P.O. Box 30678  
Billings, Montana 59115

February 6, 1981

Chairman  
Local Government Committee  
House of Representatives  
State Capitol Building  
Helena, Montana 59601

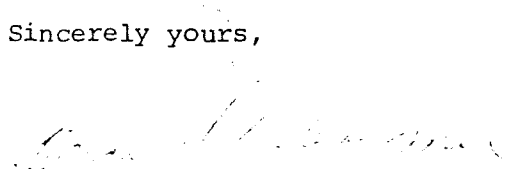
RE: House Bill No. 575

Gentlemen:

The Yellowstone County Zoning Commission has reviewed HB-575 and requests that your committee give it a favor recommendation.

Our commission has found the regulations that we are currently working under to be impractical in many instances and feel that the proposed bill will be a step in correcting the situation. Your favorable consideration would be appreciated.

Sincerely yours,

  
James A. Wempner  
Chairman  
Yellowstone County Zoning Commission

JAW:nkw

Statement in opposition to HB 527  
Russ Lassey  
Great Falls, Montana

I oppose HB 527 on the grounds that the goals expressed by its sponsors can be achieved under the statutes in their present form. The problem seeming to exist when the Great Falls city commission asked the Great Falls legislators for help was a surplus of park land and a shortage of money to develop it. The city commission asked that state statutes be amended to make the sale of excess park lands easier and quicker. A proposal had been made by the park board that the city divest itself of approximately one hundred acres of excess park land and use the excess to develop an alternate amount of land. Included in the proposal was a suggestion that a forty three acre piece of land now owned by the state be acquired and developed as a park.

1. Sec 7-8-4201, MCA, in its present form contains procedures for transfer, sale, or lease of any property belonging to a city or town. The only change made by HB 527 is to delete the requirement that an election be held. I do not feel that the two week notice of public hearings is an adequate safeguard of the public rights inherent in dedicated park lands.

2. The statutes involved in the acquiring of new park lands allow the cities or towns to accept money in lieu of land. An example of this is Fox Addition #1, Great Falls. In this case the city accepted \$8,682.24 in lieu of 5.32 acres of land. This money was dedicated to the development of 5.46 acres of land dedicated for park use in the same addition. Strict adherence to a system of balancing land with money available should take care of the problem.

3. Constant attacks are being made on the "checks and balances" written into our constitution and laws. A request recently made to the legislature that the requirement for notice of rezoning be reduced to one week is an example. The sale of park land is not a problem that occurs often enough to justify the removal of the public's right to vote on the subject.



Where, the undersigned, County Commissioners of Cascade County, and J. L. Lannon, County Clerk and Recorder of said County, do hereby certify that the following order was made by the Commission of said City, to-wit:

(Seal of County) ATTEND: County Clerk & Recorder, Cascade County, Montana Chairman, Board of County Commissioners

CERTIFICATE - PARKS OR PLAYGROUNDS

I, Fred I. Hill, Clerk of Commission of the City of Great Falls, Cascade County, Montana, do hereby certify that the following order was made by the Commission of said City at a regular meeting thereof held on the 19th day of 1976, and entered into the proceedings of said City, to-wit:

"WHEREAS, S. BIRCH, INC., a corporation, and THOMAS & DEAN PROPERTIES, INC., a corporation, carrying on a joint venture under the name of WESTERN PROPERTIES ASSOCIATES, herein called Owner, has prepared and submitted to City for approval a plat of a residential subdivision denominated FOX FARM ADDITION NO. 1 in which it has caused a total of 5.46 acres to be forever dedicated to the public for parks or playgrounds; and

"WHEREAS, the land so platted is only a part of a tract of land embracing 117.2 acres that is being developed under the single ownership of Owner as a part of an over-all plan to develop the same as Fox Farm Addition as set forth in a master plan denominated "Projected Land Use, Roadway and City Utility Plan" heretofore approved by the City-County Planning Board on August 19, 1975, the Great Falls City Commission on September 2, 1975, and the Board of County Commissioners of Cascade County on September 9, 1975, reference to which is made for further particulars; and

WHEREAS, it is the intention of Owner in connection with said proposed plat of Fox Farm Addition No. 1 to dedicate to the public; from the area that is therein subdivided, sufficient park lands to meet the requirements of Section 11-3864 of the Revised Codes of Montana of 1947, as amended, for the entire 117.2 acre tract being developed as Fox Farm Addition pursuant to said over-all plan; and

WHEREAS, it has been determined in connection with said master plan that while the requirement of Section 11-3864, as aforesaid, that one-ninth (1/9th) of the total area of the land being developed (i.e. 117.2 acres) exclusive of all other dedications be forever dedicated to the public for parks or playgrounds would require a total area of 10.78 acres to be so dedicated, the circumstances are such that the dedication of an area in excess of 5.46 acres for such purposes would be undesirable, so that the Owner should make a cash donation in lieu of the dedication of 5.32 acres of land (the said excess) equal to the fair market value thereof, such donation to be paid and used for the initial development of the park land being dedicated; and

"WHEREAS, the fair market value of said 5.32 acres of land, as determined by an independent appraiser and as agreed upon between City and Owner as reasonable, is Eight Thousand Six Hundred Eighty Two and 14/100 DOLLARS (\$ 8682.24); and

"WHEREAS, Owner has tendered a cash donation of Eight Thousand Six Hundred Eighty Two and 14/100 DOLLARS (\$ 8682.24 ) in lieu of the dedication of said 5.32 acres of land.

"IT IS HEREBY ORDERED BY the City Commission as the governing body of the City of Great Falls, Montana, that said cash donation be accepted in lieu of the dedication of an additional 5.32 acres of land for parks or playgrounds, the same being equal to the fair market value thereof, and that the land dedication and cash donation requirements for the subsequently platted area included in the 117.2 acres subject to the master plan for "Fox Farm Addition" are hereby waived, and that this order be endorsed and certified on the plat of Fox Farm Addition No. 1, all in accordance with the Revised Codes of Montana, 1947, Volume 1, Title 11, Chapter 38, as amended."

IN WITNESS WHEREOF, I have hereunto affixed the seal of the City of Great Falls, Montana, this 19th day of 1976.

(Seal of City) Clerk of Commission, City of Great Falls, Montana

BEST COPY AVAILABLE

# METRO / MONTANA

## City commissioners present legislators with list of urban proposals for session

By PETER JOHNSON  
Tribune Staff Writer

Great Falls city commissioners were generally pleased with the reception local legislators gave to urban proposals earmarked for the upcoming legislative session.

The city's suggestions were discussed at a joint meeting last week.

The commissioners suggested 17 bills — and the lawmakers responded to several controversial measures with skepticism or silence but volunteered to sponsor, or at least consider sponsoring, about half the bills.

But the legislators warned city officials not to make "Lone Rangers" out of them by failing to show up at committee hearings to explain why the changes are needed.

At the end of the meeting Commissioner Hugh Spall smilingly observed that cities can get help on bills from legislators — but only if the bills don't involve the state giving more money to local governments.

Mayor Gene Thayer was more optimistic in a later interview, noting important city proposals concerning restitution for vandalized property and the selling of undeveloped park land were well-received by the legislators, as were several less significant "housekeeping measures."

But even Thayer admitted the five bills being requested by the state League of Cities and Towns "will face tough sledding" if the reaction of Cascade County legislators is any indication.

The commission itself is not strongly supporting two of the five bills requested by the cities' state lobbying organization, with some commissioners reportedly feeling the bills don't have a chance. Both bills would be helping city governments or city residents at the expense of county governments.

One bill would eliminate what cities call "double taxation" — where city residents are taxed through the county mill for services they don't receive, such as sheriff's protection. The other bill would change the portion of the vehicle license tax being paid by city residents but going to county governments. Now the money is divided evenly between city and county governments, but cities would like to get 95 percent of it.

Legislators were non-committal or critical of the other three bills requested by the statewide city lobbying group:

- Thayer unsuccessfully urged the legislators to support the proposal to allow cities to raise water and sewage rates without approval by the Montana Public Service Commission.

Local officials are best able to know when water or sewage rate increases are needed, he said, adding that it "doesn't make any sense" to make cities perform \$30,000-\$50,000 rate studies at taxpayers expense in order to raise rates. Local governments wouldn't raise rates higher than necessary, he said.

Rep. Paul Istoria, a frequent critic of city utility operations, said he would "kill" such a bill "in the bitter end." Although the proposal would

improve youth courts and will try to incorporate the city's request that parents be required to reimburse local governments for up to \$2,500 worth of vandalism damage done by their children.

Hemstad agreed to sponsor a city bill making it easier for cities to sell undeveloped — and often unneeded or undesirable — park land. Now cities must obtain approval from voters before selling land, a process they consider expensive and time-consuming. The commission readily agreed the money from sale of such land should go to improving other parks.

Other bills legislators agreed to sponsor, support, or at least consider would:

- Reduce the time cities are required to keep nearly all of their records from 25 years to two or three years. City officials said they have "a whole basement of records" since they are required to keep "nearly every scrap of paper, including parking tickets."

- Allow public employees to take compensatory time off rather than overtime wages if the employees choose. Most state and local governments already use comp time, city officials said, but state law doesn't specifically allow it.

- Reduce from 15 to 7 days the notice time that must be given before a public hearing concerning rezoning of property. This would allow faster decisions on development projects, city officials said, while still providing ample notice.

- Require state revenue officials to provide local governments with an estimate of how much money their property-tax mills will raise early enough to help them prepare their budgets. Currently local governments must approve their budget in August based on revenue-estimates and alter the budget later in the fall if they've miscalculated the mill value.

- Allow cities to use process servers to serve warrants rather than police officers and allow trained accident investigators to write traffic tickets.

- Permit cities to invest money for longer than six months, which would increase the rate of return they could get.

# STANDING COMMITTEE REPORT

February 12, 1933

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 508

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE CERTAIN  
PENALTIES RELATING TO SIZE, WEIGHT, AND LOAD STANDARDS FOR  
MOTOR VEHICLES; AMENDING SECTION 61-10-145, MCA."

Respectfully report as follows: That HOUSE Bill No. 508

DO PASS

# STANDING COMMITTEE REPORT

February 13, 19 31

**SPEAKER**

MR. ....

**LOCAL GOVERNMENT**

We, your committee on .....

**HOUSE**

**527**

having had under consideration ..... Bill No. ....

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE GOVERNING BODY OF A MUNICIPALITY TO SELL MUNICIPAL PARK LAND AFTER NOTICE AND A PUBLIC HEARING WITHOUT OBTAINING VOTER APPROVAL; AMENDING SECTION 7-8-4201, MCA."

**HOUSE**

**527**

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

## Amendments to House Bill 527

1. Page 1, line 19.

Following: "for"

Strike: "2 weeks"

Insert: "30 days"

2. Page 1, line 20.

Following: "municipality"

Strike: "."

Insert: "and upon written notice by first-class mail to each property owner whose property is located within 300 feet from the park boundaries. If 51% of these property owners submit written protest to the governing body of the proposed sale of park land within 30 days of the mailing of the notice, the governing body may not sell the land."

3. Page 2, lines 5 and 6.

Following: "developing"

Strike: "and maintaining"

~~DO PASS~~

AS AMENDED

DO PASS

# STANDING COMMITTEE REPORT

February 13, 1952

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 575

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY CLARIFY THE POWERS OF COUNTY COMMISSIONERS RELATING TO PLANNING AND ZONING AND TO CREATE A CITIZEN ADVISORY COMMITTEE TO ADVISE THE COUNTY COMMISSIONERS ON PROPOSED AMENDMENTS TO ZONING REGULATIONS; AMENDING SECTIONS 76-2-202, 76-2-203, AND 76-2-205, MCA."

Respectfully report as follows: That HOUSE Bill No. 575

Amend House Bill 575.

1. Page 2, line 25.

Following: "dangers; to"

Insert: "lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to"

2. Page 3, line 2.

Following: "population;"

Strike: "and"

Insert: "; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population;"

3. Page 6, line 10.

Following: "composed of"

Insert: "at least"

AS AMENDED

DO PASS

# STANDING COMMITTEE REPORT

February 10, 1961

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 521

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROVISIONS OF CHAPTER 165, LAWS OF 1970, RELATING TO SPECIAL IMPROVEMENT DISTRICT ASSESSMENTS AND INSTALLMENTS; PROVIDING FOR SEMIANNUAL ASSESSMENTS; AMENDING SECTION 7-12-4180, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 521

DO PASS