

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE  
March 23, 1983

The meeting of the Local Government Committee held on March 23, 5 p.m., in Room 224A of the Capitol Building was called to order by Chairman Kathleen McBride. All members were present except Reps. Pistoria and Keenan, who were absent.

EXECUTIVE SESSION

SENATE BILL 21

SEN. HALLIGAN, sponsor. This bill authorizes local governments to levy up to one mill for senior citizens and handicapped persons for transportation.

REP. DARKO: Moved that SENATE BILL 21 BE CONCURRED IN.

An amendment was presented.

Page 1, line 25.

Following: "of"

Insert: "senior citizens and"

REP. HAND: Moved that the amendment be accepted.

The motion was voted and PASSED UNANIMOUSLY.

REP. HAND: Moved that SENATE BILL 21 BE CONCURRED IN AS AMENDED.

REP. KITSELMAN: Currently we are offering a transportation service in Billings. It is funded out of our transportation funds. Is this going to interrupt or affect that service?

CHAIRMAN McBRIDE: My understanding is that there are some communities in which they already levy some money for transportation. What some of them have found--because of transportation required by these people--this would be in addition to. It could be contracted with the public or private transportation providers providing money so those people can make sure there are accommodations for the hanging half of senior citizens. Or if necessary, as subsection (3), page 2 does, provide for an independent transportation system for those people if that is what they want. They could go with the existing one; or they could go independent.

REP. KITSELMAN: There is some difficulty when you mix public funds and private funds. Are we putting another mill levy on here to give this a base; or, when we do so, are we removing the base they have now?

LEE HEIMAN: They would be offering a service under contract to local government.

REP. SWITZER: Would this give the Department of SRS an option to say we are not able to provide you this small amount of money you are getting now.

CHAIRMAN McBRIDE: I am not aware that SRS provides transportation. Do they?

REP. SWITZER: There is a program for the aged.

REP. HANSEN: It is my understanding that the federal program allowed them to purchase the buses but it never did fund them money to use them. It was up to them to find that kind of funding. They could use this to run the buses.

REP. SWITZER: I am aware of that kind of a program. That is why I wonder about this.

REP. HOLLIDAY: I do know that SRS does the developmentally disabled program contract for transportation for the handicapped and it can be taxi or bus service. Whether that is title money-- I don't know.

CHAIRMAN McBRIDE: Is that money to buy the fuel and the county has to put in money to operate the vehicle?

REP. BERGENE: I had a great many letters and telephone calls. We have an independent living project and it means a great deal to them to have a means of transportation.

CHAIRMAN McBRIDE: There may be some handicapped people who are covered by some program and others who are not under any kind of subsidy. This would meet their needs.

REP. HANSEN: The transportation system has purchased buses for handicapped. I understood this funding could be used for either one of these for gas or maintenance.

REP. VINGER: In my county the senior citizens are split. We have the RSVP and other seniors won't have anything to do with it.

REP. SALES: This is sort of a step higher kind of thing to provide a service for people that because of age are handicapped but not necessarily related to their financial needs.

CHAIRMAN McBRIDE: I think that is an accurate assessment.

The motion that SENATE BILL 21 BE CONCURRED IN AS AMENDED was voted and PASSED with REPS. SALES and NEUMAN voting no and REP. KEENAN voting yes by proxy.

REP. HANSEN will carry SENATE BILL 21 on the House floor.

SENATE BILL 295

SEN. MARBUT, sponsor. This bill had to do with making sure that interest earned on investments was credited back to a particular district fund.

REP. SALES: Moved that SENATE BILL 295 BE CONCURRED IN.

CHAIRMAN McBRIDE: How much of a problem do you think this has been?

REP. SALES: It is no more of a problem than short-term investments have been over the years.

The motion was voted on and PASSED UNANIMOUSLY.

REP. SALES will carry SENATE BILL 295 on the House floor.

SENATE BILL 439

SEN. HAGER, sponsor. This bill defines where alcoholic beverages may be sold removing prohibition of license within a 600 foot rule for sale of retail alcoholic beverages.

CHAIRMAN McBRIDE: There were a couple of amendments suggested.

1. Page 1, line 18.

Following: "counties"

Insert: "not within the limits of a city or town"

2. Page 1.

Following: line 22

Insert: "(3) An ordinance enacted by a general power county government pursuant to subsection (1) must be adopted substantially in compliance with the provisions of 7-5-103 through 7-5-107."

The first amendment would say that the jurisdiction of the county would not exist into the city or the town limits. And the county could not fall within the city limits.

LEE HEIMAN was asked to explain the second amendment. He said that a general power county doesn't have the power to make an ordinance. Only self-governing counties do.

REP. SALES: Moved that the amendments be accepted.

The motion was voted on and PASSED UNANIMOUSLY.

REP. HAND: Moved that SENATE BILL 439 BE CONCURRED IN AS AMENDED.

REP. SALES: The bill that REP. FABREGA had said the local government could adopt an ordinance changing the state law. If they wanted to make it less than 600 feet, they could. This law works the other way around. It bothers me because as of October, every city and town and every county in the state is going to have to adopt a resolution or an ordinance if they want a restriction. Could we amend this bill so the 600 foot rule stays in affect until the local government wants to make a decision. I think that feature is going to cause a lot of problems.

CHAIRMAN McBRIDE: When SENATOR HAGER brought this to my attention, I talked to REP. FABREGA to see which one would work better. His decision was to request that his bill be tabled in the Senate.

REP. BERTELSEN: I think local governments are used to the fact that they operate under a set of laws and they feel very comfortable that way. With REP. FABREGA'S bill, they stay under it unless they take a positive action to go out from under it. I would just as soon kill SENATE BILL 439.

REP. KADAS: If we table this, someone is going to take REP. FABREGA'S off. This all has to happen before the 70th day.

REP. BERTELSEN: Moved to TABLE SENATE BILL 439.

CHAIRMAN McBRIDE: If we run into problems trying to get REP. FABREGA'S bill off the table, do you want to leave SENATE BILL 439 on the table or do you want to come back and try to amend it.

REP. SALES: LEE HEIMAN could have an amendment ready.

REP. VINGER: If we amend this, it has to be through the House.

The motion to TABLE SENATE BILL 439 was voted on and PASSED UNANIMOUSLY.

CHAIRMAN McBRIDE closed the EXECUTIVE SESSION.

REP. SALES: There has been a great deal of misunderstanding about LYNCH'S bill to change the fiscal year. I have talked to so many people who think that if you pay that 125% that first year that the next year you will only have to pay 75%

REP. WALDRON: If you move it back three months, it will take care of the problem.

REP. SALES: That is not the way to go.

REP. WALDRON: How would you suggest amending it?

REP. SALES: It is not easy to move the fiscal year without moving the tax collection along with it without collecting taxes in advance.

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REP. WALDRON: How do you hope to amend it?

REP. SALES: We have to find a way to keep from sticking them with an extra 25% of the taxes. I don't know what else to do but kill the bill.

The meeting adjourned at 5:30 p.m.

Kathleen McBride  
CHAIRMAN KATHLEEN McBRIDE

Geri Brumatt  
Secretary