

MINUTES OF THE MEETING  
LOCAL GOVERNMENT COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

February 2, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on February 2, 1985 on adjournment, at 11:45 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

Preceding the public hearing, Chairman Darko informed the committee that all bills in our committee have to be scheduled by February 16. Therefore, we will be hearing 5 or 6 bills per day and they might go as high as 8 or 9 bills per day. They are not easy bills to hear so the committee will have to work efficiently and she suggested the questions be brief, and limiting testimony and questions.

Rep. Brown stated he is not a proponent of limiting testimony and questions.

CONSIDERATION OF HOUSE BILL NO. 53: Rep. Hannah, District 86, appeared before the committee as sponsor of HB 53. This bill limits the consent to annex to signers of the consent. Rep. Hannah said this bill has been a real problem for him. When it was drafted, he gave inaccurate information to the bill drafters; therefore, it needs some extensive amendments. He has asked for another bill to be drafted. He recommended that this bill be tabled, as he does not support it the way it is written.

PROPOSERS: There were no proponents to HB 53, and no opponents came forward.

DISCUSSION OF HOUSE BILL NO. 53: Chairman Darko asked Rep. Hannah if he had a bill in drafting similar to this one. Rep. Hannah replied that he would prefer this bill be tabled. A person who owns a lot is required to sign a waiver which will waive his right to protest in the future, and Rep. Hannah does not think this is appropriate. He said he would be more comfortable if this bill were tabled.

Rep. Wallin asked if a person has already signed a waiver of protest for SID, would it be not valid if this bill is passed as it is. Rep. Hannah replied that it could be backed out of.

Being no further questions, HB 53 was closed.

CONSIDERATION OF HOUSE BILL NO. 232: Rep. Bardanouve, District 16, presented his bill to the committee. He stated this is a relatively simple bill, which deals with changing the time for election of water and sewer district commissioners. There is difficulty in getting people out to vote in their elections as it comes in at an odd time of the year. Changing the date to April would get more people out to vote. This bill doesn't affect many people as there are only 124 water districts in Montana but it is necessary to have an election. This bill will perhaps coordinate with Senate Bill 169. He stated he supports the mail ballots.

There were no proponents and no opponents to House Bill 232.

DISCUSSION OF HOUSE BILL NO. 232: Rep. Sales asked if this election is supposed to correspond with the school election, and the answer was yes. Rep. Sales then asked if an amendment could be made to correspond with the school elections, and Rep. Bardanouve answered yes.

In closing, Rep. Bardanouve said he expected the committee to use their judgment on this bill.

CONSIDERATION OF HOUSE BILL NO. 436: Rep. Lory of District 59, from Missoula, appeared before the committee as sponsor of this bill. He stated that he is introducing this bill at the request of the conservation district, and amending it to require membership of a conservation district board member on each city-county planning board, and changing from 9 to 10 members on the governing board of the conservation district.

There were no proponents present; however, Rep. Lory stated that Mr. Donaldson, executive vice president of the Montana Association of Conservation Districts was supposed to be present and he would have said the same things he said. Attached as exhibit 1 is written testimony from Mr. Donaldson.

There is also written testimony in support of HB 436 from Ray Beck, representing the Conservation Districts Division of the Department of Natural Resources and Conservation, which is attached as exhibit 2, and a letter from Carolyn Muggly, President of Glasgow City/County Planning Board, (exhibit 3) requesting passage of HB 436.

There were no opponents present.

DISCUSSION OF HOUSE BILL NO. 436: Rep. Pistoria stated he is not against this bill because of the amendments, but he does not like the idea of even numbers of members, because there would be a problem if there was a tie. Rep. Lory said he realizes this would be a problem.

Rep. Gilbert asked what triggered this desire of the members of the conservation district to serve on this board, and Rep. Lory answered that some members felt they should have something to say and this is the reason.

Rep. Lory closed his presentation of HB 436.

CONSIDERATION OF HOUSE BILL NO. 239: Rep. Wallin appeared before the committee as sponsor of this bill. This bill allows for the formation of multijurisdictional service districts among municipalities and counties to provide any service allowed to be provided by local governments. Rep. Wallin said he is carrying this bill for the Council of Cities and Towns, and Alec Hanson is supposed to be here to explain the bill. However, he had not arrived yet. Rep. Wallin presented proposed amendments to this bill which he went over with the committee. Line 23 lists the services that a multijurisdictional service district may provide. Instead of being general it specifies recreational programs, road, street, and highway maintenance, libraries and jails. There are bills that can be levied for these problems. A wider area and a greater number of people will receive benefits from this.

PROPOSERS: Gordon Morris of the Montana Association of Counties, stated they want to go on record in support of the bill, which they endorsed at their convention in Kalispell.

Deborah Schlesinger, representing the Montana Library Association, from Helena, stated that their association also supports this bill, and are delighted libraries are also included in this bill. She presented written testimony, as exhibit 1.

Joe Gottfried of the Montana Association of Counties stated he especially likes this bill because it gives the private citizens the opportunity to voice their opinions. The commissioners may petition for the citizens. One of the most important things about this bill is that the sponsor mentioned jails. He stated

that in one county the jail could not be used because it was inadequate.

Jim Wysocki, City Manager of Bozeman, stated that in 1972, 39% of the people who used their libraries were from outside the city. Today 43% have used their libraries. They have not changed their fees for overdue books. They have kept track of the people who have put their addresses in the faculty books at MSU since 1960, and their figures show that people are choosing to live outside the city but are using the services provided by the city. From the city's standpoint it is important for them to have the vehicle to ask these people to help in the cost. This bill will help to do this.

Marie McAlear, Montana Association of Counties from Madison County, stated there would be one specific use for this bill in their county. If they were allowed a solid waste district close to the county, they could better supply and serve those people from the far counties. The Harrison district travels to Bozeman, and they would be better served if they were closer.

Ray Blehm, representing Montana State Firemen's Association, appeared before the committee and urged that they support this bill.

Sue Bartlett, Clerk and Recorder from Lewis and Clark County, stated she is offering some information only. She has consulted with Lee Heiman and suggested some technical amendments that will make it more feasible to carry out the procedures in the bill. She presented a precinct map for Helena, E. Helena and the Helena Valley, which shows school district lines which coincide with the precinct lines. If a service district were to propose boundaries then they would have to determine how many voters live within that service district. She presented amendments to the committee (exhibit 2), and urged support of this bill.

Dave Wilcox, representing the city of Missoula, appeared late for the hearing, after the committee had heard statements from the opponents. Chairman Darko stated that with permission from the committee, they could take him as a proponent because they didn't think the session would get out as early as it did. He presented written testimony in support of HB 239, which is attached as exhibit 3. He also presented a letter of support from Howard Schwartz, executive officer of Missoula County (exhibit 4).

Suzette Neville, representing the city of Bozeman's recreational department, stated that about half of the people who use the pool are rural residents, and they don't have to pay taxes for the use of the pool. They have voiced the opinion that they would like to help with the pool and help pay for it. This bill will help to do this.

Alec Hansen of the League of Cities and Towns stated this bill is intended to provide more equal financing for services in Montana. The city of Bozeman is particularly interested in this bill as a fair way of financing its recreation programs. Under the existing law they do not have an effective way of financing these recreation programs. In Bozeman, outsiders use the facilities but the people in the city have to pay for it. With this bill, both the people in the city and those outside the city would be sharing in the cost of the recreational services. Recreation, street and roads, libraries and jails would be at the request of the crime control legislation. Lewis and Clark Co. and Jefferson Co. have had problems with the maintenance of their roads. The right of protest is included in this bill. The major thing they are looking at is fairness.

OPPONENTS: Julie Hacker, representing the Missoula County Freeholders, stated that on behalf of the Missoula County Freeholders Association, she urged the committee to kill the bill. She presented written testimony in opposition to this bill (exhibit 5).

Vera Cahoon, also representing the Missoula County Freeholders, also stated she strongly urges the committee to kill the bill. She presented written testimony in opposition to the bill (exhibit 6).

In closing, Rep. Wallin stated that this is a very important bill and it has an opportunity to assist cities in their problems of financing.

He urged passage of this bill.

DISCUSSION OF HOUSE BILL NO. 239: Rep. Gilbert stated he believes in fairness and thinks it is a good thing. He asked Rep. Wallin if he thinks it is fair to allow 15% of the electors to pass this ordinance and let 50% turn it down.

Rep. Pistoria addressed Mr. Wilcox that in his support of this bill he brought out two points with the bill as it is drafted. One was whether a single jurisdiction could create a service district within its own boundaries and the other is the issue of fair taxation

regarding county authority to create service districts. Mr. Wilcox stated he believes the bill needs to be clarified to provide single jurisdiction service districts. The bill mentions multi-jurisdictional service districts. Where there are isolated areas this bill doesn't allow for them to have districts. Rep. Pistoria stated there is nothing offered in the bill for taxing processes.

Rep. Sales asked Rep. Wallin if he would have any objections to amending out the word "elector" and putting in "property owners". Rep. Wallin suggested he direct the question to Alec Hansen, who replied that he thought it would be acceptable.

Rep. Sales stated he had difficulty reading the last paragraph on page 4, which states 50% of the property owners in the county could object and stop the district of being funded. Rep. Wallin replied the intention is that 50% of the new taxpayers would have the right to object. Rep. Sales asked if this is 50% of the people living in the county or living within that district. The word "portion" was throwing him off. Alec Hansen answered that that section was intended to cover how the protest is filed, within the boundaries of the proposed district. The right of protest would apply to 50% of the people of the district.

Rep. Switzer said he has some doubt about what the 15% of the property owners do, whether they initiated the process by which they form the district.

Rep. Hansen asked Alec Hansen if he had looked over the set of amendments Rep. Wallin had proposed. It was understood that some of the people in the garbage business are concerned about the bill. The testimony was in favor of including garbage in it.

Rep. Brandewie questioned page 2 (2), line 24. Is this 15% of the people in the whole area could pass the authorizing ordinance. Alec Hansen replied it is 15% of electors in that portion of the city who could initiate a petition. It would have to be a cooperative agreement. They are trying to set up a district that would set up a more fair way of providing services. This bill does provide protection of people and it is intended to deliver services to people.

Rep. Brandewie stated he has no problem with these services these cities are providing, but he wondered if most of them are used by people who are in the suburban area of a town within a 5 - 6 mile radius.

Rep. Brown requested that before closing hearings on this bill that some people from Billings who came to the hearing wanted to be put on record as supporting the bill: Jim Tillotson, Mike Kennedy, and Neal Kirkness, who presented written testimony (exhibit 7), which is attached.

Rep. Sands asked if the provisions for adoption of these two different forms of service agreements are the same, and the answer is no. Rep. Sands also stated there is a provision to charge certain taxpayers for additional services not supplied by various jurisdictions. Should there be a provision to relieve them for taxes they are paying to jurisdictions for services they are not receiving from this jurisdiction. Alec Hansen answered that this would be a different administrative problem. In the recreation program that is being proposed here, the cost would be subtracted from the county or city. If a recreation district is set up the money would be reduced and that would balance the books.

At this point, Chairman Darko stated that if anyone else had arrived as proponents or opponents, they could be heard.

Anne Anderson, representing the city of Bozeman, stated their commissioners were concerned that in times of difficult funding and with the essential services like libraries and recreation, that this be given a green light. It was also stated that safeguards are in the bill, and five commissioners from Bozeman asked that the committee give this bill favorable consideration.

Steve Nelsen, Board of Crime Control, from Helena, stated they are in support of this legislation because it give counties the opportunity to form municipalities.

Bill Verwolf, representing the city of Helena, stated they support this bill.

There was more discussion by the committee on HB 239. Rep. Sands asked Mr. Hansen how this ordinance is adopted if presented through petition. An ordinance would have to be adopted by the city. If an ordinance is adopted it can be petitioned to have it stopped in action if it adopted on the local body. It is very similar to the state. If 15% of the people petition and the governing body does not, the 15% of the people can take it to the clerk and recorder to be put on a ballot.

There being no further discussion, HB 239 was closed.

DISPOSITION OF HOUSE BILL NO. 53: Rep. Sales moved that HB 53 be tabled, and this was seconded by Rep. Kitselman. Question was called, and the motion CARRIED UNANIMOUSLY at the request of the sponsor.

DISPOSITION OF HOUSE BILL NO. 232: Rep. Brown moved that HB 232 DO PASS. This was seconded by Rep. Kadas. Rep. Sales moved to amend HB 232 to coincide with school elections. This was seconded by Rep. Brown. Question was called and the motion to amend PASSED UNANIMOUSLY. Rep. Brandewie moved that HB 232 DO PASS AS AMENDED, and this was seconded by Rep. Fritz. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 436: Rep. Sales moved that HB 436 DO NOT PASS, seconded by Rep. Gilbert.

Rep. Sales said that with 9 members at the present time, anyone of those 9 members could be from the conservation board and in many cases that is what is done. Even the official members would be a member of the conservation board.

Rep. Switzer stated there may have been a problem mentioned by Rep. Lory that some conservation districts have been swallowed by city boundaries and if there were people in those geographic areas who did not agree with whatever the conservation district proposed, they could ignore that the conservation district desired to have a member on it.

Rep. Brown replied that he thinks it is entirely correct that there are conservation districts where the city/county chooses to ignore them in their activities.

Rep. Brown made a substitute motion of DO PASS HB 436. This was seconded by Rep. Darko. Rep. Brown moved to amend HB 436, and this was seconded by Rep. Sales. The purpose of the amendment is to see if there is no member of the conservation district to serve.

Rep. Brown then moved to DO PASS AS AMENDED HB 436, and this was seconded by Rep. Kadas. Motion carried with Rep. Pistoria, Rep. Sales, Rep. Poff, Rep. Kitselman and Rep. Gilbert voting "no".

Rep. Brandewie stated he thought the conservation district should be somewhat involved in the planning and to have their input, as they bring a little more expertise to it.



DISPOSITION OF HOUSE BILL NO. 186: This was Rep. Pistoria's bill and it was heard on Thursday. He had amendments prepared by Jim Leiter of the Solid Waste Department and Lee Heiman, Committee Counsel.

Rep. Pistoria moved to DO PASS HB 186, and this was seconded by Rep. Kadas. Rep. Pistoria said the amendments he offered before are going to be used again.

Rep. Pistoria moved to amend #4, and this was seconded by Rep. Hansen. The motion passed unanimously. Rep. Pistoria moved to amend #1, and this was seconded by Rep. Fritz. Lee Heiman explained that this just conforms the title.

Rep. Pistoria made the motion that amendment 1 and 2 be in one motion. The motion passed, but was opposed by Rep. Kitselman and Rep. Brandewie. Rep. Pistoria made the motion to amend #3, and this was seconded by Rep. Fritz. The motion to amend #3 passed unanimously.

Rep. Pistoria moved that HB 186 DO PASS AS AMENDED, and this was seconded by Rep. Brown. Rep. Pistoria wanted to emphasize this is "may", not a "shall", and only for a county. It is not going to cost anything to the state; that it is better to have it at a local level than the state level.

Rep. Brandewie questioned the whole thing, that by looking at the title, it doesn't have any relationship to what the title was before.

Rep. Sands stated he thought there was a real problem with making the violation a criminal offense. To make this a crime is unconstitutional because it is too vague. He said that as he understands it, before you commit a crime, some kind of criminal intent has to be shown. In this you may not want or mean to do anything.

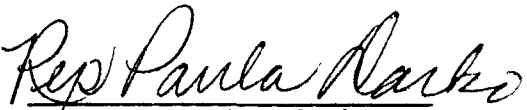
Rep. Sands moved to amend the bill to strike the portion that makes it a crime. This was seconded by Rep. Sales. Rep. Pistoria said he was happy that Rep. Sands brought this out, and said he thought this was a good amendment. Question was called and the amendment PASSED UNANIMOUSLY.

Rep. Pistoria then moved that HB 186 DO PASS AS AMENDED, and this was seconded by Rep. Brown. Question being called, the motion PASSED on a 11 to 3 Roll Call Vote, which is attached as exhibit 1.

DISPOSITION OF HOUSE BILL NO. 160: Rep. Brandewie stated he wanted the subcommittee for HB 160 to meet as soon as the Local Government Committee meeting was finished, so that it would be ready for presentation on Tuesday.

DISPOSITION OF HOUSE BILL NO. 118: Rep. Kadas stated that they met yesterday morning to work out amendments. Rep. Sands said it would be desirable to wait on that bill.

There being no further business before the committee, the meeting was adjourned at 1:45 p.m.

  
PAULA DARKO, Chairman

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

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 2, 1985

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓		
Dave Brown	✓		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

# STANDING COMMITTEE REPORT

Page 1 of 2

February 2, 19 85

MR. **SPEAKER:**

We, your committee on **LOCAL GOVERNMENT**

having had under consideration **HOUSE** Bill No. **136**

**FIRST** reading copy ( **WHITE** )  
color

## COUNTY ORDINANCE TO CONTROL COMMUNITY DECAY

Respectfully report as follows: That **HOUSE** Bill No. **136**

### BE AMENDED AS FOLLOWS:

1. Title, line 6.

Following: "RUBBLE"

Strike: "FROM DEMOLITION OF STRUCTURES"

2. Page 1, lines 11 through 14.

Following: "by"

Strike: "the remainder of section 1 in its entirety"

Insert: "allowing rubble, debris, junk, or refuse to  
accumulate resulting in conditions that are injurious  
to health, indecent, offensive to the senses, or  
obstruct the free use of property so as to interfere  
with the comfortable enjoyment of life or property."

~~XXXXXX~~  
~~XXXXXX~~  
DO-PASS—

CONTINUED ON PAGE 2

February 2, 19 35

3. Page 1, line 18.

Strike: "or land"

4. Page 2, line 6.

Following: "(5)"

Strike: the remainder of subsection (5) in its entirety

Insert: "For the purposes of enforcing an ordinance adopted under subsection (1) the county governing body may provide that, after giving due notice of violation and upon the failure of the property owner to comply with the ordinance, officers and employees of the county may enter upon the property for the specific purpose of abating the violation of the ordinance and may assess the property owner for the actual costs for the abatement. Nonpayment of such an assessment becomes a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes is enforced."

PCSHB186.24

2/4  
AND AS AMENDED,  
DO PASS

Exh. B, 11  
H13 186  
2-2-85  
Rep. Pistoria

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

HOUSE COMMITTEE LOCAL GOVERNMENT

DATE 2-2-85 HOUSE Bill No. 186 Time \_\_\_\_\_

NAME	YES	NO
Darko, Paula - Chairman	✓	
Wallin, Norm - Vice Chairman	✓	
Brandewie, Ray		✓
Brown, Dave	✓	
Fritz, Harry	✓	
Hansen, Stella Jean	✓	
Gilbert, Bob		✓
Kadas, Mike	✓	
Kitselman, Les		✓
Pistoria, Paul	✓	
Poff, Bing	✓	
Sales, Walter	✓	
Sands, Jack	✓	
Switzer, Dean	✓	
	11	3

Marianne Bagley  
Secretary

Paula Darko  
Chairman

Motion: \_\_\_\_\_

Do Pass As Amended

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

# STANDING COMMITTEE REPORT

Page 1 of 2

February 2, 1985

SPEAKER:  
MR. ....

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 436

FIRST reading copy ( WHITE )  
color

## REQUIRE CONSERVATION DISTRICT BOARD MEMBERS ON CITY/COUNTY PLANNING BOARD

Respectfully report as follows: That HOUSE Bill No. 436  
BE AMENDED AS FOLLOWS:

1. Title, line 6.  
Following: "STATE:"  
Insert: "AND PROVIDING AN EXCEPTION;"

2. Page 2, line 2.  
Following: line 1  
Strike: "A"  
Insert: "(1) Except as provided in subsection (2), a"  
Renumber: subsequent subsections.

3. Page 2, line 21.  
Following: "title"  
Insert: "to be appointed by the conservation district governing  
board"

XXXXXX-AMENDED  
XXXXXX  
DO PASS

CONTINUED ON PAGE 2

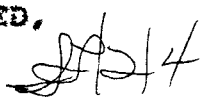
February 2, 1985

4. Page 2.

Following: line 25

Insert: "(8) Subsection (5) does not apply if there is no member of the governing board of the conservation district who is able or willing to serve on the city-county planning board. In such case, the city-county planning board shall consist of not less than nine members."

AND AS AMENDED,  
DO PASS



PAULA DAKO,

Chairman.



Exhibit 1  
HB 239  
2-2-85  
Rep. Wallin

WITNESS STATEMENT

Name DEBORAH SCHLESINGER Committee On LOCAL GOV.  
Address 507 5TH AVE, HELENA, MT. Date 2-2-85  
Representing MONTANA LIBRARY ASSOC. Support ✓  
Bill No. HB 239 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. MONTANA LIBRARY ASSOCIATION SUPPORTS  
HB 239

2. A NUMBER OF SITUATIONS EXIST IN THE  
STATE THAT WOULD BE CORRECTED BY  
THIS BILL, ALLOWING EQUAL SERVICE  
3. FOR MONTANANS.

LIBRARY SERVICE IS COSTLY AND  
4. SHOULD BE SHARED BY ALL WHO  
USE THE SERVICE.

PRESENTLY SOME COUNTIES IN THE  
STATE HAVE INTERLOCAL AGREEMENTS,  
THESE CHANGE FROM YEAR TO YEAR. HB 239  
COULD BE THE BASIS FOR MORE STABLE  
SERVICE AND MORE STABLE FUNDING.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exhibit 2  
HB 239  
2-2-85  
Rep. Wallin

AMEND HOUSE BILL 239 (BARTLETT)

1. Page 3.

Following: line 2

Insert: "(3) Prior to determining the boundary of the district, the governing body or persons preparing a petition shall consult with the county election administrator to prepare a discription of the boundary of the proposed district. So far as practical, the boundary shall follow precinct, school district, municipal, and county lines. The boundary discription must be mapped and clearly discribed."

2. Page 4, line 7.

Strike: "portion of the"

Strike: "in the"

3. Page 4, line 8.

Strike: "jurisdiction"

Strike: "file"

Insert: "submit"

Strike: "with"

Insert: "to:"

Strike: "local"

4. Page 4, line 9.

Strike: "government clerk"

Insert: "clerk and recorder of the county in which the elector is registered to vote"

PC5HB239.24

Wallin

AMEND HB 239

1. Title, line 6.  
Following: "PROVIDE"  
Strike: "ANY SERVICE"  
Insert: "CERTAIN SERVICES"

2. Page 1, line 23.  
Strike: "include but"  
Strike: "not limited to"

3. Page 1, line 25  
Strike: "and"

4. Page 2, line 1.  
Following: "libraries"  
Strike: "."  
Insert: "; and"

5. Page 2.  
Following: line 1  
Insert: "(d) jails."



OFFICE OF THE MAYOR

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

Exhibit 3  
HB 239  
2-2-85  
Rep. Wallin

To: House Local Government Committee  
Representative Paula Darko, Chairperson

From: The City of Missoula

Subject: Support of House Bill 239

Date: February 2, 1985

The City of Missoula supports House Bill 239 as it provides a method of meeting demands for higher levels of service. This service district approach gives local governments needed flexibility to target interjurisdictional areas of special need for specific services. The City of Missoula has identified the following points in support of this important bill.

1. HB 239 provides a mechanism by which local governments may provide a higher level of select services to different and specific geographic areas within which both the City and County have jurisdiction.
2. HB 239 encourages cities and counties to work together by giving them a relatively workable tool for solving shared problems within specific geographic areas.
3. HB 239 gives us a tool which we believe will enable us to solve existing identified problems. For example, through the creation of a joint service district the City and County of Missoula may be able to solve a drainage and flooding problem in the "South Hills"

area. The area has a significant drainage problem and minor flooding occurs frequently. Many thousands of dollars will be needed to rectify the situation. Residents of other areas of the community are reluctant to contribute, while residents of the flood plain demand a solution to the problem. An added complication is that the area is partly City and partly County. The service district concept offers a plausible method by which the solution may be funded by the properties effected.

4. HB 239 limits service districts to services which local governments are authorized by statute to provide, a provision the City strongly endorses.

I must raise a couple of possible problems with the way the bill is drafted. It is unclear to me whether a single jurisdiction -- a city or a county, could create a service district within its own boundaries. The title of the bill and language within the bill indicate that service districts must be multi-jurisdictional. Note, for example, that in Section 1 the reference is consistently to "multi-jurisdictional" service districts.


The City of Missoula believes that cities and counties should be able to create service districts within their single jurisdictions. This holds especially true for counties which

must provide services to far-flung and very diverse areas. It appears that some supporters of the HB 239 believe the bill provides for single-jurisdictional service districts; look, for example, at testimony submitted by Howard Schwartz, Missoula County Executive Officer. Perhaps the bill needs clarification in this regard.

With that said, I must also raise the issue of fair taxation and ask for additional clarity in the bill regarding county authority to create service districts. County jurisdictions include cities and towns within them. If single-jurisdictional service districts are permitted, as they should be, the bill must specify that counties may not create a single-jurisdictional service district which includes any portion of a municipality.

The City of Missoula supports HB 239 as written. We believe the concept can be strengthened by adding provisions suggested herein.

Respectfully submitted by

  
\_\_\_\_\_  
David W. Wilcox  
Chief Administrative Officer

cc: Howard Schwartz  
Executive Officer of Missoula County



# MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

Exhibit 4  
HB 239  
2-2-85  
Rep. Wallin

MEMORANDUM

BCC-85-061

January 31, 1985

TO: HOUSE LOCAL GOVERNMENT COMMITTEE

FROM: HOWARD SCHWARTZ, EXECUTIVE OFFICER *HS*  
MISSOULA COUNTY

RE: SUPPORT OF HOUSE BILL 239

I am writing at the request of the Missoula Board of County Commissioners to express their support of HB-239 at the hearing before the House Local Government Committee on February 2, 1985.

The Commissioners support this bill, since it provides a simple, yet flexible, solution of how to provide services in only parts of the County without taxing everyone in the County for them. Furthermore, it enables us to work with the City to provide services in the urban fringe, without the City needing to annex those residents, nor the County having to duplicate services already provided by the City. An example in Missoula City and County of a problem that could be addressed through this bill is our South Hills drainage problem, which requires the construction of a storm sewer system through parts of the City and the County. The only two mechanisms on the books to deal with this kind of problem would be creation of a series of special improvement districts, or a storm drainage district, neither of which is flexible enough to allow us to work out a tailor-made solution to the problem. This bill would give us a better opportunity to develop a district and funding mechanism that could comprehensively deal with flooding in that part of the City and County.

Similarly, we would have the opportunity to create urban-area service districts to provide a higher level of some services in the urban area, and then have the taxes levied only on the people who receive the services, rather than having rural taxpayers pay for services that predominantly are available in the urban area, but now must be levied for on a countywide basis.

The City of Missoula and Missoula County have successfully negotiated about fifteen interlocal agreements to jointly provide many different kinds of services. This bill would enable us to develop those agreements to a new level of sophistication and fairness.

HS/lrs

cc: Dave Wilcox, Chief Administrative Officer  
City of Missoula  
Missoula Board of County Commissioners  
Gordon Morris, Executive Officer, MACo

Exhibit 5  
HB 239  
2-2-85  
Rep. Wallin

WITNESS STATEMENT

Name Julia Hacker Committee On \_\_\_\_\_  
Address Star Rte Barnes, Mt Date 2-2-85  
Representing Missouri Co. Freeholders Assn Support \_\_\_\_\_  
Bill No. 239 Oppose X  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Electors, not taxpayers initiate action.
2. Taxpayers pay the bill.
3. Service dist causes higher level of services and opens up new taxing authority.
4. Co. Dir. To. already have power to cooperate.

Recommend Do not pass.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



Exhibit 6  
HB 239  
2-2-85  
Rep. Wallin

WITNESS STATEMENT

Name Vera Cahan Committee On Local  
Address Banner Date 2/2  
Representing Missouri Co. Trustees Support \_\_\_\_\_  
Bill No. 239 Oppose X  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Creates another layer of gov't
2. Used as a tool for annexation  
(annexation in disguise)
3. Service district created by electors  
(who do not pay taxes.)
4. Forces yeh one more protest which  
tappayers must go thru to protect  
themselves against ~~un~~ needed services  
& more taxes.  
(County library)

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exhibit 7  
HB 239  
2-2-85  
Rep. Wallin

February 2, 1985

TESTIMONY PRESENTED TO THE LOCAL GOVERNMENT HOUSING COMMITTEE REGARDING HB 239

MY NAME IS NEAL KIRKNESS. I AM A CITY COUNCILMEMBER FROM THE CITY OF BILLINGS, MONTANA. THE TESTIMONY I AM GOING TO PRESENT TODAY IS ON BEHALF OF THE MAYOR AND CITY COUNCIL OF BILLINGS AND IT IS IN SUPPORT OF HOUSE BILL #239.

THIS BILL WILL PROVIDE ADDITIONAL AUTHORITY FOR CITIES AND COUNTIES TO COOPERATE TOGETHER IN ORDER TO PROVIDE A GIVEN SERVICE TO PEOPLE WITHIN THEIR AREA. WHILE OTHER STATUTES AUTHORIZE CITIES & COUNTIES TO COOPERATE, THIS PARTICULAR BILL PROVIDES A UNIQUE FEATURE IN AUTHORIZING A UNIFORM METHOD OF FUNDING THIS SERVICE IN SECTION 4 AND SECTION 6. THESE SECTIONS PROVIDE THAT THE LOCAL GOVERNMENTS CAN LEVY A PROPERTY TAX ON ALL THE PROPERTY IN THE MULTIJURISDICTION TO COVER THE COST OF PROVIDING THE APPROPRIATE SERVICE.

THIS PARTICULAR APPROACH WILL OFFER A NEW OPPORTUNITY FOR PARK AND RECREATION PROGRAMS AND SERVICES TO BE PROVIDED IN YELLOWSTONE COUNTY.

THANK YOU.

Exhibit  
HB 436  
2-2-85  
Rep. Lory

February 2, 1985

TO: The Honorable Paula Darko, Chairman  
House Local Government Committee

TESTIMONY ON HOUSE BILL 436 ON ADDING A CONSERVATION DISTRICT  
SUPERVISOR TO THE CITY/COUNTY PLANNING BOARD

The Association, at its past annual meeting, expressed a need to have a conservation district supervisor on the City/County Planning Board in each county.

I would like to site a couple examples that came from Cascade County that could apply in many counties. A sub-development was approved on a sandy soil on a flood plain. The area with this type of soil is unstable. The supervisor on the City/County Planning Board would have helped in providing insite and understanding in this situation.

The Conservation District Supervisors administer the streambank stabilization program. There are some cities and immediate areas that have streams within the jurisdiction of the City/County Planning Board.

The input from the Conservation District Supervisors would be valuable in cases involving streams.

The amendment that Rep. Lory is proposing addresses the concerns of some districts. The concern is not being able to have an active member because of their present work load being so large. This amendment would address the problems of a quorum if the supervisor was required and wasn't present.

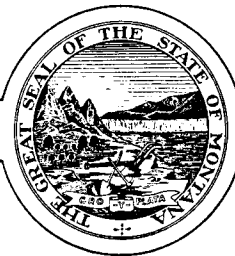
The Montana Association of Conservation Districts asks for your support of HB 436.

Thank you for the opportunity to express our need.

Dave Donaldson  
Executive Vice President  
Montana Association of  
Conservation Districts  
7 Edwards  
Helena, Montana 59601

DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION  
CONSERVATION DISTRICTS DIVISION

Exhibit 2  
HB 436  
2-2-85  
Rep. Lory



TED SCHWINDEN, GOVERNOR

32 SOUTH EWING

STATE OF MONTANA

(406) 444-6667

HB 436

HELENA, MONTANA 59620

*Malen*  
Mr. Chairman, members of the committee, my name is Ray Beck;  
I represent the Conservation Districts Division of the Department  
of Natural Resources and Conservation.

We are in support of House Bill 436. Present law, under  
76-1-211, states that at least one member of the county planning  
board shall be a member of conservation district. This language,  
however, was not included into 76-1-201, which sets by law the  
membership of city-county planning boards.

Districts are being requested to provide assistance to urban  
areas at a much greater rate than in the past. Requests are  
coming from construction engineers for help in anticipating soil  
related hazards for construction of buildings, highways, and  
pipelines; from developers and builders, home buyers, land use  
and recreation planners; for the development of waste disposal  
sites, and even home gardeners trying to pick the proper site,  
fertilizer, water rates, etc.

With the increasing demands and stress being placed on our  
soil and water resources and the emphasis to avoid water  
pollution, soil erosion, and contamination, we feel that it is  
essential that conservation district supervisors are a member of  
the city-county planning boards.

Thank you.

Exhibit 3  
HB 436  
2-2-85  
Rep. Lory

# CITY-COUNTY PLANNING BOARD

904 11th Avenue North

Glasgow, MT 59230

Ph. 228-9451

February 14, 1985

Rep. Paula Darko, Chairman  
Local Government Committee  
Montana House of Representatives  
Capitol Station  
Helena, Montana 59620

Sen. Dave Fuller, Chairman  
Local Government Committee  
Montana Senate  
Capitol Station  
Helena, Montana 59620

Dear Representative Darko and Senator Fuller;

The Glasgow, Montana, City-County Planning Board at its regular meeting on February 12, 1985, unanimously approved support for House Bill 436 which increases membership of City-County Planning Board's with inclusion of a member from the governing board of a Conservation District.

Critical land-use decisions requires expertise in soils characteristics and suitability of soils for development. Additionally, perennial streams must receive review of local Conservation Districts when impacted from subdivisions or stream alterations from other sources.

We request passage of House Bill 436.

Sincerely,

*Carolyn Muggli*

Carolyn Muggli, President  
Glasgow City-County Planning Board

cc: Valley County Conservation District  
Representative Ted Schye  
Senator Swede Hammond

COUNCIL CHAMBERS  
**Town of Ekalaka**  
MONTANA

59324

RE: HB 269 support  
HB 263 oppose  
HB 382 oppose  
SB 102 support  
SB 160 support  
HB 170 support

January 31, 1985

Representative Paula Darko, Chairman  
House Local Government Committee  
Room 312  
Capitol Building  
Helena, Montana 59620

Dear Chairman Darko and Local Government Committee Members,

Several articles of legislation of vital importance to local governments are being presented to you and your committee during this legislative session.

SB #102 - Eliminating vender signatures on claims.

SB #160 - Changing budget transfers from categories to total appropriations.

HB #269 - Drop the requirement for publishing the annual audit in local newspapers as currently required.

These bills are basically housekeeping bills and would eliminate expenditures with regard to the additional mailings required to get claims signed. Publishing audit comments are expensive (in some instances publishing costs have equaled the value of a mill). Audit comments are in auditors terminology and not generally understood by the public. The present laws on budget transfers, tend to make budgets unrealistic and not present the true picture of each category of spending. Please support passage of these bills.

HB #263 - requiring local governments to pay interest on over due accounts. This is not a good bill, and also one more reason to pass SB #102 - as generally the reasons local governments are late with payments is they are seeking signatures on claims. Please do not support passage of this legislation.

HB #382 - Expenditures of Gas Tax Funds. Passage of this bill would be extremely detrimental to all municipalities. Gas tax funds are the main source of Revenue used for street construction, maintenance and repairs. To spend these funds where the most production per dollar is realized would be to allow municipalities to be the judge of when a contract should be let. Most municipalities have personnel hired within the street department and can more economically do street maintenance with municipal employees and municipal equipment then to let contracts. Please vote against this bill.

Senator Hammond has indicated he will be introducing legislation to control the costs relating to the audit of towns. Audit expenditures have increased considerably in the past few years and the taxable evaluations of communities have decreased, Therefore, creating a substantial financial burden on small communities. In today's economy, with the public demanding increasing and/or existing levels of services with decreasing tax base, there must be new methods and requirements for auditing municipal financial records without depletion of the cash on hand and distortion of the operating budget for that fiscal year. Please support passage of this legislation.

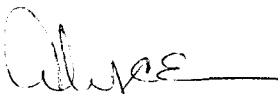
HB #170 - Block Grant Program. Allocating 5% of the proceeds from state individual income tax to local government block grant program. The Block Grant Program is so very vital to local governments, operating revenues are at a new low and funds such as these that are un earmarked for specific purposes are most important to us all. Please support passage of this bill.

The Town of Ekalaka has applied to DNRC - Coal Severance Tax Program for a \$395,250 loan and has been ranked by their board to receive the loan with a 2% decrease in interest rates for the first 7 years of a 20 year contract. Also, we have applied to DNRC's Water Redevelopment Fund for a grant to fund a comprehensive study and engineering analysis of the water and sewer systems in Ekalaka. This application was also ranked to receive funding. These projects are very important to the basic survival of Ekalaka's utility systems. Ekalaka is a small but stable community, a county seat, with a county hospital and a county high school. The surrounding community is totally supported by agriculture - the family farm/ranch operation. An amendment will be presented on behalf of the communities slated for funding from the DNRC Coal Severance Tax Loan Program; requesting additional consideration in interest rates as the programs are so very vital to the communities involved and to the state as a whole. Please support these legislative issues when they are presented.

I would be glad to present additional information and documentation regarding any of the issues I've written you about - also have intentions of coming to Helena for some of the committee hearings. Please call if you would like more evidence and/or testimony to substantiate my statements.

Sincerely appreciate your time and consideration to these important issues.

Sincerely yours,

  
Alyce Kuehn, CMC  
Town Clerk-Treasurer  
Director of Public Works

AK/zh

AMEND HOUSE BILL 186, INTRODUCED COPY AS FOLLOWS:

1. Title, line 6.

Following: "RUBBLE"

Strike: "FROM DEMOLITION OF STRUCTURES"

2. Page 1, lines 11 through 14.

Following: "by"

Strike: "the remainder of section 1 in its entirety"

Insert: "allowing rubble, debris, junk, or refuse to  
accumulate resulting in conditions which are injurious  
to helath, indecent, or offensive to the senses or ~~which~~  
obstruct the free use of property so as to interfere  
with the confortable enjoyment of life or property."

3. Page 1, line 18.

Stike: "or land"

4. Page 2, line 6.

Following: "(5)"

Insert: "For the purposes of enforcing an ordinance adopted  
under subsection (1) the county governing body may  
provide that:

(a) after giving due notice of violation  
and upon the failure of the property owner to comply  
with the ordinance, officers and employees of the  
county may enter upon the property for the specific  
purpose of abating the violation of the ordinance and  
may assess the property owner for the actual costs for  
the abatement. Nonpayment of such an assessment  
becomes a lien upon the property and is enforceable in  
the same manner as the nonpayment of property taxes is  
enforced; and"

Strike: "Violation"

Insert: "(b) violation"

PC5HB186.24



HB 53  
support

TO: House Local Government Committee in care of Paula Darko, Chairperson

FROM: Jeff Stevens, Vice President, Wapikiya Home Owners Association

DATE: January 31, 1985

RE: House Bill 53 "An act limiting the binding effect of a consent to annex to the signers of the consent."

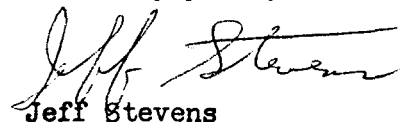
Dear Sirs:

The 400 households in the Wapikiya Home Owners Association of Missoula wish to express their support for House Bill No. 53.

The City of Missoula is currently attempting to condemn and purchase the privately owned water system serving the metropolitan Missoula area. In the event this happens, this bill would provide an important protection for areas outside the city limits which are served by the water system. It would protect them from forced annexation caused by city refusal to continue providing water service to unannexed areas. Under current Montana law, cities have the power to refuse water service to areas unless they waive their right to protest annexation.

For these reasons we respectfully request that you approve H.B. 53.

Sincerely yours,



Jeff Stevens

Vice President

Wapikiya Home Owners Association

## HOUSE

COMMITTEE

DATE Feb. 2, 1985

SPONSOR Rep. Hannah

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE Local Government COMMITTEE

DATE Feb. 2, 1985

[illegible]

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE

Local Government

COMMITTEE

BILL

HB 239

DATE

Feb. 2, 1985

SPONSOR

Rep. Wallins

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
<del>Julie Hacker</del>	Banner, MT	Msla Co Freeholders		X
<del>Mera Cahoon</del>	Banner, MT	Msla Co Freeholders		X
<del>Annabell Hacker</del>	Banner, MT.	Msla Co Freeholders		✓
D. Schlesinger	Helena	Montana Lib Assoc.	✓	
G. Morris	HELENA	MT Co.	✓	
Marie McAlister	Madison County	MACO	✓	
<del>Lara Parker</del>	Helena	State Library	✓	
<del>John Lund</del>	Shelby	MACO	✓	
<del>Jim Wysocki</del>	Bozeman	City of Bozeman	✓	
<del>Suzette A. Nwila</del>	Bozeman	City of Bozeman-Parkman	✓	
<del>Jim Willits</del>	Billings	City of Billings	✓	
<del>Mike Kennedy</del>	Billings	City of Billings	✓	
<del>Neal Kirkman</del>	Bilg.	City Council	✓	
David Wilson	Missoula	City of Missoula	✓	
Hilne Anderson	Bozeman	City of Bozeman	✓	
Steve Nelson	Helena	Board of Prison Engrs		X
Sue Bartlett	Helena	Clark & Clark Co. Recorder	X	W/Amendment
Alec Hansen	Helena	M.L.C.T.	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE Local Government COMMITTEE

DATE Feb. 2, 1985

[illegible]

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.