

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 1, 1983

The meeting of the Local Government Committee was called to order for executive action by Chairman George McCallum on February 1, 1983 at 1:00 p.m. in Room 405, State Capitol.

ROLL CALL: All Senators present with Senator Thomas excused.

DISPOSITION OF HOUSE BILL NO. 72: Sen. Marbut moved that SB 72 BE CONCURRED IN. Sen. Ochsner had some concern about whether this would be a set date or whether it would be changed from time to time. His concern was that people should know what is going on. Sen. Van Valkenburg stated that the statute says "report for the preceding month." MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF SENATE BILLS 173, 175 AND 135: Chairman McCallum said there are some amendments being prepared to SB 135 and felt that the committee should wait to take final action on 173 and 175 until these amendments are submitted to the committee.

CONSIDERATION OF SENATE BILL NO. 21: SB 21 will be rereferred to the Local Government Committee from the Committee on Taxation.

DISPOSITION OF SENATE BILL NO. 255: Sen. Fuller presented some proposed amendments. Sen. Hammond moved that SB 255 DO NOT PASS.

Sen. Fuller had Mike Stephens, Montana Association of Counties, explain the amendments. (Copy attached). He stated that in the present law the terms of office are not staggered and would only be staggered in this bill in the event one of the trustees resigned and another one would be appointed, with the newly appointed trustee serving a complete term.

Sen. Van Valkenburg asked if there were five people nominated for the five vacancies would the county commissioners be bound to those five persons, to which the answer was yes. Sen. Crippen MOVED ADOPTION OF AMENDMENTS. MOTION CARRIED with Sen. Marbut voting "no".

Sen. Marbut offered some proposed amendments which he then withdrew. Sen. Hammond moved that SB 255 DO NOT PASS AS AMENDED, seconded by Sen. Ochsner.

Sen. Fuller wanted to know what the committee's objection was to the bill. It is simply an attempt to streamline the system for the counties. Sen. Boylan replied that one of his districts contacted him and they do not want the county commissioners running the fire districts. The wrong person could be appointed and the cohesiveness and togetherness could be ruined for that district. Sen. Marbut explained the situation in Missoula and said that they are very concerned about this bill. MOTION CARRIED with an 8-2 vote. Roll call vote attached.

DISPOSITION OF SENATE BILL NO. 234: Sen. Marbut said this bill was

requested by Missoula County and they also submitted the proposed amendments. Sen. Marbut submitted the amendments and moved the adoption of same. MOTION CARRIED UNANIMOUSLY. Sen. Marbut said he did not necessarily support the amendments. There was no definition of county roads in the codes but Dave Bohyer, Legislative Council, said that Missoula had submitted their definition of county roads for this bill but it included public roads, such as the interstate highways, therefore, he had to come up with another definition.

Dave Bohyer explained the present procedure for abandoning roads. Sen. Story said that when he abandoned a road he found 10 freeholders to sign, sent a copy to the county commissioners and they had to hold a public hearing. Chairman McCallum said he didn't really see any need for this bill if this procedure can be carried out now.

Sen. Crippen moved that SB 234 DO NOT PASS AS AMENDED. Sen. Van Valkenburg asked if there wasn't a lawsuit that said it had been done improperly. Sen. Marbut said the question is what is the difference between a county road and city streets. Sen. Crippen felt that you can't take "prescriptive right" out of the definition. Sen. Van Valkenburg said that the statute was written in 1895 and why not have one procedure; anything outside an incorporated town is treated in the same manner. MOTION CARRIED, 7-3 vote. Roll call vote attached.

DISPOSITION OF SENATE BILL NO. 222: Sen. Crippen moved that SB 222 DO NOT PASS. He felt that raising the limit from 50% to 100% could raise havoc with some of the small banks, to which Sen. Ochsner said it was already causing problems with the 50% on a mid-size bank in his area. Sen. Marbut said they have no choice but to take the low bid and voiced his strong objections to the motion of Sen. Crippen. Sen. Van Valkenburg felt that the clerk and recorder from Missoula County really wanted the best of both worlds and he felt the local governments should be able to operate with some of their own discretion and perhaps even learn from their own mistakes. Chairman McCallum said under the present law they can go from 0% to 50%, however, if this bill is passed it would have to be between 50% and 100%. MOTION CARRIED, with Sens. Marbut, Fuller and Van Valkenburg voting "no".

DISPOSITION OF SENATE BILL NO. 219: Sen. Van Valkenburg said he would be willing to strike "construction of privately owned structures" from the bill. Sen. Hammond said he was very much against this bill and would have to vote against it. Sen. Marbut moved SB 219 DO NOT PASS. Sen. Van Valkenburg said that the situation arose without the knowledge of the county commissioners in Missoula and permission was given for a sewage drainage field on some county owned land. The neighbors heard of this and were outraged and contacted the county commissioners. They solved their immediate problem and asked that this be introduced this session. MOTION CARRIED, with Sens. Crippen and Van Valkenburg voting "no".

DISPOSITION OF SENATE BILL NO. 176: Sen. Marbut presented his proposed amendments to the bill, a copy of which is attached to the minutes,

and moved the adoption of same. Sen. Crippen objected to some of the amendments, such as, why 40 acres? Sen. Marbut said it was because less than 20 acres is subdivided. The bill is simply to get more information on the certificates of survey. The problem is not with the large landowners or ranchers but with smaller parcels of land. Several of the members felt that this bill is not necessary. The certificate of survey is just to survey a certain piece of property and they failed to see the reason for the bill.

Sen. Story asked if metes and bounds would show on the certificate and they discussed several different easements that would show on the certificate. There are certain types of easements that do not clearly specify certain location such as a stream where the boundary might shift. Sen. Marbut was not asking for any more information than that which appears on a title report. Sen. Boylan felt it would help in some situations but it would only be what is on public record. Sen. Crippen felt that Sen. Story brought out a good point and there are a lot of places where there is some real concern as to where the easement is. An easement can be a great change in the future use of your property.

Sen. Marbut said that the 40 acre amendment was requested by many surveyors and said he had no objection to removing that amendment. Sen. Crippen wondered why this can't be picked up from the title report as that is what the title report is for. Sen. Crippen moved SB 176 DO NOT PASS. MOTION CARRIED, with Sens. Marbut and Boylan voting "no".

DISPOSITION OF SENATE BILL NO. 162: Sen. Van Valkenburg moved that SB 162 DO PASS. MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 130: Sen. Story moved that SB 130 DO PASS, and then withdrew his motion in favor of Dave Bohyer. Mr. Bohyer pointed out that an amendment was moved and carried at the January 22 meeting. Sen. Story again moved that SB 130 DO PASS AS AMENDED. MOTION FAILED ON TIE VOTE, 5-5, Sen. Thomas excused. Roll call vote attached.

DISPOSITION OF SENATE BILL NO. 89: This bill will be held in committee until a similar one comes from the House.

DISPOSITION OF SENATE BILL NO. 77: Sen. Boylan moved that SB 77 DO NOT PASS. Sen. Marbut presented some proposed amendments (copy attached) and made a SUBSTITUTE MOTION FOR ADOPTION OF AMENDMENTS. MOTION CARRIED UNANIMOUSLY. Sen. Marbut asked if this could be held until the full committee was present. Sen. Boylan again moved that SB 77 DO NOT PASS AS AMENDED. MOTION CARRIED with a 6-4 vote. Roll call vote attached.

Sen. Van Valkenburg moved that on all bills that are given a Do Not Pass in the committee, that the secretary not be required to type any of the amendments that were offered to that bill. MOTION CARRIED UNANIMOUSLY.

MEETING ADJOURNED 2:30 p.m.

George McCallister

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

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/1/83

NAME	PRESENT	ABSENT	EXCUSED
OCHSNER	✓		
CRIPPEN	✓		
HAMMOND	✓		
STORY	✓		
MARBUT	✓		
CONOVER	✓		
FULLER	✓		
THOMAS			✓
VAN VALKENBURG	✓		
BOYLAN	✓		
McCALLUM	✓		

STANDING COMMITTEE REPORT

February 2 19 83

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration SENATE Bill No. 77

Respectfully report as follows: That SENATE Bill No. 77,
introduced copy,

DO NOT PASS

~~DO PASS~~

g/c.

STANDING COMMITTEE REPORT

February 2

83

..... 19

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **SENATE** Bill No. **255**

Respectfully report as follows: That **SENATE** Bill No. **255,**
introduced copy,

DO NOT PASS

~~XXXXXX~~

MP

STANDING COMMITTEE REPORT

February 2

83

..... 19

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **SENATE** Bill No. **234**

Respectfully report as follows: That **SENATE** Bill No. **234,**
introduced copy,

DO NOT PASS

~~DO NOT PASS~~

Handwritten signature

STANDING COMMITTEE REPORT

February 2

19 83

PRESIDENT

MR.

LOCAL GOVERNMENT

We, your committee on

SENATE

having had under consideration Bill No. 222

SENATE

222,

Respectfully report as follows: That Bill No.
introduced copy,

DO NOT PASS

~~DO NOT PASS~~

HC

STANDING COMMITTEE REPORT

February 2

19 83

PRESIDENT

MR.

LOCAL GOVERNMENT

We, your committee on

SENATE

219

having had under consideration Bill No.

SENATE

219,

Respectfully report as follows: That
introduced copy,

DO NOT PASS

~~DOXKASX~~

George McCallum

Chairman.

STANDING COMMITTEE REPORT

February 2 19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **SENATE** Bill No. **176**

Respectfully report as follows: That **SENATE** Bill No. **176**,
introduced copy,

DO NOT PASS

~~XXXXXX~~

MC

STANDING COMMITTEE REPORT

February 2

19 83

MR. **PRESIDENT**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **SENATE** Bill No. **162**

Respectfully report as follows: That **SENATE** Bill No. **162**,
introduced copy,

DO PASS

Mc

STANDING COMMITTEE REPORT

February 2

1983

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 72

Respectfully report as follows: That HOUSE Bill No. 72,
third reading copy,

BE CONCURRED IN

~~XXXXXX~~

W.C.

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2/1/83 SB Bill No. 255 Time 1122

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 Not Pass As Amended

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

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2/1/83 SB Bill No. 234 Time 1:35

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: 2690
Do NOT Pass AS Amended

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

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2/1/83 SB Bill No. 130 Time 2:20

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		✓
<i>Ge Callum</i>	✓	

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: 1605
Do Pass As Amended

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

Proposed by Senator Marbut

Amendments to Senate Bill 176 (Introduced copy)

1. Page 2, line 11.

Following: "survey"

Insert: "for parcels containing less than 40 acres"

2. Page 2, line 12.

Following: "rights-of-way"

Strike: "in effect as of the date of the survey is submitted and recorded."

Insert: "as identified in a certified title report prepared not less than 90 days prior to the date the certificate is submitted for recording. However, certificates of survey for boundary relocation or by court order are exempt from the provisions of this subsection."

Proposed by Senator Marbut

Amendments to Senate Bill 234 (Introduced copy)

1. Page 2.

Strike: lines 4 through 9 in their entirety

SENATE COMMITTEE LOCAL GOVERNMENT

Date 2/1/83 SB Bill No. 77 Time 2:28

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	✓	
<i>McCallum</i>	✓	

Louise Sullivan
Secretary

Sen. George McCallum
Chairman

Motion: *Per 69.2*
Do Not Pass As Amended

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

Proposed by Senator Marbut

Amendments to Senate Bill 77 (Introduced copy)

1. Title, line 5.

Following "OF"

Strike: "50,000"

Insert: "70,000"

2. Page 1, line 11.

Following: "than"

Strike: "50,000"

Insert: "70,000"

3. Page 1, line 13.

Following: "than"

Strike: "50,000"

Insert: "70,000"

4. Page 2, line 8.

Following: "than"

Strike: "50,000"

Insert: "70,000"

5. Page 2, line 19.

Following: "than"

Strike: "50,000"

Insert: "70,000"

6. Page 3, line 6.

Following: "of"

Strike: "50,000"

Insert: "70,000"

Section 1. subsection (2), beginning on line 19 should be amended to read:

(2) shall appoint ~~five~~ FIVE qualified trustees, ~~in-a-number-that-best serves-the-public-interest~~ to govern and manage the affairs of the fire district."

Section 2. subsection (1), beginning on line 24 should be amended to read:

"fire district. (1) The ~~five~~ FIVE trustees ~~initially~~ INITIALLY appointed by the county commissioners shall hold office until their . . ."

Section 2. subsection (2), beginning on line 15 should be amended to read:

"appointed by the county commissioners from among persons residing in the district AND NOMINATED BY THAT DISTRICT AT A GENERAL MEETING for a full term of office. The term of office shall be 3 years beginning at the first district meeting following their appointment."