

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
MONTANA STATE SENATE

January 28, 1983

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date, in Room 415 of the State Capitol Building, at 1:05 p. m., by Vice-Chairman Kolstad.

ROLL CALL: Upon roll call all members were present with the exception of Senators Galt and Oschner who were excused. Senator Lee was absent.

SENATE BILL 164: Representative Donaldson, District 29, and chief sponsor of the bill, testified that this bill doesn't deal with agriculture too much but that it does deal with special districts. The bill pertains to the renaming of municipal maintenance districts. When the residents of the city receive their tax notices they are confused as to the wording on them as to sprinkling. On Page 3, Lines 17 through 21 it redefines the word maintenance to show what it would include. The bill also would change the time between the day on which proposed ordinances are introduced and the day on which final action is taken. On Page 5, line 6 the 15 days is changed to 12. As it is now, the time lapse is too long and people would forget about the hearing. Also, on Page 7, line 7 through 17 there is a change in the budgeting - from November to August to coincide with most city budgets.

Bill Verwolf, representing the City of Helena, and the Finance Director for the City of Helena, stated that he is interested in this bill for primarily the same reasons that Representative Donaldson has given. He commented that it is surprising on the number of calls the city gets every year asking why they are being charged for sprinkling. This will change the name of that and allow us to call it by what it really is. He also commented on the change from 15 days to 12 days saying that this would be better as people tend to forget. This will be a cleaner law than the one on the books.

Jim Nugent, Missoula City Attorney and Chairperson of the Montana League of Cities and Towns Legislation Committee, spoke in support of the bill. Full testimony is attached. Exhibit #1.

Alec Hansen, representing the League of Cities and Towns, spoke in support of the bill. He said that he and 141 members support this.

Senator Aklestad asked if the cities will be able to do extensive work without the vote of the people.

Representative Donaldson stated that when you have a district such

as this, it is more or less regarded as a fee instead of a tax.

Mr. Nugent said that in Missoula it isn't used for anything but the central business district.

Senator Boylan asked why this wasn't taken care of in the recodification.

Ann Brodsky, Legislative Council, replied that this is more substantive.

Senator Conover asked if it is already in the law in local governments that if you do any major thing you have to go to the vote of the people in that district.

Senator Aklestad nodded, yes.

DISPOSITION OF HB 164: Senator Conover moved that House Bill 164 BE CONCURRED IN. Motion carried with Senator Graham abstaining.

HOUSE BILL 82: Senator Boylan explained that rather than have the bill go back through the House it was brought back to the committee and that he will move that H.B. 82 As Amended with Clerical Correction Be Concurred In. and then it can be sent on its way again.

Senator Boylan stated that his motion will be to strike the committee amendments. Motion carried unanimously.

Senator Boylan moved that his original motion that HB 82 As Amended with Clerical Correction Be Concurred In. Motion carried unanimously.

SENATE BILL 233: Ann Brodsky said that Senator Marbut had two things he was concerned about. It already includes public rights of way. One amendment that he would like to make on Page 2, line 25 is to strike "have" and insert "or be located in a county that has".

Senator Kolstad suggested that Ann work this out and we will discuss this at a later date.

SENATE BILL 38: This bill is by Senator Oschner and Senator Kolstad suggested that the committee hold up on the bill until Senator Oschner is at the meeting as he was excused today.

ADJOURNMENT: Motion was made by Senator Aklestad that the meeting be adjourned. Motion carried. Meeting adjourned at 1:36 p.m.


SENATOR ALLEN C. KOLSTAD, Vice-Chairman

ROLL CALL

AGRICULTURE COMMITTEE

48th LEGISLATIVE SESSION - - 19 83

Date 1-28-83

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.			✓
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.	✓		
OCHSNER, J. Donald	ep		✓
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
LANE, Leo	✓		
LEE, Gary		✓	

Each day attach to minutes.

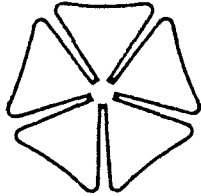
DATE:

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)



THE GARDEN CITY
HUB OF FIVE VALLEYS

Missoula, Montana 59802

January 27, 1983

OFFICE OF CITY ATTORNEY
201 West Spruce Street
Phone 721-4700

83-79

Members of the Senate Agricultural Committee
Montana State Capitol
Helena, Montana 59620

Re: HB 164 pertaining to municipal maintenance districts

Members of the Senate Agricultural Committee:

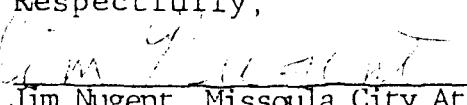
I would like to urge your support for the enactment of House Bill 164 pertaining to municipal maintenance districts for lighting and streets. HB 164 renames municipal sprinkling districts to municipal maintenance districts and further defines the services that may be provided pursuant to a maintenance district so that the services more adequately and accurately reflect modern street maintenance procedures and techniques.

A review of the legislative history for Title 7, Chapter 12, Part 44, in the Montana Code Annotated pertaining to "Special Provisions for Street Sprinkling Districts" indicates that most of the provisions were amended in 1927. The provisions set forth in 7-12-4405 through 7-12-4407, M.C.A., were originally enacted in 1933. Each of the provisions in this part have always been reenacted each time the legislature recodified the law, but no substantive changes have been made to any provision of this part of state law for fifty (50) years.

Obviously, the composition of streets and their surfaces have changed dramatically since 1897, 1927, and 1933, as have the methods and techniques for maintaining streets. Therefore, it would be helpful to cities if the existing law were modernized and clarified to expressly indicate that these provisions of law may be relied on for graveling, oiling, chip sealing, seal coating, overlaying, general cleaning, sweeping, flushing, etc.

Both the Montana League of Cities & Towns Legislation Committee and its general membership support revisions to existing law that are proposed by HB 164. Therefore, on behalf of the Montana League of Cities & Towns and the City of Missoula, I would urge your support for the enactment of HB 164.

Respectfully,



Jim Nugent, Missoula City Attorney and
Chairperson of the Montana League of
Cities & Towns Legislation Committee

JN/jd

STANDING COMMITTEE REPORT

January 28

19 83

MR. PRESIDENT

We, your committee on AGRICULTURE

having had under consideration HOUSE Bill No. 164

Donaldson (Akelstad)

Respectfully report as follows: That HOUSE Bill No. 164

BE CONCURRED IN

~~JOSEPH~~

4/10

STANDING COMMITTEE REPORT

January 28

19 83

MR. **PRESIDENT**

We, your committee on **AGRICULTURE, LIVESTOCK AND IRRIGATION**

having had under consideration **HOUSE** Bill No. **82**

Manuel (Boylan)

Respectfully report as follows: That **HOUSE** Bill No. **82**

third reading (blue), be amended as follows:

1. Page 2, line 1.

Strike: "2-8-122"

Insert: "2-18-122"

AND, as so amended
BE CONCURRED IN

DO PASS

40.