

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 20, 1983

The third meeting of the Local Government Committee was called to order by Chairman George McCallum on January 20, 1983 at 1:05 p.m., Room 405, State Capitol.

ROLL CALL: Roll call showed a quorum being present with the remainder of the members appearing late. Senator Ochsner was excused from this meeting.

CONSIDERATION OF SENATE BILL NO. 112: Sen. Thomas, sponsor of the bill, stated that this is one of a package of six bills that has been requested to address some of the problems. The procedures aren't quite clear in the statutes. He introduced Bill Walters who is on the staff of the City-County Planning Board in Great Falls, who explained the bill and what it would do.

PROPOSERS: Mr. Walters said this bill would allow a county planning board acting as the zoning commission to also hold a public hearing on the adoption of zoning regulations. It would also reduce the protest period from 30 days to two weeks. An amendment was suggested on page 1, line 17 and also on page 2, line 11. (Copy of suggested amendments attached).

Kyle Olson, City of Great Falls, supported SB 112, 113 and 115 and the rest of Sen. Thomas' package. This is streamlining the process.

There were no further proposers.

There were no opponents.

In closing, Sen. Thomas said he would like to offer an amendment to make this a local option.

There being no questions from the committee, the hearing on SB 112 was closed.

CONSIDERATION OF SENATE BILL NO. 113: Sen. Thomas, also sponsor of SB 113 explained that this bill would allow a majority of a quorum to take official action.

PROPOSERS: Mr. Olson, Great Falls, supported SB 113 and felt that it makes the procedures much more consistent.

There were no further proposers and no opponents.

DISCUSSION OF SENATE BILL NO. 113: It was asked what the procedure is for calling a meeting. Mr. Walters stated that the city-county board has to meet once a month or once quarterly. This is established by the individual by-laws of the individual planning

board. Sen. Crippen felt there would be no problem with regular meetings but there was some question about special meetings. Dave Bohyer read the section of the codes that was pertinent to the calling of a special meeting.

Sen. Story felt that all members should be apprised of the agenda in such cases so they know what they are missing if they do not attend the meeting. He felt that this bill could open it up to not only mischief but the controversy of whether there was mischief, to which Mr. Walters stated that the governing boards have the final say in the end.

CONSIDERATION OF SENATE BILL NO. 115: Sen. Thomas, sponsor of this bill also, stated that there had been an amendment suggested. (Exhibit #1 attached).

PROPOSERS: Mr. Walters, Great Falls, went through the current procedures for vacating streets, alleys and roadways. This would eliminate the resolution of intent requirement and change the notice process so that affected property owners would be notified by certified mail.

Mr. Olson agreed with the statements of Mr. Walters.

There were no further proposers.

OPPOSERS: Marjorie S. Larson, Helena Citizens for Helena Ave., appeared before the committee and voiced her objections. (Written testimony attached, Exhibit #2).

DISCUSSION OF SENATE BILL NO. 115: Sen. Hammond asked what is meant by "property abuts upon the portion of the street affected". Sen. Crippen expressed an opinion that land abuts but any improvements do not, such as houses, garages, etc..

Sen. Hammond wanted to know what the reason was for this bill being introduced. Mr. Walters said that in Great Falls, at the present time, if they want to vacate anything they must go through three commission meetings which amounts to approximately 6 weeks. This would just speed up the process.

The Committee reviewed the amendment submitted by Mrs. Larson, Exhibit #1, and felt that it was in order. She stated they also put up signs in the Helena incident which is covered under her amendment that refers to section 2-3-103(1), MCA.

Chairman McCallum asked what was so terribly wrong with the bill now and Mrs. Larson said she is quite satisfied with the current bill and was not interested in "cluttering up the law".

Sen. Van Valkenburg asked if the City of Great Falls had presented these bills to the League of Cities and Towns Convention to which Mr. Walters replied that the League has endorsed these bills.

Hearing was closed on SB 115.

CONSIDERATION OF SENATE BILL NO. 121: Sen. Fuller, sponsor of this bill, presented SB 121. This bill would retain the current provisions but would allow the county commissioners to adopt a resolution for a bond election. The county would have the option to take it to the voters. This bill was drafted because of the last two bond issues in Helena which cost approximately \$8,000. This bill is simply trying to save money.

PROPOSERS: George Bousliman, Urban Coalition, felt this bill would be useful to all 56 counties, large or small, and stated his support for the bill.

There were no opponents.

DISCUSSION OF SENATE BILL NO. 121: Sen. Story wondered if cities can do this and expressed his doubts. Mr. Bousliman said, with respect to general obligation bonds, cities have this authority to put it to the people.

Sen. Crippen asked if they were trying to get it so the county commissioners do not need to meet some of these requirements? Mr. Bousliman felt they were giving the option of petition or resolution to the county commissioners.

The hearing was closed on SB 121.

DISCUSSION OF SENATE BILL NO. 85: Dave Boyher explained the amendments that have been proposed by Sens. Thomas and Marbut. Sen. Thomas also suggested an amendment be drawn up making this a local option.

Sen. Marbut changed the "or" to "and" following the words "modification", "therefrom", and "same block" in his proposed amendments and moved the amendments. Sen. Thomas did not agree with the change and felt that it should be a local option.

Sen. Story felt the committee should be very wary of this package of bills. We are always hearing from the 1,000 local officials in the state about how great this various legislation is but we don't hear much from the general population. The more power we give the local officials, the more we should put in to safeguard the people affected. These bills do exactly the opposite and he is going to resist most of them except those that really do save money.

Sen. Thomas suggested that the Great Falls people be requested to come to Helena and perhaps try to work out some amendments for these bills. Chairman McCallum appointed a sub-committee of three to work on these bills: Sen. Story, Chairman and Senators Marbut and Thomas.

DISCUSSION OF SENATE BILL NO. 89: SB 89 is being held in the committee until a similar bill comes over from the House.

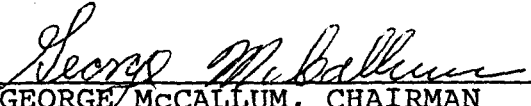
DISPOSITION OF SENATE BILL NO. 121: Sen. Boylan moved the amendment to take care of the section number. AMENDMENT PASSED UNANIMOUSLY, Sen. Ochsner excused. Sen. Van Valkenburg moved the amendment on page 2, line 3, changing the section number. AMENDMENT PASSED UNANIMOUSLY, Sen. Ochsner excused. (Copies of amendments attached.) Sen. Van Valkenburg moved that SB 121 DO PASS AS AMENDED. MOTION FAILED on a tie vote, 5-5, Sen. Ochsner excused. (See Roll Call Vote attached.)

Sen. Story spoke against the motion. People no longer have to be property owners to vote in bond elections and thus can cause indebtedness to other people and not to themselves. Sen. Fuller felt it was only being consistent to allow commissioners to do this.

Sen. Van Valkenburg stated that we should not be thinking we know the answer for every county in Montana. These county commissioners have been elected by the people to do these jobs.

There being a tie vote on SB 121, the bill will be held in committee until such time as all members are present when a new motion will be called for.

MEETING ADJOURNED 2:25 p.m.



GEORGE McCALLUM, CHAIRMAN

(Type in committee members names and have 50 printed to start.)

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 1/20/83

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER			/
CRIPPEN	/		
HAMMOND	/		
STORY	/		
MARBUT	/		
CONOVER	/		
FULLER	/		
THOMAS	/		
VAN VALKENBURG	/		
BOYLAN	/		
MCCALLUM	/		

COMMITTEE ON _____

BILL NO. 112-113-
115-121

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

SENATE COMMITTEE LOCAL GOVERNMENT

Date 1/90/82 Bill No. SB 121 Time 2:15

NAME	YES	NO
OCHSNER, J. Donald, Vice-Chairman		
CRIPPEN, Bruce	✓	
HAMMOND, H.W.		✓
STORY, Pete		✓
MARBUT, Reed		✓
CONOVER, Max	✓	
FULLER, David	✓	
THOMAS, Bill	✓	
VAN VALKENBURG, Fred	✓	
BOYLAN, Paul		✓
McCallum, Geo.		✓

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: Do Pass As Amended

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

Exhibit 1
January 20, 1983

STANDING COMMITTEE REPORT

Mr. _____

We, your committee on Local Government having had under consideration S.B. 115 respectfully report as follows:

That S.B. 115 Introduced Bill be amended as follows:

Page 1, line 18

Following: "avenue."

Insert: "Before vacating any street or part thereof or narrowing any street, the commission shall first publish notice in accordance with its procedure as established in section 2-3-103(1), MCA, declaring its intention to do so."

*Expects
January 20, 1982*

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am here to speak on behalf of the proposed amendment to S. B. 115.

Last year a very important street in Helena was proposed to be closed by a Planning Commission. The closure would have affected a large business district in Helena and have an adverse impact on the businesses which do in excess of \$40 million dollars of business per year. I helped collect over 1,500 signatures of Helena citizens to prevent this closure and relied heavily on the statute involved in S.B. 115 to stop this closure.

I believe the bill as introduced might limit public participation and the participation of our elected officials in some very important governmental decisions.

I believe the amendment will encourage participation by interested people and our elected commission in matters that would be of great importance to any city or town in Montana.

Thank you.

MARJORIE S. LARSON, HELENA, MT 59601

NAME :

DATE :

1/20/83

ADDRESS :

Civic Center Building

Great Falls

P.O. Box 5021

PHONE :

727-5881

REPRESENTING WHOM?

Great Falls City - County Pl. Bd.

APPEARING ON WHICH PROPOSAL:

SB

112, 113 & 115

DO YOU :

SUPPORT?

x

AMEND?

yes

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: KYLE B OLSON DATE: 1/20/83

ADDRESS: 919 1st Ave SW, GREAT FALLS

PHONE: H) 453-9310 W) 727-5881

REPRESENTING WHOM? CITY OF GREAT FALLS

APPEARING ON WHICH PROPOSAL: 112, 113, 115

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Proposed amendments by Sen. Thomas
Drafted by Dave Bohyer, Legislative Council

AMENDMENTS TO SENATE BILL 85 (INTRODUCED COPY)

1. Title, line 4.
Following: "ENTITLED: "AN ACT"
Strike: "REDUCING"
Insert: "allowing"
2. Title, line 6.
Following: "PLAN"
Strike: ";"
Insert: "to be reduced"
3. Page 1, line 13.
Following: "10"
Strike: "5"
Insert: "10"
4. Page 1, line 13.
Following: "30"
Strike: "15"
Insert: "30"
5. Page 1, line 14.
Following: "hearing,"
Insert: "except that the governing body may publish the notice
not less than 5 or more than 15 days prior to the date of the
hearing,"

AMENDMENTS TO SENATE BILL 86 (INTRODUCED COPY)

1. Title, line 4.
Following: "ENTITLED: "AN ACT"
Strike: "REDUCING"
Insert: "allowing"
2. Title: line 6.
Following: "CITY"
Insert: "to be reduced"
3. Title, line 6.
Following: "AND"
Strike: "REDUCING"
Insert: "allowing"
4. Title, line 8.
Following: "MUNICIPALITY"
Insert: "to be reduced"
5. Page 1, line 17.
Following: "20"
Strike: "10"
Insert: "20"
6. Page 1, line 17.
Following: "days"
Insert: ", or, by resolution of the governing body 10 days,"
7. Page 2, line 2.
Following: "20"
Strike: "10"
Insert: "20"
8. Page 2, line 2.
Following: "days,"
Insert: "or 10 days if applicable,"
9. Page 3, line 1.
Following: "20"
Strike: "10"
Insert: "20"
10. Page 3, line 1.
Following: "days"
Insert: ", or 10 days if the governing body so chooses,"

AMENDMENTS TO SENATE BILL 87 (INTRODUCED COPY)

1. Title, line 4.
Following: "ENTITLED: "AN ACT"
Strike: "REDUCING FROM 15 DAYS TO 10 DAYS"
Insert: "allowing"
2. Title: line 6.
Following: "ZONING"
Strike: " ;"
Insert: "to be reduced from 15 days to 10 days;"
3. Title, line 6.
Following: "ZONING;"
Strike: "REDUCING FROM 15 DAYS TO 10 DAYS"
Insert: "allowing"
4. Title, line 8.
Following: "SUBDIVISION"
Strike: " ;"
Insert: "to be reduced from 15 days to 10 days;"
5. Title, lines 8 and 9.
Following: "AND"
Strike: "INCREASING FROM 1 YEAR TO 3 YEARS"
Insert: "allowing"
6. Title, line 10.
Following: "BODY"
Strike: " ;"
Insert: "to be increased from 1 year to 3 years;"
7. Page 1, line 25 and page 2, line 1.
Following: "15"
Strike: "10"
Insert: "15"
8. Page 2, line 1.
Following: "days"
Insert: ", or at the option of the governing body, 10 days'"
9. Page 2, line 18.
Following: "15)"
Strike: "10"
Insert: "15"
10. Page 2, line 18.
Following: "days"
Insert: ", or at the option of the governing body, 10 days"
11. Page 2, line 22.
Following: "15"
Strike: "10"
Insert: "15"
12. Page 2, line 22.
Following: "days"
Insert: ", or at the option of the governing body, 10 days"

Marbut

AMENDMENTS TO SENATE BILL NO. 85 (INTRODUCED COPY)

1. Page 1, line 13.

Following: "10"

Strike: "5"

Insert: "10"

2. Page 1, line 13.

Following: "30"

Strike: "15"

Insert: "30"

3. Page 1.

Following: line 21

Insert: "(2) For the purpose of this section, when a modification is proposed pursuant to 7-15-4221, such notice shall be given to the owners or reputed owners of the lots included in such proposed modification ~~or~~ of those immediately adjacent in the rear thereof extending 150 feet therefrom ~~or~~ of those adjacent on either side thereof within the same block ~~or~~ of those directly opposite thereof extending 150 feet from the street frontage of such opposite lots"

Renumber: subsequent subsection

Amendments by Sen. Thomas
Drafted by Dave Bohyer, Legislative Council

Amendments to Senate Bill 112 (Introduced copy)

1. Page 1, lines 17 and 18.
Following: "or the"
Strike: "county planning board acting"
Insert: "planning board in those jurisdictions where the
planning board acts"
2. Page 2, line 11.
Following: "or the"
Strike: "county planning board acting"
Insert: "planning board in those jurisdictions where the
planning board acts"
3. Page 2, line 23.
Following: "once"
Strike: "a week for 2 weeks"

Proposed amendments to Senate Bill 89 (Introduced copy)
Drafted by Dave Bohyers, Legislative Council

1. Page 3, lines 16 through 25.

Following: "fund."

Strike: remainder of lines 16 through 25

Insert: "Whenever there is money remaining in the revolving fund after all bonds and warrants and interest thereon, and all loans as provided in 7-12-2183, have been fully paid on any rural special improvement district, the money remaining in the district fund shall by the order or resolution of the board be transferred to the operation and maintenance fund, so provided in 7-12-2162, of such district."

2. Page 3, line 16.

Following: "funds"

Strike: "without"

Insert: ", including"

3. Page 3, line 16.

Following: "interest"

Insert: ", "

4. Page 3, line 18.

Following: "repaid,"

Strike: "may"

Insert: "shall"

5. Page 3, lines 21 through 25

Following: "property"

Strike: remainder of lines 21 through 25

BILL SUMMARIES
SENATE LOCAL GOVERNMENT COMMITTEE

SB 112 Currently, the board of county commissioners is required to
(Thomas) hold a public hearing on the adoption of zoning regulations.
* SB 112 would allow a county planning board acting as the zoning
commission to also perform this function.

Notice requirements for the hearing would be reduced from being published "once a week for 2 weeks" to "at least once, not less than 10 days, prior to the hearing".

The protest period on the proposed zoning regulations would be reduced from 30 days to 2 weeks, and the period of time in which the commissioners are required to take action on the proposed regulations would also be reduced from 30 days to 2 weeks.

SB 113 Currently, it takes a majority of all of a planning board's
(Thomas) members to take official action. SB 113 would allow a majority
of a quorum to take official action.

SB 115 Currently, when a street is vacated, narrowed, etc., in
(Thomas) municipalities having a commission-manager form of government,
the commission is required to pass a resolution to vacate, etc.
The city manager then delivers notice. SB 115 would eliminate
the resolution of intent requirement and change the notice
process so that affected property owners would be notified by
certified mail.

SB 121 Currently, county bond elections may^{not} be held unless requested
(Fuller) by petition of 20% of the electors in the county. SB 121 would
permit the county commissioners to adopt a resolution for a bond
election.