

MINUTES OF THE MEETING  
SENATE LOCAL GOVERNMENT COMMITTEE  
January 29, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 1:15 p.m.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 152:

AN ACT AMENDING 7-12-4301 TO ALLOW MUNICIPALITIES  
FLEXIBILITY IN ASSESSING THE COSTS FOR SPECIAL  
LIGHTING DISTRICTS.

Senator Mazurek, District 16, Helena, introduced the bill at the request of the City of Helena and the City of Billings. The bill would allow city governments to use their discretion in determining what portion of lighting SID's would be paid by the city. Taxpayers pay 1/4 of the cost of a lighting district. Most lighting districts are residential districts. This bill allows local governments to determine what share the general property taxpayer should pay to the district. If the general public benefits from the lighting district, the city could assess a portion of the cost against general taxpayers. The total amount paid by the City of Helena is \$30,288 per year. This represents about 1 mill in Helena. This bill gives flexibility to the city government to determine what portion of a lighting SID benefits the public at large. He then handed out a letter from Dennis Taylor, Director of Budget and Evaluation for the City of Helena. This has a breakdown of light maintenance districts in Helena. (See attached Exhibit A.)

Bill Verwolf, Financial Director for the City of Helena, said in terms of lighting districts, there are several different kinds for different areas of town. He does not feel it is fair that all property owners are paying for lighting districts whether they are receiving benefits from it or not.

Ken Haag, representing the City of Billings, spoke in favor of the bill. He said this bill would make city lighting districts equal to the county lighting districts. Different districts in the county are assessed differently. (See attached Exhibit B.)

Tom Crowley, City of Missoula, said this equals exactly the way the lighting districts are handled in the county.

Dan Mizner of the League of Cities and Towns believes local government officials need the prerogative to work with the citizens to determine what is best for their city. He is in favor of the bill.

No opponents of the bill appeared before the committee.

Senator Mazurek wanted to add, in closing, that this would put the lighting districts on par with other SID's. The total cost on an average basis is perhaps \$4 or \$5 a year to the people in the lighting districts.

Senator McCallum then asked for questions from the committee.

Senator Conover asked if, when these districts are set up, do they operate under the same lighting system as on the farms. Does each home pay the same every month.

Mr. Haag answered this is assessed against the property. If there is less than 50% protesting the district, it may still be created. If there is more than 50% protesting, they cannot create the district.

Senator Hammond asked if this was for both installation and material costs.

Mr. Haag said yes. They generally contract with Montana Power Company to furnish, install and maintain the lighting. It would also be possible to sell bonds for the installation.

Senator McCallum asked if the city can create a lighting district on their own, so the people of the city would have to petition to get out of it.

Mr. Haag said it can be totally initiated by the city but the cities do not like to do that.

Senator McCallum asked if they can dissolve it by petition of more than 50% of the residents.

Mr. Haag said if there is over 50% protesting the district, the council may not create a district.

Senator McCallum asked if the SID's paid by taxes are semi-annual or once a year.

Mr. Haag said it doesn't have to be once a year. In a special improvement district it has to be once a year because that was how the bonds were sold.

Senator Van Valkenburg asked Senator Mazurek why we maintain the floor of 1/4 the cost of people effected. Is there no instance where the people benefiting from SID pay less than 1/4. Present law says not more than 3/4 or less than 1/4 be paid by the property owners.

Senator Mazurek said they are leaving this to local decision.

Mr. Haag thought of one instance where you may want perhaps an apartment building that is adjacent to the lighting district to pay less than 1/4.

There was no further discussion on Senate Bill No. 152.

CONSIDERATION OF SENATE BILL NO. 153:

AN ACT TO ALLOW COUNTIES TO LEVY A GENERAL TAX  
OF TWO MILLS FOR IMPLEMENTATION AND OPERATION OF  
A DOG CONTROL PROGRAM AND PROVIDING FOR DEPOSIT  
OF MONEY FOR DOG CONTROL.

Senator Hager introduced this bill and told everyone that two years ago he introduced a bill enabling counties to set up a dog control ordinance because there were people having problems with dogs. They passed that bill and when the Yellowstone County government went to implement it, they called for .56 mills on the taxes and got a letter from the Montana Taxpayers Association asking if they had the right to do this. We need to make it clear that counties have the right to levy up to 2 mills for dog control. They are now levying under a half a mill in Billings. They had to enact the dog control program and now enact the mill levy. He then handed out a letter from Yellowstone County. (See attached Exhibit C.)

Mike Stephen of the Montana Association of Counties supports this bill. Legislators should appreciate that counties are trying to get into this program at a very minimal cost. They are trying to get by with one or two persons taking care of the dog problems instead of setting up a new department and sending people out to patrol the entire county. Lewis and Clark County fines \$25 for the first offense, \$50 for the second and \$100 for the third offense. The dog can be destroyed after that. They use the city dog pound instead of setting up their own facility. This bill gives each county latitude. Each county is setting up a program that answers their own needs. Payment generally comes out of the General Fund. Counties seem to be doing everything possible to keep costs at a minimum. We are searching for a mechanism which can adequately finance this program and hope to keep it at a minimum.

John Nesbo, Toole County Commissioner and president of the Montana Association of Counties supports the bill because there is local control and local option. There are a lot of unincorporated towns that have severe dog problems. Sheriffs do not want to attend to these. We need some type of mechanism to handle the situation. He appreciates the committee's consideration of this bill.

There were no further proponents of the bill appearing before the committee. Senator McCallum then called for opponents.

Bill Asher, representing the Agricultural Preservation Association, the Park County Legislative Association, the Sweet Grass County Preservation Association and the Sweet Grass County Agricultural Legislative Association, said these associations oppose the bill. He said it was well put by one member that 2 mills can buy a lot of bullets.

There were no further opponents appearing before the committee.

Senator Hager added, in closing, that the new language in subsection (4) was to raise revenue for the implementation and operation of the program, subsection (5) states this does not apply to incorporated cities and towns that currently operate a dog control program, and subsection (6) sets up a dog control fund. Fines are deposited and bills are paid out of that fund. This gives local control and local option.

Senator McCallum then called for questions from the committee.

Senator Hammond asked if you established a dog control district in one portion of the county, would the 2 mills be levied just in that area.

Mike Stephen said the way it is set up now the original legislation allows you to set up districts. You can get into a situation where you have a district and have a dog problem outside the district. You are not set up to handle all districts. If you make the whole county a district, then an individual can answer that disturbance call anywhere in the county. He said this is a permissive levy and with the set up costs and one person's salary you are looking at approximately \$32,000 the first year.

Senator Ochsner asked if this includes cities as well as counties.

Mr. Stephen answered it is counties only.

Senator McCallum said on page 2, subsection (5), it says it does not apply to incorporated towns if they have their own program. If they do not have their own program, this could be county-wide. That would be trying to get country people to pay for town dogs.

Senator Hammond asked if this would empower the county to do this without a vote of the people.

Senator McCallum answered yes.

Senator Van Valkenburg is concerned with the language in subsection (5), "This section does not apply ..." - he would be more comfortable with, "such levy may not be made on property within ..."

Debbie Schmidt, Legislative Council aide, thought he was probably right. Originally she had drafted the bill that way but when it was reviewed it was changed. Subsection (4) does not apply to incorporated cities.

Senator McCallum asked Mike Stephen if he envisioned this bill to eventually come to the county driving through the district picking up dogs.

Mr. Stephen said the counties have no intention of that. The counties want to do the job with the least amount of people necessary. They would answer only complaint calls. It would still be locally controled.

Senator McCallum asked what one mill raises in Yellowstone County outside of incorporated cities.

Mr. Stephen thought approximately 2/3 of \$191,000.

Senator McCallum wanted to know because he would like to know what 2 mills could amount to in dollars.

Senator Hager did not know.

Senator McCallum thought we should find out. He asked Mr. Stephen if he could get the figures. Mr. Stephen agreed to find out.

Senator Hager pointed out this bill was co-sponsored by him two years ago because of the problem in Yellowstone County. People were going to commissioners asking for help with the problem. Local officials are very cognizant that we don't want to get into an expensive program.

There were no further questions from the committee.

DISCUSSION OF SENATE BILL NO. 22: Senator McCallum had talked to the Legislative Finance Committee director and he said there are a number of problems with this bill and the kindest thing to do would be to kill it in committee. Senator McCallum would like to talk to more people on the Legislative Finance Committee and find out what they think before we kill it. We can take action on it in the next meeting.

DISPOSITION OF SENATE BILL NO. 115: Debbie Schmidt handed out proposed amendments to the bill. Essentially this bill enacts

a substitute bill. As someone testified at the hearing on this bill, there is currently a procedure on hearings and protests. Rather than creating a double layer of hearings and protests, Senator McCallum suggested we change the bill so there is a stronger provision in the existing language for notification of fees. (See attached Exhibit D.) Under existing law people can protest and oppose creation of districts but cannot protest fees.

Senator Van Valkenburg moved the amendments be adopted. This motion passed unanimously.

Senator Van Valkenburg then moved that Senate Bill No. 115 receive a recommendation of DO PASS AS AMENDED. This motion passed unanimously.

DISPOSITION OF SENATE BILL NO. 48: Senator Van Valkenburg would like to propose a requirement in the amendments that the position be advertised statewide. If you do not get any applicants for the job, you should be able to hire next of kin.

Senator Thomas believes the terms scientific and technical could be interpreted to include many categories. Something needs to be done about this.

Senator Hammond sees the need for it in some areas where they cannot find anyone except someone related to them. This can cause a lot of problems even with these amendments.

Senator Conover said the amendment regarding advertising does not spell out where you are going to advertise.

Senator Van Valkenburg said the burden would be on the employer to demonstrate that he had advertised statewide in case there is a challenge.

Senator Conover thinks something should be done about this. We are going to have to clear it up some way.

Senator Hammond feels the law as it stands now has created a lot of injustices.

Debbie Schmidt said the language "technical or scientific" would be based upon recognized objective criteria. It would be the burden of the employer to prove the person's skills were technical or scientific.

Senator Conover moved we adopt the amendments as proposed. This motion passed unanimously.

Senator Van Valkenburg moved that Senate Bill No. 48 DO PASS AS AMENDED. Senator Hammond and Senator McCallum voted nay, Senator O'Hara passed and the remainder of the committee were in favor. (See attached Roll Call Vote.)

Senate Bill No. 48 passed the committee.

DISCUSSION OF SENATE BILL NO. 116: Senator O'Hara recommended this DO NOT PASS.


Senator Van Valkenburg said he had talked to Senator Hims1 who thought the hearing had not gone well but still thinks there are still a lot of good reasons for this bill. He thinks perhaps there is a way we can amend it to make people feel more comfortable with it. Senator Van Valkenburg suggests we say the first \$100,000 of forest receipts monies would always go to the counties, anything over this would be divided with the cities. This would not effect a county where there wasn't much money coming in but for some of the other counties that are taking in a great deal of money from the forest receipts this would create a triggering device that would divide money between cities and counties. He would like to prepare an amendment and postpone action on this bill until the next meeting.

Senator O'Hara withdrew his motion.

Senator Hammond feels this bill is imposing something on counties that help some and hurt others. He cannot vote favorably on this bill until it shows we are being more fair to the total number of counties.

There was no further discussion on this bill. Senator McCallum said we would take it up during the next meeting.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 2:25.

  
Chairman George McCallum

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1/29/81

NAME	PRESENT	ABSENT	EXCUSED
Senator George McCallum	✓		
Senator Jesse O'Hara	✓		
Senator H. W. Hammond	✓		
Senator J. Donald Ochsner	✓		
Senator Bill Thomas	✓		
Senator Max Conover	✓		
Senator Fred Van Valkenburg	✓		

Each day attach to minutes.









SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 1/29/81 Senate Bill No. 48 Time 1:15

NAME	YES	NO
Senator George McCallum		✓
Senator Jesse O'Hara	PASSED	
Senator H. W. Hammond		✓
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: NO PASS AS amended.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 1/29/81 Senate Bill No. 115 Time 1:15

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	✓	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell  
Secretary, Gail Stockwell

George McCallum  
Chairman, GEORGE MCCALLUM

Motion: DO PASS as amended.

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

NAME: Bill Verwolf DATE: 1-29-81

ADDRESS: City of Helena, 316 N. Park, Helena MT

PHONE: 442-9920

REPRESENTING WHOM? City of Helena

APPEARING ON WHICH PROPOSAL: SB 152

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

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

The requirement that City's general fund participate at a level of 25% requires that all the property owners, whether receiving the benefit of the lighting districts or not, are required to participate. We feel that equity would be best served by assessing the total cost of these districts to the property owners receiving the benefits. For those districts that the general population receives a benefit, the City Commission could determine the amount of general fund participation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Ken Hoog DATE: 1-29-81

ADDRESS: Box 1178

PHONE: 245-8989

REPRESENTING WHOM? City of Billings

APPEARING ON WHICH PROPOSAL: SB 152

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

COMMENTS: Written Testimony submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Tom Crowley DATE: 1/29/81

ADDRESS: 201 West Spruce - Missoula, MT

PHONE: 721-4700 Ext 221

REPRESENTING WHOM? City of Missoula

APPEARING ON WHICH PROPOSAL: SB 152

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: This bill corrects & makes the  
City's SID law equal to County  
SID law on lighting districts

SIDs serve the local or specific  
area requesting the service or improvements.  
The general tax payers should not have to  
pay for others special improvements.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



NAME: John G. Nerbo DATE: 1-29-81

ADDRESS: Shelby

PHONE: 434-2126

REPRESENTING WHOM? MACo

APPEARING ON WHICH PROPOSAL: S.B. 153

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

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

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Bill Asher DATE: Jan. 29 1981

ADDRESS: P.O. Box 547 Dickinson

PHONE: 284-6664

REPRESENTING WHOM? See Below

APPEARING ON WHICH PROPOSAL: SB 153

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

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

Representing: Agricultural Preservation Association

And North Dakota Legislative Association

Sweetgrass County Preservation Association

Sweetgrass County Historical Legislative Assn.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME:

DATE: 1-29-81

ADDRESS:

PHONE:

## REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Ken Haas DATE: 1-29-81

ADDRESS: Box 1178

PHONE: 245-8989

REPRESENTING WHOM? City of Billings

APPEARING ON WHICH PROPOSAL: SB 177

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

COMMENTS: The section that provides for  
a countywide levy should be rewritten  
To exclude property within cities or  
Towns that provide their own fire  
protection

44-6-17

Commissioners  
Rich D. Brown, Mayor  
Michael J. DaSilva  
Dale L. Johnson  
James H. Nybo  
Russell J. Ritter

City County Admin. Bldg.  
316 North Park  
Helena, MT 59623  
Phone 406/442 9920



Robert A. Erickson  
City Manager

January 29, 1981

Senator Joe Mazurek  
Montana State Senate  
Capitol Station  
Helena, MT 59620

Dear Joe:

The City of Helena currently contracts with the Montana Power Company for the maintenance and lighting for 20 separate special street lighting districts. These districts together have an annual cost of \$121,157. Of this amount, 75% (\$90,869) is borne by the district property owners and the remaining 25% (\$30,288) is borne by the general property taxpayers. The cost to the City's general taxpayers is approximately one mill at Helena's current taxable valuation. In the City of Billings, approximately \$100,000 is annually assessed to the general property taxpayer to pay their portion of the lighting special improvement districts cost.

The reasoning behind the current distribution was based on the value of the lighting to the community as a whole, such as in downtown areas. Today, most lighting districts are in residential neighborhoods. HB 152 would allow the governing bodies of municipalities a greater flexibility in assessing the costs of installing and maintaining a lighting system to those who actually benefit from the special lighting district. We believe this bill would rectify the inequities that are caused when all neighborhoods must pay a share of the costs of street lights in one particular neighborhood. Since lighting districts are established in only a part of the City many residents who are without street lighting are paying a portion of the costs of lighting enjoyed only by those in the lighting district. If governing bodies used the flexibility that this bill would authorize, a more equitable apportionment of the costs of these lighting districts could be determined locally and assessed to those who actually benefit from the lighting.

I need not remind you the fiscal crisis that threatens Montana's municipalities today. The ability of Montana's municipalities to control their financial destiny has been undermined by eroding tax bases, mandated

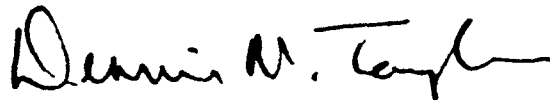
Senator Joe Mazurek  
January 29, 1981

- Page 2 -

programs, costly employee contracts, growing retirement burdens, continued cost inflation and unrealistic revenue structures. The general funds of cities are hard pressed to meet the costs required by the current lighting SID law. HB 152 will go a long way towards improving the equity of the existing taxing authority for lighting SID's and will return a little fiscal control to the local governing body where it rightfully belongs.

Thank you for introducing this amendment to the lighting SID laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis M. Taylor". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis M. Taylor  
Director  
BUDGET & EVALUATION

DMT/jsa

### LIGHT MAINTENANCE DISTRICTS

<u>Dist. Area</u>	<u>Dist. #</u>	<u>Annual Cost</u>	<u>Assessed 75%</u>	<u>Per Sq. Ft. Cost</u>	<u>City Portion</u>
624,102	164	\$ 1,164	\$ 873	.00139	\$ 291
2,203,508	173	3,492	2,619	.00118	873
908,707	192	1,332	999	.00109	333
354,778	193	252	189	.00053	63
551,470	226	2,316	1,737	.00314	579
61,305	239	110	83	.00135	27
903,527	264	12,144	9,108	.01008	3,036
1,348,584	269	6,276	4,707	.00349	1,569
6,308 LF	304	3,012	2,259	.36 LF	753
5,982,995	306	17,730	13,298	.00222	4,432
1,428,176	351	5,949	4,462	.00312	1,487
6,936,262	357	11,040	8,280	.00119	2,760
1,048,869	358	1,380	1,035	.00098	345
4,091,673	359	7,368	5,526	.00135	1,842
5,381,266	360	10,884	8,163	.00151	2,721
2,753,834	361	7,692	5,769	.00209	1,923
5,379,772	362	14,508	10,881	.00202	3,627
639,507	363	1,476	1,107	.00173	369
2,005,086	364	5,148	3,861	.00192	1,287
1,887,277	365	<u>7,884</u>	<u>5,913</u>	.00313	<u>1,971</u>
		121,157	90,869		30,288

The City currently contracts with the Montana Power Company for the maintenance and lighting of 20 lighting districts. Last year we had 36 districts, but consolidated 26 of those into 9 and added one new district. The City pays 25% of the cost of these districts and the property owners are assessed 75% for the remainder.

*City of Helena, Montana*



104-6

## CITY OF BILLINGS

P.O. BOX 1178  
BILLINGS, MONTANA 59103  
PHONE (406) 245-8989

January 28, 1981

To Senate Committee on Local Government

Senate Bill 152 is legislation which would make it permissible for local governments to assess 100% of a light district's costs to the property within that district instead of the presently allowed 75%.

I would emphasize that all local governments would probably not take advantage of this legislation, but it would allow those with a problem of equity to solve this problem.

For example, the City of Billings has approximately 35% of the City presently not lighted. This property is paying its share of the 25% City cost to provide lighting in other neighborhoods, and is not receiving a direct benefit from this payment.

If the City of Billings totally changed its procedure in accordance with this bill the average property in an existing light district would pay approximately \$2.67 per month instead of the present \$2.00, and the City would save approximately \$100,000 General Fund expenses annually.

The present law was probably passed with an eye towards encouraging light district formation, however, it has reached a point that it is placing a large burden on local governments, and eliminates the flexibility that local government needs in the areas of energy management and public safety needs. This bill would provide that flexibility.



# County of Yellowstone

COMMISSIONERS



BILLINGS, MONTANA

59101

January 27, 1981


Mr. George McCallem, Chairman  
Local Government Committee  
Montana State Senate  
Capitol Building  
Helena, MT 59601


Dear Senator McCallem:

The Board of County Commissioners of Yellowstone County are in support of Senate Bill 153 providing funding for dog controls in counties.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
James A. Straw, Chairman

  
M. E. McClintock, Member

JAS:bjs

cc: Senator Tom Hager  
Box 49  
Capitol Station  
Helena, MT 59601

# Proposed Amendments to SB 115

Exhibit D

1. Title, line 5.

Following: "AND"

Strike: "HEARING"

Insert: "PROTEST"

2. Title, line 6.

Following: "SECTION"

Insert: "7-13-208, 7-13-209, 7-13-211, AND"

3. Pages 1 and 2.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Section 7-13-204, MCA, is amended to read:

7-13-204. Resolution of intention to create refuse disposal district. (1) Before creating any refuse disposal district, the commissioners shall pass a resolution of intention to do so.  
(2) The resolution shall designate:  
(a) the proposed name of such district;  
(b) the necessity for the proposed district;  
(c) a general description of the territory or lands of said district, giving the boundaries thereof;  
(d) the general character of the collection service;  
(e) the estimated cost thereof.

proposed fees to be charged for the service

Section 2. Section 7-13-208, MCA, is amended to read:

7-13-208. Notice of resolutions of intention and concurrence — hearing. (1) The commissioners must give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and ~~estimated costs~~, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice shall be published in the newspaper published nearest to the place where the proposed district is to be created for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper and posted in three public places within the boundaries of the proposed district.

(3) A copy shall be mailed by first-class mail to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first published.

proposed fees to be charged for the service

Section 3. Section 7-13-209, MCA, is amended to read:

7-13-209. Right to protest. (1) At any time within 30 days after the date of the first publication of the notice provided for in 7-13-208, any owner of property liable to be assessed for said service may make written protest against the proposed service.

or against the fees proposed to be charged for the service.  
(2) Such protest must be in writing and be delivered to the county clerk, who shall endorse thereon the date of the receipt by him.

Section 4. Section 7-13-211, MCA, is amended to read:

7-13-211. Sufficient protest to bar proceedings. (1) If the protest against the proposed service is made by the owners of more than 50% of the family residential units in the proposed district, no further proceedings shall be taken by the commissioners.

(2) Each commercial and industrial service that is to be included in the collection system may be considered as a family residential unit for the purpose of determining percent of protest.

(2) If, <sup>the</sup> protest against the fees proposed to be charged is made by the owners of more than 50% of the family residential units in the proposed district, the [board and] commissioners shall hold a hearing to determine an acceptable fee.

Section 5. Section 7-13-231, MCA, is amended to read:

7-13-231. Authorization for charges for services. (1) To defray the cost of maintenance and operation of said refuse disposal district, the board shall establish a fee for service, with approval of the county commissioners.

(2) This fee shall be assessed to all units in the district that are receiving a service, for the purpose of maintenance and operation of said district.

provided written protest on the proposed fee has not been received from more than 50% of the family residential units in the proposed district.

# STANDING COMMITTEE REPORT

January 29

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 48

Respectfully report as follows: That SENATE Bill No. 48

be amended as follows:

1. Title, line 5.

Following: "A"

Strike: "SPOUSE, CHILD, OR PARENT"

Insert: "PERSON"

2. Title, line 6.

Following: "TECHNICAL"

Strike: ", "

Insert: "OR"

Following: "SCIENTIFIC"

Strike: ", OR LICENSED"

3. Title, line 7.

Following: line 6

Strike: "IS THE MOST QUALIFIED APPLICANT OR"

DO PASS

January 29

19 81

4. Page 1, lines 24 through line 5 on page 2.

Strike: subsection (b) in its entirety

Insert: "(b) the appointment of a person to employment requiring specialized skills that are technical or scientific in nature based upon recognized objective criteria when no other qualified person has applied for that position and reasonable efforts have been made to advertise the position statewide."

And, as so amended,  
DO PASS

# STANDING COMMITTEE REPORT

January 29

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19.....

**PRESIDENT**

MR. ....

**LOCAL GOVERNMENT**

We, your committee on .....

**SENATE**

having had under consideration ..... Bill No. **115**

**SENATE**

Respectfully report as follows: That..... Bill No. **115**  
be amended as follows:

1. Title, line 5.

Following: "AND"

Strike: "HEARING"

Insert: "PROTEST"

2. Title, line 6.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 7-13-204, 7-13-208, 7-13-209, 7-13-211, AND"

3. Pages 1 and 2.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Section 7-13-204, MCA, is amended to read:

"7-13-204. Resolution of intention to create refuse disposal district. (1) Before creating any refuse disposal district, the commissioners shall pass a resolution of intention to do so.

(2) The resolution shall designate:

(a) the proposed name of such district;

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(cont'd)

GEORGE MCCALLUM

Chairman.

January 29

81  
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- (b) the necessity for the proposed district;
- (c) a general description of the territory or lands of said district, giving the boundaries thereof;
- (d) the general character of the collection service;
- (e) the estimated-cost-thereof, proposed fees to be charged for the service.

"Section 2. Section 7-13-208, MCA, is amended to read:

"7-13-208. Notice of resolutions of intention and concurrence - hearing. (1) The commissioners must give notice of the passage of the resolution of intention and resolution of concurrence, if applicable, and a notice describing the general characteristics of the collection system and estimated-costs, proposed fees to be charged for the service, designating the time and place where the commissioners will hear and pass upon protests made against the operation of the proposed district and stating that a description of the boundaries for the proposed district is included in the resolution on file in the county clerk's office.

(2) The notice shall be published in the newspaper published nearest to the place where the proposed district is to be created for 10 consecutive days in a daily newspaper or in two issues of a weekly newspaper and posted in three public places within the boundaries of the proposed district.

(3) A copy shall be mailed by first-class mail to every person, firm, or corporation having real property within the proposed district listed upon the last completed assessment list for county taxes the same day the notice is first published."

"Section 3. Section 7-13-209, MCA, is amended to read:

"7-13-209. Right to protest. (1) At any time within 30 days after the date of the first publication of the notice provided for in 7-13-208, any owner of property liable to be assessed for said service may make written protest against the proposed service or against the fees proposed to be charged for the service.

(2) Such protest must be in writing and be delivered to the county clerk, who shall endorse thereon the date of the receipt by him."

"Section 4. Section 7-13-211, MCA, is amended to read:

"7-13-211. Sufficient protest to bar proceedings. (1) If the protest against the proposed service is made by the owners of more than 50% of the family residential units in the proposed district, no further proceedings shall be taken by the commissioners.

(2) If the protest against the fees proposed to be charged is made by the owners of more than 50% of the family residential units in the proposed district, the board and commissioners shall hold a hearing to determine an acceptable fee.

(3) Each commercial and industrial service that is to be included in the collection system may be considered as a family residential unit for the purpose of determining percent of protest."

(cont'd)

"Section 5. Section 7-13-231, MCA, is amended to read:

"7-13-231. Authorization for charges for services. (1) To defray the cost of maintenance and operation of said refuse disposal district, the board shall establish a fee for service, with approval of the county commissioners, provided written protest on the proposed fee has not been received from more than 50% of the family residential units in the district.

(2) This fee shall be assessed to all units in the district that are receiving a service, for the purpose of maintenance and operation of said district."

And, as so amended,  
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