

MINUTES OF THE MEETING
SENATE LOCAL GOVERNMENT COMMITTEE
MARCH 7, 1981

The meeting of the Local Government Committee was called to order by Chairman George McCallum on the above date in Room 405 at 12:30 p.m.

ROLL CALL: Senator Hammond was excused, all other members were present.

CONSIDERATION OF HOUSE BILL NO. 479:

AN ACT REVISING THE DEFINITION OF
"FLOODPLAIN."

Representative Donaldson, District No. 29, said this bill deals with a problem unique to Lewis and Clark County but does affect five other counties to some degree. The definition of floodplain creates a problem, it stops development in some areas. It also creates complications for floodplain insurance. They want to exempt sheetflood areas that receive less than one foot of water per occurrence and are considered "zone B" by the federal management agency. He submitted one minor amendment that would require the bill would have an immediate effective date. (See attached Exhibit A). They must effect the floodplain plan by April 1 of this year.

Paul Spengler, Lewis and Clark County, showed a chart of floodplains in the county. The law defines any flooding as part of a 100-year floodplain. The Montana Department of Health prohibits septic tank placement in a 100-year floodplain. He also showed the committee an aerial photo of the west Helena valley. It showed the chief flood area in question and a number of subdivisions they already have and some they are likely to develop in the future. One question is if House Bill No. 479 is passed, what ramifications would it have in the state, would it subvert completely the entire floodplain act of the state? The answer is no because Lewis and Clark County is unique in the enormous amount of area covered by sheetflooding. Beaverhead County has 30 acres of sheetflood, Wheatland County has a few acres of slough, Powell County has a small area inside the city of Deer Lodge and Missoula County has some sheetflooding. None of these compare to Lewis and Clark County. The National Flood Insurance program requires they pass a resolution with land-use regulations in the 100-year floodplain. This area has been a sore spot with citizens in that part of the west Helena valley. If this area was deleted, the county could go ahead and adopt the resolution. As it is they will not be able to receive any federal disaster relief for people in the flood area, they would not be able to obtain flood insurance and federally insured mortgages would not be available for the people in a 100-year floodplain.

Senator Brown, co-sponsor of the bill, wanted to go on record as being a strong supporter of the bill. They have had the City-County Health Department look at the issue as to any health hazards that could possibly occur. They said there would be no long-term effects.

Will Selser, City-County Health Department, said there was a survey conducted at the request of the county commissioners. Five other states in this part of the country had a similar problem. The survey showed this could cause slight health problems but they would not be too severe. They concur with the study and support the amendment.

Bob Decker, Lewis and Clark county commissioner, gave some background of the bill. Lewis and Clark county commissioners are faced with a do or die situation in regard to insurance and loans if they do not adopt a floodplain resolution by April 1 of this year. If they do not adopt a resolution and say no, they will lose all federal loans and insurance. People feel this floodplain designation, unchanged, would be detrimental to the community. They have heard no protest against this proposal at the county level.

There were no opponents of the bill appearing before the committee.

Representative Donaldson added, in closing, that any type of flooding can create some health problems but they would be very minor. He urges the bill be concurred in.

Senator McCallum then called for questions from the committee.

Senator Van Valkenburg asked Mr. Spengler if people who live in the sheetflood area would be eligible for flood insurance with passage of this bill.

Mr. Spengler said there is a problem with the resolution as it stands with regard to land-use regulations. The resolution is needed to continue in the National Flood Insurance program. Families will lose it without the bill.

Senator Van Valkenburg said one answer you gave is that we need to pass the bill in order to legalize future development within the area. The second answer you gave was the people who live in the area are going to lose any flood insurance if this bill does not pass.

Mr. Spengler said that depends upon the county commissioners, if they pass the resolution or not. There is a problem with the inclusion of sheetflood area because whether county commissioners pass the resolution or not, the Department of Health will continue its regulations of septic tank placements.

Senator Van Valkenburg asked how we are going to change the federal definition of floodplain by changing the state definition.

Mr. Spengler said the state has gone farther in its definition of floodplain.

Senator O'Hara called on Mr. Decker to add to this.

Mr. Decker said if we pass the bill the people will be eligible for flood insurance in zone B. The alternative is if we do not pass the resolution, then they will not issue any more insurance and retract insurance from people who now have policies.

Senator McCallum asked if the county commissioners adopt the floodplain proposed by the federal government, will people who build in that area be able to receive flood insurance and until the county commissioners adopt the designated floodplain they cannot receive insurance.

Mr. Decker said he thinks that is right.

Senator Ochsner asked Representative Donaldson how far this was from the city limits or how close to being incorporated.

Representative Donaldson said it is about a mile from the city limits and annexation is barred in the foreseeable future.

Senator Ochsner asked if that would shut off city sewer and water until they got their own district.

Representative Donaldson said there has been a great concern with the people living in the area. Some have given thought to doing this. The cost is too high for the density of the area.

CONSIDERATION OF HOUSE BILL NO. 54:

AN ACT TO ALLOW MUNICIPALITIES TO SELECT THE
ANNEXATION PROCEDURE APPROPRIATE TO EACH
ANNEXATION SITUATION.

Representative Hurwitz, District No. 54, said this bill was introduced at the request of the study committee on annexation laws. It is a fairly simple bill. It asks that the governing body of a municipality may select an annexation procedure in parts 42 through 47 that is appropriate to the circumstances of that particular annexation. The municipal governing body must follow the specific procedures prescribed in the appropriate part. There are eight methods, currently, by which annexation may be accomplished. He urged a do pass.

Dan Mizner of the League of Cities and Towns supports the bill. It clarifies the law. If they follow this, people will know what is going on.

Dennis Taylor, city of Helena, said this bill clearly outlines the procedures they have been following since last session. This just makes it clear. It is a restatement of what they did last session.

Margaret Davis of the League of Women Voters supports the bill.

Al Thelen of the city of Billings supports the bill.

There were no opponents of the bill appearing before the committee.

Representative Hurwitz made brief closing remarks.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 55:

AN ACT PRESCRIBING CONDITIONS UNDER WHICH
LAND IS PRESUMED TO BE ANNEXED AND MAY BE
SO RECORDED.

Representative Fabrega, District No. 44, said this bill was introduced at the request of the interim committee on annexation. It sets forth conditions under which land is presumed to be annexed and recorded.

Dennis Taylor, city of Helena, supports the bill.

Dan Mizner of the League of Cities and Towns said there are areas where it happened in the cities. They have been paying taxes for years and someone decided to sell their property and found out they were not officially in the city. He supports the bill.

Margaret Davis of the League of Women Voters supports the bill.

There were no opponents of the bill appearing before the committee.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 58:

AN ACT RELATING TO THE PROVISION OF SERVICES
BY MUNICIPALITIES TO NEWLY ANNEXED AREAS.

Representative Kessler, District No. 66, was the chief sponsor of the bill. It is a noncontroversial bill that guarantees

provision of services to cities where they have areas that have been annexed. The city cannot annex an area without providing services.

Al Thelen of the city of Billings supports the bill. It is an instance of good planning. It is important for the city to understand.

Dan Mizner of the League of Cities and Towns supports the bill.

Margaret Davis of the League of Women Voters supports the bill. This is good planning and a way to inform the public.

There were no opponents of the bill appearing before the committee.

Representative Kessler made brief closing remarks.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 353:

AN ACT TO REQUIRE 25 SIGNATURES FOR THE
NOMINATING PETITION FOR A TRANSPORTATION
DISTRICT BOARD MEMBER.

Senator Berg, co-sponsor of the bill, presented the bill to the committee in the absence of Representative Kemmis. He said this law was enacted in 1979. It said no filing fee shall be required and all candidates shall file a non-partisan petition for candidacy. Section 13-14-113 says the number of signatures will equal 5% of the total vote cast for the successful candidate for that office at the last general election but in no case may it be less than five signatures. It would be very difficult for anyone to obtain that many signatures in Great Falls, it would require 455 signatures. It would require a sizeable number of signatures in Missoula, also. In some districts there have been candidates who run unopposed and they still have to collect signatures.

Representative Kemmis came in at this time but had nothing to add at that moment.

Dick Howell of the Transportation Assistance Bureau of the Department of Community Affairs said in Missoula they would require 700 signatures. He is in favor of the bill.

Representative Kemmis submitted a letter from the Missoula Transportation Board. (See attached Exhibit B.)

No opponents of the bill appeared before the committee.

Senator McCallum then called for questions from the committee.

Senator Ochsner asked what a transportation district was for.

Representative Kemmis said there was a law passed in 1975 for a situation that occurred in Missoula. An urban area outside the city limits wanted a transportation system so they had to set up a special district outside the city limits.

Mr. Howell said one problem is that the urban transit district services larger areas than the community itself. It is a large district that contains a substantial amount of territory.

Senator Conover asked if this would apply to the Billings Heights area in Billings where they petitioned to run a bus out.

Representative Kemmis said his understanding was that Billings does not have a district under this law.

Al Thelen said they do not go outside the city. They go into the Heights area but not outside city limits. They do have an interlocal agreement.

DISCUSSION OF HOUSE BILL NO. 479: Senator Van Valkenburg asked if we could wait until Tuesday on this bill.

Senator McCallum said we should adopt the amendment if we are going to consider passing the bill.

Senator Conover made a motion to adopt the amendment which provided for an immediate effective date.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 54: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 55: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 58: Senator Van Valkenburg said in the provision on lines 17 and 18 on page 1 the House had changed "or" to "and" and they are saying "otherwise mutually agreed upon." That facilitates annexation to some degree but without providing as much service. Would there be an ordinance that those people would not be taxed for services not provided.

Debbie Schmidt said that was spelled out in House Bill No. 56 but it does not cover all annexation. If there is an agreement, the taxing would be reduced.

Senator Van Valkenburg said a lot of this is existing law. Is the provision for reduction in taxes for the services not provided spelled out somewhere or just assumed.

Ms. Schmidt said it is assumed. We could repeat the language in this bill that is in House Bill No. 56. It was understood in committee deliberations.

Senator Van Valkenburg said he did not need to amend it then.

Ms. Schmidt said there was not much concern in the House hearings on this.

Senator Conover said if we pass this, it can be changed in two years.

Senator Van Valkenburg said it has been on the books for two years saying "mutually agreed upon." If there has not been a problem in the last two years, we do not need to create one. He is more concerned whether it is clear there will be a reduction in taxes if services are not provided.

Senator McCallum said we could hold this bill until the other annexation bills have been acted upon.

Ms. Schmidt said the other bills won't have much impact on this bill.

Senators Van Valkenburg and Conover agreed.

Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 353: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 271: Senator Van Valkenburg said he agrees with the amendments.

Senator Thomas moved we adopt the amendments. The motion carried unanimously.

Senator Van Valkenburg moved the bill be concurred in as amended.

Local Government Committee

March 7, 1981

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Debbie Schmidt explained how disability and retirement pensions are determined.

Senator Thomas said he did not think pension was out of line for a volunteer fireman. He asked if the disability pension was taken care of by an insurance premium.

Ms. Schmidt answered yes.

Senator Van Valkenburg's motion carried unanimously.

There being no further business before the committee, the meeting was adjourned at 1:35 p.m.


Chairman George McCallum

gs

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3/7/81

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.

MARCH 7, 1981

BILL NO. HB479

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: PAUL SPENCER DATE: 3-7-81

ADDRESS: 307 CLARKE

PHONE: 442-1761

REPRESENTING WHOM? L & C CTV

APPEARING ON WHICH PROPOSAL: LF HB 479

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

COMMENTS: *Delete sheets*

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Will I. Seiser DATE: 3/7/81

ADDRESS: 122-12th Ave. Kalena

PHONE: 442-4169

REPRESENTING WHOM? L+C Co. Health Dept

APPEARING ON WHICH PROPOSAL: H.B. 47

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bob Decker DATE: 3/7/81

ADDRESS: City/Co. Bldg. - Helena

PHONE: 443-1010

REPRESENTING WHOM? LEC County

APPEARING ON WHICH PROPOSAL: HB 479

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard A. Howell DATE: 3/7/81

ADDRESS: Box 35, Blue Sky Heights, Clancy MS.

PHONE: 449-3757

REPRESENTING WHOM? Transit Assistance Bureau / DCA

APPEARING ON WHICH PROPOSAL: H.B. 353

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

COMMENTS: (Refer to testimony sheet)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MY NAME IS DICK HOWELL. I AM THE CHIEF OF THE TRANSPORTATION ASSISTANCE BUREAU WITH THE MONTANA DEPARTMENT OF COMMUNITY AFFAIRS.

I WOULD LIKE TO SPEAK IN FAVOR OF HOUSE BILL 353.

AT OUR TRANSIT CONFERENCE LAST FALL, A NUMBER OF CITIES EXPRESSED A PROBLEM WITH THE REQUIREMENT, THAT PETITIONERS FOR TRANSPORTATION DISTRICT BOARD MEMBERS ^{MUST} OBTAIN 5% OF THE TOTAL VOTE CAST FOR THE SUCCESSFUL CANDIDATE FOR THAT OFFICE AT THE LAST GENERAL ELECTION.

THE PROBLEM IS THAT URBAN TRANSPORTATION DISTRICTS ARE USUALLY VERY LARGE. THESE DISTRICTS ~~USUALLY~~ EXPAND BEYOND A CITY'S CORPORATE LIMITS AND ARE MORE SYNONOMOUS WITH URBAN AREA BOUNDARIES. THEY ^{include a large population and which tend to} THEREFORE, REQUIRE A SUBSTANTIAL NUMBER OF SIGNATURES ^{for a nominating petition.}

IN MISSOULA THE 5% REQUIREMENT AMOUNTS ^{ed} TO OVER 700 SIGNATURES. IN GREAT FALLS THIS AMOUNT WOULD BE EVEN LARGER. ^{This places a substantial burden on board members who run for re-election and for many new candidates who would like to run for a transportation district board member position.} I THEREFORE HOPE THIS COMMITTEE WILL RECOMMEND APPROVAL OF THIS BILL.

THANK YOU.

Amendment to House Bill 479 to provide an immediate effective date.

By Representative Donaldson

1. Title, line 5.

Following: "MCA"

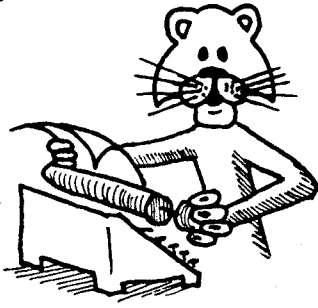
Insert: ";AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, line 4.

Following: line 4

Insert: "Section 2. Effective date. This act is effective on passage and approval."

Exhibit 86
B



mountain line

Missoula Urban Transportation District,
P.O. Box 8183, Missoula, Montana 59807 (406) 543-8386

March 4, 1981

Representative Dan Kemmis
House of Representatives
Capital Station
Helena, MT 59601

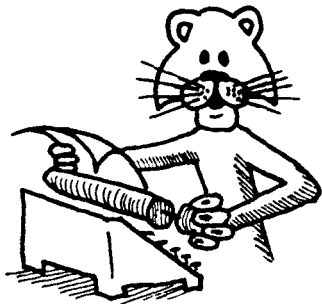
Dear Representative Kemmis:

Enclosed please find testimony which is submitted relative to House Bill 353 for the Senate Local Government Committee hearing scheduled on March 7, 1981.

Thank you for your assistance with this matter and for your continued support of Mountain Line.

Sincerely,

John R. Grew,
General Manager



mountain line

Missoula Urban Transportation District,
P.O. Box 8183, Missoula, Montana 59807 (406) 543-8386

Testimony Relative to House Bill 353: An Act to Require 25 Signatures for the Nominating Petition for a Transportation District Board Member

Testimony Submitted by: Missoula Urban Transportation District Board of Directors

Testimony: The Missoula Urban Transportation Board of Directors strongly supports House Bill 353. The bill, if passed, will greatly expedite the process by which citizens may become candidates for election to urban transportation district boards by reducing the number of signatures required on a petition for candidacy to 25. Currently the number of signatures required is equal to five (5) percent of the total votes obtained by the Board member receiving the highest total votes in the previous election. In the forthcoming election in 1982, candidates would be required to obtain over 900 signatures on a petition. Clearly, the current law requires an excessive number of petition signatures. The Missoula Urban Transportation Board of Directors respectfully requests legislature approval of House Bill 353 in order that communities with urban transportation districts may continue to obtain the services of qualified Board members.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/7/81 House Bill No. 54 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
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: Senator Thomas moved the bill be
concurred in

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/7/81 House Bill No. 55 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
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: Senator Thomas moved the bill be
concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/7/81 House Bill No. 58 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
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: Senator Thomas moved the bill be
concurred in.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/7/81 House Bill No. 271 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
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: Senator Van Valkenburg moved the bill
be concurred in as amended.

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

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/7/81 House Bill No. 353 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
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: Senator Thomas moved the bill be
concurred in.

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

STANDING COMMITTEE REPORT

March 7

19 21

PRESIDENT

MR.

LOCAL GOVERNMENT

We, your committee on

HOUSE

having had under consideration Bill No. 54

HURWITZ (THOMAS)

HOUSE

Respectfully report as follows: That Bill No. 54

BE CONCURRED IN

XXXXXX
DO PAGE

STANDING COMMITTEE REPORT

March 7

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE

Bill No. 55

FABREGA (MCCALLUM)

Respectfully report as follows: That HOUSE

Bill No. 55

Uc
BE CONCURRED IN

~~XXXXXX~~
DO PASS

STANDING COMMITTEE REPORT

March 7

19 31

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 58

KESSLER (THOMAS)

Respectfully report as follows: That HOUSE Bill No. 58

BE CONCURRED IN

DOPASSX

STANDING COMMITTEE REPORT

March 7

19 81

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 271

~~THOPT (O'HARA)~~ (VAN VALKENBURG)

Respectfully report as follows: That HOUSE Bill No. 271,

Third Reading

be amended as follows:

1. Page 2, line 22.

Following: "(b)"

Strike: "If an"

Insert: "An"

2. Page 2, line 25.

Following: line 24

Strike: "qualifies for benefits under subsection (1) (b), he"

3. Page 3, line 1.

Following: "age"

Strike: "."

Insert: "calculated as follows:

(i) for a member with less than 10 years of service, a pension calculated as provided in subsection (1) (b) in which the numerator equals 10; or

DOXPASSX

(cont'd)

March 7

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Local Government Committee
House Bill No. 271
Page 2

(ii) for a member with 10 years or more of service, a pension calculated as provided in subsection (1) (b)."

And, as so amended,

BE CONCURRED IN

SP.

STANDING COMMITTEE REPORT

March 7

19 81

PRESIDENT

MR.

LOCAL GOVERNMENT

We, your committee on

HOUSE

having had under consideration Bill No. 353

KEMMIS (BERG)

HOUSE

353

Respectfully report as follows: That Bill No.

BE CONCURRED IN

DO PASS 46/2